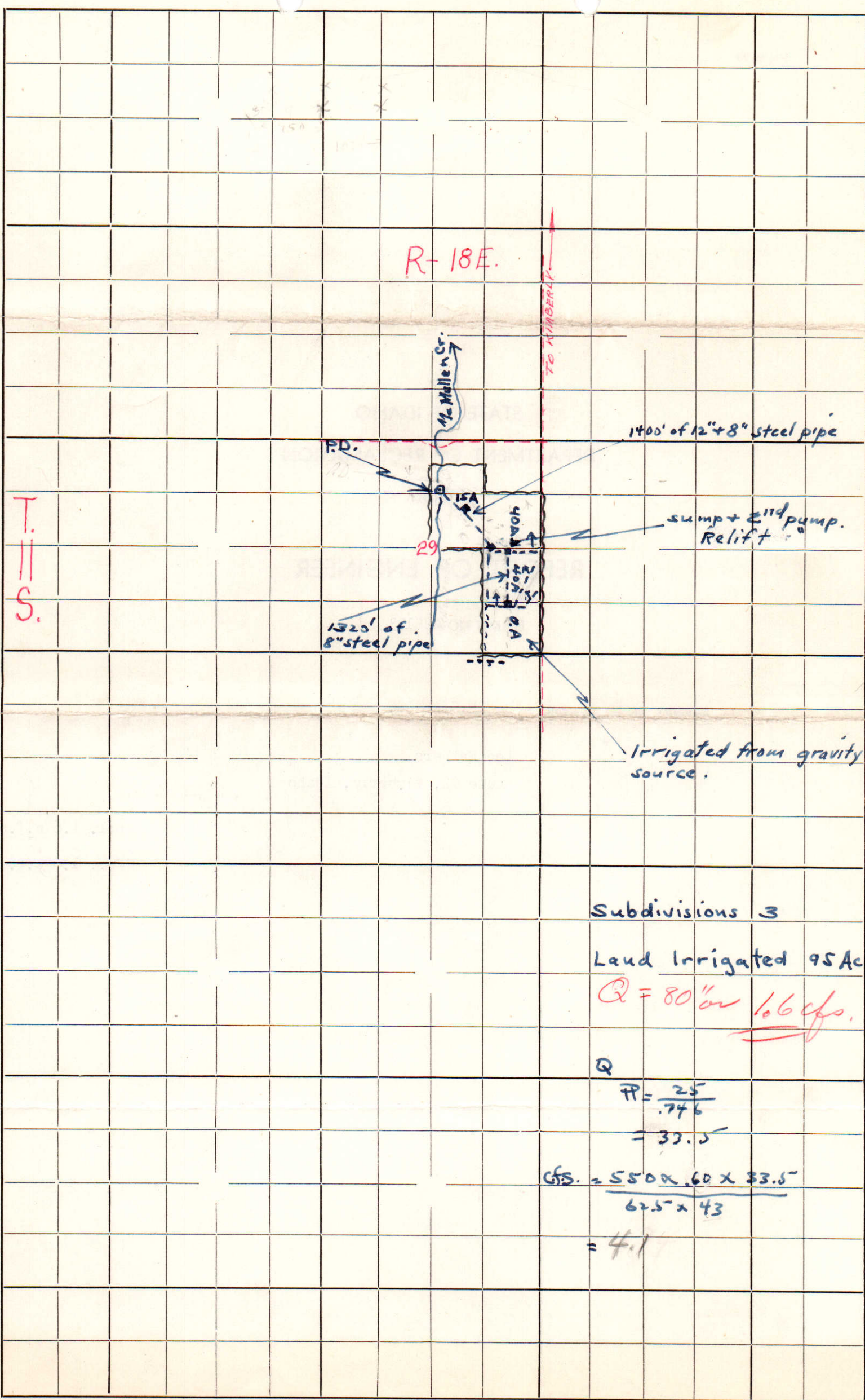




Subdivisions 3

Land Irrigated 95 Acres

$Q = 80''$ or 1.6 cfs.

$$\begin{aligned}
 Q & \\
 \pi &= \frac{25}{.746} \\
 &= 33.5 \\
 \text{cfs.} &= \frac{550 \times .60 \times 33.5}{62.5 \times 43} \\
 &= 4.1
 \end{aligned}$$

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF TWIN FALLS } ss.

Nº 7448

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 28th day of August, 1958, at Twin Falls, County of Twin Falls, State of Idaho, before Edward L. Benoit, Notary Public, Twin Falls Bank & Trust Building, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of McMullen Creek in NW¼ NE¼, Sec. 29, Twp. 11 S., Rge. 18 E., B.M. in accordance with the terms and conditions of Permit No. 25133 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Lee Mathers, Route 2, Kimberly, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 1.6 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) S½ NW¼ NE¼, S½ NE¼ and E½ SE¼, all in Section 29, Township 11 South, Range 18 E., B.M.

The right to take water from such works is based upon Permit No. 25133.

The source of supply from which such water is diverted is McMullen Creek.

The date of priority which said user is prepared to establish is August 27, 1954.

GEO. N. CARTER

State Reclamation Engineer

Publish: July 24, 31, Aug. 7, 14, 1958

RECEIVED
AUG 29 1958

Department of Reclamation

25133

I, Mable F. Clark, being first duly sworn upon oath depose and say that I am Principal Clerk of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive Thursdays, commencing with the issue dated July 24, 1958, and ending with the issue dated August 14, 1958.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

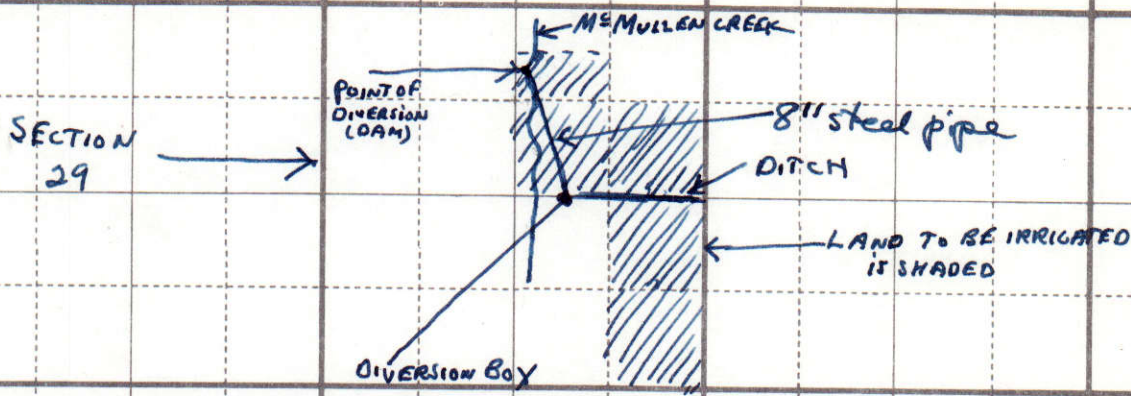
And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Mable F. Clark
Subscribed and sworn to before me this 14th day of

August, 1958.

W. W. Winters
Notary Public in and for the County of Twin Falls, State of Idaho, residing at Twin Falls, Idaho.

TOWNSHIP 11 SOUTH RANGE 18 E.B.M.



PERMIT NO. 25133, As amended February 2, 1955

NAME OF APPLICANT

LEE MATHERS

Form No. 0

TOWNSHIP 11 SOUTH RANGE 18 E.B.M

W

Section
29

Point of
diversion (dam)

Diversion
Box

McMullen Creek

500' of 8" steel pipe

Land to be irrigated
is SHADED

DITCH

Permit Map No. 25133

As Approved
SEP 3 1954
MARK R. KULP
State Reclamation Engineer

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

25133

State of Idaho
License and Certificate of Water Right

Water License No. 25133 Amount 1.6 c.f.s.
Water District No. Priority August 27, 1954

THIS IS TO CERTIFY that LEE MATHERS
of Kimberly, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 27, 1954; that Permit No. 25133
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on August 30, 1956, showing that said works
were completed on the 27th day of August, 1956; and that on the 28th
day of August, 1958, LEE MATHERS

of Kimberly, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of McMullen Creek
, a tributary of Cottonwood Cr., for the purpose of Irrigation
, under Use Permit No. 25133 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 6480, on the 24th day of October, 1958;
The right hereby confirmed dates from August 27, 1954;

The Point of Diversion is located
in the NW 1/4 NE 1/4, Sec. 29, Tp. 11S, R. 18E, B. M. County Twin Falls
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	18 E.	29	SE 1/4 NE 1/4	40	15
			SW 1/4 NE 1/4	40	40
			NE 1/4 SE 1/4	40	40
			Total number of acres irrigated	- - -	95

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
24th day of October, 1958.

/s/ Geo. N. Carter
State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. G-22391

Amount 4 c.f.s.

Water District No.

Priority September 19, 1951

THIS IS TO CERTIFY that BERT L. BYBEE
of Dubois, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 19, 1951; that Permit No. G-22391
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4 second feet, was issued thereunder on October 23, 1958, showing that said works
were completed on the 12th day of March, 1957; and that on the 12th
day of March, 1957, BERT L. BYBEE

of Hamer, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean, for the purpose of Irrigation
, under Use Permit No. G-22391 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 6479, on the 23rd day of October, 1958;
The right hereby confirmed dates from September 19, 1951;

The Point of Diversion is located
in the NE 1/4 NW 1/4, Sec. 36, Tp. 7 N., R. 35 E., B. M. County Jefferson
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	35 E.	36	NE 1/4 NE 1/4	--	35
			SW 1/4 NE 1/4	--	40
			SE 1/4 NE 1/4	--	40
			NE 1/4 NW 1/4	--	10
			SW 1/4 NW 1/4	--	20
			SE 1/4 NW 1/4	--	40
			NE 1/4 SE 1/4	--	40
			SE 1/4 SE 1/4	--	30
			Total number of acres irrigated	--	255

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
23rd day of October, 1958.

/s/ Geo. N. Carter
State Reclamation Engineer.

(SEAL)

2513
11176: JOHN HAD
47-2279

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 32964
PERMIT No. 25133
DISTRICT No.

Benoit & Benoit
Box 516
Twin Falls, Idaho

1. Name of Applicant: Lee Mathers

Postoffice address: Route # 2, Kimberly

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:

- (b) Treasury stock:
- (d) Other resources:
- (a) Cash on hand:
- (c) Bonds to be issued:

2. Quantity of water claimed: 80 Inches cubic feet per second.

3. Source of water supply: McMullen Creek which is a tributary of

4. Location of point of diversion: 360 Feet North and 210 feet East of the SW corner of Section 29, T. 11 S., R. 18 E., B. M., and is in the Southwest Quarter of the Northeast Quarter of Section 29, T. 11 S., R. 18 E., B. M., County of Twin Falls

5. Water is to be used for Irrigation

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 , 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: \$1300.00

8. Kind of works: Wooden plank, earth and rock dam, 800 feet 8" steel pipe and ditches

9. Height of dam Five feet; length of dam at top Eighteen feet; length of dam at bottom Four feet; material used in dam: Wooden plank, earth and rock.

10. Size of headgate: Width None feet; height feet.

11. Ditch: Width at bottom one feet; width at water line One and one-half feet; depth of water 8/12 feet; dimensions of flume: None, see Remarks

Diameter of pipe 8 inches; length of conduit See Remarks miles.

Average grade per mile See Remarks feet.

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

13. The time required for the complete application of the water to the proposed use is two 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: 160 shares Twin Falls Canal Company representing 100 inches.

16. (a) Is reservoir to be used? No 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.

LEE MATHERS
Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 4:30 P.M. Aug. 27, 1954

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 25133
Recorded in Book 89 Page 25133 Approved September 3, 1954
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 he 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 November 3, 1954 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 September 3, 1955
The whole of said work to be completed on or before September 3, 1956
Beneficial use of water appropriated in accordance herewith, to be made on or before September 3, 1958

WITNESS My hand this 3rd day of September, 1954

MARK R. KULP State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, 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 3rd

day of September, 19 54. STATE OF IDAHO
Countersigned: By LEN JORDAN Governor.
(SEAL) By IRA H. MASTERS Secretary of State.

REMARKS: From point of diversion water to be lifted by electric motor centrifugal pump into 8" steel pipeline and carried 800 feet to a diversion box 30 feet higher than point of diversion. Pipe will run in SE direction from point of diversion to South line of S₁NE₄ where diversion box located and then flow by gravity in ditch along said South line in an easterly direction. Water will then flow from this ditch in corrugations in a northerly direction, and southerly direction. Shares of Twin Falls Canal Company appurtenant to land to be irrigated are contemplated to be transferred to other land.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11 S.	18 E.	29			40	40									40		40	160 acres	
			Total No. of Acres Irr.---160																
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO NO. 25133																			
COMES NOW LEE MATHERS and respectfully represents to the State Reclamation Engineer of the State of Idaho:																			
1. That he is the owner and holder of Permit to appropriate the public waters of the State of Idaho No. 25133 That he requests that there be added to the land to be irrigated described in said permit the following: 20 acres in the Northwest quarter of the Northeast Quarter Section 29, Township 11 South, Range 18, E., B.M., making a total number of acres to be irrigated under said permit of 180 acres; that said request is made for the reason that since the filing of Application No. 32964, he has purchased the South Half of the Northwest Quarter of the Northeast Quarter, Section 29, Township 18 South, Range 18 E. B.M., and desires to irrigate the same with waters to be diverted under said Permit No. 25133.																			
2. That he further requests that the location of point of diversion described in said Permit No. 25133, i.e. 360 feet North and 210 feet East of the Southwest corner of the Northeast Quarter of Section 29, Township 11 South, Range 18 E., B.M., in the Southwest Quarter of the Northeast Quarter of Section 29, Township 11 South, Range 18 E., B.M., County of Twin Falls, be changed to the following: 300 feet North and 40 feet East of the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 29, Township 11 South, Range 18 E., B.M., which is in the Northwest Quarter of the Northeast Quarter of Section 29, Township 11 South, Range 18 E., B.M., County of Twin Falls; that said request is made for the reason that the point of diversion as changed will enable a more efficient Beneficial Use of the water appropriated under said Permit No. 25133.																			
3. That duplicate map showing requested changes in said permit is attached hereto.																			
4. That no one will be injured by such change.																			

Dated February 1, 1955.

LEE MATHERS

STATE OF IDAHO)
County of Twin Falls)ss.

On this 1st day of February, 1955, before me, a Notary Public for the State of Idaho, residing at Twin Falls, Idaho, personally appeared Lee Mather, Known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he executed the same.

WITNESS my hand and seal the day and year in this certificate first above written.

(SEAL)

EDWARD L. BENOIT
Notary Public
My commission expires: 6/1/55

APPROVAL OF THE STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 25133. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

PERMIT NO. 25133 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN

This is to certify that LEE MATHERS of Kimberly, County of Twin Falls, and State of Idaho, the holder of Permit No. 25133, issued upon Application No. 32964 bearing date of priority of August 27, 1954, authorizing the diversion of 1.6 second feet of the waters of McMullen Creek County of Twin Falls, State of Idaho, for irrigation 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 1.6 second feet of the waters of McMullen Creek; that the point of diversion of said waters is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, Township 11 South, Range 18 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29 Township 11 South, Range 18 East, B.M.

WITNESS my hand this 30th day of August, A. D. 1956

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made August 27th, 1956
Certificate of Completion of Works issued August 30, 1956

1.6
Page 6480

October 24, 1958

Re: Permit No. 25133
Lee Mathers

Mr. Edward L. Benoit
Benoit & Benoit
Twin Falls Bank & Trust Bldg.
Twin Falls, Idaho

Dear Mr. Benoit:

Enclosed is the License and Certificate of Water Right issued under Permit No. 25133 confirming the right with priority of August 27, 1954, to the use of 1.6 second feet of water from McMullen Creek, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, for irrigation of 95 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 11 South, Range 18 East, B.M.

Enclosed also is departmental receipt #29339 for \$6.00, issued as receipt of license fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

25133

RT

W. G. 619



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

October 11, 1958

RECEIVED
OCT 23 1958
Department of Reclamation

Re: Permit No. 28331
Lee Mathers

Dear Mr. Mathers:

As field engineer's report on the beneficial use of the water under the terms of permit No. 28331 shows that the works are capable of conveying 80 cubic inches 11.6 c.f.s. of water from McMullen Creek and that 20 acres have been irrigated.

On receipt of the statutory fee of \$5.00 based at the rate of two dollars for each acre of subdivision we will issue the License and Certificate of Water Right confirming the right with priority of August 1, 1904, to the use of 11.6 second feet of water from McMullen Creek, with point of diversion in the NW1/4, Section 22, for irrigation of 20 acres in the S1/4, NE1/4, Section 22, Township 11 North, Range 14 East, S.M.

Very truly yours,

W. N. CARTER
State Reclamation Engineer

Enclosure

October 14, 1958

Re: Permit No. 25133
Lee Mathers

Mr. Edward L. Benoit
Benoit & Benoit
Twin Falls Bank & Trust Bldg.
Twin Falls, Idaho

Dear Mr. Benoit:

Our field engineer's report on his inspection of the beneficial use of the water under the terms of Permit No. 25133 shows that the works are capable of conveying 80 miners inches (1.6 c.f.s.) of water from McMullen Creek and that 95 acres have been irrigated.

Upon receipt of the statutory fee of \$6.00 (fee based at the rate of two dollars for each 40-acre subdivision) we will issue the License and Certificate of Water Right confirming the right with priority of August 27, 1954, to the use of 1.6 second feet of water from McMullen Creek, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, for irrigation of 95 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 11 South, Range 18 East, B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

25133

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 25133This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Lee Mathers - Route #2, Kimberly, Idaho
2. Source of water supply: McMullen Creek
3. Location of point of diversion: Is in the Amend: NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29
T. 11 S. R. 18 E. County of Twin Falls
4. Describe works as they exist, giving dimensions and capacities of same: Dam across McMullen Cr. 30' Long 6' high with concret gate control - Pump: F-M-PomonaTM PF 8488 - Motor Fairbanks Morse[®] 575375-38P - Meter GE 38097 529 serviceTM T2448X Demand Dial Reading 2.5 Multiplier 10 - Irrigation system - 2720' of 12"x8" steel pipe - Booster pump + unlined ditches
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Township 11 South, Range 18 East.

Section 29: NW $\frac{1}{4}$ NE $\frac{1}{4}$ (20a), SW $\frac{1}{4}$ NE $\frac{1}{4}$ (40a), SE $\frac{1}{4}$ NE $\frac{1}{4}$ (40a), NE $\frac{1}{4}$ SE $\frac{1}{4}$ (40a), SE $\frac{1}{4}$ SE $\frac{1}{4}$ (40a),
making a total of 180 acres.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None.

Remarks: The 10-1-58 inspection was made with the assistance of Mr. Lee Mathers.I talked to Al Peters - manager of L.F. Cavale on Oct 7-58.He says man needs more water and that this is okayE.T.H., Oct 13-58This examination was made on the 1 day of October, 1958

(Signed)

James Marx

Examiner.

25133

Lee Mathers
Route #2, Kimberly, Idaho

Permit No. 25133

Examination for Beneficial Use

County TWIN FALLS
29-11S.-18E.

Q2 1.6 c.f.s.

S. McMullen Sr.

P.D. = NW. NE, Sec. 29, T. 11S. - R. 18E.

Use = Irrigation

Ch with T. F. Canal Co.

Filed = Aug. 27, 1954

Due = Sept. 3, 1958

160 shares in T. F. Canal for
100 inches

of W = 8-30-56

Dam: Earthen 60' long & high
with 15' x 6' concrete gate which
which has failed.
Elev. diff. = 5' 30" or about 35'

Pump: Fairbanks Morse - Power
Turbine #PF 84R
3-12" bowls - setting
5' in 3' casing with
motor FM #595375 - 30 HP

Motor - GE 3R 097 529
T 2448X
KW 2.4

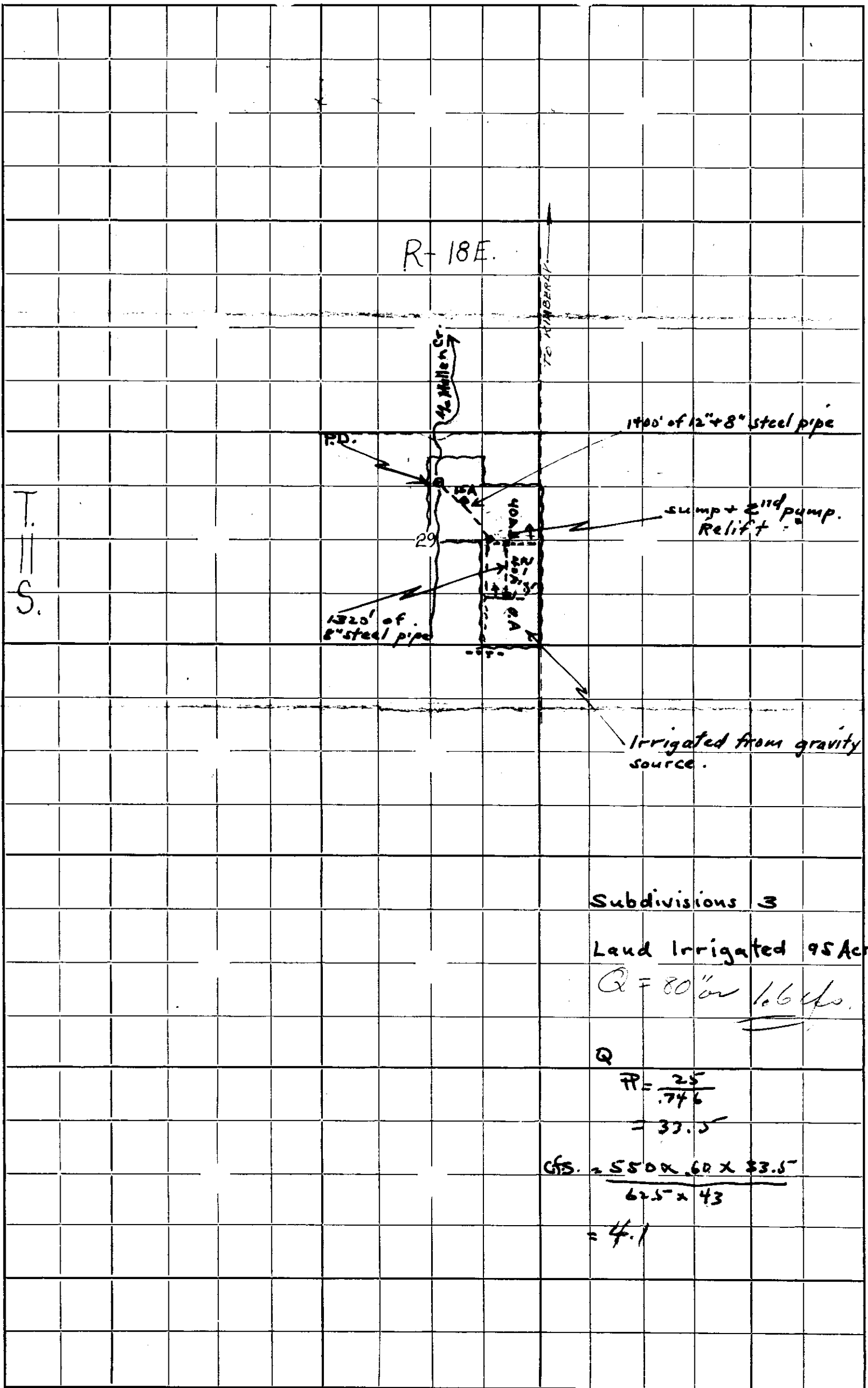
X 10
Demand Dial = 2.5
H = 43 (Authority, Mathers)
Elev. diff. measured at 35'

Much more than 1.6 c.f.s.
Flowing down at time of
inspection - possibly 10-15 c.f.s.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
OCT 13 1958
Department of Reclamation



Subdivisions 3

Land Irrigated 95 Acres

$$Q = 80 \text{ in } 1.6 \text{ cfs.}$$

$$Q = \frac{25}{.746} = 33.5$$

$$\text{Gfs.} = \frac{550 \times .60 \times 33.5}{62.5 \times 43} = 4.1$$

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 25133

REPORT ON PROOF OF BENEFICIAL USE

Lee Mathers
Route #2, Kimberly, Idaho

Appl. 1.6 c.f.s.

C/W.. 1.6 c.f.s.

September 3, 1958

Re: Permit No. 25133

Mr. Lee Mathers
Route #2
Kimberly, Idaho

Dear Mr. Mathers:

This acknowledges the depositions of Holder and two Witnesses and the Affidavit of Publication in the Times-News in proof of beneficial use under Permit No. 25133.

Before a permit is licensed, the law requires that a field examination be made by an engineer from this department. At this time we cannot say just when this will be made but our field engineer will contact you prior to the time he is to make the inspection so that you can arrange to accompany him.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

cc: Benoit & Benoit
Twin Falls Bank & Trust Bldg.
Twin Falls, Idaho
Attn: Edward L. Benoit

25133

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

August 28, 1958

RECEIVED
AUG 29 1958
Department of Reclamation

State Reclamation Engineer
State House
Boise, Idaho

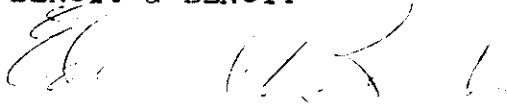
Re: Permit #25113

Dear Sir:

Enclosed are necessary depositions and Affidavit of
Publication in connection with proof of beneficial use
in connection with the above permit.

Very truly yours,

BENOIT & BENOIT


Edward L. Benoit

ELB:dr
Enclosures

25133

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 29 1958
Department of Reclamation

Permit No. 25133

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Lee Mathers, Farmer, Route #2, Kimberly, Idaho.

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

Ans. _____

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit #25133 dated ~~August 27~~ ^{Sept. 3}, 1954; Date of Priority: August 27, 1954.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Source of water supply: ~~McMullen Creek~~ ^{McMullen Creek} in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T.11S., R.18E.B.M., Twin Falls County, Idaho. Point of Diversion: 300 feet north and 40 feet east of Southwest corner of ~~1~~ ^{NW $\frac{1}{4}$ NE $\frac{1}{4}$} of said Section 29.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and 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 and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Works consist of a wooden plank earth and rock dam, said dam being 8 ft. high, 40 feet in length at top and 26 feet in length at bottom. In addition, there is used 1600 feet of 8 inch steel pipe and earthen ditches. Works capable of conveying from point of diversion to place of use 1.6 cubic feet per second of water.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is being used for irrigation and irrigates S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29, T. 11S., R. 18E.B.M. It is cultivated land and as a direct result of said use, land has been able to be cultivated.

25133

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 1.6 cubic feet per second.

Ques. 9. 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.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. 1.6 cubic feet per second of the water diverted above has been used in the crop years 1955, 1956, 1957 and 1958 on the land described in S $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, T.11S., R. 18 EBM. Crops have been raised thereon as a result of diversion of said water.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. 160 shares of Twin Falls Canal Company representing 100 inches of water are appurtenant but this water being used on other land.

(Sign) _____

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 Twin Falls, County of Twin Falls, State of Idaho, on this 28th day of August, A. D. 1958.

Edward L. Brown
Notary Public for the State of Idaho;
Residing at Twin Falls, Idaho.

My commission expires June 1, 1959.

25133

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
AUG 29 1958
Department of Reclamation

PERMIT NO. 25133

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.

Ans. Leonard J. Peterson, 33 years, Route #2, Kimberly, Idaho,
Farmer and truck driver.

Ques. 2. Are you acquainted with Lee Mathers, the
holder of Permit No. 25133? How long have you known him and where does
he reside?

Ans. Yes, I have known him /5 years and he resides at Route #2,
Kimberly, Idaho.

Ques. 3. Have you read or heard read said Permit No. 25133, and are you
familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for con-
veying water from point of diversion to place of use.

Ans. Source of water supply is McMullen Creek with point of diversion
300 feet north and 40 feet east of the SW corner of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29, T.11S.,
Range 18 EBM. Works for conveying water from point of diversion to place
of use consists of 1600 feet of 8 inch steel pipe/and earthen ditches.
and 1200' of 12" pipe

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. 1.6 cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give
each subdivision in which water has been used and number of acres irrigated in each
subdivision.) State whether cultivated or natural meadow land and the nature of all im-
provements which have been made as a direct result of said use.

Ans. Water is used for irrigation and irrigates S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 29, T. 11S., Range 18 EBM. Land is cultivated and has been
cultivated as a direct result of said use.

25133

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

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.

Ans. Irrigable land has been reclaimed as a result of use of the water and 1.6 cubic feet per second of water is required for its profitable cultivation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen 1.6 cubic feet of water per second used on said land for irrigating agricultural crops in the years 1955, 1956, 1957 and 1958.

(Signed) Edward F. Wilson

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 Twin Falls, County of Twin Falls, State of Idaho, on this 28th day of August, A. D. 1958.

Edward F. Wilson

Notary Public.

My commission expires June 1, 1959 for State of Idaho;
Residing at Twin Falls, Idaho.

25133

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 2 1958
Department of Reclamation

PERMIT NO. 25133

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.

Ans. Leonard Hendricks, age 23 years, Route #2, Kimberly, Idaho,
Farmer.

Ques. 2. Are you acquainted with Lee Mathers, the holder of Permit No. 25133? How long have you known him and where does he reside?

Ans. Yes, I have known him 6 years and he resides at Route #2,
Kimberly, Idaho.

Ques. 3. Have you read or heard read said Permit No. 25133, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source of water supply is McMullen Creek with point of diversion
300 feet north and 40 feet east of the SW corner of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29,
T. 11S., Range 18 EBM. Works for conveying water from point of diversion
and 1200' of 12" pipe
to place of use consists of 1600 feet of 8 inch steel pipe and earthen
ditches.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1.6 cubic feet per second.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Water is used for irrigation and irrigates S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and
E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29, T. 11S., Range 18 EBM. Land is cultivated and has
been cultivated as a direct result of said use.

25133

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

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.

Ans. Irrigable land has been reclaimed as a result of use of the water and 1.6 cubic feet per second of water is required for its profitable cultivation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen 1.6 cubic feet of water per second used on said land for irrigating agricultural crops in the years 1955, 1956, 1957 and 1958.

(Signed) _____

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 Twin Falls,
County of Twin Falls, State of Idaho, on this 28th day of August,
A. D. 1958.

Notary Public.

My commission expires June 1, 1959.

25133

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS } ss.

Nº 7448

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 28th day of August, 1958, at Twin Falls, County of Twin Falls, State of Idaho, before Edward L. Benoit, Notary Public, Twin Falls Bank & Trust Building, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of McMullen Creek in NW¼ NE¼, Sec. 29, Twp. 11 S., Rge. 18 E., B.M. in accordance with the terms and conditions of Permit No. 25133 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Lee Mathers, Route 2, Kimberly, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 1.6 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) S½ NW¼ NE¼, S½ NE¼ and E½ SE¼, all in Section 29, Township 11 South, Range 18 E., B.M. The right to take water from such works is based upon Permit No. 25133.

The source of supply from which such water is diverted is McMullen Creek.

The date of priority which said user is prepared to establish is August 27, 1954.

GEO. N. CARTER

State Reclamation Engineer

Publish: July 24, 31, Aug. 7, 14, 1958

RECEIVED

1958 AUG 14

25133

I, Walter L. Clark, being first duly sworn upon oath depose and say that I am Principal Post of the TIMES-NEWS, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice of advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for 2 consecutive business days, commencing with the issue dated July 24, 1958, and ending with the issue dated August 14, 1958.

And I do further certify that said newspaper is a consolidation, effective February 16, 1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said names in said city and county continuously and uninterruptedly during a period of more than twelve consecutive months, and said TIMES-NEWS, since such consolidation, has been published as a daily newspaper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week has been designated as the day on which legal notice by law or by order of any court of competent jurisdiction within the state of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said combined newspapers, and in each issue thereof, Thursday is announced as the day on which said legal notices will be published.

Walter L. Clark
Subscribed and sworn to before me this 14th day of August, 1958.

Walter L. Clark
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho.

July 18, 1958

Re: Permit No. 25133
Lee Mathers

Benoit & Benoit
Attorneys At Law
Twin Falls Bank & Trust Bldg.,
Twin Falls, Idaho

Attention: Edward L. Benoit

Dear Mr. Benoit:

This acknowledges the Notice of Proof of Application of Water to Beneficial Use under Permit No. 25133, in the name of Lee Mathers. Final proof is to be made before you as Notary, on the 28th day of August, 1958, at 10:00 A. M., at Twin Falls,

As of this date we have mailed the Notice to the Times-News, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the Permit Holder and his two disinterested witnesses, who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you as Notary, as stated in the Publication Notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions (Holder and two Witnesses) are being returned. Also be sure to enclosed the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

25133

EPR:lw
Encls. (3)
cc: Mr. Lee Mathers

June 12, 1959

Re: Permit G-25108
J. Fred Smith

Mary Smith
Attorney at Law
Rexburg, Idaho

Dear Madam:

The original point of diversion, or location of the well was SW¹/₄NE¹/₄, Sec. 21, and on January 18, 1957 an amendment to the point of diversion was approved for points in SE¹/₄NE¹/₄ and NE¹/₄SW¹/₄, Sec. 21.

Enclosed is a sketch map from the file which is not identified except by Mr. Smith's name and land description. It checks with our approved sketch map. The acreage checks with that shown on the permanent record sheet of the permit.

Mrs. Smith should sign as executriz. We should have a certified copy of the Court Order naming her as the executriz. The Certificate of Completion of Works and the Water License will be in the name of J. Fred Smith Estate if we do not receive a copy of the Court Order of distribution prior to issuance.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew
Enc. map

25108

July 15, 1938

Re: Permit No. 25133
Lee Mathers

Benoit & Benoit
Attorneys At Law
Twin Falls Bank & Trust Bldg.,
Twin Falls, Idaho

Attention: Edward L. Benoit

Dear Mr. Benoit:

This acknowledges the Notice of Proof of Application of Water to Beneficial Use under Permit No. 25133, in the name of Lee Mathers. Final proof is to be made before you as Notary, on the 28th day of August, 1938, at 10:00 A. M., at Twin Falls.

As of this date we have mailed the Notice to the Times-News, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the Permit Holder and his two disinterested witnesses, who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you as Notary, as stated in the Publication Notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions (Holder and two Witnesses) are being returned. Also be sure to mail me the Affidavit of Publication.

Very truly yours,

GEO. J. CALDER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

Encls. (3)
cc: Mr. Lee Mathers

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: July 18, 1958

Re: Permit No. 25133
Lee Mathers

~~Times-News~~
Twin Falls, Idaho
Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **August 28, 1958** the date set for proof; the expense of the publication is to be paid by the applicant, ~~'s Attorney~~, **Edward L. Benoit** of **Twin Falls Bank & Trust Bldg., Twin Falls, Idaho** whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

MRS. EINA P. RUTLEDGE
Chief Clerk

EPR:lw
Encls.

See 8-27-40 L. newspaper Receipt of Notice

25133

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

RECEIVED
JUL 14 1958
Department of Reclamation

July 11, 1958

State Reclamation Engineer
State House
Boise, Idaho

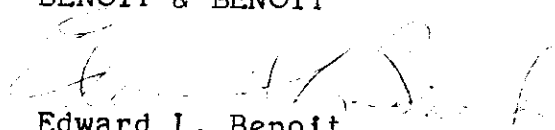
Re: Permit No. 25133

Dear Sir:

Enclosed is Notice of Proof of Application for
Beneficial Use and Authority to Publish in connec-
tion with the above permit.

Very truly yours,

BENOIT & BENOIT


Edward L. Benoit

ELB:dr
Enclosures

25133

RECEIVED
JUL 14 1958

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 11, 1958

(P. O.) Route #2, Kimberly, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Times-News

of Twin Falls, Idaho

published in

the county in which the works are situated.

T.F. Co. ✓

See Matthew

(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.)

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

Engineer.

25133

RECEIVED
JUL 14 1958
Department of Reclamation

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 28th day of August, 1958,
at Twin Falls, County of Twin Falls, State of Idaho, before
Edward L. Benoit, Notary Public, Twin Falls Bank
& Trust Building, proof will be submitted of the
application to beneficial use of 1.6 cubic feet per second of the waters of McMullen Creek
in accordance with the terms and conditions of Permit No. 25133
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
✓ Lee Mathers, Route #2, Kimberly, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 1.6 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
✓ S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, all in Section 29, Township 11 South,
Range 18 E.B.M., ~~Twin Falls County, Idaho.~~

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

The right to take water from such works is based upon Permit No. 25133

The source of supply from which such water is diverted is McMullen Creek

The date of priority which said user is prepared to establish is April 27, 1954.

State Reclamation Engineer.

25133

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RE: Permit No. 25133

Date July 1, 1958

Mr. Lee Mathers
Route #2
Kimberly, Idaho

Dear Sir:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 25133 is due not later than September 3, 1958. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclosed Form 10, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, filled out in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water filed on, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--all by legal land description.

Also enclosed is Form 11, which is the authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper, we will also send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named and before the notary public, as advertised in the publication notice.

Very truly yours,
GEO. M. CARTER
~~MARK BROOKS~~
State Reclamation Engineer

25133

Enc.

August 31, 1956

RE: Permit No. 25133

Messrs. Benoit & Benoit
Twin Falls Bank & Trust Building
Twin Falls, Idaho

ATTENTION: Mr. Edward L. Benoit

Dear Mr. Benoit:

We enclose Certificate of Completion of Works issued on Permit No. 25133 of Lee Mathers for the diversion of 1.6 second feet of the waters of McMullen Creek, for irrigation of land in the NE¹/₄ SE¹/₄, SW¹/₄ NE¹/₄, SE¹/₄ NE¹/₄, SE¹/₄ SE¹/₄, S¹/₂ NW¹/₄ NE¹/₄ Section 29, Township 11 South, Range 18 East, B.M., with point of diversion in the NW¹/₄ NE¹/₄ Section 29, Township 11 South, Range 18 East, B.M., and priority of August 27, 1954.

We also enclose departmental receipt No. 28128 for the \$5.00 completion of works fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

25133

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

RECEIVED
AUG 28 1956
Department of Reclamation

August 27, 1956

State of Idaho
Department of Reclamation
State House
Boise, Idaho

Re: Permit 25133

Gentlemen:

Enclosed is completed Form 6 concerning the above permit
and also check of Mr. Lee Mathers in the sum of \$5.00.

Very truly yours,

BENOIT & BENOIT



Edward L. Benoit

ELB:sa
Enclosures

25133

Permit No. 25133

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

RECEIVED
AUG 23 1956

Department of Reclamation

STATE OF IDAHO

County of Twin Falls

ss.

Lee Mathers

, 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. 25133, and that his postoffice address is Route #2, Kimberly, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is

McMullen Creek

Third: That the point of diversion of said water is 300 feet North and 40 feet East of the SW corner of the NE 1/4 Sec. 29, T 11 S, Range 18 EBM which is in the NW 1/4 Sec. 29, T 11 S, R. 18 EBM.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Sept. 3, 1955.

Fifth: That the use for which said water is intended is irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(XXXXXXXXXX)~~ fully completed and consisted of the following:

I. Kind of works: Electric motor centrifugal pump, 1800 feet of 12" steel pipeline
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam nine feet, length of dam at top 18 feet, length of dam at bottom 30 feet. Material used in construction

Earth, steel pipe

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet. No reservoir

(c) Size of headgate: Width None feet, height feet.

(d) Conduit 12" width at bottom one feet, width at water line 12" Steel pipe
(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 1800 miles feet.

Seventh: That said works are capable of conducting to the place of intended use 1.6 second feet of water.

Eighth: That water appropriated under said permit is available for 180 acres of land described as follows: NE 1/4, SW 1/4, SE 1/4, SE 1/4, S 1/4 NW 1/4, Sec. 29, T 11 S, R 18 EBM.

Ninth: Remarks: That

* 20 feet in 1800 feet

(Sign Here)

Subscribed and sworn to before me this 27th day of August, 1956

My commission expires June 1, 1959

Notary Public.

25133

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

June 27, 1956

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. Leo Mathers
C/c Benoit & Benoit
Box 536
Twin Falls, Idaho

Boise, Idaho

Dear Sir:-

Under the terms of your permit No. 26133 you are required to complete your diversion works on or before September 3, 1956. I enclose herewith 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 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, together with a fee of \$5.00, 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.

Yours truly,

MARK R. LUMP
State Reclamation Engineer

25133

✓
February 2, 1955

RE: Permit No. 25133
Lee Mathers

Messrs. Benoit & Benoit
Twin Falls Bank and Trust Bldg.
Twin Falls, Idaho

Att: Mr. Edward L. Benoit

Dear Mr. Benoit:

C
O
P
Y
We have your letter of February 1, 1955, and the application for amendment to Permit No. 25133

We have approved and recorded the amendment and return same herewith.

The priority will apply to the 80 inches of water regardless of the amount of land involved. The addition of 20 acres would not constitute a damage to the rights of others. However, the change in point of diversion could cause damage to rights initiated between the priority date of permit No. 25133 and the date of the approval of the amendment. If the advertised proofs of application to Beneficial Use should be protested, the department would make an investigation and determine from the changes in point of diversion.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

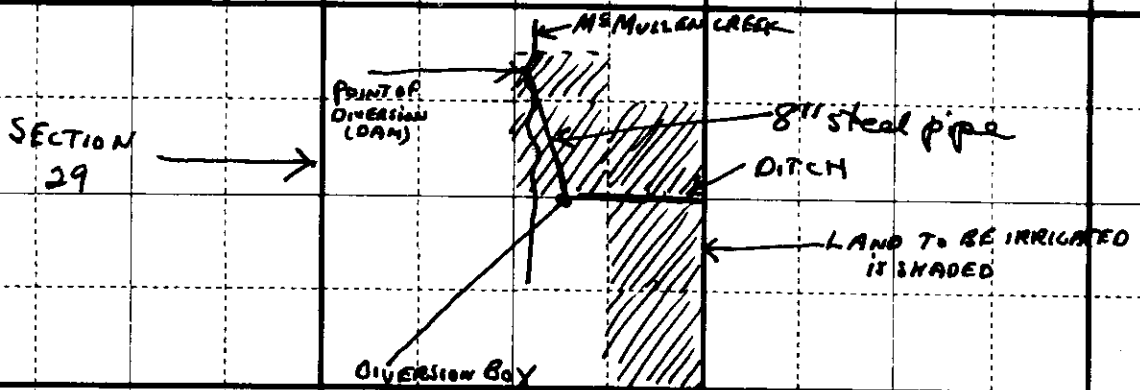
K:cu

25133

NAME OF APPLICANT LEE MATHERS

Form No. 0

TOWNSHIP 11 SOUTH RANGE 18 E.B.M.



PERMIT NO. 25133, As amended February 2, 1955

LAW OFFICES
BENOIT & BENOIT
TWIN FALLS BANK & TRUST BLDG.
TWIN FALLS, IDAHO

HARRY BENOIT
EDWARD L. BENOIT

RECEIVED
FEB 2 1955
Department of Reclamation

February 1, 1955

State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. 25133
Lee Mathers

Dear Sir:

Enclosed is application for amendment of permit No. 25133 adding 20 acres of the land to be irrigated under the permit and changing the point of diversion. You will note that no additional water is asked for.

It is our understanding that under the provisions of Idaho Code 42-108 a diversion point can be changed if the water rights of others are not injured by changing the point of diversion.

It is also our understanding that under the provisions of Idaho Code 42-211, an amendment such as this relates to the original permit and has the same date of priority as the original permit unless the rights of others are affected in which case the date of priority is the date of the amendment.

We do not anticipate, nor do we see how the rights of others can be affected by this amendment. However, should it develop that the rights of others are affected in the hypothetical amount of 20" of water by the amendment, is it not true that the date of priority of these 20" only would be the date of the amendment and the priority under the remaining 60" of the original 80" allowed by the permit would date back to the date that the original permit is filed. Would you please advise if this is the correct interpretation of the law, in your opinion.

If the Approval of the amendment which we have prepared for the State Engineer is incorrect, will you please change the same to meet your requirements.

Very truly yours,

BENOIT & BENOIT


Edward L. Benoit

ELB:sa
Enclosure

25133

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

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. 25133

Date September 13, 1954

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Lee Mathers
Route 2
Kimberly, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Receipt No. 2 6877

25133

TOWNSHIP 11 SOUTH RANGE 18 E.B.M

W

Section
39

>

Point of
diversion (dam)

Diversion
Box

McMullin Creek
800' of 8" steel pipe

Land to be irrigated
is SHADED

Ditch

S

Permit Map No. 25133
As Approved
SEP 3 1954
MARK R. KULP
State Reclamation Engineer

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

Notice is hereby given that at 10:00 A. M.
on the 28th day of August 1958, at Twin
Falls, County of Twin Falls, State of Idaho,
before Edward L. Benson, Notary Public,
Twin Falls Bank & Trust Building, proof
will be submitted of the application to
beneficial use of 1.6 cubic feet per second
of the waters of McMullen Creek in NW $\frac{1}{4}$
NE $\frac{1}{4}$, Sec. 29, Twp. 11 S., Rge. 18 E.,
B.M. in accordance with the terms and
conditions of Permit No. 25133 heretofore
issued by the State Reclamation Engineer
of the State of Idaho.

The name and postoffice address of the
person or corporation holding said permit
is Lee Mathers, Route 2, Kimberly, Idaho.

The use to which said water has been
applied is irrigation.

The amount applied to beneficial use is
1.6 cubic feet per second.

The place where said water is used (if
for irrigation, give full and accurate de-
scription of the lands irrigated) S $\frac{1}{2}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, all in Section
29, Township 11 South, Range 18 E., B.M.

The right to take water from such works
is based upon Permit No. 25133.

The source of supply from which such
water is diverted is McMullen Creek.

The date of priority which said user is
prepared to establish is August 27, 1954.

GEO. N. CARTER

State Reclamation Engineer

Publish: July 24, 31, Aug. 7, 14, 1958