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A-769-3-3

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A-157-2-2

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A-170

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A-175

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MEMORANDUM

FROM: GARY L. FUNDERBURG

DATE: May 16, 1978

TO: FILE

On May 10, 1978, I received a request from Mr. R. A. Foss of Buhl, Idaho to investigate a water dispute he is having with Wade Quigley of Buhl, Idaho.

Water From

It appears the two water users are disputing the use of a seep tunnel that was constructed with concrete tile by the Twin Falls Canal Co. Mr. Foss indicates he has a right to the use of the seep-tunnel through the constitutional method of appropriation dating back to 1926 for stock watering and irrigation. Mr. Foss filed a Claim to a Water Right in our office on May 10, 1978 for stock and irrigation use dating back to 1926.

Mr. Quigley claims he has the right to all the water. He once owned all the ground including the ground Mr. Foss now owns. Mr. Quigley sold the land to Mr. Carter, and Mr. Carter sold the land to Mr. Foss. When Mr. Quigley owned the land, a license was issued for stock and irrigation purposes. This license No. 47-2370 for .48 cfs includes the land belonging to both parties. The license covers the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, Twp. 9S, Rge. 14E, B.M. Mr. Quigley says that he never sold the water right along with the property at the time he sold the ground to Mr. Carter. Therefore, Mr. Quigley does not feel he has to turn over any water to Mr. Foss.

I recommend the Department not to be involved, only to agree to work with the parties if they agree to work out a compromise to share the water that is available. This is not the Department's responsibility, but I do feel we should participate in working out an agreement with the two parties to their satisfaction.

47-2370

State of Idaho
Department of Water Administration
LICENSE OF WATER RIGHT

License of Water Right No. 47-2370 Priority 2-15-63 Amount 0.40 c.f.s.

THIS IS TO CERTIFY, that EARLE W. QUIGLEY
of Buhl, Idaho, has complied with the terms and conditions of Permit
No. 47-2370 issued pursuant to Application for Permit dated 2-15-63,
and has submitted proof to the Department of Water Administration on 6-27-68,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.48 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed stream
tributary of Mud Creek, is hereby confirmed in the following amounts:

Amount 0.40 c.f.s. for Irrigation from April 1 to Oct. 31 (both dates inclusive)

Amount 0.02 c.f.s. for Stockwater from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.40 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26, Twp. 9 S., Rge. 14 E., B.M.

in the county of Twin Falls; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 60 acre feet per year or _____
4.0 acre feet per acre for irrigation purposes and 0.73 acre feet per year
for stockwatering purposes.

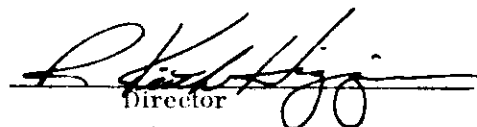
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 S	14 E	26										15							15

Total number of acres irrigated 15

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15th day of
January, 19 71.


Director

47 2370

Application For Permit To Appropriate the Public Waters of the State of Idaho

47-2370

APPLICATION No. 39051
PERMIT No. 30972
DISTRICT No.

1. Name of Applicant: Earle W. Quigley

Postoffice address: RFD 3, Buhl,

County: Twin Falls

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 0.54

cubic feet per second.

3. Source of water supply: unnamed stream

which is a tributary of Mud Creek

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$

of section 26 , T. 9 S , R. 14 E , B. M., County of Twin Falls

5. Water is to be used for Irrigation - domestic - stock water & fish pond for propagation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$500.00

8. Kind of works: Ditches - Pipe & fish pond

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit about 500 feet ~~xxxxxx~~

Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used?

If so, fill in (b) and (c) below:
- (b) Name of Reservoir and number of Storage Permit:
- (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Earle W. Quigley

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 11:00 A.M. February 15, 1963

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 30972

Recorded in Book 108 Page 30972 Approved February 20, 1963

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before April 20, 1963 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before August 20, 1965

The whole of said work to be completed on or before February 20, 1968

Beneficial use of water appropriated in accordance herewith, to be made on or before February 20, 1974

WITNESS My hand this 20th day of February, 1963

s/ CARL E. TAPPAN, Assistant State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 20th day of February, 1963.

STATE OF IDAHO

Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS Secretary of State.

By s/ ROBERT E. SMYLIE Governor.

REMARKS:

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
9 S	14 E	26									20								20
PERMIT NO. 30972 ✓																			
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that Earle W. Quigley of Buhl, County of Twin Falls, and State of Idaho, the holder of Permit No. 30972, issued upon Application No. 39051 bearing date of priority of February 15, 1963, authorizing the diversion of 0.54 second feet of waters of an unnamed stream County of Twin Falls, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.54 second feet of the waters of an unnamed stream tributary of Mud Creek that the point of diversion of said waters is in the NW ¹ / ₄ SW ¹ / ₄ Section 26, Township 9 South, Range 14 East, Boise Meridian; and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit:																			
NW ¹ / ₄ SW ¹ / ₄ Section 26, Township 9 South, Range 14 East, Boise Meridian.																			
Proof of completion of works made: April 24, 1968																			
Witness my hand this 6 day of May, A.D. 1968																			
/S/ R. KEITH HIGGINSON State Reclamation Engineer																			
LICENSE ISSUED FOR 0.40 SEC. FL LICENSE PAGE NO. _____.																			

January 15, 1971

Re: Permit No. 47-2370 (30972)

Mr. Earle W. Quigley
Route 3
Buhl, Idaho 83316

Dear Mr. Quigley:

Enclosed herewith is your Water License issued on the above numbered permit.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

Enclosure

47 2370

November 23, 1970

Earle Quigley
RFD #3
Buhl, Idaho 83316

Dear Mr. Quigley:

Returned herewith is Departmental Receipt No. 5351 in the amount of
\$2.00 for Licensing fee No. 47-2370,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

47 2370

November 12, 1970

Re: Permit No. 47-2370 (30972)

Mr. Earle W. Quigley
RFD 3
Buhl, Idaho 83316

Dear Mr. Quigley:

A representative of this department has made an examination of the works covered by your Permit No. 47-2370 and has found the following:

Quantity of water diverted: 0.48 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.48 c.f.s.

The maximum quantity of water diverted shall not exceed 60 acre feet per season.

Beneficial Use: Irrigation of 15 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 26,
T. 9 S., R. 14 E., B.M.

The priority date established is : February 15, 1963

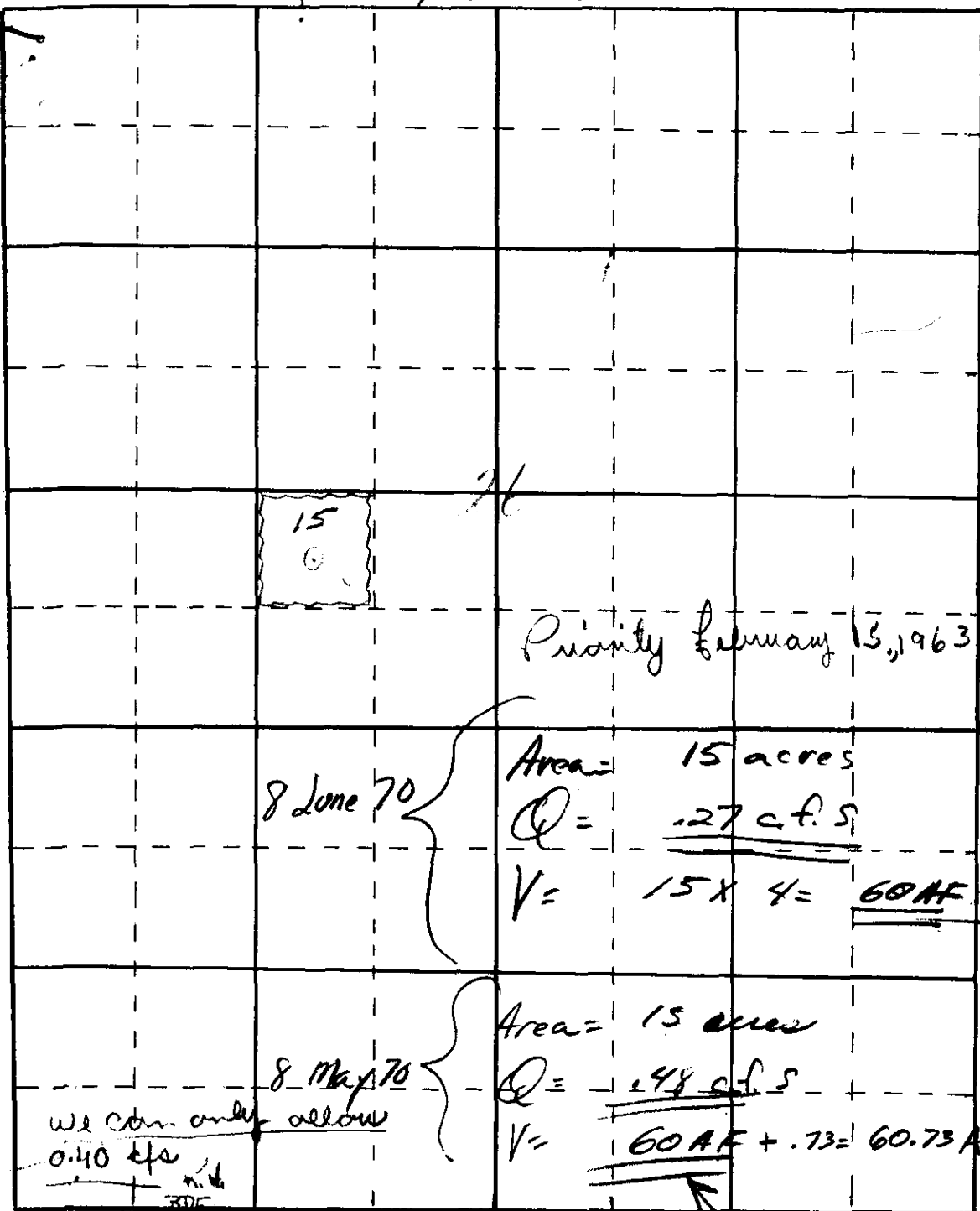
A fee totaling \$ 2.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

47 2370



Stockwater = .73 AF/year
 Stockwater = .02 c.f.s.
 Recommended
 17 2370

Permit No. 30972 ⁴⁷⁻²³⁷⁰ Beneficial Use Only 47
 Name of Applicant Earle W. Quigley, Route 3, Buhl, Idaho
 Source of Water Unnamed stream depositions also say a seepage spring
 a tributary of Mud Creek
 Location of P.D. NW 1/4 SW 1/4, Sec. 26, T. 9 S, R. 14 E, B.M., Twin Falls Co.

Water is used for Irrigation and domestic
 Quantity of water claimed: Permit 0.54 c.f.s. Depositions 0.54 c.f.s.
 Type of measuring device installed or method of measurement and general description
 of diversion works seepage pipe

Land to be irrigated or place of use:				Description
TWP.	RGE.	SEC.		
9 S	14 E	26	NW 1/4 SW 1/4	

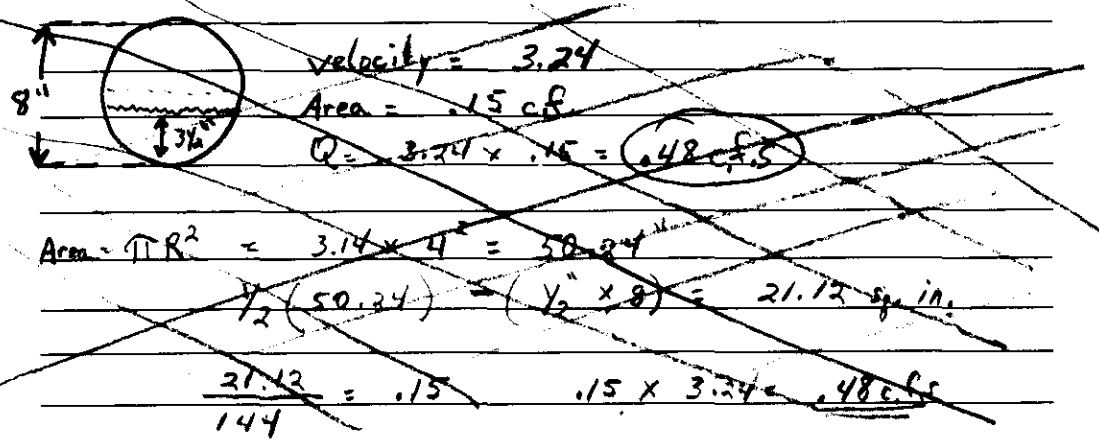
Date filed: February 15, 1963 Total acreage 15
 Proof due: February 20, 1974
 Proof made: June 27, 1968
 Priority: February 15, 1963

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and
 acreage covered by subdivision; also show land covered on the map.)

None

Source of supply Spring
a tributary of _____
Location of P.D.(s) NW 1/4 SW 1/4 Sec 26 95-14E

Water is used for Irrigation and 25 head of steers
Quantity of water found _____
How was the measurement made? Use of Pismo meter
Measurement calculations Water came out a 8" pipe. Depth of water in pipe was 3 1/2".



Diversion works description and diagram

8" steel pipe comes out side of hill. Pipe flows into his irrigation ditch.

Indicate area irrigated in each subdivision on the map.

Total acreage irrigated 15 acres 27 2370

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Water also supplies 25 head of steers

Who represented the permit holder at the examination?

Wade Quigley

Recommended allowance for licensing

.27 c.f.s.

see not

Description of required amendments. Comments.

Measured with 5 gal bucket
5 gallons in 2.5 sec

$\frac{24}{2.5} = 9.6$
 $9.6 \times 2.7 = 25.92$
 $25.92 \approx 26$

.27 c.f.s.

Report checked?

Examination date 8 June 70

Signature

Fred E. Smith Jr.

AD 7/8/70

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On May 8, 1970 I
measured this seepage
spring and at that time
I calculated .48 c.f.s.

I remeasured on 8 June
and there was half as
much water flowing and
I calculated .27 c.f.s.

On May 8, 1970 the 8" pipe
was flowing $3\frac{1}{2}$ " and on
June 8, 1970 there was only
2". Therefore I recommend
the higher quantity .48
Tut 2370

July 30, 1968

Re: Permit No. 30972
Earle W. Quigley

Earle W. Quigley
Route 3
Buhl, Idaho 83316

Dear Mr. Quigley:

We have received the depositions and affidavit of publication submitted in connection with proof under the above referenced permit. However we would appreciate your advising us whether or not you are using part of the 0.54 c.f.s. under Permit 30972 for fish propagation. It is noted that this use is covered by the permit but is not listed on your deposition.

As the legal notice stated the water is used solely for irrigation and domestic purposes, a correction notice will have to be run if the water is used for stock water and fish propagation. Therefore, we would appreciate your prompt attention to this matter. Thank you.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

*Exam made
June 8, 80
30972*

DON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

July 30, 1968

RECEIVED

AUG 2 1968

Department of Reclamation

Re: Permit No. 30972
Earle W. Quigley

Earle W. Quigley
Route 3
Buhl, Idaho 83316

Dear Mr. Quigley:

We have received the depositions and affidavit of publication submitted in connection with proof under the above referenced permit. However we would appreciate your advising us whether or not you are using part of the 0.54 c.f.s. under Permit 30972 for fish propagation. It is noted that this use is covered by the permit but is not listed on your deposition.

As the legal notice stated the water is used solely for irrigation and domestic purposes, a correction notice will have to be run if the water is used for stock water and fish propagation. Therefore, we would appreciate your prompt attention to this matter. Thank you.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Donald W. McEldowney".
Donald W. McEldowney
Appropriation Examiner

DWM:dj

*Please Be Advised That The Water Is Being Used
Only For Irrigation And Domestic Purposes.*

*Sincerely,
Earle W. Quigley*

B 30972

August 2, 1968

Re: Permit No. 30972

Earle W. Quigley
Route 3
Buhl, Idaho 83316

Dear Mr. Quigley:

We acknowledge receipt of the depositions and affidavit of publication in the
Buhl Herald submitted as proof of ~~com-~~
~~pletion of work~~ and beneficial use on Permit 30972.

Before a ~~certificate~~ license of water right can be issued, a field examination must be made by a representative from this department. We cannot tell just when this examination will be made, but our field examiner will try to contact you at the time he makes the examination so that you may show him the system.

Very truly yours,

Donald W. McKelowny
Appropriation Examiner

DWM:dj

10/1/68
\$ 30972

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 30972

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: _____

Earle W. Quigley, Route # 3, Buhl, Idaho, occupation: Livestock Buyer

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

none

Ques. 3. State number, approval date of permit, and date of priority: _____

30972; May 6, 1968; February 15, 1963

Ques. 4. State source of water supply: unnamed stream, a seepage spring,
Give location of point of diversion, showing subdivision, section, township and range

NW¹SW¹ Sec. 26, Twp 9 SR 14 EBM, Twin Falls County, Idaho

Ques. 5. Describe your works of diversion: Seepage Pipe(0.54 second feet)

_____ ; state amount of water they are capable of conveying from point of diversion to place of use: 0.54 second feet; Give name of canal or ditch or other works by which water is conducted to such place of use: _____

_____ ; if a well, state depth of well _____ ; depth and size of casing _____ ; depth to water _____ ; if pump is used, state discharge of pump: _____ ; tell how it was measured or determined _____

_____ ; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Irrigation and Domestic Purposes
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

approximately 15 acres in NW¹SW¹ 26-9-14

D 30972

State nature of all improvements which have been made as a direct result of said use:

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well:

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Use water for drinking water for livestock as well as irrigation.

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: February 15, 1963 - Time used since first use:

Water has run continuously since that date.

Ques. 10. Describe all other water rights appurtenant to same place of use: none

(sign) *Earl W. Quigley*

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Buhl, County of Twin Falls

State of Idaho, on this 27th day of June, A. D. 1968.

My commission expires: 1/13/70 *James B. Baker*

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Permit No. 30972

RECEIVED
JUN 10 1965
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

E. Wage Quigley; Age 40; Address Route # 3, Buhl, Idaho; Occupation Chemist

Ques. 2 Are you acquainted with Earle W. Quigley, the holder of
Permit No. 30972? How long have you known him and where does he reside?

Known him 40 years, Route # 3, Buhl, Idaho

Ques. 3. Have you read or heard said Permit No. 30972 read, and are you familiar
with its provisions and conditions: Yes xx No.

Ques. 4. State source of water supply: Unnamed Stream

Give location of place of diversion, showing subdivision, section, township and range
a seepage spring in the NW¹/₄SW¹/₄ Sec. 26 Twp 9 SR 14 EBM, Twin Falls County, Idaho

Describe works for conveying water to place of use: Comes out a seepage pipe into
an open ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: approximately 0.54 cubic feet ^{per second} how much water have you seen being so
conveyed?

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Approximately 15 acres in the NW¹/₄SW¹/₄ Sec. 26 Twp 9 SR 14 EBM, Twin Falls County
Idaho

\$ 30972

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Use water for drinking water for livestock as well as irrigation.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

The previous water was waste water at indefinite times. This supply of water would be nearly constant the year around. Approximately 0.54 cubic feet per second

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? none

Ques. 10. When did you first see this water used? I have been irrigating 15 acres in this tract for the past 5 years.

Other times you have seen such use: _____

(Signed):

E. Wade Drigley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Buhl

_____, County of Twin Falls, State of Idaho, on
this 27th day of June, A. D. 19 68

John Barber

Notary Public for the State of Idaho

Residing Buhl, Idaho

My commission expires 1/13/70

D 30972

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 30972

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

Robert A. Quigley, Age:72; Retired; 5718 Lombard, Everett, Washington

Ques. 2 Are you acquainted with Earl W. Quigley, the holder of
Permit No. 30972? How long have you known him and where does he reside?

62 years, Route # 3, Buhl, Idaho 83316

Ques. 3. Have you read or heard said Permit No. 30972 read, and are you familiar
with its provisions and conditions: Yes XX No.

Ques. 4. State source of water supply: Unnamed stream - a seepage spring

Give location of place of diversion, showing subdivision, section, township and range
In the NW¹/₄ SW¹/₄ Sec. 26, Twp 9 SR 14 EBM, Twin Falls County, Idaho

Describe works for conveying water to place of use: Seepage pipe

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 0.54 Cubic Feet per Second How much water have you seen being so
conveyed? Approximately 0.54

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Approximately 15 acres in the NW¹/₄ SW¹/₄ Sec. 26 Twp 9 SR 14 EBM, Twin Falls County,
Idaho

230972

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Use water for drinking water for livestock as well as irrigation

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Dry pasture now irrigated requiring about 0.54 cubic feet persecond

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? None

Ques. 10. When did you first see this water used? Since 1964

Other times you have seen such use: Continuously on trips to Idaho since that time

(Signed):

Robert R. Dugley

* * * * *

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Buhl

 , County of TwinFalls, State of Idaho, on

this 27th day of June, A. D. 19 68

James B. Buer

Notary Public for the State of Idaho

Residing Buhl, Idaho

My commission expires 1/13/70

8 30972

AFFIDAVIT of PUBLICATION

STATE OF IDAHO }
County of Twin Falls } ss.

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of **THE BUHL HERALD**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper four consecutive weeks, the first publication having been made on the 30th day of May, 1968, and the last publication having been made on the 20th day of June, 1968; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Robert E. Bailey
Subscribed and sworn to before me this 21st day of June, 1968
George L. Thompson
Notary Public.

Buhl, Idaho
Residing at
January 1, 1969
My Commission Expires

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
Notice is hereby given that on June 27, 1968 at Buhl, County of Twin Falls, State of Idaho, before notary public John M. Barker, 123 1/2 South Broadway, Buhl, Idaho, proof will be submitted of the diversion of 0.54 c.f.s. of the waters of an unnamed stream, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 30972, heretofore issued by the Department of Reclamation of the State of Idaho.
1. The name and address of permit holder is Earle W. Quigley, RFD 3, Buhl, Idaho.
2. Said works of diversion will be fully completed on the date for such completion and the amount of water which said works are capable of conveying to the place of use is 0.54 cubic feet per second.
3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 0.54 c.f.s.
4. The point of diversion of said water is NW 1/4 SW 1/4, Sec. 26, T. 9 S, R. 14 E, B.M., Twin Falls County.
5. The place where said water is used is NW 1/4 SW 1/4, Sec. 26, T. 9 S, R. 14 E, B.M., Twin Falls County.
6. The date of priority which said user is prepared to establish is February 15, 1963.
R. KEITH HIGGINSON
State Reclamation Engineer
(20t4)

230972



JOHN M. BARKER AGENCY, INC. 123½ South Broadway, P.O. Box 549, Buhl, Idaho 83316—Telephone 543-4372

SAFECO INSURANCE COMPANY OF AMERICA
SAFECO LIFE INSURANCE COMPANY
GENERAL INSURANCE COMPANY OF AMERICA
FIRST NATIONAL INSURANCE COMPANY OF AMERICA

July 8, 1968

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Enclosed are the papers in connection with Permit No. 30972 Earle W. Quigley. Included are the following papers; Affidavit of Publication, Proof of Application of Water to Beneficial Use and two Depositions of Witnesses.

I hope this takes care of this situation.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'John M. Barker'.

John M. Barker

JMB/gk

D 30972

June 27, 1968

Re: Permit No. 30972

Earle W. Quigley
Route 3
Buhl, Idaho 83316

Dear Mr. Quigley:

Enclosed please find depositions of holder and witnesses for proof of beneficial use of water per your telephone request of today.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enclosures

\$ 30972

SPEED MESSAGE

TO Department of Reclamation FROM **BUHL HERALD, INC.**
107 State House P. O. Box 312 Phone 543-4335
Boise, Idaho 83701 **BUHL, IDAHO 83316**
SUBJECT Permit No. 30972

DATE May 29, 1968

Gentlemen:

Enclosed is a proof of the legal notice to be published for
Earle W. Quigley, R. R. 3, Buhl, Idaho, May 30 and June
6, 13, and 20.

RECEIVED
MAY 31 1968
Department of Reclamation

BUHL HERALD, INC.

SIGNED

Buhl Herald, Inc.
ak

\$ 30972

**NOTICE OF PROOF OF
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that on June 27, 1968 at Buhl, County of Twin Falls, State of Idaho, before notary public John M. Barker, 123½ South Broadway, Buhl, Idaho, proof will be submitted of the diversion of 0.54 c.f.s. of the waters of an unnamed stream, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 30972, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Earle W. Quigley, RFD 3, Buhl, Idaho.

2. Said works of diversion will be fully completed on the date for such completion and the amount of water which said works are capable of conveying to the place of use is 0.54 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 0.54 c.f.s.

4. The point of diversion of said water is NW¼SW¼, Sec. 26, T. 9 S, R. 14 E, B.M., Twin Falls County.

5. The place where said water is used is NW¼SW¼, Sec. 26, T. 9 S, R. 14 E, B.M., Twin Falls County.

6. The date of priority which said user is prepared to establish is February 15, 1963.

R. KEITH HIGGINSON

State Reclamation Engineer

(20t4)

Re: Permit No. 30972

May 23, 1968

Earle W. Quigley
R.F.D. # 3
Buhl, Idaho 83316

Dear Mr. Quigley:

This acknowledges receipt of the notice of intent to make proof of ~~com-~~
~~pletion of works and~~ application of water to beneficial use for permit No.
30972.

We have mailed the notice to the Buhl Herald to be
published once a week for four consecutive weeks prior to June 27, 1968
which is the hearing date when the permit holder Earle W. Quigley
and two disinterested witnesses must appear before John M. Barker,
notary public, to complete
the enclosed depositions. The witnesses must be familiar with the works and
permit.

After the hearing, the depositions and an affidavit of publication must be
submitted to this office. The affidavit may be obtained from the newspaper
when the advertising bill is paid by Earle W. Quigley.
Be sure all the forms have the notary's seal and are signed. Please feel free
to contact us if we may be of any assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: Depositions

cc: Notary

\$ 30972

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Buhl Herald of Buhl, Idaho 83316; published in the county in which the works are situated.

Earle W. Guigley
(signature)

Rt 3 Buhl Idaho
(address)

May 15 1968
(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Engineer

\$ 30972

NOTICE OF PROOF OF ~~COMPLETION OF WORKS AND~~
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on June 27, 1968 at Buhl,
County of Twin Falls, State of Idaho, before notary public (name & address) _____
John M. Barker, 123½ South Broadway, Buhl, Idaho, proof will be
submitted of the ~~completion of works for the~~ diversion of 0.54 c.f.s. of the waters
of an unnamed stream, and the application to beneficial use of said water,
in accordance with the terms and conditions of permit 30972, heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Earle W. Quigley, RFD 3, Buhl,
Idaho.
2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of use is
0.54 cubic feet per second.
3. The use to which said water has been applied is _____
irrigation and domestic purposes, and the amount applied to beneficial
use is 0.54 c.f.s.
4. The point of diversion of said water is NW¼SW¼, Sec. 26, T. 9 S, R. 14 E,
B.M., Twin Falls County.
5. The place where said water is used is NW¼SW¼, Sec. 26, T. 9 S, R. 14 E,
B.M., Twin Falls County.
6. The date of priority which said user is prepared to establish is _____
February 15, 1963.

R. KEITH HIGGINSON

State Reclamation Engineer

\$ 30972

/May 23, 1968

Re: Permit No. 50972
Earle W. Quigley

Buhl Herald
Buhl, Idaho 83316

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to June 27, 1968. The expense of the publication is to paid by Earle W. Quigley, R.F.D. # 3, Buhl, Idaho 83316

to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: legal notice

30972

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that EARLE W. QUIGLEY
 of Buhl , County of Twin Falls , and State of
 Idaho , the holder of Permit No. 30972 , issued upon
 Application No. 39051 bearing date of priority of February 15, 1963 , authorizing the
 diversion of 0.54 second feet of waters of Unnamed stream

County of Twin Falls , State of Idaho, for irrigation and domestic
 purposes, has fully complied with the provisions of the laws of the State of Idaho
 relating to the proof of completion of the works of diversion set out and described in said
 Permit; that said works are adequate for diverting and conveying to the place of intended
 use 0.54 second feet of the waters of an unnamed stream tributary..
 ... of Mud Creek

that the point of diversion of said waters ... is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, Township 9 ...
 ... South, Range 14 East, Boise Meridian;

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: ... NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, Township 9 South, Range 14 East,
 Boise Meridian, ...

Proof of completion of works made: April 24, 1968

Witness my hand this 6 day of May , A. D. 19 68.

R. Keith Higgins
 State Reclamation Engineer

30972

May 6, 1968

Re: Permit 30972

Earle W. Quigley
R.F.D. 3
Buhl, Idaho 83316

Dear Mr. Quigley:

Enclosed is your Certificate of Completion of Works on the
above numbered permit.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:ld

Enclosure: Certificate

D 30972

Permit No. 30972STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Twin Falls

SS.

Earle W. Quigley, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 30972, and that his postoffice address is Route # 3, Buhl State of Idaho.Second: That the name of the stream from which said water is to be diverted is unnamed, which is a tributary of Mud CreekThird: That the point of diversion of said water is in the NW 1/4 Sec. 26, T 9S R 14 E.B.M., Twin Falls County, IdahoFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 20, 19 68.Fifth: That the use for which said water is intended is irrigation and domestic

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of Works: 40 foot 10 inch steel culvert

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work: _____

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width _____ feet, height _____ feet.

(d) Conduit pipe (Culvert) width at bottom 10 inch feet, width at water line _____

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water _____ feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is 40 feetSeventh: That said works are capable of conducting to the place of intended use 0.54 second feet of water.Eighth: That water appropriated under said permit is available for 10 acres of land described as follows: _____In the NW 1/4 Sec. 26, Tp. 9 SR 14 EBM, Twin Falls County, IdahoNinth: Remarks:—That I no longer intend to use the water for a fish pond for propagation.Earle W. Quigley
(SIGN HERE)Subscribed and sworn to before me this 24th day of April, 19 68E. John M. Brown
NOTARY PUBLICMy commission expires 1/13/70

30972

Department of Reclamation
Boise Idaho

Buhl Idaho
April 24, 1968.

RECEIVED
APR 25 1968

Department of Reclamation

Dear Mr. Higginson:

I am mailing proof of completion work to you.

Will you please mail the other proof to me that you refer to that I request.

I have been using this water for irrigation and stock water for the last five years since I bought the land.

This water has been used for irrigation for this land ever since the seepage tunnel was drilled many years ago.

Thanks for your help.

Sincerely
Eddie W. Grigley

30972

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED
APR 25 1968
Department of Reclamation
Boise, Idaho

April 19, 1968

Re: Permit No. 30972

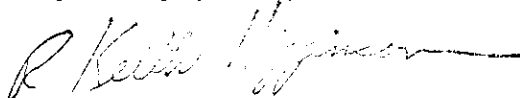
Earle W. Quigley
R.F.D. # 3
Buhl, Idaho

Dear Mr. Quigley:

Under the terms of your Permit No. 30972 you are required to complete your diversion works on or before Feb. 20, 1968. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the said permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,



State Reclamation Engineer

Enc. Form 6

RKH:dj

30972

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho

April 19, 1968

Re: Permit No..30972

Earle W. Quigley
R.F.D. # 3
Buhl, Idaho

Dear Mr. Quigley:

Under the terms of your Permit No. 30972 you are required to complete your diversion works on or before Feb. 20, 1968. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the said permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

State Reclamation Engineer

Enc. Form 6

BKH:dj

30972

Donald W. Mc Eldermey
Boise Idaho

Boise Idaho
April 15 1968
RECEIVED

Dear Mr. Mc Eldermey: APR 17 1968
Thank you for your letter of
April 10th.

Department of Reclamation

I have decided not to develop
the fish pond. I want to continue
to keep the water for irrigation
and stock water. I have
installed a steel culvert
and this is all that needs to
be done. It is complete as
far as irrigation and stock
water is concerned.

Project is completed for irrigation
and stock water.

Please advise as to prop
filing.

Sincerely
C. W. Quigley

30972

April 9, 1968

Re: Permit No. 30972

Earl W. Quigley
R. F. D. #3
Buhl, Idaho 83316

Dear Mr. Quigley:

Thank you for your letter of March 29, 1968 on the above referenced permit.

A check of our records indicate that the permit in question was approved for irrigation, domestic, stock water, and fish pond use for propagation. Therefore, if you still intend to preserve the irrigation intent under this permit, you will be required to file proof of completion of works as indicated in Permit No. 30972.

We are enclosing a copy of your permit for your future reference.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DAM:ks

Enclosure: Copy of permit 30972 (n.c.)

30972

Department of Reclamation
Boise Idaho

Buhl Idaho
March 28. 1918

RECEIVED

MAR 29 1918

Department of Reclamation

Dear Mr. Higginson:

I received your letter of March 25
and in answer to your letter I
have decided not to build a fish
pond at this time.

If my memory serves me correctly I
believe that I filed on the water for
irrigation and also for to be used for
a fish pond.

This water has been used for irrigation
on the land that I own for years. I
would still like to retain the filing
on the water for irrigation.

Please advise me.

Sincerely
E. A. Quigley

P. B. M. T. No 30972

30972

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered ☐ Deliver ONLY
to addressee
(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)

CERTIFIED NO.

19846

INSURED NO.

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

3/26/68

SHOW WHERE DELIVERED (only if requested)

3

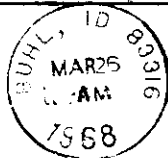
30972

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

65-16-71548-10

POD Form 3811 Apr. 1967



POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Room 107, Statehouse

POS. OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83701

30972

March 25, 1968

Re: Permit No. 30972

Earle W. Quigley
R.F.D. # 3
Buhl, Idaho

Dear Mr. Quigley:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit 30972 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit proof of completion of works due February 20, 1968

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before May 6, 1968, why said permit should not be cancelled.

Permit 30972 claims the use of 0.54 c.f.s. of water. The point of diversion was to be located NW1/4, Sec. 26, T. 9 S, R. 14 E, B.M., Twin Falls County,

and the permit was approved February 20, 1968 63.

State Reclamation Engineer

30972

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho

November 30, 1967

Re: Permit No. 30972

Earle G. Quigley
Route 3
Buhl, Idaho

Dear Mr. Quigley:

Under the terms of your Permit No. 30972 you are required to complete your diversion works on or before Feb. 20, 1968. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public, or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the said permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

State Reclamation Engineer

Enc. Form 6

30972

March 4, 1963

Re: Permit No. 30972

Mr. Earle W. Quigley,
R. F. D. #3,
Buhl, Idaho.

Dear Mr. Quigley:

We enclose Permit No. 30972 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

~~Enclosed~~ Departmental Receipt No. 31442 which was issued covering payment in the amount of \$ 5.00 for the filing fee of the above mentioned permit, was given to you while in our office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

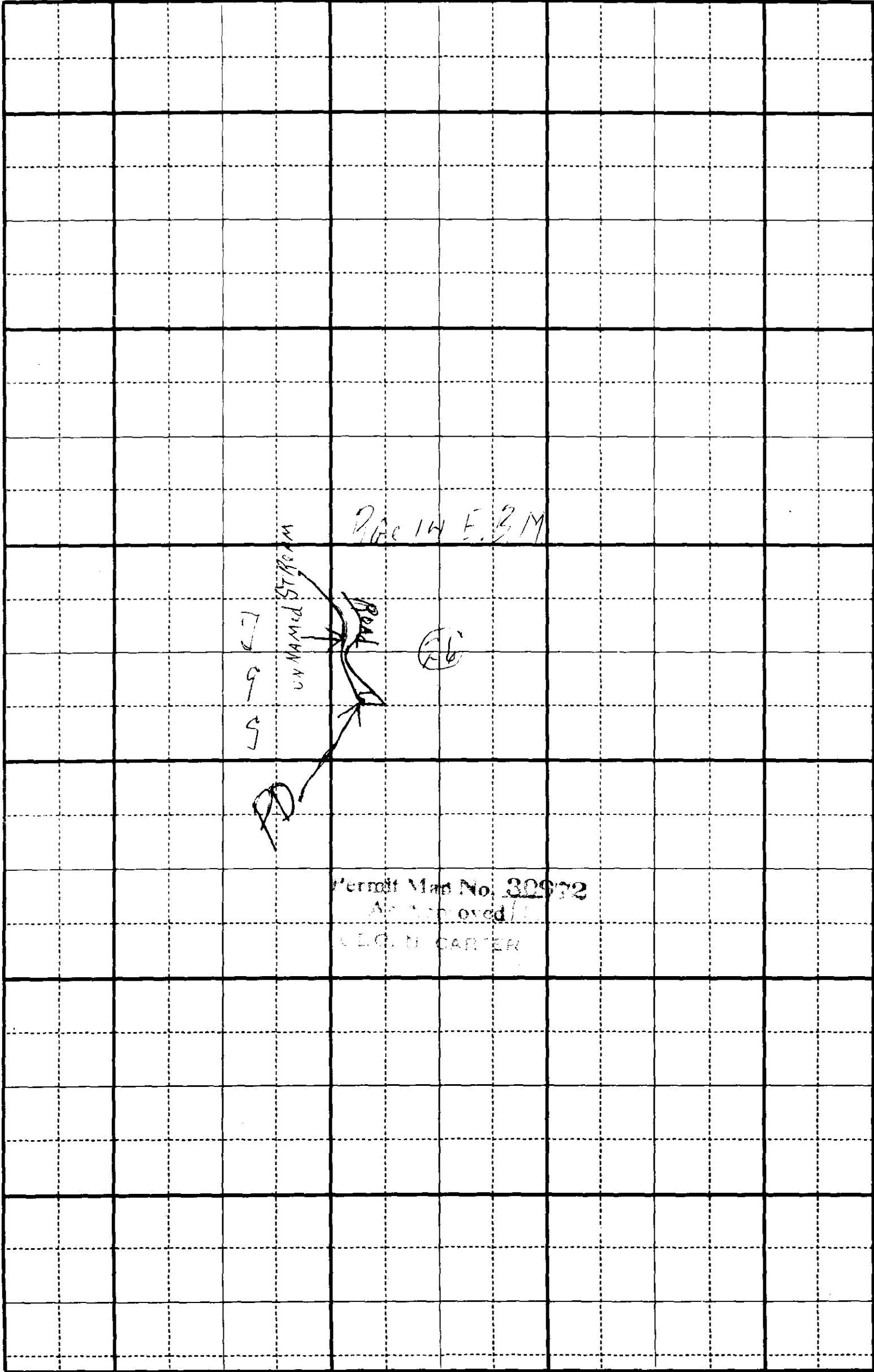
(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Encl. --

30972

NAME OF APPLICANT Frank C. Cady

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

30972