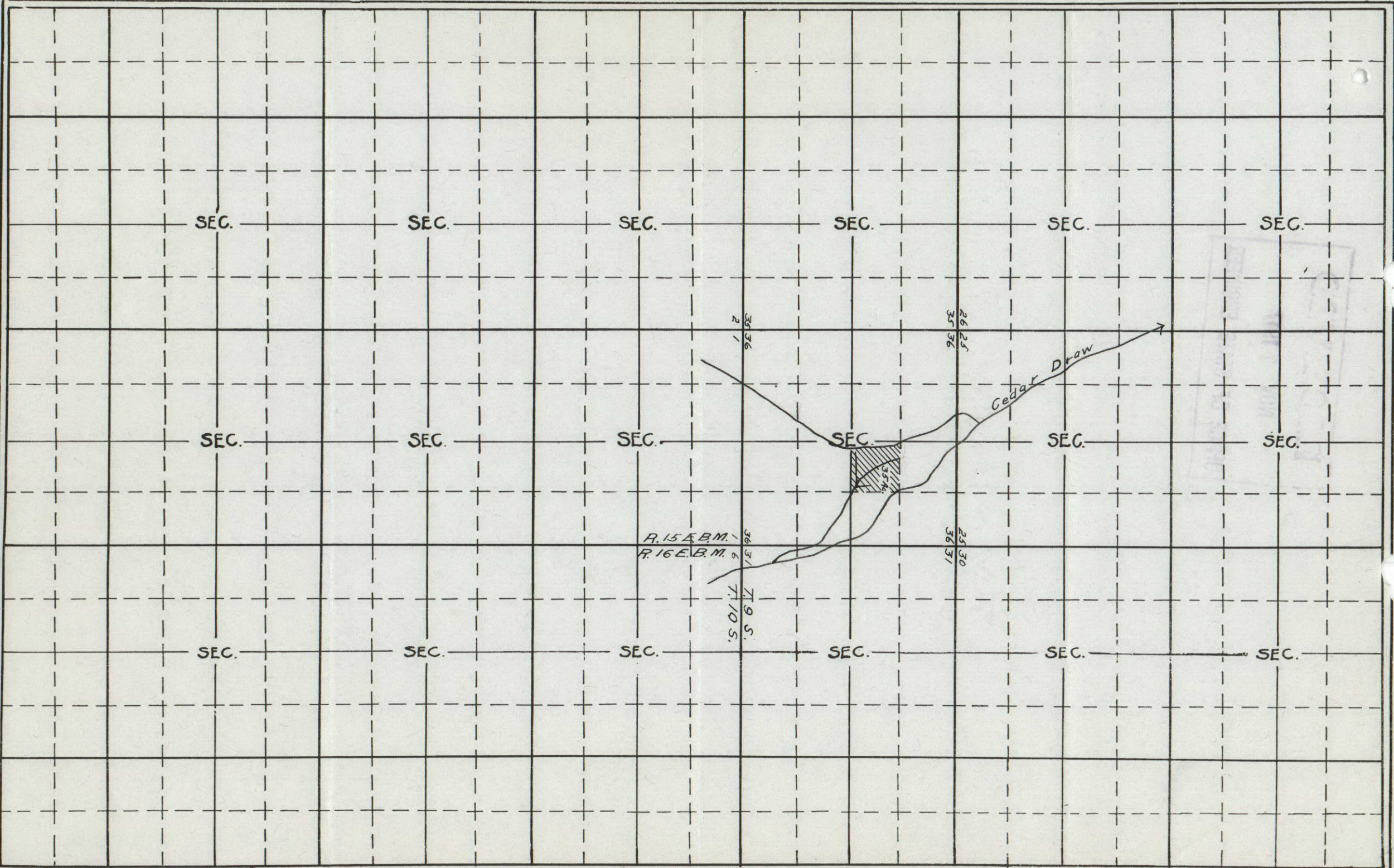


Name of Applicant: Abel C. McKinley - Permit 11307

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

11307



MAP
Abel J. McKinley

SEC.

SEC.
24

SEC.
19

SEC.

SEC.

SEC.

Twp 9 S. R 15 E. BM

Twp 9 S. R 16 E. BM

SEC.

SEC.
25

SEC.
30

SEC.

SEC.

SEC.

SEC.

SEC.
36

SEC.
31

SEC.

SEC.

SEC.

LAND Targeted



Cedar Creek
Ditch

Point of
Diversion

Name of Applicant
Abel J. McKinley

SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.

11307

Affidavit of Publication

STATE OF IDAHO
County of Twin Falls

that he is the *Editor* of the Filer Journal, a newspaper of general circulation, published weekly in Filer, in said County and State; that the annexed notice was published *4* successive weeks in said newspaper; that the date of the first publication was on the *23d* day of *April* 1915; that the date of the last publication was on the *14th* day of *May* 1915.



Notary Public



in it and it is
all the same
and it is the
same as the
one in the
file.

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water
to Beneficial Use.

Notice is hereby given that at 10 a. m. on the 22rd day of October 1915, at Twin Falls, County of Twin Falls, State of Idaho, before C. C. Siggins, U. S. Commissioner, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of (Cedar Draw) in accordance with the terms and conditions of Permit No. 11307 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Abel J. McKinley, Filer, Idaho.

2. The use to which said water has been applied is Irrigation and Domestic use.

3. The amount applied to beneficial use is one cubic foot per second.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) — SE1-4NW1-4, SW1-4NE1-4 Section 36 in Township 9 South; of Range 15 E. B. M.

5. The right to take the water from such works is based upon Permit No. 11307.

6. The source of supply from which such water is diverted is the waters of Cedar Draw.

7. The date of the priority which said user is prepared to establish is May 5, 1915. J. H. SMITH,

State Engineer.

1st pub Sep. 23 1905

Affidavit of Publication

STATE OF IDAHO

County of Twin Falls

ss.

JW Tanner, being first duly sworn, says that he is the *Publisher* of the Filer Journal, a newspaper of general circulation, published weekly in Filer, in said County and State;

that the annexed notice was published *4* successive weeks

in said newspaper; that the date of the first publication was on the *23d* day of *September* 191*5*, and the date of the last publica-

tion was on the *14th* day of *October* 191*5*.

Subscribed and sworn to before me this *16th* day of *Oct* 191*5*.

JW Tanner
Geo D Allen

Notary Public.

11307

Permit Map No. **11307**

As Approved

JUN 19 1915

BY
J. H. SMITH
STATE ENGINEER



County: Twin Falls.
Stream: Cedar Creek.
Amount: .7 of 1 sec. ft.
Use: Irrigation.
Priority: 5-5-15.
District No. 46.

2217

STATE OF IDAHO

Water License No. 11307
Water District No. 46.

WHEREAS, On the 5th day of May, A. D. 1915, Abel J. McKinley

of Filer, County of Twin Falls, State of Idaho, duly made application (No. 16371) to me for a permit to use one (1) cubic foot per second of the waters of Cedar Creek, in Water District No. 46, County of Twin Falls, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 19th day of June, A. D. 1915, Permit No. 11307 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 19th day of December, A. D. 1915, and for the application to beneficial use of said water on or before the 19th day of September, A. D. 1916, and,

WHEREAS, On the 19th day of May, A. D. 1916, Abel J. McKinley

the holder of said permit, duly made proof of the completion of adequate works for the diversion of one (1) cubic foot per second of said waters, as evidenced by my Certificate No. 11307 dated May 24, 1916, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use one (1) cubic foot per second of said water, with date of priority of May 5, 1915, and

WHEREAS, On the 23d day of October, A. D. 1915, Abel J. McKinley,

the holder of said permit, duly made proof of the application to beneficial use of .7 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to

Abel J. McKinley

of Filer, County of Twin Falls, State of Idaho, the holder and owner of said Permit No. 11307, a perpetual right, dating from May 5, 1915 to the use of .7 of 1 cubic foot per second of the waters of Cedar Creek,

in the County of Twin Falls and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 9 S., R. 16 E., B.M.,

and conducted to and upon 35 acres of land in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T. 9 S., R. 15 E., B. M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office at Boise, Idaho, this 29th day of December, A. D. nineteen hundred and seventeen.

J. H. SMITH,

(Seal)

State Engineer.

47 2097

500

Filer Idaho.

1-11-16.

Mr John H Smith.

Boise Idaho.

Re Permit 11307.

Enclosed

please find check for five
dollars. fee for proof
of completion of works.

Hoping you will forgive
delay as ever Yours

C D M. C. H. only

RECEIVED

JAN 12

OFFICE OF STATE ENGINEER

11307

Permit No.

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

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

Ans. Charles A. Vinning. Age 52 years. Farmer, Filer, Idaho.

Ques. 2. Are you acquainted with Abel H. McKinley, the holder of Permit No. 11492? How long have you known him and where does he reside?

Ans. Yes. Abel J. McKinley. I have known him three years Filer, Idaho.

Ques. 3. Have you read or heard read said Permit No. 11492, 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. Cedar Creek. SW 1/4 Sec. 31. T. 9 S. R. 16 E.B.M.
Stone dam one foot high, 30ft long, 1 1/4 miles long, and will carry about 150 inches of water.

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. About 150 inches.

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. Irrigation and domestic. SW 1/4 Sec. 36, T. 9S
R. 15 E.B. M. 40 acres has been irrigated, same has been cleared cultivated and a crop raised.

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

Ans. none

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. It will take about 50 inches of water, and the land is of a volcanic ash formation.

Twin Falls Canal Co.
Twin Falls, Idaho

Permits 11307

December 24, 1923.

Mr. W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:-

We have a copy of your letter of December
21st, to Mr. Arthur J. Peavy, which explains
your position in this matter **very clearly**,
and we thank you for your solicitation in
this matter.

I beg to remain

Very respectfully yours,

TWIN FALLS CANAL COMPANY.

By

W. C. Heddon
General Manager.

JCW-W

11307

December 21, 1923.

Re: Permits 11307-11429

Mr. Arthur J. Peavey,
Assistant Secretary,
Twin Falls Land and Water Co.,
Twin Falls, Idaho.

Dear Sir:

Your communication of the 17th relating to the above stated permit is received. Upon consulting the records it is found that Permit No. 11307 was reduced to a license issued December 29, 1917, calling for .7 of a second foot of the waters of Cedar Creek, intended to be apparently Cedar Draw, and that Permit No. 11429 was reduced to a license under date of December 29, 1917 calling for .5 of a second foot of the same creek.

A consideration of the status of this right with respect to the permit law and the authority of this office leads me to conclude that the same can not by any process be cancelled by the undersigned or any state official. This conclusion is based upon the thought that once a license is issued, the State having thus passed favorably upon the matter, it is foreclosed from taking further action thereon. However, this is my personal opinion. The question is really a legal one and naturally I may, therefore, be in error.

You will observe that these licenses were issued before the undersigned took office. I am not advised as to what the policy of the then State Engineer was with respect to issuing licenses under permits secured to appropriate waste water or water that naturally belonged to the Canal Company who had previously diverted same from the natural channel, hence I do not know upon what theory these licenses were issued.

It seems necessary, therefore, for me to decline your request and the request of the Twin Falls Canal Company to cancel these licenses. However, if your attorney or the attorney for the Canal Company can point out any provision of the law under which petitions for cancellations of these rights may be entertained by the undersigned, upon receipt of such information I will be glad to give the matter further consideration. A copy of this letter is being transmitted to Mr. Wheelon, manager of the Twin Falls Canal Company.

Very truly yours,

11307

WGS:P

Commissioner of Reclamation

December 20, 1923.

M E M O

Re: Permits 11307-11429.

W. G. Swendsen

Commissioner of Reclamation:

I take it from the attached correspondence, particularly Mr. Wheelon's letter of December 3d, that you have had some discussion with the Twin Falls Canal Company relative to the cancellation of these permits.

Upon referring to the record, I find that in each case a license has been issued. For that reason I am somewhat in doubt as to the regularity of cancelling these permits and licenses, and neither have I been able to think of a course of action which ^{might} ~~would~~ be upheld should the matter be taken to court.

I attached hereto the form of order used in cancelling a permit of this nature when proof of beneficial use was made.

Darter

11 307

January 29, 1918.

Re: Permit No. 11307.

Mr. Abel J. McKinley,
Filer, Idaho.

Dear Sir:

Enclosing herewith Water License
issued under above permit, with receipt for
fee.

Very truly yours,

J. H. SMITH,

State Engineer.

By

Enc: WL
R-278

MB

11307

Post Office Department
THIRD ASSISTANT POSTMASTER GENERAL
Washington

900-Finance

March 10, 1917.

Mr. J. H. Smith,
State Engineer,
Boise, Idaho.

Sir:

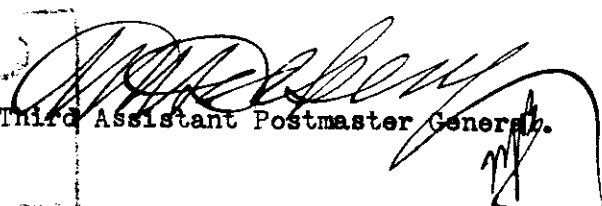
In reply to your letter of the 2nd instant, relative to Post Office Department warrant No. 562212 for \$6.00, which you have received and are unable to properly credit, you are advised that the warrant was issued to cover invalid money orders Nos. 128070 for \$4.00, and 128071 for \$2.00, drawn at Twin Falls, Idaho, on November 12, 1915, remitted by John Klavatz and Abel J. Mc Kenery, respectively, and payable at Boise, Idaho, to the State Engineer.

The warrant enclosed by you is herewith returned.

Respectfully,

Enclosure
Gr-FEP /

MAR 15 1917


Third Assistant Postmaster General.

WLB

11307

REPORT OF ENGINEER

1. State name of applicant and number of permit: Abel C. McKinley - Permit 11307
2. State source of water supply: Cedar Creek
3. Location of point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, T. 9S., R. 16E. B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: -----
5. Describe works as they exist, giving dimensions and capacities of same: -----
A pile of loose rock for a diversion dam.
Wooden headgate.
Earth ditch 2 ft. by 1.5 ft. with a very heavy grade.
Ditch somewhat out of repair at this date due to overflow water
from Cedar draw exceeding the capacity of ditch. Otherwise a good ditch
with ample capacity for the land irrigated.
6. State whether or not water has been turned into works of diversion: -----
Yes
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): -----
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, T. 9S., R. 15E. B.M. 35 acres.
8. Submit map on enclosed plat, showing location and details of above description.
- Remarks: Cedar draw carried a very large stream (approx. 75 sec. ft.)
on the date of this examination.
No information was obtained as to the usual flow.
This same ditch is used by John Hlavaty - Permit 11429

This examination was made on the 16 day of Oct. 1917

(Signed) M. B. Lewis Examiner.

June 1st, 1916.

Re: Permit 11307.

Abel J. McKinley,
Filer, Idaho.

Dear Sir:-

Enclosed please find Certificate of Completion
of Works, issued under ~~the above~~ permit, together with
receipt of fees.

Very truly yours,

J.H.SMITH,

State Engineer.

By _____

C.C.W.
Receipt 8272.

11307

May 23, 1916.

Permit 11307.

Mr. Abel J. McKinley,
Piler, Idaho.

Sir:--

We note what you say relative to making proof of completion of works under above permit. Under the circumstances, your affidavit will be accepted but we are very much surprised that the U.S. Commissioner should tell you that you had another year when your permit reads that proof of completion of works should be made on or before December 19, 1915, and it stands to reason that the proof of completion of works would have to be made ~~at the same time, if not prior to,~~ the date of final proof. Then Certificate of completion of works will be issued soon.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

11307

State of Idaho
Engineering Department
Boise

May 20, 1916.

Re Permit No. 11307 .

Mr. Abel J. McKinley,
Filer, Idaho.

Sir:--

Under the head of "Remarks" on the enclosed affidavit, you should state why the affidavit for proof of completion was not made on the same date as the proof of beneficial use of water.

Very truly yours,

J. H. SMITH,

State Engineer.

AH

By C. Brown,

In reply to the remarks I did not know that had to be done as the A.B. agent told me that I had a year to do it in

Yours Truly

A. J. McKinley

11307

May 22. 19. 6

Fear per Jon R

May 20, 1916.

Re Permit No. 11307 .

Mr. Abel J. McKinley,
Piler, Idaho.

Sir:--

Under the head of "Remarks" on the enclosed affidavit, you should state why the affidavit for proof of completion was not made on the same date as the proof of beneficial use of water.

Very truly yours,

J. H. SMITH,

State Engineer.

AH

By _____

Permit No. 11307

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Twin Falls } ss.Abel J. McKinley, 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. 11307 and that his postoffice address is File
 State of Idaho

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

Third: That the point of diversion of said water is SW 1/4 NW 1/4 - Sec 31

Township 9 N. R. 16 E.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 19 1915

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 (or were not) fully completed and consisted of the following:

I. Kind of works: Ditch, Dam & Headgate

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 1 feet, length of dam at top 20 feet, length of dam at bottom 20 feet. Material used in construction Rock

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width 2 feet, height 1 1/2 feet.

(d) Conduit Ditch width at bottom 2 feet, width at water line 2 feet, depth of water 3/4 feet; diameter of pipe _____ inches; average grade per mile is 10 feet. Length of conduit is 1 1/2 miles.

(State whether ditch, flume or pipe)

Seventh. That said works are capable of conducting to the place of intended use _____

_____ second feet of water.

Eighth. That water appropriated under said permit is available for 40 acres of land described as follows: SW 1/4 NE 1/4 - Sec 36

Township 9 South of Range 15 E. B.M.

Ninth. Remarks: That _____

Subscribed and sworn to before me this _____

_____ day of _____

1916

My commission expires July 30/1916

Abel J. McKinley
 (Sign here.)
Elmer H. Hagg
 Notary Public.

May 16, 1916.

Re Permits 11307-11429.

Mr. A. J. McKinley,
Filer, Idaho.

Sir:--

Am just in receipt of your letter enclosing check for \$5.00, presumably for proof of completion of works. I am herewith enclosing affidavit for said proof. This should be filled out ~~an~~ the earliest date possible and returned to this office. Notice of this proof is not required to be advertised. This affidavit should have been made on or prior to the date upon which you made final proof and the blank was sent to you but, through some oversight, the affidavit was not sent in ~~when~~ the depositions for final proof.

Under the head of remarks, you should explain why the affidavit is late.

I am also enclosing an affidavit form for John Hlavaty with the same instructions, as his affidavit for proof of completion should have been made on or prior to the date for beneficial use of water. There is also \$5.00 fee for his proof.

The money orders for final proof under these permits are being held here pending the report of our engineer. Mr. Wilkie will attend to the examinations during the last three days of this month, as he has business in Twin Falls the 27th and will take these up on his return.

Very truly yours,

J. H. SMITH,
State Engineer.

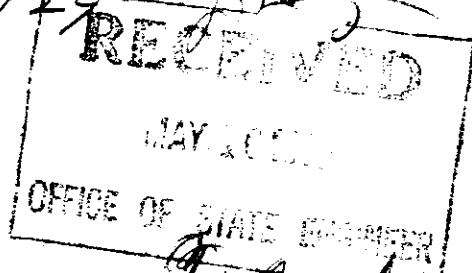
2F5-6

By _____

11 307

11307

11429



Filer Idaho

May 15-

State Engineer

By Sir

Inclosed find
\$5.00 (five dollars) Please
send Advertising Thanks
for myself and John Blawie
we will fill them out
and send them back.

Will you please have the ditch
surveyed right away as
we want to have it completed

Yours Truly
A. J. McKinley

11307

January 12, 1916.

Re Permit No. 11307.

Mr. C. D. McKinley,
Filer, Idaho.

Sir:--

We are in receipt of your letter enclosing personal check for fee for proof of completion of works under above permit. Am herewith returning same with notice relative to payment of fees now in force. I would say that the affidavit for proof of completion of works has never been sent in, altho we have written several times about it. This affidavit should have been made at the same time the depositions for final proof on the water were filled out, October 23, 1915, and the affidavit must bear the same date, or a special affidavit showing why same was made at that time. The records are not complete until this affidavit has been filed. I am again sending a blank for such affidavit. The fees should be returned with the affidavit.

Trusting that this matter may be attended to at once,
I am

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

P5-6

11307

No. 16371

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: **Abel J. McKinley**Postoffice address: **Filer**County: **Twin Falls** State: **Idaho**

- I. If applicant is a corporation, give
- (a) Date and place of incorporation:
 - (b) The amount of capital stock:
 - (c) The amount paid in:
 - (d) Names and addresses of directors:

- II. The financial resources of the applicant are: (a) Cash on hand:
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:

2. The quantity of water claimed is **one** cubic feet per second.3. Source of water supply: **Cedar Creek**4. Location of point of diversion: **SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31 Township 9 S. R. 16 E.**County of **Twin Falls,**5. To be used for: **Irrigation**

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: **80** acres.
 (b) In the following legal subdivisions:
SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Township 9 South, of Range 15 East Boise Meridian

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head(c) Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: **\$150.00**

7. Description of works for diversion:

I. Kind of works: **Ditch, dam and headgate**

II. Dimensions of works:

(a) Height of dam **1** feet, length of dam at top **20** feet,
 length of dam at bottom **20** feet. Material used in construction: **rock**

(b) Capacity of reservoir acre feet. (c) Size of headgate, width **2** feet,Height **$\frac{1}{2}$** feet. (d) Conduit **ditch** width at bottom **2** feet,width at water line **2** feet, depth of water **$\frac{3}{4}$** feet; diameter of pipe

inches; average grade per mile is **10** feet. Length of conduit is **$1\frac{1}{2}$** miles,
 and it crosses the following quarter sections:

**SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31, 9 S. R. 16 E. B. M. and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 36, Twp. 9 S. and
 Range 15 E. B. M.**

8. The time required for the completion of the construction of such work is **3 months** years.9. Time required for the complete application of the water to the proposed use is **1** additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters
 of the State of Idaho as herein set forth.

Abel J. McKinley

By

Applicant.

Agent.

December 27, 1915.

Re Permit 11307.

Mr. Abel J. McKinley,
Piler, Idaho.

Sir:--

We are in receipt of your affidavit for proof of completion of works under above permit. Upon receipt of the statutory fee of \$5.00, the certificate will be issued.

The money order for \$2.00, fees sent for proof of beneficial use of water, will be held pending receipt of the report of the examining engineer. This examination cannot now be made until weather conditions are more favorable.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

11307

~~11307~~

Permit No. 11307

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Twin Falls. } ss.Abel J. McKinley

, 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. 11307 and that his postoffice address is Filer.
State of Idaho.

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

Third: That the point of diversion of said water is SW¹/₄SW¹/₄ Sec. 31, Twp. 9 S., Range 16 E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 19th 1915.

Fifth: That the use for which said water is intended is Irrigation and domestic

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

I. Kind of works: Ditch, dam and headgate,
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 2 feet, length of dam at top 20 feet, length of dam at bottom 20 feet. Material used in construction Stone and earth

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width 2 feet, height $\frac{3}{4}$ feet.

(d) Conduit Ditch width at bottom 2 feet, width at water line $2\frac{1}{2}$ feet, depth of water $\frac{1}{2}$ feet; diameter of pipe _____ inches; average grade per mile is 10 feet. Length of conduit is $1\frac{1}{2}$ miles.

Seventh. That said works are capable of conducting to the place of intended use 150 inches second feet of water.

Eighth. That water appropriated under said permit is available for 40 acres of land described as follows: SW¹/₄NE¹/₄ Sec. 36 T. 9 South, Range 15 E. B. M.

Ninth. Remarks: That Crops have been raised on this land from irrigation from above water.

Abel J. McKinley
(Sign here.)

Subscribed and sworn to before me this 23rd day of October 1915., 1915.

My commission expires _____

U. S. Commissioner for the Dist of Idaho.

Notary Public.

11307

RECEIVED
DEC 22 1915
OFFICE OF STATE ENGINEER

December 20, 1915.

Re Permit 11307.

Mr. A. J. McKinley,
Piler, Idaho.

Sir:--

On November 13th we wrote you relative to affidavit of holder for proof of completion of works under above permit but, as yet, have received no reply. As the proof cannot be closed and certificate and license issued until this affidavit, with \$5.00 fee, has been received, I will ask that you attend to the matter as soon as possible. This affidavit should have been taken on the same date that your proof of the beneficial use of water was made, October 23rd, 1915. It will now be necessary for you to make a affidavit as to why this proof was not made on that date. The money order for \$5.00 fees for the final proof, is on file with the papers here.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

11307

November 13, 1915.

Re Permit 11307.

Mr. A. J. McKinley,
Piler, Idaho.

Sir:--

We are today in receipt of depositions of yourself and two witnesses, affidavit of publication and money order for fees for proof of beneficial use of water, but unaccompanied with the affidavit of holder and fee for proof of completion of works. The form for this proof was mailed you at the same time the blanks notices for final proof and the same should have been filled out at the same time. I am enclosing herewith a fresh blank to be filled out but the date of same should correspond to the date of the final proof, October 23, 1915.

Very truly yours,

J. H. SMITH,

State Engineer.

F5-6

By _____

11307

PERMIT No. 11307**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

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

Ans. A. J. McKinley, Age 38 Farmer, Filer, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and 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. No. 11307, July 30th 1915, July 30th 1915.

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

Ans. SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 31 T. 9 S., R. 16 E.

Cedar Creek.

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.

Ans. Stone dam 1 ft high, 30 ft long, Ditch one mile long
2 feet at bottom, 2 $\frac{1}{2}$ ft at top. 150 inches can be carried.

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. Irrigation and domestic. SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36-9 S. R. 15 E

40 acres. been irrigated. same has been cleared and cultivated.

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 use specified above?

Ans. 25 inches.

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. I am the owner.

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

Ans. The water has been used all summer, have used 50 inches and the crops irrigated and harvested.

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. No other water used.

(Sign)

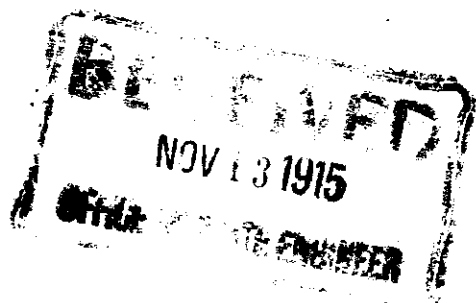
Abel J. McKinley

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, Idaho, State of Idaho, on this 23rd day of Oct.

A. D. 1915.

U. S. Commissioner for the Dist. of Idaho.

11307



Permit No. 11307

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

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

Ans. John Hlavaty, Age 41 yrs. Farmer, Filer, Idaho.

Ques. 2. Are you acquainted with Abel J. McKinley, the holder of Permit No. 11307? How long have you known him and where does he reside?

Ans. Yes. Have known him 2 years, Filer, Idaho.

Ques. 3. Have you read or heard read said Permit No. 11307, 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. Cedar Creek, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 31 Twp 9. S R. 16 E.B.M.
Ston Dam one foot high, 30 ft long, ditch 1 mile long, 3 ft on bottom
2 $\frac{1}{2}$ ft on top, and will carry 150 inches of water.

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. 150 inches.

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. Irrigation SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 36, T. 9. S. R. 15 E. B. M. and 40 acres
cleared plowed irrigated and crop raised.

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

Ans. None

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. al reclaimed, soil volcanic ash.

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

Ans. In the ditch but not the lands described, I use the same ditch and dam

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.

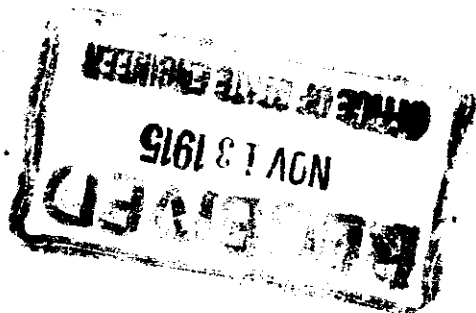
Ans. I have seen the water applied to the land, all this summer and crops raised.

(Sign) John Hlavaty

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 23rd day of October A. D. 1915.

U. S. Commissioner for the Dist of Idaho. Notary Public.

My Commission Expires



11307

Date of first receipt at office of State Engineer 9:00 A. M. May 5, 1915.

Returned to applicant for correction May 13, 1915

Corrected application received June 1, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 11307

Recorded in Book 38 Page 11307 Approved June 19, 1915.

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 August 18, 1915 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 19, 1915

The whole of said work to be completed on or before December 19, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before September 19, 1916

Witness my hand this 19th day of June, 1915,

J. H. Smith

State Engineer.

Remarks:

Proof of Completion of works made May 19 1916.

Certificate of Completion issued: May 24 1916.

Permit No. 11307.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:-

This is to certify that Abel J. McKinley, of Filer, County of Twin Falls, State of Idaho, the holder of Permit No. 11307, issued upon Application No. 16371, bearing date of priority of May 5, 1915, authorizing the diversion of one (1) second foot of the waters of Cedar Creek, County of Twin Falls, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of 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 one (1) second foot of the water of Cedar Creek; that the point of diversion of said waters is in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 31, Twp 9 S., R. 16 E.B.M., and that the lands to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 36, Twp. 9 S., R. 15 E.B.M. containing 80 acres.

Witness my hand this 24th day of May A.D. 1916.

J.H. SMITH, State Engineer, of the

State of Idaho.

License issued this 7th of June 1916
Page 2217

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. I have seen the water applied to this land and a good crop raised.

(Sign)

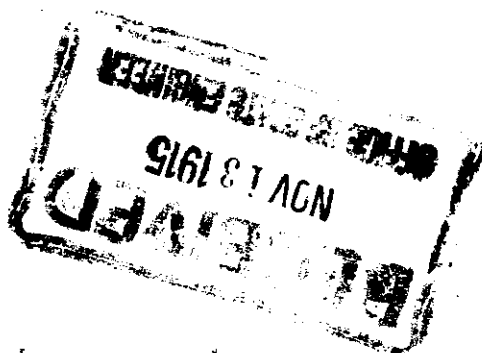
Charles A. Vining

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 23rd day of October, A. D. 1915;

[Signature]
U. S. Commissioner for the District of Idaho.

My Commission Expires

11307



STATE OF IDAHO
ENGINEERING DEPARTMENT

F. P. KING,
STATE ENGINEER

BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

A. J. McKinley,
c/o C. C. Siggins,
Twin Falls, Idaho.
DEAR SIR:

BOISE, IDAHO, **October 9, 1915.**

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. **11307.**

DEPOSITION OF PERMIT HOLDER.

DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of your rights:

1. On October 23rd, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Twin Falls, before C.C.Siggins, U.S.Com.**

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,

J.H. SMITH, ~~F. P. KING~~
State Engineer.

11307

23
September 16, 1915.

Permit 11307.

Mr. Abel J. McKinley,
Filer, Idaho.

Sir:--

Am just in receipt of your notices for final proof under above permit. I have set October 23rd as date for proof and, unless otherwise advised by you, the notice for publication will be mailed to the Filer Journal accordingly and deposition blanks will be mailed to Mr. C. C. Siggins, U.S. Commissioner.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

11307

75-610 AB 2

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 15th 1915.....

(P. O.) Filer, Idaho.....

To the State Engineer,
Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
"Filer Journal"....., of Filer, Idaho....., published in the
county in which the works are situated.

Chas. J. M. Kimley

(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.

11307

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 23rd day of Oct. 1915., 1915,
 at Twin Falls, Idaho., County of Twin Falls, State of Idaho,
 before C. C. Siggins, U. S. Commissioner, proof will be submitted
 of the application to beneficial use of One cubic foot per second of the waters of
(Cedar Draw), in accordance with the terms and conditions of Permit No. 11307
 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are.....

Abel J. McKinley, Piler, Idaho.

2. The use to which said water has been applied is..... Irrigation and Domestic use.

3. The amount applied to beneficial use is..... One cubic foot per second.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated).....

SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36 in Township 9 South, of Range 15 E. B. M.

~~5. The name of the canal or ditch or other works by which said water is conducted to such place of use is.....~~

a private ditch

6. The right to take the water from such works is based upon Permit No. 11307.

7. The source of supply from which such water is diverted is.....

The waters of Cedar

8. The date of the ~~priority~~ draw which said user is prepared to establish is.....

May 5, 1915.

~~June 19th 1915.~~

J. H. Smith,

F. P. KING,
State Engineer.

August 17, 1915.

Re Permit 11307.

Mr. A. J. McKinley,
Piler, Idaho.

Sir:--

Per your request I am enclosing herewith affidavit form for proof of completion of works, together with blank notices for final proof under above permit.

Very truly yours,

J. H. SMITH,

State Engineer.

P5-6-3NU

By _____

11307

STATE OF IDAHO
ENGINEERING DEPARTMENT

BOISE

J. H. SMITH
State Engineer

FRED A. WILKIE
Deputy State Engineer

June 19, 1915.

Permit No. 11307

Abel J. McKinley

Filer, Idaho ,

Dear Sir:

I enclose herewith above numbered permit.
BE SURE TONOTE LIMITATIONS AND CONDITIONS OF SAME
as given under approval of State Engineer on the
third page.

J. H. SMITH,

State Engineer

*Please send Blank
for Copy of Application
of water to be applied
Abel J. McKinley
Filer,
Idaho.*

*I desire to make the Proof
before C. A. S. in
the Court, T. M. F. S. S. S.
a. g. M.*

11307

75-6-340

June 19, 1915.

Permit No. 11307

Abel J. McKinley
Filer, Idaho .

Dear Sir:

I enclose herewith above numbered permit.
BE SURE TO NOTE LIMITATIONS AND CONDITIONS OF SAME
as given under approval of State Engineer on the
third page.

J. H. SMITH,

State Engineer

11307

Boise, Idaho, May 13, 1915.

Application 16371.

Mr. Abel J. McKinley,
Piler, Idaho.

Sir:--

Your application received and filed.
Same is herewith returned for completion in
the following particulars:

In paragraph 7 II (a) give the
quarter sections crossed by ditch from point
of diversion to the lands to be irrigated.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

Enc. A. 16374.

GB.

(This report must be sworn to when not made by an attaché of the State Engineer's office)

STATE OF IDAHO

County of _____

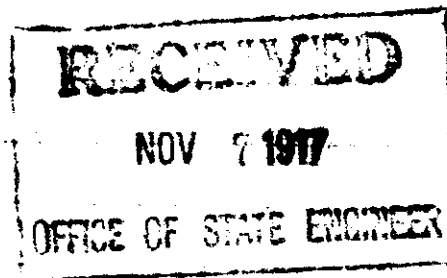
} ss.

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____ day of _____ 191_____

My Commission Expires _____

Notary Public.



Abel C. McKinley, Filer.

Dist. No. 46.