



Tap 95. R 15 E.

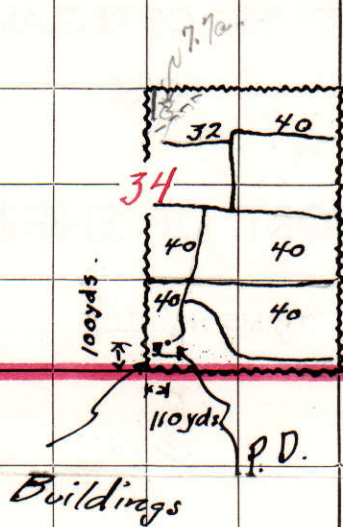
33

34

35

← Butol approx. 3 Mi.

U.S. #30



Area irrig. = 232 acres.

P.D. is in SW $\frac{1}{4}$ SE $\frac{1}{4}$ S. 34

T. = 55° F.

Q = 1 cfs.

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

SS.

Nº 3625

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at Ten A. M. on the 29th day of December, 1950, at Twin Falls, County of Twin Falls, State of Idaho, before Frank L. Stephan, a Notary Public, proof will be submitted of the application to beneficial use of 4.8 cubic feet per second of the waters of subterranean flow from a well in accordance with the terms and conditions of Permit No. 21293 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 C. D. McClain, Route 4, Buhl, Idaho.

The use to which said water has been applied is irrigation, domestic and fire protection.

The amount applied to beneficial use is 4.8 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) S $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, Township 9 South, Range 13 E. B. M. and SE $\frac{1}{4}$ of Section 34, Township 9 South, Range 15 E. B. M., Twin Falls County, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Privately owned ditches on the above described land.

The right to take water from such works is based upon Permit No. 21293.

The source of supply from which such water is diverted is subterranean water from a well located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 34, Twp. 9 S., Rge. 15 E. B. M.

The date of priority which said user is prepared to establish is December 27, 1949.

MARK R. KULP,
State Reclamation Engineer

Pub.: Nov. 30; Dec. 7, 14, 21, 1950.

I, Lisa Malony, being first duly sworn upon

oath depose and say that I am promised clerk of the TIMES-News, published daily, except Saturday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

4 consecutive Thursdays, commencing with the issue dated November 30, 1950, and ending with the issue dated December 11, 1950.

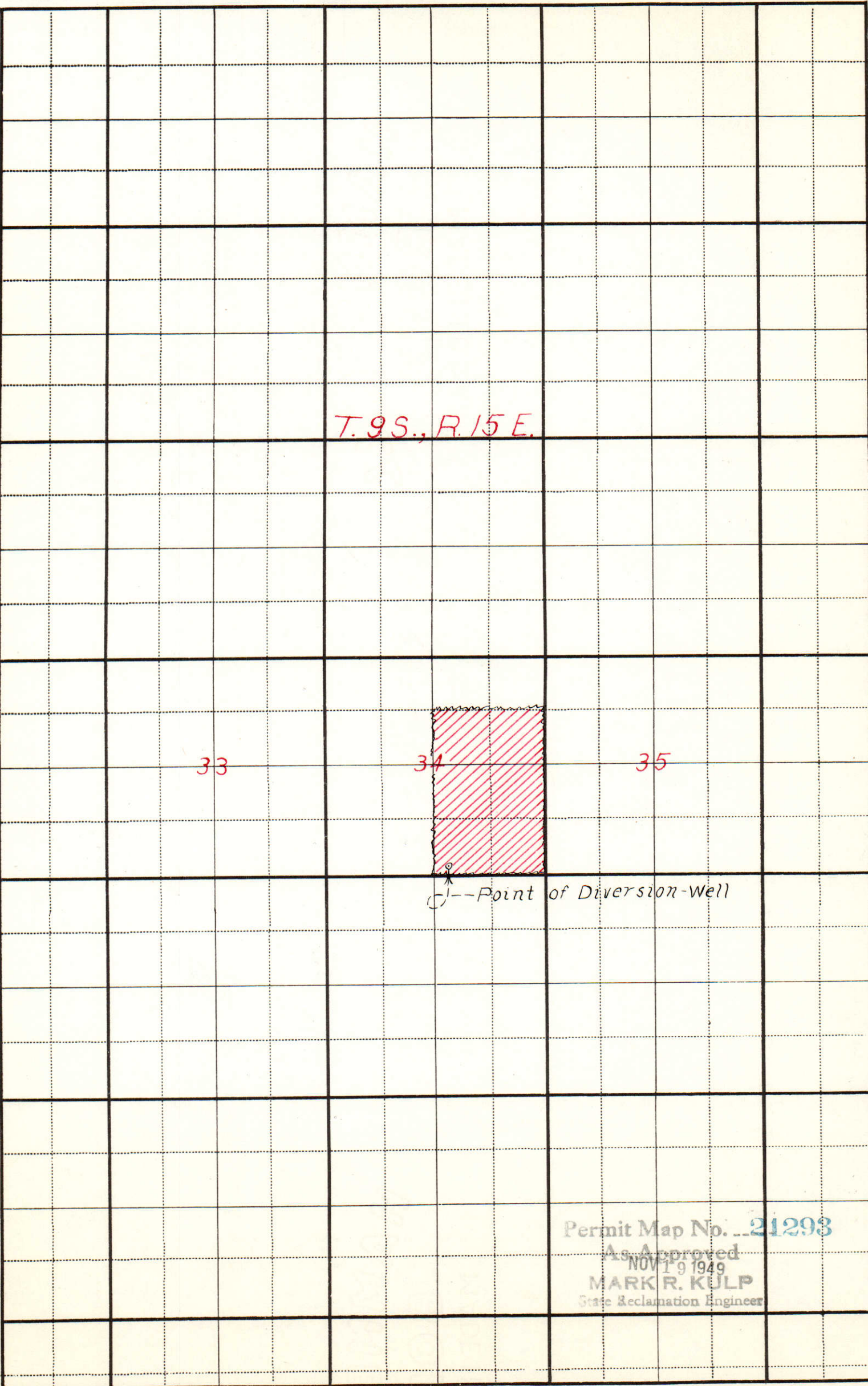
And I do further certify that said newspaper is a consolidation, effective Feb. 16, 1942, the Idaho Evening Times, published theretofore daily except Sunday, and the Twin Falls News, published theretofore daily except Monday, both of which newspapers prior to consolidation had been published under said 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 paper except Saturday, under said name in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 58-108 I. C. A., 1932, as added thereto by Chapter 154, Idaho 1933 Session Laws, Thursday of each week has been designated as the day on which legal notice required 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.

Subscribed and sworn to before me this 22nd day of

December, 1950.
Jessie Delays
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho.

21293



State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 47-2252 Priority 12-27-49 Amount 1.0 c.f.s.
(late proof)

THIS IS TO CERTIFY, that C. D. McClain
of Buhl, Idaho, has complied with the terms and conditions of Permit
No. 47-2252 issued pursuant to Application for Permit dated 11-17-49,
and has submitted proof to the Department of Water Administration on 12-29-50,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 1.0 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from a groundwater source
tributary of _____, is hereby confirmed in the following amounts:

Amount 1.0 c.f.s. for Irrigation from March 15 to Nov. 15 (both dates inclusive)

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

Amount 1.0 c.f.s. for Fire Protection from Jan. 1 to Dec. 31 (both dates inclusive)

Subject, however, to the condition that no more than 1.0 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 34, Twp. 9 S., Rge. 15 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 488 acre feet per year or _____

4.0 acre feet per acre, for irrigation purposes and 0.57 acre feet per
year for domestic purposes.

Description and location of place of use:

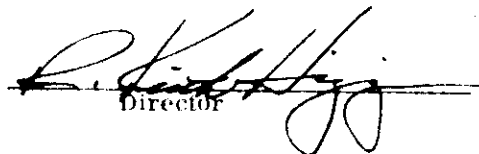
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
9 S	15 E	34			32	40									40	40	40	40	232

Total number of acres irrigated 232

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 4th day of

May, 19 71.


Director

47 2252

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

47-2252

APPLICATION No. 28976
 PERMIT No. 21293
 DISTRICT No.

1. Name of Applicant: C. D. McClain

Postoffice address: Route 4, 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:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 4.8

cubic feet per second.

3. Source of water supply: Subterranean flow from a well

which is a tributary of

4. Location of point of diversion:

feet distant from the

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

of Section 34 , T. 9 S. , R. 15 E. , B.M., County of Twin Falls

5. Water is to be used for Irrigation, domestic and fire protection purposes

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: \$ 6,800.00

8. Kind of works: Well, 30 HP Pump- ditches already constructed.

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

feet; width at water line

feet; depth of water

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile

feet.

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

13. The time required for the complete application of the water to the proposed use is Six months

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: 240 shares in Twin Falls Canal Co.

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.

C. D. McCLAIN *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 10:00 A. M. November 17, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21293

Recorded in Book 76 Page 21293 Approved November 19, 1949

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 January 19, 1950 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 February 19, 1950

The whole of said work to be completed on or before May 19, 1950

Beneficial use of water appropriated in accordance herewith, to be made on or before November 19, 1950

WITNESS My hand this 19th day of November, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, 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 19th

day of November, 19 49

STATE OF IDAHO

Countersigned:

(SEAL)

By J. D. "CY" PRICE

By C. A. ROBINS

Governor.

Secretary of State.

REMARKS: This filing is supplemental to existing water rights.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 S.	15 E.	34			40	40									40	40	40	40	240
			STATE OF IDAHO DEPARTMENT OF RECLAMATION ORDER REINSTATING PERMIT																
			In the Matter of the Reinstatement of Permit No. 21293 Under the Provisions of Section 42-311, Idaho Code.																
			WHEREAS, Permit No. 21293 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: May 19, 1950; and																
			WHEREAS, On the 7th day of August, 1950, notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,																
			WHEREAS, On the 17th day of August, 1950, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,																
			WHEREAS, On the 25th day of August, 1950, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and																
			WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21293, and that the holder has acted in good faith;																
			IT IS, THEREFORE, Hereby Ordered that said Permit No. 21293 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.																
			IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 31st day of August, 1950.																
			MARK R. KULP State Reclamation Engineer																
			(SEAL)																

LICENSE ISSUED FOR 1.0 SEC. FT.
LICENSE PAGE NO.

Permit No. 21293
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that C. D. McCLAIN of Route 4, Buhl, County of Twin Falls, and State of Idaho, the holder of Permit No. 21293, issued upon Application No. 28976 bearing date of priority of November 17, 1949, authorizing the diversion of 4.8 second feet of the waters of subterranean flow from a well, County of Twin Falls, State of Idaho, for irrigation, domestic and fire protection 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 4.8 second feet of the waters of said well; that the point of diversion of said waters is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Township 9 South, Range 15 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, Township 9 South, Range 15 East, B.M. and SE $\frac{1}{4}$ Section 34, Township 9 South, Range 15 East, B.M.

Witness my hand this 31st day of August, A. D. 1950.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made August 24, 1950.
Certificate of Completion of Works issued August 31, 1950.

May 5, 1971

Re: Permit No. 47-2252 (21293)

**Mr. C. D. McClain
Route 4
Buhl, Idaho 83316**

Dear Mr. McClain:

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

Very truly yours,

**BOBBY D. FLEENOR
Assistant Director**

BDF/kh

Enclosure

cc. Stephen, Balleisen & Slavin

47 2252

February 8, 1971

Stephen, Balleisen and Slavin
Attorneys at Law
Twin Falls Bank and Trust Co. Bldg.
Twin Falls, Idaho 83301

Gentlemen:

Attached herewith is Departmental Receipt No. 5598 in the amount of
\$12.00 for licensing fee No. 47-2252 in the name of Clyde McClain
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

47 2252

ROBERT W. STEPHAN
ROBERT N. W. BALLEISEN
DANIEL A. SLAVIN

STEPHEN, BALLEISEN AND SLAVIN
ATTORNEYS AT LAW

TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO 83301

TELEPHONE 208 733-2722
P.O. Box 83

February 4, 1971

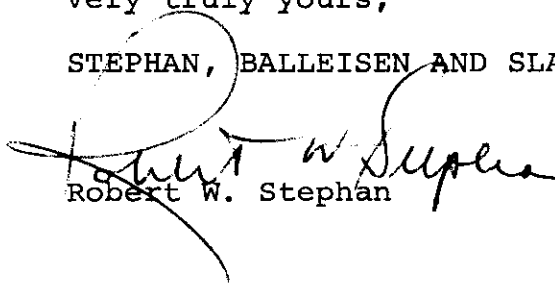
MR. R. KEITH HIGGINSON
Department of Water Administration
Statehouse-Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Enclosed please find Mr. Clyde McClain's check for \$12.00
in regard to his Water Certificate No. 21293.

Very truly yours,

STEPHAN, BALLEISEN AND SLAVIN


Robert W. Stephan

Enclosure

RWS:ls

17 2252

ROBERT W. STEPHAN
ROBERT N. W. BALLEISEN
DANIEL A. SLAVIN

STEPHEN, BALLEISEN AND SLAVIN
ATTORNEYS AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO 83301

TELEPHONE 208 733-2722
P. O. Box 83

RECEIVED

FEB 6 1971

February 2, 1971

Department of Water Administration

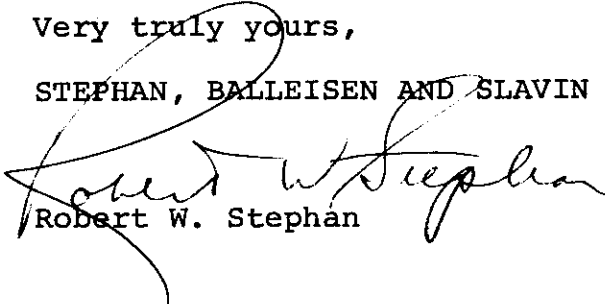
MR. R. KEITH HIGGINSON
Director
State of Idaho
Dept. of Water Administration
Statehouse-Annex 2
Boise, Idaho 83707

Dear Mr. Higginson:

Could you please advise me whether or not payment of the \$12.00 licensing fee in regard to the enclosed letter would straighten out the license for Mr. McClain.

Very truly yours,

STEPHAN, BALLEISEN AND SLAVIN


Robert W. Stephan

Enclosure

RWS:ls

*Called Mr Stephan 2/3/71 and he will have Mr McClain send
License Fee BDF*

47 2252

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.

1

Edmond Plan

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED

SHOW WHERE DELIVERED (only if requested)

3

17 2252

1/27/71

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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



POSTMARK OF
DENVERING 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

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

17 2252

c55-10-7154B

Apr. 1977

POD Form 3811

January 25, 1971

CERTIFIED MAIL # 36792

Re: Permit No. 21293 (New No. 47-2252)

C. D. McClain
Route 4
Buhl, Idaho 83316

Dear Mr. McClain:

It appearing to the Department of Water Administration that the terms and conditions of Permit 21293/47-2252 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee of \$12.00

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 Director of the Department of Water Administration on or before March 6, 1971, why said permit should not be cancelled.

Permit 21293/47-2252 claims the use of 4.8 cubic feet per second of water, the point of diversion was to be located within the SW¹/₄SE¹/₄, Sec. 34, T. 9S, R. 15E, B.M. and the permit was approved November 19, 1949.


R. KEITH HIGGINSON
Director

47 2252

✓
August 7, 1951

Re: Permit No. 21293

Mr. C. D. McClain
Route 4
Buhl, Idaho

Dear Mr. McClain:

The report of our Field Engineer on examination for beneficial use under Permit No. 21293, shows that your well in the SW¹/₄SE¹/₄, Section 34, Township 9 South, Range 15 ERM. will deliver 0.1 second feet of water, and that you have irrigated 232 acres in the S¹/₂NE¹/₄, and SE¹/₄ of said section.

Therefore, upon receipt of the statutory fee of \$12.00, being at the rate of \$2.00 for each 40 acres subdivision in which the land is located, a license will be issued for 0.1 second feet of water from said well.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21293

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

Permit No. 21293

This proof is for Beneficial use In Water District No. _____

1. Name of applicant C. D. McClain, Route 4, Buhl, Idaho

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34

T. 9 S. R. 15 E. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: The well and pump are in a concrete pit 7' x 8' x 6' deep, with a flat board top made of 1" boards on two by fours. The well is located just North of the garage. He intends to construct a small structure over this pit and keep fire fighting hose and equipment in it. The well is 205' deep by 12" in diameter, cased 12' to rock. The pump sets 185' down. It is a 5 stage pump with 8" bowls and a 8" column. H. equals 70 feet. The drawdown is between 160 and 165 feet when being pumped. The motor is a General Electric, 30 h.p., 60 cy., 3 ph., 220 v., 1765 r.p.m. Pump is an oil lub Peerless Pump, #84576. There is a 4" line leading to a fire hydrant to the West with a 4" cutoff valve close to the pump. There is an 8" line leading to the East for irrigation. This 8" line leads 37 yards to the Northeast (continued below.)

5. Water is used for: Irrigation, domestic and fire protection

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):

SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 34, Twp. 9 South, Range 15 East, B. M.

(SEE MAP)

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

8. What large stream would the water here appropriated finally reach? _____

Remarks: where it delivers into his regular irrigation system. It has an 8" valve close to the pump so that the full pressure can be used for the fire fighting system. The fire fighting system operates at 65 lbs. pressure.

Switches and controls are Square D. Meter is a General Electric, 240 v., #12666536.

Temp. - 55° F.

Pump has not been operated this season. Water delivery was measured at .41' over an 18" cipolletti weir, equals 1.32 c.f.s.

This examination was made on the 28th day of June, 19 51

(Signed) E. H. Humphrey Examiner.

*Rechecked Aug 2-51 to get more accurate check.
21293
1 cfs on Aug 2-51 over 18" Cip. weir.*

G.E. motor # 12666536

240v,

8" pipe leads 37 yds to N.E.
into ditch system.

acres.

Temp.

Q

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.

C. D. McClain
Rt. 4, Buhl, Idaho

Permit No. 21293

Examination for Beneficial use

County Twin Falls

9S-15E.

P.D. = SW, SE, S 34

Q = 4.8 cfs.

S = well

Irreg. 240a.

dom. & fire protection.

141 over 18" lip weir

1.32 cfs = 66"

55°F

.53' - 18" weir

.954

47.70" water

RECEIVED
AUG 3 1951

Department of Reclamation

Pit = 7' x 8' x 6' deep. Concrete
board top (flat) 1" 6d. 2' x 4'

Over well - concrete floor

G.E. motor 30hp 60cy 3ph.

1765 rpm. 220V.

Peerless Pump # 84576
6" 1/2" tube

Well = 205' x 12" d. cast to 12'
to rock. - Pump sets 185'

8" bowls - 5 stage - 8" col.

h = 70 to 160' for drawdown
to 165'

4" line to W. for fire hydrant

4" valve on line

8" line to E for irrigation

8" valve on line

65# pressure for fire line

Square D. switch + control

~~Fire~~

$$Q = 1.0 \text{ cfs}$$

$$\text{Area} = 232 \text{ acres}$$

$$V = 2 \times 1 \times 244 = 488 \text{ AF/season}$$

$$\text{Season} = \text{March 15} - \text{Nov 15}$$

~~Range~~

$$Q = 0.02 \text{ cfs}$$

$$V = 0.57 \text{ AF}$$

Fire Fighting Protection

$$Q = 1.0 \text{ cfs}$$

$$V = \text{use when necessary}$$

7.7.

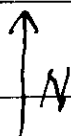
Total

$$Q = 1.0 \text{ cfs}$$

$$V = \text{Not to}$$

exceed

$$488.57 \text{ AF}$$



Twp 9S. R 15E

33

34

35

← Butel approx. 3 Mi.

U.S. #30

Buildings

Area irrig. = 232 acres.

P.D. is in SW $\frac{1}{4}$ SE $\frac{1}{4}$ S. 34

T. = 55°F.

Q = 1 cfs.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21293

REPORT ON PROOF OF Beneficial use

1. cfs
more

app. 4.8 cfs

232 acres

6-40's

January 2, 1950

Re: Permits Nos. 21293 and 21294

Mr. Frank L. Stephan
Bank & Trust Co. Building
Twin Falls, Idaho

Dear Mr. Stephan:

We acknowledge receipt of your letter of December 29, 1950, enclosing the depositions of C. D. McClain and two witnesses in Proof of Beneficial Use under Permit No. 21293; the depositions of C. W. McClain and two witnesses in Proof of Beneficial Use under Permit No. 21294; and Affidavits of Publication in the Twin Falls Times-News in connection with each of these Permits.

Before final action is taken in the matter, the law requires that a field examination be made by an Engineer from this Department.

We cannot say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, he will try to contact the Permit Holders at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21293

STEPHAN, STEPHAN AND HEAP

FRANK L. STEPHAN
ROBERT W. STEPHAN
EDWARD H. HEAP

ATTORNEYS AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING

TWIN FALLS, IDAHO

December 29,
1950

RECEIVED
DEC 30 1950

Department of Reclamation

HONORABLE MARK R. KULP
State Reclamation Engineer
Department of Reclamation
State Capitol Building
Boise, Idaho

Dear Mr. Kulp:

Re: Permits numbered 21293 -
C. D. McClain; and
21294 - C. W. McClain.

Proof of Application of Water to Beneficial Use on the above numbered permits was had at my office on December 29th, 1950, pursuant to notice published in the Times-News. No one appeared in opposition to the Proof, and I am now enclosing in connection therewith the following:

Affidavit of Publication of Notice of Proof of
Application of Water to Beneficial Use on Per-
mit No. 21293;

Deposition of Holder C. D. McClain, Deposition
of Witness Fritz G. Kaster, and Deposition of
Witness Howard G. Parish on Permit No. 21293;

Affidavit of Publication of Notice of Proof of
Application of Water to Beneficial Use on Per-
mit No. 21294;

Deposition of Holder C. W. McClain, Deposition
of Witness W. G. Kinyon, and Deposition of Wit-
ness John Blick on Permit No. 21294.

It will be appreciated if you will acknowledge receipt of
the enclosed instruments.

With kind regards, and best wishes for a Happy and Prosper-
ous New Year, I am

Very truly yours,

STEPHAN, STEPHAN AND HEAP

By Frank L. Stephan
Frank L. Stephan

21293

FLS 1
Enc 6

Affidavit of Publication

STATE OF IDAHO,
COUNTY OF TWIN FALLS

SS.

No 3625

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at Ten A. M. on the 29th day of December, 1950, at Twin Falls, County of Twin Falls, State of Idaho, before Frank L. Stephan, a Notary Public, proof will be submitted of the application to beneficial use of 4.8 cubic feet per second of the waters of subterranean flow from a well in accordance with the terms and conditions of Permit No. 21293 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 C. D. McClain, Route 4, Buhl, Idaho. The use to which said water has been applied is irrigation, domestic and fire protection.

The amount applied to beneficial use is 4.8 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, Township 9 South, Range 15 E. B. M. and S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, Township 9 South, Range 15 E. B. M., Twin Falls County, Idaho.

The name of the ditch or other works by which said water is conducted to such place or places. Privately owned ditches on the above described land.

The right to take water from such works is based upon Permit No. 21293.

The source of supply from which such water is diverted is subterranean water from a well located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 34, Twp. 9 S., Rge. 15 E. B. M.

The date of priority which said user is prepared to establish is December 27, 1949.

MARK R. KULP,

State Reclamation Engineer

Pub.: Nov. 30; Dec. 7, 14, 21, 1950.

I, Lisa Maloney, 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 or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

4 consecutive Thursday, commencing with the issue dated November 30, 1950, and ending with the issue dated December 21, 1950.

And I do further certify that said newspaper is a consolidation, effective Feb. 16, 1942, 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 paper 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} 58-108 I. C. A., 1932, as added thereto by Chapter 154, Idaho 1933 Session Laws, Thursday of each week has been designated as the day on which legal notice required 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.

Lisa Maloney
Subscribed and sworn to before me this 22nd day of

December, 1950.
Marie Selanga
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21293

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. C. D. McCLAIN, residence and post office address R. F. D. 4, Buhl, Idaho; farmer and stockgrower.

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 #21293, dated November 19, 1949, date of priority Dec. 17, 1949

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

Ans. Source of water supply is subterranean water beneath SW $\frac{1}{4}$ SE $\frac{1}{4}$ 34-9-15; point of diversion is a well tapping said subterranean water located approximately 300 feet east and 240 feet north from southwest corner of SW $\frac{1}{4}$ SE $\frac{1}{4}$ 34-9-15.

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.

Ans. Works consist of a well above described 205 feet deep, equipped with 190 feet of 8" steel column, and 12 feet of 12 inch steel casing, equipped with a Peerless Turbine Pump driven by 30 H.P. electric motor, and 70 feet of 8" steel pipe to carry water to open ditches which convey water to place of use. Also equipped with fire plug for fire protection, and water is also used for watering stock. Depth of well to water is 79 feet. Works are capable of conducting to place of use 90 inches of water. Pump discharges 65 inches of water with little variance. Water delivered by pump was measured over a water weir. Ditches and pipe conveying water from well to place of use are owned by holder.

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. Water is used for irrigation, domestic and fire protection and for watering livestock on SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of 34-9-15. Well water is combined with Twin Falls Canal Co. water and used on all of the above described real estate for said purposes during the crop season of 1950. All of the above described 240 acres except approx. 11 acres used for roads and building sites was irrigated during crop season of 1950. All of said premises is cultivated - none being natural meadow land. All improvements on place were installed and built prior to the digging of said well, but productivity of land itself is greater since use of water from said well.

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. Minimum amount of water required is one inch to the acre.

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. During fall of 1949 and spring of 1950 water from said well used for watering livestock. During all of crop season of 1950 all water produced by said well was used in conjunction with Twin Falls Canal Co. water for irrigation of above described 240 acres in producing potatoes, hay and corn during all times when said crops needed irrigation.

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. The above described land has appurtenant to it 240 shares of water evidenced by 240 shares of the capital stock of Twin Falls Canal Co. Water from Twin Falls Canal Company has been combined during crop season of 1950 with water from said well for irrigation of crops on 240 acres above described. Said Twin Falls Canal Co. water right is 5/8ths of an inch per acre.

(Sign) _____

E. P. McLean

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 29th day of December

A. D. 1950,

David L. Stephens

Notary Public for Idaho,

Residing at Twin Falls, Idaho

My commission expires May 15, 1953

21293

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO**

Permit No. 21293

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. HOWARD G. PARISH; age 33 years, occupation, farmer; post office address, Buhl, Idaho, Route #4

Ques. 2. Are you acquainted with C. D. McCLAIN, the holder of Permit No. 21293? How long have you known him and where does he reside? Yes, I am acquainted with C. D. McClain, the holder of Permit

Ans. No. 21293. I have known him approximately ten (10) years. He resides on his farm, described as South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and Southeast Quarter (SE $\frac{1}{4}$) of Section 34, Township 9 South, Range 15 E, B. M., Twin Falls County, Idaho, which is located one mile west of my residence.

Ques. 3. Have you read or heard read said Permit No. 21293, and are you familiar with its provisions and conditions?

Ans. Yes, I have heard said Permit No. 21293 read and am familiar with its provisions and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use. **SOURCE:** Subterranean body of water lying beneath the surface of SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Twp. 9 South,

Ans. Range 15 E. B. M., Twin Falls County, Idaho. POINT OF DIVERSION: 300 feet East and 240 feet North of the southwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Twp. 9 South, Range 15 E. B. M., Twin Falls County, Idaho. WORKS: 1-30-horsepower Peerless electrically driven turbine pump installed in the well drilled in the SW corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34; the water when lifted from the well is pumped into the system of open ditches thru which it can be conveyed to any and all parts of the 240-acre tract for irrigation.

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? I estimate said works will safely conduct to place of use at least from 65 to 75 inches

Ans. of water, and I have seen from 50 to 65 inches being so conveyed. The system of ditches will carry at least 250 inches of water.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen the pump in operation and I have seen it delivering in my estimation 65 miner's inches of water, and I have seen the water run through a 3-inch weir and believe that the flow of water amounted to 65 miner's inches at that time.

21293

Ques. 7. 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. I have seen the water pumped from the well and run into the system of irrigation ditches established on said 240-acre farm, and I have seen ~~the water conveyed to all parts of that farm for supplemental irrigation,~~ domestic purposes and for fire protection. All of the farm lands comprising the 240-acre tract are cultivated lands. There are no natural meadows on ~~the farm. All is under cultivation. No additional improvements have been~~ added to the farm by reason of the above described well. The farm was highly improved before the supplemental water was procured.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. The water besides being used for irrigation may be used for watering livestock and for fire protection. The water may be run into a pond constructed for watering livestock, and the pump is equipped with fire hose and proper connections suitable for fighting fire.

Ques. 9. (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. The land is first-class farming land. In my estimation the land should have at least one miner's inch of water to the acre for irrigation purposes.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None whatsoever.

Ques. 11. 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. I witnessed the pump in operation on the well hereinabove referred to several times during the months of July and August, 1950, and saw it operating efficiently and delivering approximately 65 inches of water or thereabouts.

(Signed)

Samuel L. Parish

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 29th day of December, A. D. 1950.

Frank R. Taylor

Notary Public.

My commission expires May 15, 1953.

21293

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21293

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. FRITZ G. KASTER; age, 48 years; occupation, farmer; post office address, Route #4, Buhl, Idaho.

Ques. 2. Are you acquainted with C. D. McClain, the holder of Permit No. 21293? How long have you known him and where does

he reside? Yes, I am acquainted with C. D. McClain, the holder of Permit No. 21293. I have known him approximately eight (8) years. He resides Ans. on his farm, described as South Half of the Northeast Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$) and Southeast Quarter (SE $\frac{1}{4}$) of Section 34, Township 9 South, Range 15 E.B.M., Twin Falls County, Idaho, and my farm joins his on the West and my residence is located approximately 200 yards from his land.

Ques. 3. Have you read or heard read said Permit No. 21293, and are you familiar with its provisions and conditions?

Ans. Yes, I have heard read said Permit No. 21293 and am familiar with its provisions and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use. SOURCE: Subterranean body of water lying beneath the surface of SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Twp. 9 South, Range 15 E.B.M., Twin Falls County, Idaho. POINT OF DIVERSION: 300 feet East and 240 feet North of the Southwest Corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Twp. 9 South, Range 15, E.B.M., Twin Falls County, Idaho. WORKS: 1 30-horsepower Peerless electrically driven turbine pump installed in the well drilled in the SW corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34; the water when lifted from the well is pumped into the system of open ditches through which it can be conveyed to any and all parts of the 240-acre tract for irrigation thereof.

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? I estimate said works will safely conduct to place of use at least from 65 to 75 inches of

Ans. water, and I have seen from 50 to 65 inches being so conveyed. The system of ditches will carry at least 250 inches of water.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. I have seen the pump in operation, and I have seen it delivering in my opinion 65 miner's inches of water, and I have seen the water run through a 3-inch weir and believe that the flow of water amounted to 65 miner's inches at that time.

21293

Ques. 7. 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. I have seen the water pumped from the well and run into the system of irrigation ditches established on said 240-acre farm, and I have seen the water conveyed to all parts of that farm for supplemental irrigation, domestic purposes and for fire protection. All of the farm lands comprising the 240-acre tract are cultivated lands. There are no natural meadows on the farm. All is under cultivation. No additional improvements have been added to the farm by reason of the above described well. The farm was highly improved before the supplemental water was procured.

Ans. lished on said 240-acre farm, and I have seen the water conveyed to all parts of that farm for supplemental irrigation, domestic purposes and for fire protection. All of the farm lands comprising the 240-acre tract are cultivated lands. There are no natural meadows on the farm. All is under cultivation. No additional improvements have been added to the farm by reason of the above described well. The farm was highly improved before the supplemental water was procured.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. The water, besides being used for irrigation, may be used for watering livestock and for fire protection. The water may be run into a pond constructed for watering livestock, and the pump is equipped with fire hose and proper connections suitable for fighting fire.

Ques. 9. (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. The land is first-class farming land. In my estimation the land should have at least one miner's inch of water to the acre for irrigation purposes.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. None whatsoever.

Ques. 11. 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. I witnessed the pump in operation on the well hereinabove referred to several times during the months of July and August, 1950, and saw it operating efficiently and delivering approximately 65 inches of water or thereabouts.

(Signed)

Fritz G. Kasten

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 29th day of December, A. D. 1950.

Frank L. Seyler

Notary Public.

My commission expires May 15, 1953.

21293

November 29, 1950

Re: Permit No. 21293 and 21294

Mr. Frank L. Stephan
Bank & Trust Co. Building
Twin Falls, Idaho

Dear Mr. Stephan:

We enclose the necessary forms for making
Proof of Beneficial Use under the above numbered Per-
mits in the name of C. D. McClellan and C. W. McClellan,
which should have been sent you in our letter of
yesterday.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21293

November 28, 1950

Re: Permits Nos. 21293 and 21294

Twin Falls Times-News
Twin Falls, Idaho

Gentlemen:

We enclose two notices for publication once a week for four consecutive weeks prior to December 29, 1950, commencing with your issue of November 30, 1950, if possible.

The expense of publication is to be paid by the applicants, Messrs. C. D. and C. W. McClain, but please send the Affidavits of Publication directly to Mr. Frank L. Stephan in the Bank and Trust Company Building, Twin Falls, Idaho.

Please acknowledge receipt of these notices and furnish this Department with a copy of your first issue containing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21293

✓
November 28, 1950

Re: Permits Nos. 21293 and 21294

Mr. Frank L. Stephan
Bank and Trust Co. Building
Twin Falls, Idaho

Dear Mr. Stephan:

We are in receipt of your letter of November 27, 1950, enclosing Notices of Beneficial Use Proof on the above numbered Permits, in the name of C. D. McClain and C. W. McClain.

By this same mail we are sending a copy of these notices to the Twin Falls Times-News, with instructions to publish them once a week for four consecutive weeks, commencing with this weeks issue if possible, and to send the Affidavits of Publication, together with statement of costs, directly to you.

Since these proofs were due on or before November 19, 1950, the priority date will have to be set ahead the length of time past due, or until December 27, 1949.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21293

FRANK L. STEPHAN
ATTORNEY AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO

RECEIVED
NOV 28 1950
Department of Reclamation

November 27, 1950

HONORABLE MARK R. KULP
State Reclamation Engineer
Capitol Building
Boise, Idaho

Dear Mr. Kulp:

Att. Mrs. Jeanne Anderson
Re: Permit 21293 - C.D. McClain
Permit 21294 - C.W. McClain

We have overlooked getting our Proof of Beneficial Use in on time on the above numbered permits.

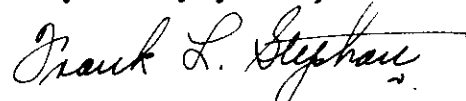
I am enclosing herewith in connection with Proof of Beneficial Use on each of the above numbered Permits Direction to Publish Notice and original and copy of Notice. I have set the 29th day of December, 1950 for the hearings on the pfoof. If it would be possible for you to send out the notices promptly after receipt of this letter the Times-News could perhaps get the notice in Thursday's issue. However, if it does not reach the paper in time for that publication there will still be time for four weeks' publication before the 29th day of December provided the first publication is had not later than December 7.

I found on checking with Mr. C. D. McClain today that Mr. C. W. McClain has gone hunting and will not be back for a couple of weeks so I have signed the Direction to publish for him as his attorney, as the McClains would like to have the proof made on the 29th of December on both permits.

When you send the notices to the Times-News please direct it to forward the Affidavits of Publication to me.

With kind regards, I am

Very truly yours,



Frank L. Stephan

FLS:D
Enc.6

21293

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) November 27, 1950

(P. O.) Route 4, Buhl, 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.

C. D. McClain

(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.

21293

6-16-50
11-16-50

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

Notice is hereby given that at Ten A. M. on the 29th day of December, 1950,
at Twin Falls, County of Twin Falls, State of Idaho, before
Frank L. Stephan, a Notary Public, proof will be submitted of the
application to beneficial use of 4.8 cubic feet per second of the waters of subterranean flow
from a well in accordance with the terms and conditions of Permit No. 21293
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.....
C. D. McClain, Route 4, Buhl, Idaho

The use to which said water has been applied is irrigation, domestic and fire
protection.

The amount applied to beneficial use is 4.8 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) S½ NE½ Section 34, Township 9 South, Range 15 E. B. M. and
SE½ of Section 34, Township 9 South, Range 15 E. B. M., Twin Falls
County, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is Privately owned ditches on the above described land.

The right to take water from such works is based upon Permit No. 21293.

The source of supply from which such water is diverted is subterranean water from a well
located in SW½ SE½ of Sec. 34, Twp. 9 S., Rge. 15 E. B. M.

The date of priority which said user is prepared to establish is December 27, 1949.
~~November 17, 1949~~

MARK R. KULP
State Reclamation Engineer.

21293

September 6, 1950

Re: Permits Nos. 21293 and 21294

Mr. Frank L. Stephan
Bank and Trust Company Bldg.
Twin Falls, Idaho

Dear Mr. Stephan:

In writing you recently enclosing Certificates of Completion of Works under the above numbered Permits in the name of C. D. McClain and C. W. McClain, we failed to note that Beneficial Use Proof is due on both these Permits on or before November 19, 1950.

We enclose the necessary forms for Notice and publication in connection with these proofs, consisting of two Form 10 and one Form 11 for each Permit, with an extra copy of each for your own files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21293

✓
September 1, 1950

Re: Permit No. 21293

Mr. Frank L. Stephan
Twin Falls Bank & Trust Co. Bldg.
Twin Falls, Idaho

Dear Mr. Stephan:

We enclose Certificate of Completion of Works issued under Permit No. 21293 in the name of C. D. McClellan of Route 4, Buhl, Idaho, for the diversion of 4.8 second feet of water from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, Township 9 South, Range 15 East, B.M. for irrigation, domestic, and fire protection uses on the S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{2}$ of said Section.

We also enclose Departmental Receipt No. 22619 for the \$5.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21293

FRANK L. STEPHAN
ATTORNEY AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO

August 24, 1950

HONORABLE MARK R. KULP
State Reclamation Engineer
CAPITOL Building
Boise, Idaho

Dear Mr. Kulp:

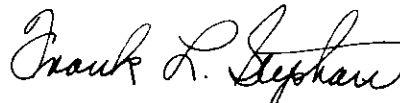
RE: Permit No. 21293
C. D. McClain
Att. Mrs. Jeanne L. Anderson
Chief Clerk

I am enclosing herewith Affidavit of C. D. McClain and of two witnesses, Jack Witherspoon and Paul R. Neumann, on Proof of Completion of Works in the above matter. I am also enclosing herewith my check for \$5.00 to cover filing of Proof of Completion of Works. If the enclosed instrument are in order please send Certificate of Completion of Works to me.

Mr. McClain will wish to enter Proof of Beneficial Use prior to November 19, 1950. At your convenience please send papers for making that proof to me so that we can arrange for necessary publication, etc.

With kind regards, I am

Very truly yours,



Frank L. Stephan

FLS:D
Enc.4

RECEIVED
AUG 25 1950
Department of Reclamation

21293

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement)
of Permit No. 21293 Under the)
Provisions of Section ~~5594, Idaho~~)
~~Compiled Statutes~~ 42-311, Idaho Code.)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 21293 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: May 19, 1950; and,

WHEREAS, On the 7th day of August, 1950, ~~192~~ notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 17th day of August, 1950, ~~192~~ the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 25th day of August, 1950, ~~192~~ depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ **Engineer** State Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21293, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 21293 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 31st day of August, 1950.

Mark R Kulp
~~Commissioner of Reclamation~~
State Reclamation Engineer
By _____ Assistant

21293

PERMIT NO. 21293

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. C. D. McClain, residence and postoffice address R.F.D. 4, Buhl Idaho; occupation farmer and livestock grower.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Permit No. 21293, dated Nov. 19, 1949, authorized to divert 4.8 cubic feet per second subterranean water from well located approximately 300 feet east and 240 feet north from SW corner of SW 1/4 SE 1/4 34-9-15

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. irrigation, domestic and fire protection purposes, for irrigation and watering livestock on SW 1/4 NE 1/4, SE 1/4 NE 1/4, SE 1/4 of Section 34, Township 9 South, Range 15 E. B. M.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Well was completed about August 25, 1949 and pump installed. Well produces 90 inches of water and has been used during winter of 1949-50 for livestock watering and has been used for irrigation during 1950. Also equip-

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Works were all completed August 25, 1949 fire protection.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Well is 205 feet deep, equipped with 190 feet of 8" steel column, and 12 feet of 12 inch steel casing, equipped with PEERLESS Turbine Pump driven by 30 H.P. electric motor, and 70 feet of 8" steel pipe to carry water to open ditches which convey water to place of use. Also equipped with fire plug for fire protection.

(Sign here.)

C. D. McClain

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 24th day of August, A. D. 1950.

James L. Stephenson

Notary Public.

My Commission expires May 15, 1953 Residing at Twin Falls, Idaho

21293

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 21293

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Paul R. Neumann, residence and post office address R. F. D. 2, Twin Falls, Idaho; occupation: sales engineer.

Ques. 2. Are you acquainted with C. D. McClain, the holder of Permit No. 21293, authorizing the diversion of 4.8 second-feet of the waters of subterranean waters near Buhl, Idaho ~~xxabx~~ irrigation and domestic for irrigation and domestic purposes? How long have you known him, and where does he reside?

Ans. Yes, I know Mr. McClain and have known him for about ten years. He lives on a farm near Buhl, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21293, and are you familiar with its terms and conditions?

Ans. I have read the permit and am familiar with its terms and conditions.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. I am familiar with the land proposed to be irrigated under the Permit. Soil is deep, lava ash soil and will require one inch of water to the acre for profitable cultivation. Mr. McClain also used the water for watering livestock and fire protection.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Works were fully completed Aug. 25, 1949 and are of sufficient capacity to convey water covered by permit. At present producing about 90 inches.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Works consist of a 205 foot well equipped with 190 feet of 8" steel column, and 12 feet of 12 inch steel casing, equipped with Peerless Turbine Pump driven by a 30 H.P. electric motor and 70 feet of 8" steel pipe to carry water to open ditches which convey water to place of use. Well also equipped with standard fire hydrant for fire protection.

(Sign here.)

Paul R. Neumann

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, at my office in Twin Falls, County of Twin Falls, State of Idaho, on this 24th day of AUGUST, A. D. 1950.

James L. Stephens
Notary Public for Idaho,
Residing at Twin Falls, Idaho.

21293

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 21293

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Jack Witherspoon, residence and post office address: 1937 Elizabeth Boulevard, Twin Falls, Idaho; occupation - electrical merchant.

Ques. 2. Are you acquainted with C. D. McClain, the holder of Permit No. 21293, authorizing the diversion of 4.8 second-feet of the waters of subterranean waters near Buhl, Idaho, ~~xxx~~ irrigation and domestic for purposes? How long have you known him, and where does he reside?

Ans. Yes I know Mr. McClain and have known him for about three years. He lives on a farm near Buhl, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21293, and are you familiar with its terms and conditions?

Ans. Yes, I have read the permit and am familiar with its terms and conditions.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. I am acquainted with the land proposed to be irrigated under the Permit. Soil is deep lava ash soil and will require one inch of water to the acre for profitable cultivation. He wishes to and does use water for water of livestock and for fire protection

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Works were fully completed August 25, 1949 and are of sufficient capacity to convey water covered by permit. However, about 90 inches is produced from well at this time.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Works consist of a 205 foot well equipped with 190 feet of 8" steel column, and 12 feet of 12 inch steel casing, equipped with Peerless Turbine Pump driven by a 30 H. P. electric motor and 70 feet of 8" steel pipe to carry water to open ditches which convey water to place of use. Well also equipped with standard fire hydrant for fire protection.

(Sign here.)

Jack Witherspoon

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, at my office in Twin Falls, County of Twin Falls, State of Idaho, on this 24th day of August, A. D. 1950.

Spencer L. Stephens
Notary Public for Idaho,
RESIDING at Twin Falls, Idaho.
21293

✓
August 23, 1950

Re: Permit No. 21293

Mr. Frank L. Stephan
Bank & Trust Co. Building
Twin Falls, Idaho

Dear Mr. Stephan:

We enclose Departmental Receipt No. 22608
for the \$1.00 fee for copy of Permit No. 21293.

The forms for depositions of witnesses in
connection with Completion of Works Proof on the
C. W. McClain Permit have no doubt reached you, as
they were mailed a couple of days ago.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21293

FRANK L. STEPHAN
ATTORNEY AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO

August 21, 1950

HONORABLE MARK R. KULP
State Reclamation Engineer
Capitol Building
Boise, Idaho

Dear Mr. Kulp:

Re: Permit No. 21293
C. D. McClain

Thank you for your letter of August 17th enclosing copy of above numbered Permit and forms for making Proof of Completion of Works on the above numbered permit. I am enclosing herewith my check for \$1.00 to cover cost of permit.

Will you please send me two blank forms of witnesses on Proof of Completion of Works for use on the C. W. McClain Proof. I sent you his affidavit several days ago but inasmuch as he was also late I presume you will want corroborating affidavits on his Proof of Completion also.

With kind regards, I am

Very truly yours,

Frank L. Stephan

Frank L. Stephan

FLS:D
Enc.1

RECEIVED
AUG 23 1950
Department of Reclamation

21293

✓
August 17, 1950

Re: Permit No. 21293

Mr. Frank L. Stephan
Twin Falls Bank & Trust Co. Bldg.
Twin Falls, Idaho

Dear Mr. Stephan:

We enclose a copy of Permit No. 21293 in the name of C. D. McClain, as per your request of August 16. We assume that you did not care to have this certified, so the cost is only \$1.00.

Since Completion of Works Proof is past due, it will be necessary to submit the depositions of two witnesses in addition to his own deposition, the forms for which are enclosed. These depositions should definitely state that the works were completed on or before May 19, 1950, the due date.

We are practically out of application forms, although some have been ordered for several weeks, and we should receive them from the printer very soon. Meanwhile, we have had to fall back on some discarded copies and we are enclosing you three of these which can be used in an emergency, and as soon as we receive other forms from the printer, we shall send you a supply.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21293

FRANK L. STEPHAN
ATTORNEY AT LAW
TWIN FALLS BANK AND TRUST CO. BUILDING
TWIN FALLS, IDAHO

August 16, 1950

AUG 17 1950
Department of Reclamation

HONORABLE MARK R. KULP
State Reclamation Engineer
Boise, Idaho

Dear Sir:

Att. Mrs. Jeanne Anderson
Re: Permit No. 21293
C. D. McClain

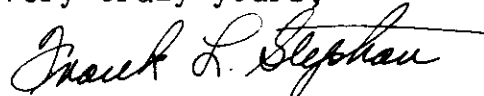
Mr. C. D. McClain of R. F. D. 4, Buhl, Idaho has brought to our office copy of your communication dated August 7, 1950 in which you state Completion of Works Proof should have been submitted by May 19, 1950 and that he shall have forty days from August 7, 1950 to comply with terms of Permit or the same will be canceled.

Mr. McClain has actually completed the works covered by the permit. He explained to me that he did not realize he had to do anything further on the matter and has even misplaced his Permit. Will you therefore please forward to me a copy of the Permit, and also blanks for making proof of completion of works on the above numbered permit?

Thanking you for your courtesies in this regard and I will promptly remit the amount of your fees for making up a copy of the Permit.

When forwarding the McClain papers will you also please send to me some more Permit Application forms. We use quite a good many of them and have run out of the last forms you forwarded to me.

Very truly yours,



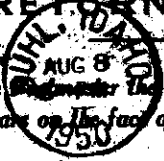
Frank L. Stephan

FLS:D

21293

Form 3
Rev. 1-4

RETURN RECEIPT

Received from the  the Registered or Insured Article, the original number of which appears on the face of this Card.

1 By Mrs C. D. McClain
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 8-8-50, 19

U. S. GOVERNMENT PRINTING OFFICE 16-12421-1

21293

Post Office Department
OFFICIAL BUSINESS

PERMIT FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$388
(GPO)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

POSTMARK OF DELIVERING
OFFICE

Return to

(NAME OF SENDER)

Street and Number,
or Post Office Box,

Room 107

State House

REGISTERED ARTICLE

No. 87973

INSURED PARCEL

BOISE,

IDAHO.

No.

21293

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

August 7 1950

Re: Permit No. 21293

To: Mr. C. D. McClain
Route 4
Buhl, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 21293
to appropriate the Public Waters of the State of Idaho, have not been complied with as to
Completion of works May 19, 1950

you are hereby notified in compliance with Sec. 42-311, Idaho Code annotated that said Permit No. 21293
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 21293 claims the use of 4.3 cubic feet per second of the
waters of subterranean flow from a well with point of diversion located
in the SW 1/4 SE 1/4 Section 34, Twp. 9 S., Range 15 E., B. 4.
and was approved November 13, 1949

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
7th day of August 1950.

Mark R. Kulp

State Reclamation Engineer.

By Assistant.

21293

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 21293

Date November 23, 1949

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

Mr. C. D. McClellin
Rt. 4
Buhl, Idaho

MARK R. KULP
State Reclamation Engineer

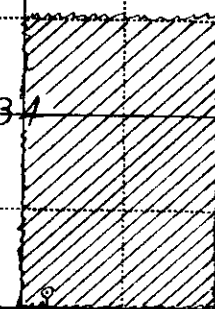
21293

T. 9 S., R. 15 E.

33

34

35



Point of Diversion-Well

Permit Map No. 21293

As Approved

NOV 10 1949

MARK R. KULP

Professional Engineer