

State of Idaho License and Certificate of Water Right

Water License No. 26778

Amount 2.3 c.f.s.

Water District No.

Priority February 27, 1957

THIS IS TO CERTIFY that JOHN R. GAILEY ESTATE
of Kayesville, Utah, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 27, 1957; that Permit No. 26778
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.3 second feet, was issued thereunder on September 12, 1963, showing that said works
were completed on the 26th day of February, 1962; and that on the 26th
day of February, 1962, JOHN R. GAILEY ESTATE

of Kayesville, State of Utah, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of
Marsh Creek, a tributary of, for the purpose of irrigation of
meadow land, under Use Permit No. 26778 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7713, on the 12 day of September, 1963;
The right hereby confirmed dates from February 27, 1957;

The Point of Diversion is located

in the NW 1/4 Sec. 30, T. 11S, R. 37E, B. M. County Bennecke

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.3 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11S	36E	25	NE 1/4 NE 1/4	38	37
			SE 1/4 NE 1/4	40	40
11S	37E	30	NW 1/4 NW 1/4	6	9
			SW 1/4 NW 1/4	29	39
Total number of acres to be irrigated:				125	

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
12 day of September, 1963.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

29 2388

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 34681
 PERMIT No. 26778
 DISTRICT No.

Fred J. Hadley
 Downey, Idaho

1. Name of Applicant: John R. Gailey

Postoffice address: Kaysville

County: Davis

State: Utah

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 115 Miner's inches or 2.3 cubic feet per second.

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

4. Location of point of diversion: Approx. 858' South & 264 East feet distant from the Northwest corner of Section 30, T. 11 S., R. 37 E., B.M., and is in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 30, T., R., B.M., County of Banhook

5. Water is to be used for irrigation of meadow land

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: \$800.00 - \$1,000.00

8. Kind of works: Check Diversion (Corrugated Metal Pipe, concrete headwalls & flashboards.

9. Height of dam 5-6 feet; length of dam at top 16 feet; length of dam at bottom feet; material used in dam: Corrugated Metal pipe, concrete headwalls

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 one (1) years.

13. The time required for the complete application of the water to the proposed use is no 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: Fred Hadley has been irrigating with high water for the previous 5 years. Other lessors have irrigated with high water since 1937.

16. (a) Is reservoir to be used? No. If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ John R. Gailey Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 8:00 A. M. February 27, 1957

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 26778
Recorded in Book 94 Page 26778 Approved March 1, 1957
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve he same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before May 1, 1957 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 1, 1957
The whole of said work to be completed on or before March 1, 1958
Beneficial use of water appropriated in accordance herewith, to be made on or before March 1, 1958.

WITNESS My hand this First day of March, 1957.

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho,
and JAS. H. YOUNG, 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 First

day of March, 19 57.

STATE OF IDAHO

Countersigned:

By ROBERT E. SMYLIE

Governor.

(SEAL) By JAS. H. YOUNG
Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11 S.	37 E.	30					6	29											35
	36 E.	25	38			40													78
Total Number of Acres to be Irrigated - - - -																			113

APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 26778

Comes now John R. Gailey and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 26778. That the point of diversion is described in said permit as being located NW1/4 of Sec. 30., Twp. 11 S., Rge. 37 E., B.M. That he now requests that the point of diversion be changed to a point located SW1/4 of Sec. 30., Twp. 11 S., Rge. 37 E., B.M. That his reasons for desiring to make such change are as follows: New point of diversion will permit flooding of the land to be irrigated and allow excess water to go down the channel. That no one will be injured by such change, and that such will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 3rd day of February, 1958

/s/ John R. Gailey By Fred J. Hadley

Date of receipt at Department of Reclamation
February 3, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 26778. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Approved and recorded: February 3, 1958.

/s/ Mark R. Kulp
State Reclamation Engineer

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 26778 to March 1, 1960. / and beneficial use

Witness my hand this 28th day of April, 1958

/s/ Mark R. Kulp
State Reclamation Engineer

Approved and recorded:
April 28, 1958.

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 26778 ✓

Comes now JOHN R. GALLEY, and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 26778.

That the point of diversion is described in said permit as being located: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T. 11 S., R. 37 E., B. M.

That he now requests that the point of diversion be changed to a point located in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T. 11 S., R. 37 E., B. M.

That the reason for desiring to make such change is as follows: Sub-soil at point in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30 too soft to hold diversion dam.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at this 11th day of December, 1959.

Date of receipt at Department of Reclamation - December 11, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. 26778. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: December 11, 1959

APPLICATION FOR EXTENSION OF TIME
For Completion of Works and Beneficial Use

APPROVAL OF STATE RECLAMATION ENGINEER ✓

I, GEO. N. CARTER, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 26778 to March 1, 1962.

Witness my hand this 21 day of December, 1959.

/s/ GEO. N. CARTER
State Reclamation Engineer

IN THE DISTRICT COURT, PROBATE DIVISION

in and for

DAVIS COUNTY, STATE OF UTAH

In the Matter of the Estate of

JOHN RICHARD GAILLEY, also
known as JOHN R. GAILLEYLETTERS TESTAMENTARY
Probate No. 1726Deceased

The last will of John Richard Gailey, aka JOHN R. GAILLEY, deceased, having been proved and recorded in the District Court in and for the County of Davis, State of Utah, Alan B. Blood and Harold J. Gailey who are named therein as such Executors hereby appointed executors of the estate of John Richard Gailey, deceased.

By order of the Court

Witness John M. Park, Clerk of said Court, with the seal
thereof affixed, this 31st day of January A.D., 1961.

John M. Park, Clerk

By: /s/ Marcia W. Mansell, Deputy Clerk

"SEE FILE FOR CERTIFIED COPY"

Recorded: January 15, 1962

Application for Amendment
POINT OF DIVERSION
Permit No. 26778

Comes now ESTATE OF JOHN R. GAILLEY, and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 26778

That the point of diversion is described in said Permit as being located: NW $\frac{1}{4}$ of Section 30, Township 11 South, Range 37 E. B. M.That he now requests that the point of diversion be changed to a point located: W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 30, T. 11 South, R. 37 E. B. M.

That the reason for desiring to make such change is as follows: To get water to a solid bottom to install headgate, etc.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.
Signed at Downey, this 6 day of September, 1963.

ESTATE OF JOHN R. GAILLEY
By: Fred J. Hadley

Date of Receipt at Department of Reclamation: Sept. 9, 1963

APPROVAL OF STATE RECLAMATION ENGINEER

I, CARL E. TAPPAN, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 26778. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

/s/ CARL E. TAPPAN
State Reclamation Engineer

Recorded: September 10, 1963

CERTIFICATE OF COMPLETION OF WORKS ✓
Permit No. 26778

✓ TO ALL WHOM IT MAY CONCERN:

This is to certify that ESTATE OF JOHN R. GAILLEY of Kaysville, County of Davis, and State of Utah, the holder of Permit No. 26778, issued upon Application No. 34681 bearing date of priority of February 27, 1957, authorizing the diversion of 2.3 second feet of waters of Marsh Creek County of Bannock, State of Idaho, for irrigation of meadow land 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 2.3 second feet of the waters of Marsh Creek that the point of diversion of said waters W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 30, T. 11 S., R. 37 E., B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit; 125 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 11 S., R. 36 E., B. M.; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 30, T. 11 S., R. 37 E., B. M.

Witness my hand this 12 day of September, A.D. 1963

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: February 26, 1962

LICENSE ISSUED FOR 2.3 SEC. FT.
Page 7713

~~September~~ 12, 1963

Re: Permit No. 26778

John R. Gailley Estate
c/o Fred J. Hadley
Downey, Idaho

Dear Sir:

Enclosed is the Amendment to the point of diversion
also, certificate of completion of works and license and
certificate of water right on the above numbered permit.

Attached hereto is the departmental receipt No.
31745 in the amount of \$14.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates
amendment
receipt

26778

Application for Amendment

POINT OF DIVERSION

Permit No. 26778

RECEIVED
SEP 9 1963

Department of Reclamation

Comes now Estate of John R. Gailley and
represent to the State Reclamation Engineer of the State of Idaho

That he is (are) the owner and holder of Permit to appropriate the Public
Waters of the State of Idaho, No. 26778.

That the point of diversion is described in said Permit as being located:

NE 1/4 of Section 30, Township 11 South Range 37 E. N. M.

That he now requests that the point of diversion be changed to a point
located: W 1/4 of Section 30, T. 11 South R. 37 E. N. M.

That the reason for desiring to make such change is as follows:

To get water to a solid bottom to install navigable can.

That no one will be injured by such change, and that such change will be made
at Permit Holder's own risk.

Signed at Downey, this 9 day of September 19 63

JOHN R. GAILLEY

Date of Receipt at Department Of Reclamation: Sept. 27 1963

APPROVAL OF STATE RECLAMATION ENGINEER

CARL E. TAPPAN

I, CARL E. TAPPAN, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE
the above and foregoing application for amendment to Permit to appropriate the Public
Waters of the State of Idaho, No. 26778. This approval constitutes an amendment
to the original permit, and is issued as an amendment to the original permit, and of
which it becomes a part, and said application is approved only insofar as the rights of
others will not be adversely affected thereby.

Recorded in Book 92 of
its, at Page 26778
Sept. 10, 19 63

Carl E. Tappan
State Reclamation Engineer

26778

August 19, 1963

RE: Permit No. 26778

John R. Gailey Estate
c/o Fred J. Hadley
Donney, Idaho

Dear Mr. Hadley:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. 26778 shows the culverts are capable of conveying 125 miner's inches, or 2.5 c.f.s. of water for irrigation of 125 acres.

Upon receipt of the statutory fees, totaling \$13.00, which consist of a Completion of Works fee of \$5.00 and License and Certificate of Water Right fee of \$8.00, based at the rate of \$2.00 for each 40-acre subdivision, we will issue the Certificate of Completion of Works and License and Certificate of Water Right confirming the right, with priority of February 27, 1957, to the use of 2.5 second feet of surface water with the point of diversion in the W¹/₂SW¹/₄, Sec. 30, T. 11 S., R. 37 E., B.M. from Marsh Creek for irrigation of 125 acres of meadow land in the E¹/₂NE¹/₄, Sec. 25, T. 11 S., R. 36 E., B.M.; W¹/₂NW¹/₄, Sec. 30, T. 11 S., R. 37 E., B.M.

Since your permit shows the point of diversion to be in the NW¹/₄SW¹/₄, Sec. 30 it will be necessary to amend the point of diversion. Complete the enclosed form, submit it with the above mentioned statutory fees, plus an additional fee of \$1.00 for recording the amendment and the certificates will be issued.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

ER:mr
Enc. amendment form

26778

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

Permit No. 26778

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant John R. Gailey Estate

2. Source of water supply: Marsh Creek

3. Location of point of diversion: Is in the NW 1/4 of Section 30

T. 11 S. R. 37 E. B. M. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: 2 - 6 I.P. Culverts placed side by side in Marsh Creek with Rock rip-rap on upstream face. 1 pipe is 4' arched and the other is 2' round both are approximately 16' long. Boards are placed in front of the upper ends of pipe to raise water level to flood field.

5. Water is used for: irrigation of meadow land

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):

Twp. 11 S., Rge. 37 E. B. M.
35 acres in NW 1/4 Sec. 30, 78 acres in NE 1/4 Sec. 25, Twp. 11 S., Rge. 36 E. B. M.

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

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

Remarks: Mr. Fred J. Hadley, along -

This is a very flat valley and has a very high sub level so very little irrigation is needed.

No water being used now as this is only high water. right
No measurement made.

This examination was made on the 8th day of August, 1963

(Signed)

Larry Johnson

Examiner.

26778

Fred J. Hadley Acting by Power of Attorney for ~~William F. Blood & Harold J. Gailey~~, Executors Power of Attorney
for John R. Gailey Estate
Downey, Idaho
Permit No. 26778

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
AUG 15 1962

Department of Reclamation

Examination for Completion of Works & Beneficial Use

County Bannock

Sec. 30 T. 11 S. R. 37 E. B.M.

Quantity: 2.3 a.p.s.

Source: Marsh Creek

P.D.: NW. NW, Sec. 30, T. 11 S. - R. 37 E. B.M.

Use: Irrigation

Filed: Feb. 27, 1957

Due: March 1, 1958

Extension: to March 1, 1962

Completion of Works:

Other Rights: Has been irrigated by previous owner with high water. Earlier lessons have also used high water since 1937

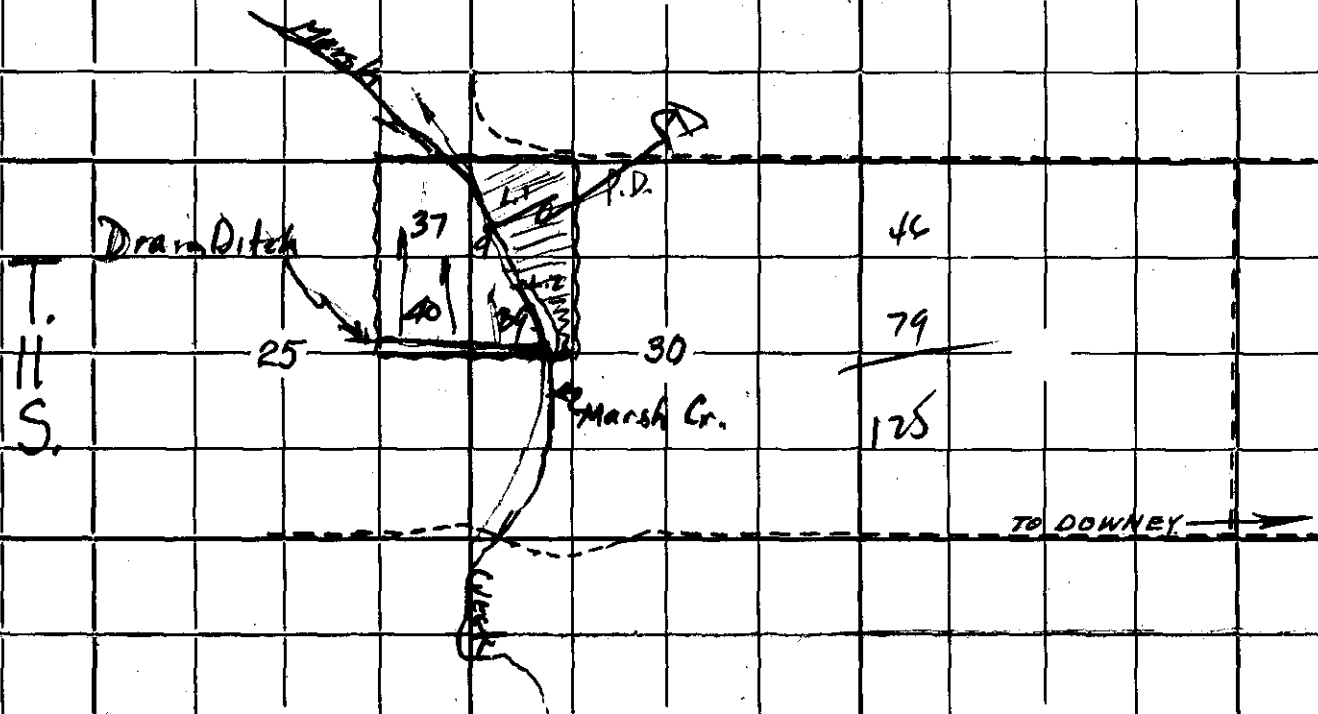
Blood + Gailey line
in Keyserville, Utah
G. Barnes Bank Co.

1 - 4' squashed S.D.p.
1 - 2' Round S.D.p.

Bound placed in front
to back waterway into
drain ditch that irrigate to south.

R-36E.

R-37E.



Amend PD to W²NW⁴ Sec. 30

Subdivisions 4

AREA 125 acres

Allow. ② 2.3 115' 25' 115' 25' 115' 25'

See Permit

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 26778

REPORT ON PROOF OF Completion of Works & Beneficial Use

Fred J. Hadley by Power of Attorney for
Alan B. Blood & Harold J. Gailey, Executors
John R. Gailey Estate,
Downey, Idaho

8/15/20

26778

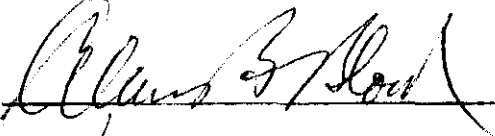
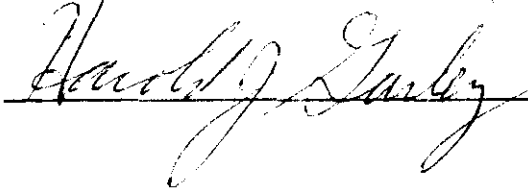
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That we, Alan B. Blood and Harold J. Gailey, the duly appointed, qualified and acting Executors of the estate of John R. Gailey, deceased, have made, constituted and appointed and by these presents do make, constitute and appoint Fred J. Hadley of Downey, Idaho, as our true and lawful attorney for the specific purpose of completing Form No. 16 of the Department of Reclamation of the State of Idaho giving proof of application of water to beneficial use and completion of works and of signing each of our names to said application in our capacity as Executors of the estate of John R. Gailey, deceased, and to perform any and all other acts necessary to give proof of application of water to beneficial use and completion of works in connection with permit number 26778 and which proof is to be made at one o'clock P. M. on February 26, 1962, before Ben H. Bowen, Notary Public, at Downey, Idaho.

And we and each of us further give and grant unto the said Fred J. Hadley full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in connection with giving proof as hereinabove mentioned, as fully to all intents and purposes as we and each of us might do if personally present and we and each of us hereby ratify and confirm all that Fred J. Hadley has done in connection with the foregoing.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 8 day of February, A. D. 1962.

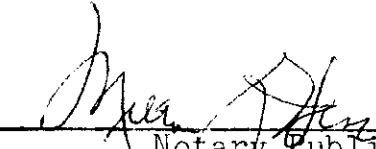



26778

STATE OF UTAH)
) ss.
COUNTY OF DAVIS)

On this 8 day of February, A. D. 1962, personally appeared before me ALAN B. BLOOD and HAROLD J. GAILLEY, the duly appointed, qualified and acting Executors of the estate of John R. Gailey, deceased, whose names are subscribed to the foregoing instrument, personally known to me to be the same persons described in and who executed the foregoing instrument and who duly acknowledged to me that they and each of them executed the same freely and voluntarily and for the use and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.



Notary Public
Farmington, Utah

My commission expires:
November 25, 1965.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 26773

Proof of Application of Water to Beneficial Use
and Completion of Works
Deposition of Holder

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

Ans. Fred J. Hadley, Power of Attorney for Alan B. Blood and Harold J. Gailey, Executors
of the estate of John R. Gailey, deceased.
Downey, Idaho, Farming

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. 26773 March 1, 1957 February 27, 1957

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

Ans. Marsh Creek Approx. 353 feet South and 264 feet East from the Northwest
corner of section 30, Township 11 South, Range 37 E. B. M. and is in the
Northwest quarter of the Northwest quarter of Section 30.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Check Diversion Corrugated metal pipe, rock facing headwalls and Flashboards
The point of diversion is the place of use and is capable of backing up as
much as 3 to 4 feet of water.

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

Ans. irrigation 115 acres in NW¹ of NW¹ and SW¹ NW¹ of Section 30 and NE¹ NE¹ and
SE¹ NE¹ of Section 25, Township 11 South, Range 36 E. B. M.
T. 11-S R. 37 E. B. M.
natural meadow

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

Ans. _____

None

26778

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

Ans. None

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

Ans. None

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. none

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

Ans. Have been irrigating with this water since 1952 and using the same type of diversion as we have now constructed.

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. None

Alan B. Blood
Harold J. Gailey
(Sign) John R. Gailey

Power of Attorney for Alan B. Blood and
Harold J. Gailey, Executor of the Estate of

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 Downey, County of Bannock

State of Idaho, on this 26th day of February, A. D. 1962.

John R. Gailey

My commission expires 11/1/64

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 10 1918

PERMIT NO. ~~26773~~ 26778

**Proof of Application of Water to Beneficial Use
and Completion of Works
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. Thomas Bloxham , age 56, Downey, Idaho, Farming

Ques. 2. Are you acquainted with the leasee, the holder of Permit No. 26778? How long have you known him and where does he reside?

Ans. ~~xxxx~~ yes, have known the leasee for many years and he resides in Downey, Idaho

Ques. 3. Have you read or heard read said Permit No. 26778, 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. Marsh Creek- supply, Approx 853 feet South and 264 feet East from the Northwest corner of Section 30, Township 11 South, Range 37 E. B. M.

Check Diversion

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. 4 cubic feet per second-----2 cubic feet per second

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

Ans. irrigation of 115 acres of natural meadow

26778

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. _____

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

Ans. none

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. This meadow is located near my farm and I have observed the watering of same while traveling to and from my farm.

(Signed)

Thomas Bloham
Thomas Bloham

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 Downey, County of Bannock, State of Idaho, on this 26 day of February, A. D. 1962.

Don H. Lawrence

Notary Public.

My commission expires 11/1/64.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
FEB 27 1952
Department of Reclamation

PERMIT NO. 26778

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. Don Wakley, age 50, Downey, Idaho- Occupation Equipment operator for the
Downey - Swan Lake Highway District.

Ques. 2. Are you acquainted with the leasee, the holder of Permit No. 26778? How long have you known him and where does he reside?

Ans. yes- Known the leasee for many years and he resides in Downey, Idaho

Ques. 3. Have you read or heard read said Permit No. 26778, 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. Marsh Creek-supply Approx. 853 feet South and 264 feet East from the
Northwest corner of Section 30, Township 11 South, 37 E. B. M.
Creek Diversion.

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. 4 cubic feet per second----- 2 cubic feet per second

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

Ans. Irrigation ~~105~~ 115 acres for natural meadow.

26778

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. _____

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

Ans. None

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. observed the water being used on this meadow while attending to road repairs near there.

(Signed)

Don Wakley
Don Wakley

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 Downey, County of Bannock, State of Idaho, on this 26 day of February, A. D. 19 62.

Don H. Bowen
Notary Public.

My commission expires 11/1/64.

PROOF OF PUBLICATION

STATE OF IDAHO,)
County of Bannock) ss.

Lawell L. Leek

being first duly sworn, on his oath, deposes and says:

That he is a citizen of the United States of America, over the age of 21 years; that he was at all times herein mentioned the principal Clerk of the Bannock County News, a weekly newspaper published at McCannon, County of Bannock, State of Idaho, and having a general circulation therein.

That said deponent, during all times mentioned in this affidavit, has had and still has charge of all the advertisements in said newspaper; that the Notice of Proof of Completion, of which the annexed is a true printed copy, was published in the said Bannock County News on the following dates, to wit:
January 18, 25, Feb. 1, 8, 1962

That said newspaper has been consecutively, continuously and uninterruptedly published in said county for a period of 78 weeks prior to publication of said notice, and is a "newspaper" within the meaning of the laws of Idaho.

Lawell L. Leek

SUBSCRIBED and sworn to before me this 24th day of February, 19 62

Mildred E. Lindenschmitt
McCannon

Notary Public, Pocatello, Idaho

My commission expires: Oct 25-1963

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

NOTICE is hereby given that at 1:00 P. M., on the 26th day of February, 1962, at Downey, County of Bannock, State of Idaho, before Ben H. Boyen, Notary Public, at Downey, Idaho, proof will be submitted of the completion of works for the diversion of 2.3 cubic feet per second of the waters of Marsh Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 26778, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Alan B. Blood and Harold J. Galley, as Executors of the John R. Galley Estate, Kaysville, Utah.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 2.3 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 2.3 cubic feet per second.

4. The point of diversion of said water is Northwest Quarter of Northwest Quarter of Sec. 30, T. 11 S., R. 37 E.

5. The place where said water is used is W $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T. 11 S., R. 37 EEM; E $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T. 11 S., R. 36 EEM.

6. The date of priority which said user is prepared to establish is Feb. 27, 1937.

GEO. N. CARTER,
State Reclamation Engineer.
2-3-4n

26778

February 27, 1962

Re: Permit No. 26778

Alan B. Blood & Harold J. Gailley, Executors
John R. Gailley, Estate
Downey, Idaho

Dear Sirs:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Bannock County News, all submitted in proof of completion of works and beneficial use on Permit No. 26778.

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 tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

26778

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 1:00 P. M., on the 26th day of February
1962, at Downey, County of Banneck, State of Idaho, before
Ben H. Bowen, Notary Public, at (address) Downey, Idaho
_____, proof will be submitted of the completion of works for the diversion of
2.3 cubic feet per second of the waters of Marsh Creek
_____, and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 26778, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Alan B. Blood and Harold J. Gailey, as Executors of the John R. Gailey Estate, Kayville,
Utah.

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

3. The use to which said water has been applied is Irrigation
_____, purposes, and the amount applied to beneficial use is 2.3 cubic
feet per second.

4. The point of diversion of said water is Northwest Quarter of the Northwest Quarter
of Sec. 30, T. 11 S., R. 37 E.

5. The place where said water is used is W₁NW₁, Sec. 30, T. 11 S., R. 37 EBM;
E₁NE₁, Sec. 25, T. 11 S., R. 36 EBM.

~~XXXXXXXXXXXXXXXXXXXX~~

6. The date of priority which said user is prepared to establish is Feb. 27, 1957

_____.

GEO. N. CARTER

State Reclamation Engineer

26778

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 1:00 P M., on the 26 day of February
19 62, at Downey, County of Bannock, State of Idaho,
before Ben H. Bowen, Notary Public, at (address) Downey, Idaho
_____, proof will be submitted of the completion of works for
the diversion of 2.3 cubic feet per second of underground water from a well, and of
the application to beneficial use of said water, in accordance with the terms and
conditions of Permit No. G 26778, heretofore issued by the Department of Reclamation
of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is Alan B. Blood and Harold J. Gailey as executors of the John R. Gailey Estate. Kaysville, Utah

2. Said works of diversion will be fully completed on the date set for such com-
pletion, and the amount of water which said works are capable of conveying to the place of
use is 2.3 cubic feet per second.

3. The use to which said water has been applied is Irrigation
_____ purposes, and the amount applied to beneficial use is 2.3
cubic feet per second.

4. The point of diversion of said water is Approx. 858 feet South and 264 feet East from
the Northwest corner of Section 30, Township 11 South, Range 37 EBM and is in the Northwest
quarter of the Northwest quarter of Section 30-

5. The place where said water is used is 35 acres in section 30, township 11 South, Range
37 EBM and 40 acres in SE $\frac{1}{4}$ of section 25, Township 11 South, Range 36 EBM and 38 acres in
NE $\frac{1}{4}$ of section 25, township 11 South, Range 36 EBM.

6. The date of priority which said user is prepared to establish is 5/1/57

State Reclamation Engineer

26778

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

Notice is hereby given that at ^{1:00 P}~~100~~ A. M. on the 26 day of February, 1962,
at Downey, County of Bannock, State of Idaho, before
Ben H. Bowen, proof will be submitted of the
application to beneficial use of 2.3 cubic feet per second of the waters of Marsh Creek
in accordance with the terms and conditions of Permit No. G. 26778
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
Alan B. Blood and Harold J. Gailey as executors of the John R. Gailey Estate, Kayville, Ut

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 2.3 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
Approx. 858 feet South and 264 feet East from the Northwest Corner of Section 30, Township
11 South, Range 37 EBM and is in the Northwest quarter of the Northwest quarter of Section 30.

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

Marsh Creek

The right to take water from such works is based upon Permit No. G. 26778

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

The date of priority which said user is prepared to establish is 5/1/57

State Reclamation Engineer.

26778

January 18, 1962

Re: Permit No. 26778
John R. Gailley Estate

Fred J. Hadley
Downey, Idaho

Dear Mr. Hadley:

Returned herewith is your check for \$5.00 marked "Filing Fee" which we received with note that you forgot to enclose it in letter for the high water filing on Gailley property.

You probably meant the check to pay for the Certificate of Completion of Works. As the proofs will be made for proof of completion of works and beneficial use of the water, that fee will not be collected until after the engineer makes inspection of the works and the total fees will be due.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. check \$5.00

26778

Geo. H. Carter
Dear Sir,

I forgot to enclose check
for filing fee in letter for
the high water filing on Sailer
property.

Yours Truly,
Fred J. Hadley

26778

6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No: 26778
Alan B. Blood & Harold J. Gailey
Executors of the John R. Gailey Estate

Date: Jan. 11, 1962

Bannock County News
McCammon, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **February 26, 1962** the date set for proof;

the expense of the publication is to be paid by the applicant - **Alan B. Blood and Harold J. Gailey,**
Executors of the John R. Gailey Estate of **Kaysville, Utah**

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the first publication.**

Very truly yours,

GEO. N. CARTER
GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

26778

January 11, 1962

Re: Permit No. 26778

Fred J. Hadley
Donney, Idaho

Dear Mr. Hadley:

Thanks for the letters testamentary and the legal notice. The legal notice is on the wrong forms and we have completed the proper forms for transmittal to the paper.

I notice that the January 4th letter does not show we sent you an application ~~for~~ so am enclosing a form to apply for subterranean water.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

26778

January 11, 1962

Re: Permit No. 26778

Alan B. Blood & Harold J. Gailley,
Executors of the John R. Gailley Estate,
Keyesville, Utah.

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 26778. The proofs are to be made at 1:00 o'clock P.M., on the 26th day of February, 19 62, before Ben H. Bowen, Downey, Idaho., Notary Public.

As of this date we have mailed the Notice to the Bannock County News McCammon, Idaho, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

26778

UNITED STATES OF AMERICA

STATE OF UTAH }
COUNTY OF DAVIS } ss.

I, John M. Park, County Clerk
in and for the County of Davis, State of Utah, and Ex-Officio Clerk of
the District Court, Second Judicial District, do hereby certify the fore-
going to be a full, true, and correct copy of the

LETTERS TESTAMENTARY

In the Matter of the Estate of

JOHN RICHARD GAILLEY, also known
as JOHN R. GAILLEY,

Deceased.

Case #1726

that I have compared the same with the original now remaining on file
in this office and that it is a correct transcript therefrom and of the
whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and official
seal this 26th day of December, A. D. 19 61

John M. Park

County Clerk

By Marcia W. Mansell
Deputy Clerk

26778

In the District Court, Probate Division

IN AND FOR

Davis County, State of Utah

750
JAN 10 1961
Department of Reclamation

In the Matter of the Estate of

JOHN RICHARD GAILEY, also
known as JOHN R. GAILEY,

Deceased

LETTERS
TESTAMENTARY

Probate No. 1726

The last Will of John Richard Gailey, aka JOHN R. GAILEY, deceased,
~~a copy of which is hereto annexed~~, having been proved and recorded in the District Court in
and for the County of Davis, State of Utah, Alan B. Blood and Harold J. Gailey
who are named therein as such Executors hereby appointed executors
of the estate of John Richard Gailey, deceased.

By order of the Court.

Witness John M. Park, Clerk

of said Court, with the seal thereof affixed,

SEAL

this 31st day of January

A. D. 1961.

John M. Park, Clerk

By /s/ Marcia W. Mansell, Deputy Clerk

State of Utah }
County of Davis } ss.

Before me Milton J. Hess, Notary Public, ~~Clerk of the~~

~~and District Court~~ in and for Davis County, on this 31st

day of January A. D. 1961, personally appeared Alan B. Blood

and Harold J. Gailey each who being duly sworn/for him self says that

he will perform, according to law, the duties of Executor of the last Will and Testament
of JOHN RICHARD GAILEY, also known ad JOHN R. GAILEY, deceased.

Subscribed and sworn to before me
the day and year aforesaid.

/s/ Alan B. Blood

/s/ Harold J. Gailey

/s/ Milton J. Hess

Notary Public
Farmington, Utah

Attest:

My commission expires:
November 25, 1961.

~~Deputy Clerk~~

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 3, 1962

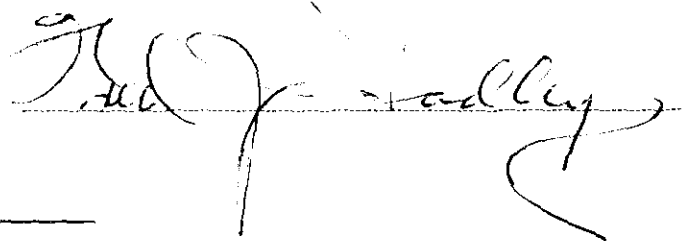
(P. O.) _____

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Bannock County News of McCammon, Idaho published in
the county in which the works are situated.



(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.

26778

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

Notice is hereby given that at 1:00 P
~~1:00~~ A. M. on the 26 day of February, 1962,
 at Downey, County of Bannock, State of Idaho, before
Ben H. Bowen, proof will be submitted of the
 application to beneficial use of 2.3 cubic feet per second of the waters of Marsh Creek
 in accordance with the terms and conditions of Permit No. G 26778
 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
Alan B. Blood and Harold J. Gailey as executors of the John R. Gailey Estate, Kayville, Ut

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 2.3 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
Approx. 858 feet South and 264 feet East from the Northwest Corner of Section 30, Township
11 South, Range 37 EBM and is in the Northwest quarter of the Northwest quarter of Section 30.

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

Marsh Creek

The right to take water from such works is based upon Permit No. G 26778

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

The date of priority which said user is prepared to establish is 5/1/57

State Reclamation Engineer.

26778

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 3, 1962

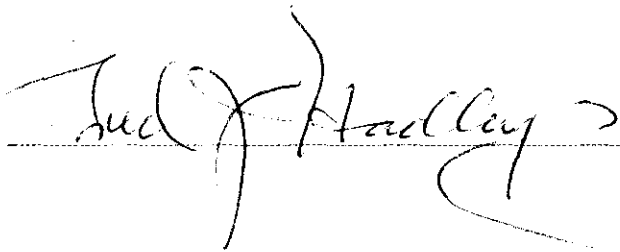
(P. O.)

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Bannock County News of McCammon, Idaho published in
the county in which the works are situated.



(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.

26778

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 1:00 P M., on the 26 day of February
1962, at Downey, County of Bannock, State of Idaho,
before Ben H. Bowen, Notary Public, at (address) Downey, Idaho
_____, proof will be submitted of the completion of works for
the diversion of 2.3 cubic feet per second of underground water from a well, and of
the application to beneficial use of said water, in accordance with the terms and
conditions of Permit No. Q 26778, heretofore issued by the Department of Reclamation
of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is Alan B. Blood and Harold J. Gailey as executors of the John R. Gailey Estate. Kaysville, Uta

2. Said works of diversion will be fully completed on the date set for such com-
pletion, and the amount of water which said works are capable of conveying to the place of
use is 2.3 cubic feet per second.

3. The use to which said water has been applied is Irrigation
_____, purposes, and the amount applied to beneficial use is 2.3
cubic feet per second.

4. The point of diversion of said water is Approx. 858 feet South and 264 feet East from
the Northwest corner of Section 30, Township 11 South, Range 37 ERM and is in the Northwest
quarter of the Northwest quarter of Section 30-

5. The place where said water is used is W² NW⁴ NW¹ and SW¹
35 acres in section 30, township 11 South, Range
37 ERM and 40 acres in SE¹ of section 25, Township 11 South, Range 36 ERM and 38 acres in
NE¹ of section 25, township 11 South, Range 36 ERM.

6. The date of priority which said user is prepared to establish is 5/1/57

State Reclamation Engineer

26778

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

DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. G- 26778
John R. Gailley

Date: Jan 3, 1962

Fred J. Hadley
Downey, Idaho

Dear Sir:

The date for proofs of Completion of Works and Application of Water to Benefi-
cial Use, as set out under the terms of Permit No. G- 26778 are due not later
than March 1, 1962.

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list which has been recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above mentioned date, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point of, or points of diversion; and the location of use or the lands which are irrigated -- all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with Form 36.

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

Very truly yours,

GEO. N. CARTER
STATE RECLAMATION ENGINEER

Enclosures Forms 36 - 11

cc: John R. Gailley
Mayville, Utah

26778

December 27, 1961

Re: Permit No. 26778
John R. Gailey

Fred J. Hadley
Downey, Idaho

Dear Mr. Hadley:

Enclosed are two Forms 10, one Form 11 and instructions for proving beneficial use of the water.

We received two Forms 6, Proof of Completion of Works, signed by Alan B. Blood and Harold J. Gailey as executors of the John R. Gailey Estate.

We must have a photo copy or certified copy of the original Court Order of the naming of the executors.

The Certificate of Completion of Works will be issued upon receipt of the \$5.00 statutory fee and the Court Order mentioned above.

You can have an extension of time in which to make proof of beneficial use of the water, if the time is necessary.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. Form 10 - 11
instructions

26778

Geo. W. Carter

Downey Ida.
Dec. 20. 1961

Dear Sir

We have completed the work
on our dam for the purpose of
irragating meadow ground with, and
would like to start advertising our
fishing on high water on said property.
(Would you please advise.)

Thad J. Hadley
Downey Idaho

January 4, 1961

Re: Permit No. 26778
John E. Gailey

Fred J. Hadley
Downey, Idaho

Dear Mr. Hadley:

The Form 6, Proof of Completion of Works was sent to you on December 13 and in the letter noted that the proof of completion of works and beneficial use of the water is due on or before March 1, 1962. No further time can be given for the completion of works.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

WALTER W. FARRIS, Deputy
State Reclamation Engineer

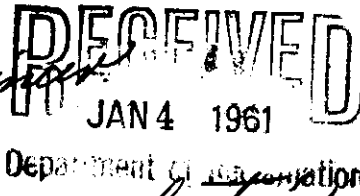
RT:ew

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W.T. 3-1-62

Downey, Idaho
Jan 2 1961

Geo. W. Carter
State Reclamation Engineer
Dear Mr. Carter:



After receiving application
of completion of the project we were
doing on the John R. Sadley property
I went to Haysville, Utah to get
his signature and found he had died.

I just received word from Mr. Alan
Blood that it would be at least
another month before executors will
be appointed to take care of his estate
and can legally sign this application.
Would it be possible for us to get
a 60 day extension so we could continue
this filing at this time.

I am considering drilling
a well on my property here at
Downey and would if possible
over

26778

get a permit and what information
needed for this project.

Sincerely
Hugh Hadley
Dorsey, Ida.

26778

December 13, 1960

Re: Permit No. 26778
John R. Gailey

Mr. Fred J. Hadley
Downey, Idaho

Dear Mr. Hadley:

Enclosed is Form 6, Proof of Completion of Works. The form should be completed after all works are completed to get the water to the place of use. It must be signed by the holder of the permit, Mr. Gailey, before a Notary Public. The form is then sent to this office with the \$5.00 fee and the Certificate of Completion of Works will be issued. This proof is due March 1, 1962. Proof of beneficial use of the water is also due at that time. The proofs can be made at any prior time.

Mr. Gailey can give you Power of Attorney to act for him in regard to this permit to save some trouble.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. Form 6

26778

RECEIVED
DEC 1 1960

Downy & Ida
Dec. 11-1960

Department of Reclamation

State Reclamation Engineer
Dear Sir,

Some time ago I was in Boise
and received information in regards
to filing on High Water on the John R. Gailley
Property here at Downey. We have
completed the work on the diversion
gate and would like information
on our next procedure.

Permit # 26778

I lease this property from Mr. Gailley
reason for me doing the work.

Sincerely,

Ed J. Hadley
Downey & Ida

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December 21, 1959

RE: Permit No. 26778

John R. Gailey
Kaysville, Utah

Dear Mr. Gailey:

Enclosed is Extension of Time under Permit No. 26778. The new date for completion of works and proof of beneficial use of the water will be March 1, 1962.

Very truly yours,

GEO. N. CARTER
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:mr
Enc. extension of time

26778

December 14, 1959

RE: Permit No. 26778

John R. Gailey
Kaysville, Utah

Dear Mr. Gailey:

Enclosed is amendment to the point of diversion under Permit No. 26778 which has been recorded in this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:mr

26778

Permit No. 26778

Application for Extension of Time

FOR COMPLETION OF WORKS AND BENEFICIAL USE

RECEIVED
DEC 1 1959
Department of Reclamation

RECEIVED
DEC 17 1959
Department of Reclamation

John R. Gailey, of Kaysville

State of Utah, being first duly sworn, upon his oath deposes and says Department of Reclamation

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho

No. 26778

Under the terms and conditions of said permit, construction work thereunder was required to be completed by March 1, 1960

That he has heretofore performed the following work described under said permit

Attempted to locate diversion at the amended point, however could not

hold the diversion on account of soft subsoil.

costing \$ 200

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

Will have to place diversion at original point where high water will prevent

work until water is lower.

WHEREFORE, He asks that the State Engineer/Commissioner of Reclamation extend the time for the completion of works under said permit to March 1, 1962

Subscribed and sworn to before me this 16th day of December, 1959

My commission expires May 4, 1962

Date of receipt at office of Department of Reclamation December 17, 1959

APPROVAL OF State Engineer/Commissioner of RECLAMATION, Engineer

I, Geo. N. Carter, Commissioner of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 26778 to

March 1, 1962

Witness my hand this 21 day of December

26778

Geo. N. Carter
State Reclamation Engineer

RECORDED
DEC 11 1959
Department of Reclamation

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 26778

Comes now John R. Gailey and
represent to the State Reclamation Engineer of the State of Idaho;

That he is (are) the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 26778.

That the point of diversion is described in said permit as being located ;
SW 1/4 Sec. 30, T11S, R37E BM

That he now requests that the point of diversion be changed to a point
located NW 1/4 Sec. 30, T11S, R37E BM

That the reason for desiring to make such change is as follows:

Sub soil at point in SW 1/4 Sec. 30 too soft to hold diversion dam.

That no one will be injured by such change, and that such change will be
made at Permit Holder's own risk.

Signed at Boise, Idaho, this 11 day of December, 1959

Date of receipt at Department of Reclamation December 11, 1959

APPROVAL OF STATE RECLAMATION ENGINEER

I, Geo. N. Carter, State Reclamation Engineer of the State of Idaho, HEREBY
APPROVE the above and foregoing application for amendment to Permit to appropriate
the Public Waters of the State of Idaho, No. 26778. This approval constitutes
a new permit and is issued as an amendment to the original permit, to which it refers
and of which it becomes a part, and said application is approved only insofar as the
rights of others will not be adversely affected thereby.

Recorded in Book 94 of
Permits, at Page 26778
December 11, 1959

Geo. N. Carter
State Reclamation Engineer

26778

RT

December 11, 1959

Re; Permit No. 26778
John R. Gailey

Mr. Fred J. Hadley
Downey, Idaho

Dear Mr. Hadley:

Enclosed is the application for extension of time for completion of works and beneficial use. This form must be notarized.

The application for amendment to the point of diversion is satisfactory.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:RT:mr
Enc. extension of time

26778

April 29, 1958

Re: Permit No. 26778

Mr. John R. Gailey
Kaysville
Utah

Dear Mr. Gailey:

Enclosed is the Approval of the State Reclamation Engineer for an Extension of Time for completion of works and application of water to beneficial use under the terms of Permit No. 26778 to March 1, 1960. This was recorded in the Department of Reclamation in Book 94 of Permits at Page 26778 and should now be attached to the original permit to which it refers and to which it becomes an extended limitation.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

Enc.

cc: Mr. Fred J. Hadley
Downey, Idaho

26778

Permit No. 26778
Application for Extension of Time
FOR COMPLETION OF WORKS

RECEIVED
APR 2 11 1958
Department of Reclamation

John R. Gailey, of Kaysville

State of Utah, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 26778

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by March 1, 1958

That he has heretofore performed the following work described under said permit:

*Installed temporary wood dam which
has been removed.*

costing \$

\$500 approx.

That he is unable to complete the remainder of the work within the required time, for the fol-
lowing reasons, to-wit:

*After reservoiring have been advised
to changed site of dam to new
location. Nothing can be done until
fall due to high water.*

WHEREFORE, He asks that the ~~Commissioner~~ State Engineer of Reclamation extend the time for the comple-
tion of works/under said permit to March 1, 1960
and beneficial use

Subscribed and sworn to before me this

day of

14

month of

April

1958

Notary Public.

My commission expires Oct 19, 1958

Date of receipt at office of Department of Reclamation

APPROVAL OF State Reclamation Engineer
~~Commissioner of Reclamation~~

I, Mark R. Kulp, ~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the com-
pletion of construction work/under Permit to Appropriate the Public Waters of the State of Idaho, No. 26778 to
and beneficial use

March 1, 1960

Witness my hand this 28th day of April, 1958

Mark R. Kulp
State Reclamation Engineer

April 21, 1958

Re: Permit No. 26778

Mr. John R. Gailey
Keyville
Utah

Dear Mr. Gailey:

We herewith return your application for an extension of time for completion of works in connection with Permit No. 26778 for additional information. You overlooked answering the questions, which information is necessary before an extension can be approved.

Please complete the statements which are checked in red and return the application. Your prompt attention to this matter is of importance since proof was due March 1, 1958, and the permit has lapsed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:nls
Enc.

P.S. We return the Amendment to Permit No. 26778. This was recorded February 3, 1958 and should be attached to the original permit.

26778

April 16, 1958

Re: Permit No. 26778

Mr. John R. Gailey
Kaysville
Utah

Dear Mr. Gailey:

Proof of Completion of Works was due under the terms of Permit No. 26778 on or before March 1, 1958. We believe that when Mr. Fred J. Hadley was in the office we handed him a blank form to be filled in for an application for extension of time for this proof. However, in the event that we neglected to do so we have enclosed another Form. Please give complete answers to paragraphs 4 and 5 (marked x). It is necessary that the extension of time be recorded to protect the validity of Permit No. 26778, otherwise, it is subject to cancellation.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

BPR:nls

Enclosure (1)

CC: Mr. Fred J. Hadley
Downey, Idaho

26778

February 28, 1958

Re: Permit No. 26778

Mr. Fred J. Hadley
Downey
Idaho

Dear Mr. Hadley:

Enclosed is the application for amendment to Permit No. 26778 as approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 94 of Permits at Page 26778, amending the point of diversion as described on record to read as follows: "SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, Township 11 South, Range 37 East, B.M." This should now be attached to the original permit to which it refers and of which it becomes a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

26778

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 26778

Comes now John R. Gailley and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 26778.

That the point of diversion is described in said permit as being located NW $\frac{1}{4}$ of Sec. 30., Twp. 11 S., Rm. 37 E., B. M.

That he now requests that the point of diversion be changed to a point located SW $\frac{1}{4}$ of Sec. 30., Twp. 11 S., Rm. 37 E., B. M.

That his reasons for desiring to make such change are as follows:

New point of diversion will permit flooding of the land to be irrigated and allow excess water to go down the channel.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 3rd day of February, 19 58

Date of receipt at Department of Reclamation February 3, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 26778. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Mark R. Kulp
State Reclamation Engineer

26778

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Re: Permit No. 26778

BOISE

January 1, 1958

Mr. John R. Gailley,
Kaysville, Idaho

Dear Sir:

Under the terms of your permit No. 26778 you are required to complete your diversion works and make proof of beneficial use on or before March 1, 1958.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is March 1, 1958, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

WILLIAM P. WILF
State Reclamation Engineer

Enc: The Forms and a copy of this notice are being sent to -
Fred C. Gailley
Kaysville, Idaho

26778

March 27, 1957

Re: Permit No. 26778
John R. Gailey

Mr. Fred J. Hadley
Downey, Idaho

Dear Mr. Hadley:

We wish to thank you for the \$5.50 filing fee received February 28th to apply on John R. Gailey's Permit No. 26778 and apologize for the unavoidable delay in its return to you due to excessive work in this Department during the past few weeks.

We note you will soon be ready to make proof of completion of works and beneficial use on the above numbered permit.

Proof of Completion of Works should be made on Form 6 enclosed and returned to this Department with the fee of \$5.00 required in connection therewith.

Proof of Beneficial Use requires publication once a week for four consecutive weeks in a County newspaper. This notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the Notary Public before whom the proof is to be made.

The proof may be made at Downey or any place convenient for you and your two witnesses and the time must be set far enough ahead to allow for four week's publications.

Both copies of Form 10 to be returned to this Department together with Form 11, which is authorization for us to have the notice published at your expense in the designated County newspaper.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing and shall send you the forms of depositions to be executed by yourself and two disinterested witnesses in making the proof.

Departmental receipt No. 28456 enclosed was issued to Sybil S. Hadley covering the \$5.50 filing fee received in connection with the above captioned permit.

Very truly yours,

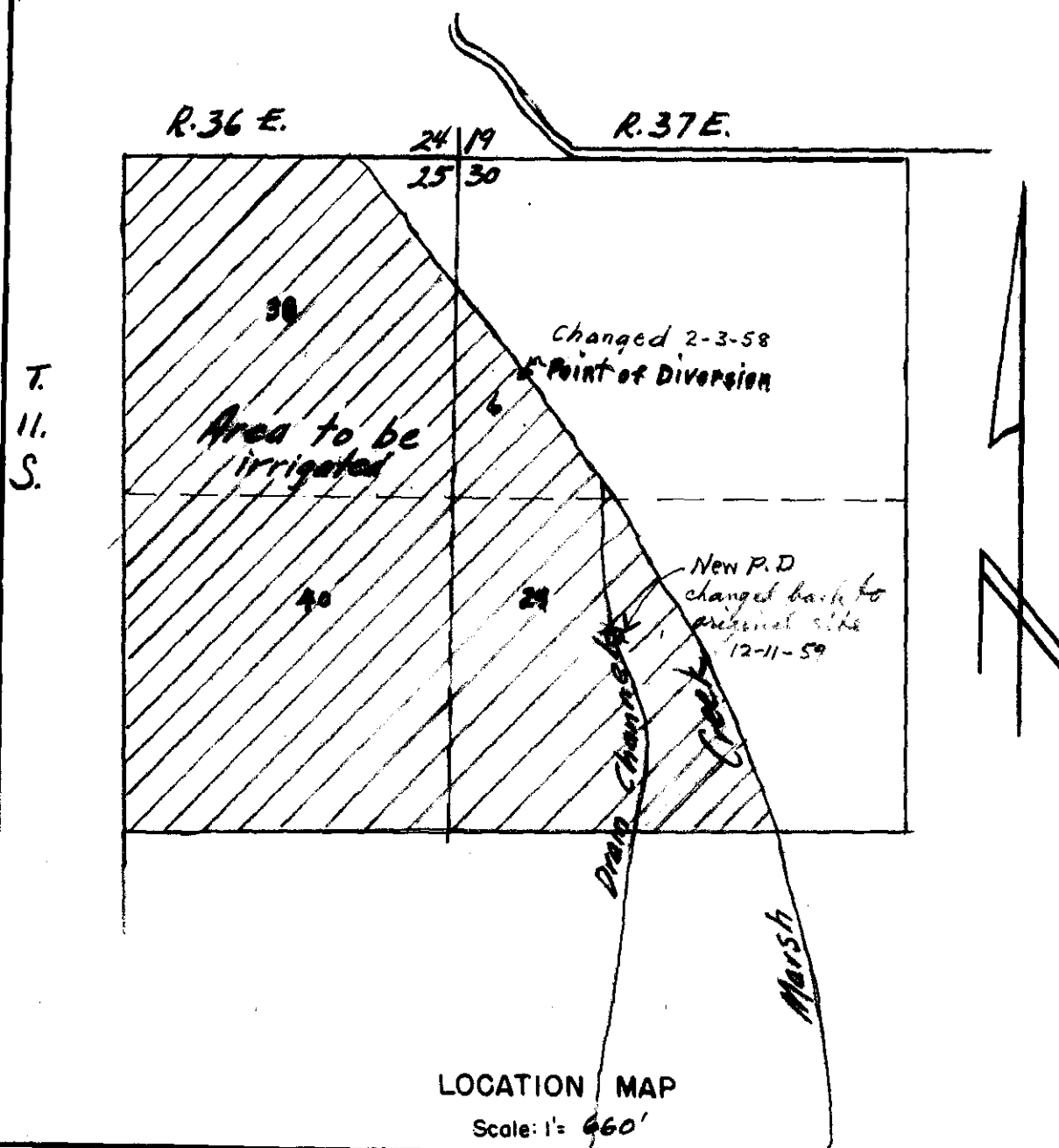
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:ab

cc: John R. Gailey
Encls.

26778



LEGEND

- Field Boundary
- ===== Improved Road
- ===== Farm Road
- Building
- Natural Channel

26778

26778

1957

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PRACTICE

PRODUCER

John R. Gailey

ACP FARM NO.

COUNTY



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

February 19, 1957

RECEIVED
FEB 27 1957
Department of Reclamation

Re: Application for Permit
John R. Gailey

Mr. Fred J. Hadley
Downey
Idaho

Dear Mr. Hadley:

We acknowledge receipt of the Application for Permit to Appropriate the Public Waters of the State of Idaho in the name of John R. Gailey, applicant.

The application is complete but you over-looked sending the filing fee to cover same. The fee for filing on 115 miner's inches is \$5.50.

Upon receipt of said filing fee the application will be processed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:nls

26778

February 19, 1957

Re: Application for Permit
John R. Gailey

Mr. Fred J. Hadley
Downey
Idaho

Dear Mr. Hadley:

We acknowledge receipt of the Application for Permit to appropriate the Public Waters of the State of Idaho in the name of John R. Gailey, applicant.

The application is complete but you over-looked sending the filing fee to cover same. The fee for filing on 115 miner's inches is \$5.50.

Upon receipt of said filing fee the application will be processed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:nls

26778

RECEIVED
FEB 1 2 1957
Department of Reclamation

Downey, Cal.
Feb. 7, 1957

Mr Kulp

I am returning application
for water filing permit on
Marsh Creek I went to Pontre-
and went to A. S. C. office and from
the area maps tried to get the
exact amount of acres to be
irrigated, and also the exact point
where head gate would be placed
if a permit is granted to
Mr. Sailer for Highwater
If any other information
is needed I would you please
let me know or if something that
Mr. Sailer would need to let you
know about he would be glad
to do this.

Address.
(Mr. John R. Sailer)
Haystack, Utah

Sincerely,
Fred F. Hadley
Downey, Cal.

26778

January 4, 1957

Mr. Fred J. Hadley
Downey
Idaho

Dear Mr. Hadley:

Regarding your letter of December 22, 1956, in which you stated that you would like to file on the high waters (we assume of Marsh Creek) and also spring waters rising on the Gailley property, we consider the water from springs flowing perpetually into Marsh Creek as part of the waters of the Creek.

We find no filing or water right of record in this department in the name of John R. Gailley from the waters of Marsh Creek.

We are enclosing a form of Application for Permit to appropriate the Public Waters of the State of Idaho, consisting of natural flow of Marsh Creek, together with a pamphlet of instructions and regulations in regard to filing.

When the application is approved it will be signed by the proper State Officials and sent to you as a use permit under which you may proceed with the construction of the work described in the application.

In order to complete your water right proofs of completion of works and application of water to beneficial use are required. The time required for making these proofs should be indicated under question 10 of the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:nls
Encls: 2

26778

RECEIVED
DEC 26 1956

Department of Reclamation

Downey Idaho
Dec. 22, 1956

Mr. Mark R. Culp.

Have just renewed a lease on a piece of property, belonging to Mr. John B. Saily, and with this permission would like to know if there is any water right on this property. If not could we file for a high water right. Also on this property, there are some springs with some work & development could obtain some water for irrigation. Could we file on these springs.

Property, leased.

The east half of the Northeast quarter of section 25, Township 11 South, Range 36 east, and lots one & two in section 30, Township 11 south, Range 37 east, Boise Meridian, containing 185.63 acres, more or less

26778

Yours Sincerely
Fred J. Hadley
Downey Idaho

LEGAL NOTICE

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

NOTICE is hereby given that at 1:00 P. M., on the 26th day of February, 1962, at Downey, County of Bannock, State of Idaho, before Ben H. Bowen, Notary Public, at Downey, Idaho, proof will be submitted of the completion of works for the diversion of 2.3 cubic feet per second of the waters of Marsh Creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 26778, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post-office address of the person or corporation holding said permit is: Alan B. Blood and Harold J. Galley, as Executors of the John R. Galley Estate, Kaysville, Utah.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is 2.3 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 2.3 cubic feet per second.

4. The point of diversion of said water is Northwest Quarter of Northwest Quarter of Sec. 30, T. 11 S., R. 37 E.

5. The place where said water is used is W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 30, T. 11 S., R. 37 EBM; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 25, T. 11 S., R. 36 EBM.

6. The date of priority which said user is prepared to establish is Feb. 27, 1957.

GEO. N. CARTER,
State Reclamation Engineer.