

SCANNED

APR 30 2001

State of Idaho License and Certificate of Water Right

Water License No. G-25728

Amount 2.4 c.f.s.

Water District No. _____

Priority May 26, 1955

THIS IS TO CERTIFY that CLAUDE DENNEY - Assignee - MARK DUNFORD WESTON and LOIS FLORENCE WESTON of Downey, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 26, 1955; that Permit No. G-25728 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.4 second feet, was issued thereunder on October 8, 1962, showing that said works were completed on the 31 day of May, 1962; and that on the 31 day of May, 1962,

MARK DUNFORD WESTON and LOIS FLORENCE WESTON

of Logan, State of Utah, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-25728 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 7479, on the 8th day of October, 1962; The right hereby confirmed dates from May 26, 1955;

The Point of Diversion is located

at 1/4 Sec. 7, Tp. 11 S., R. 37 E., B. M. Bannock County

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 2.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	9 N.	7	30 30 30 30 30 30	40 40 40	40 40 40
			Total number of acres to be irrigated		120

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, at Boise, Idaho, this

8th day of October, 1962.

RAUL M. THOMAS

Deputy State Reclamation Engineer

29-2366

9-25728

Assigned to

Mark Dunford Weston
and Lucie Florence
116 S. 11th E.
Logan, Utah

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 33571
Permit No. G- 25728
District No.

Claude Denney
Route 1
Downey, Idaho

1. Name of Applicant: CLAUDE DENNEY
Postoffice address: Downey County: Bannock State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. 2 2/5 or Idaho
Miners' inches 120 or gallons per minute. 1080
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Well
4. Location of point of diversion or well is in the S.E. 1/4 of the S.W. 1/4 of Section S. 7
Twp. 11 S , Rge. 37 E. , B.M., County of Bannock
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the S.E. 1/4 of the S.W. 1/4 of Section S. 7 , Twp. 11 S.
Rge. 37 , B.M.
 - (b) Waste water or sewage effluent is to be returned to None
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B.M.
7. Kind of works: Well
8. Estimated cost of works: \$ 10,500
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir: --
10. The time required for the completion of such work and complete application of the water to the proposed use is 2 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

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

Applicant.

Agent.

Returned to applicant for correction:

Corrected application received:

The number of this permit is G-25728

Recorded in Book 91 Page 25728 Approved June 9, 1955

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 9, 1955 and to continue diligently and **uninterruptedly** to completion, unless temporarily interrupted by **circumstances over which** the permit holder has no control.

One-fifth of the work above specified to be completed on or before June 9, 1956

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before June 9, 1957

Witness my hand this 9th day of June, 1955

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, _____ ROBERT E. SMYLLIE _____, Governor of the State of Idaho,
and _____ IRA H. MASTERS _____, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this _____ 9th _____
day of _____ June _____, 19 _____ 55 _____

Countersigned:

STATE OF IDAHO

(SEAL)

By ROBERT E. SMYLIE
Governor

By IRA H. MASTERS
Secretary of State.

12.

Twp.	Range	Sec.	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	Totals
			NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	NE ¹ / ₄ NW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄	
11 S.	37 E.	7		40	40	40	120
			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 and beneficial use under Permit to appropriate the Public Waters of the State of Idaho, No. G-25728 to <u>June 9, 1958.</u> Witness my hand this 18th day of April, 1957. /s/ Mark R. Kulp State Reclamation Engineer Approved and recorded April 18, 1957.							
			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 and beneficial use proofs under Permit to appropriate the Public Waters of the State of Idaho, No. G-25728 to <u>June 9, 1960.</u> Witness my hand this 25th day of April, 1958. /s/ Mark R. Kulp State Reclamation Engineer Approved and recorded: April 25, 1958.							

APPLICATION FOR EXTENSION OF TIME

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. G-25728 to June 9, 1962.

Witness my Hand this 26 day of April, 1960.

s/ GEO. N. CARTER
State Reclamation Engineer

Recorded: April 26, 1960

A S S I G N M E N T

For value received, I hereby assign my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-25728 to Mark Dunford Weston and Lois Florence Weston, of 716 South 6th East, Logan, Utah.

s/ Claude DENNEY
Permit Holder

s/ PHOEBE DENNEY
Wife of Permit Holder

STATE OF IDAHO)
County of) ss

On this 9th day of March, 1962, before me, a Notary Public for the State of Idaho, residing at Burley, Idaho, personally appeared CLAUDE DENNEY and PHOEBE DENNEY known to me to be the persons whose names are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written.

My commission expires September 16, 1962

s/ BETH I. JONES
Notary Public
Residing at Burley, Idaho

Recorded: April 19, 1962

APPLICATION FOR AMENDMENT
POINT OF DIVERSION
Permit No. G-25728

Comes now MARK DUNFORD WESTON & LOIS FLORENCE WESTON and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owners and holders of Permit to Appropriate the Public Waters of the State of Idaho, No. G-25728.

That the point of diversion is described in said Permit as being located: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 11 South, Range 37 East, B. M.

That they now request that the point of diversion be changed to a point located: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, Township 11 South, R37 East B. M.

That the reason for desiring to make such change is as follows: SE $\frac{1}{4}$ SW $\frac{1}{4}$ point was continually pumping sand which wore out 3 sets bowels and caved in. The new point has no sand at present.

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

Signed at Logan, Utah, this 24 day of April, 1962.

Mark Dunford Weston
Lois Florence Weston

Date of Receipt at Department of Reclamation: April 26, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

I, CARL E. TAPPAN, Assistant 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. G-25728. 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
Assistant State Reclamation Engineer

Recorded: April 26, 1962

Permit No. G-25728 ✓
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CLAUDE DENNEY - Assignee - MARK DUNFORD WESTON and LOIS FLORENCE WESTON of Downey, County of Bannock, and State of Idaho, the holder of Permit No. G-25728, issued upon Application No. G-33571, bearing date of priority of May 26, 1955, authorizing the diversion of 2.4 second feet of waters of a well, County of Bannock, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.4 second feet of the waters of a well from subterranean flow; that the point of diversion of said waters SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, 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:

120 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 7, T. 11 S., R. 37 E., B. M.

Witness my hand this 8th day of October, A. D. 1962.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: May 31, 1962

LICENSE ISSUED FOR 2.4 SEC. FT.
page 7479

PUBLIC NOTICE

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

Notice is hereby given that on September 8, 1967, at Pocatello, County of Bannock, State of Idaho, before notary public R. D. Merrill, Spaulding Building, Pocatello, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 c. f. s. of the waters of a well, and the application to beneficial use of said water, in accordance with the terms and conditions of permit G-30728, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Reid Stewart, Downey, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 4.0 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 4.0 c. f. s.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T. 11S, R. 37E, B. M.

5. The place where said water is used is NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 18 T. 11S, R. 37E, B. M.

6. The date of priority which said user is prepared to establish is September 14, 1962.

R. KEITH HIGGINSON,
State Reclamation Engineer.

8-24-67



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

August 22, 1979

SCANNED

APR 30 2001

Warren H. Peterson, Counsel
The Church of Jesus Christ of
Latter Day Saints
Office of General Counsel
330 South Third East
Salt Lake City, UT 84111

Dear Mr. Peterson:

We have received the assignments submitted for License No's. G-30723/29-2466 and G-25728/29-2366.

However, name changes are not made on the licenses since a permit when licensed becomes appurtenant to the land, and whoever owns the land covered under the license also owns the water right.

We will put all the documents submitted in the two files and any further correspondence will be forwarded to you as the present owners.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:rr

Enclosure

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY
SAINTS

OFFICE OF GENERAL COUNSEL
330 South Third East
Salt Lake City, Utah 84111

August 7, 1979

Department of Water Resources
Eastern District Office

Department of Water Resources
State of Idaho
1515 Lincoln Road
Idaho Fall, Idaho 83401

RE: Assignment of Permit No. G-30723 to Appropriate Subterranean
Waters in the SE 1/4 of NE 1/4 of Sec. 7, T 11 S, R 37 E,
Boise Meridian and License and Certificate of Water Right
No. G-25728

Wel Arimo Idaho Stk Farm
Property No. 519-5241

Gentlemen:

Please find enclosed the original assignment of the water
right referenced above from Reed Stewart and Ruth Stewart to
John A. Servoss and the assignment of the same water right from
John A. Servoss and Janice B. Servoss to the Corporation of the
Presiding Bishop of the Church of Jesus Christ of Latter-day
Saints, a Utah corporation sole.

Please enter this change of ownership in your records to
reflect the vesting of ownership in the "Corporation of the
Presiding Bishop of the Church of Jesus Christ of Latter-day
Saints, a Utah corporation sole." Any future communications
regarding these water rights should be directed to Office of
General Counsel, No. 519-5241, 330 South 300 East, Salt Lake City,
Utah 84111.

If there is any fee involved in this transfer, please notify
us.

Please advise us when the change of ownership has been entered
on your records. We look forward to hearing from you.

Sincerely yours,

Warren H. Peterson
Warren H. Peterson
Counsel

WHP:ldk

cc: President Douglas Sorenson

MICROFILMED

Dr. Frank C. ...
Eastern District

Dr. Frank C. ...
Eastern District

Dr. Frank C. ...
Eastern District

Reid S. Stewart
REID S. STEWART

Ruth O. Stewart
RUTH O. STEWART

Dr. Frank C. ...
Eastern District

Dr. Frank C. ...
Eastern District

Dr. Frank C. ...
Eastern District

E. L. Scott

RECEIVED

AUG 18 1979

Department of Water Resources
Eastern District Office

ASSIGNMENT

FOR VALUE RECEIVED, we hereby assign, transfer and set over unto the CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, that certain Permit No. G-30723 issued to Mark Dunford Weston, as the same was assigned to Reid Stewart, to appropriate the subterranean waters of the State of Idaho, with a point of diversion situated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 11 South, Range 37 East, Boise Meridian, Bannock County, Idaho, ALSO, License and Certificate of Water Right No. G-25728.

IN WITNESS WHEREOF, we have hereunto set our hands this 20th day of June, 1979.

John A. Servoss
JOHN A. SERVOSS

Janice B. Servoss
JANICE B. SERVOSS

STATE OF IDAHO)
 : ss.
COUNTY OF ONEIDA)

On this 20th day of June, 1979, personally appeared before me, a notary public in and for the State of Idaho, JOHN A. SERVOSS and JANICE B. SERVOSS, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

E. L. Scott
Notary Public for Idaho
Residing at Malad City, Idaho

RECEIVED

AUG 20 1979

Department of Water Resources
Eastern District Office

PARTIAL ASSIGNMENT
OF
OIL, GAS AND MINERAL LEASE

FOR VALUE RECEIVED, we, REID S. STEWART and RUTH O. STEWART, husband and wife, and JOHN A. SERVOSS AND JANICE B. SERVOSS, husband and wife, do hereby assign, transfer and set over unto CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, all of our right, title and interest in and to that certain Oil and Gas Lease dated June 30, 1972, in favor of Ben B. Johnson, recorded January 18, 1973, in Book 256, No. 503985, records of Bannock County, Idaho, and which said Lease was assigned to Alter Corporation by written Assignment dated August 31, 1973 and found of record in Book 262, as Instrument No. 513909, insofar as said Lease and the Assignment thereof pertains to the following described real property situated in the County of Bannock, State of Idaho, to-wit:

Township 11 South, Range 37 East, Boise Meridian:
Section 7: SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 18: E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

IN WITNESS WHEREOF, we have hereunto set our hands
this 20th day of June, 1979.

Reid S. Stewart
REID S. STEWART

Ruth O. Stewart
RUTH O. STEWART

John A. Servoss
JOHN A. SERVOSS

Janice B. Servoss
JANICE B. SERVOSS

REPRODUCTION

RECEIVED

AUG 13 1979

Department of Water Resources
Eastern District Office

STATE OF IDAHO)
 : ss.
COUNTY OF ONEIDA)

On this 20th day of June, 1979, personally appeared before me, a notary public in and for the State of Idaho, REID S. STEWART, RUTH O. STEWART, JOHN A. SERVOSS and JANICE B. SERVOSS, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

E. L. Scott

Notary Public for Idaho
Residing at Malad City, Idaho

September 20, 1967

RE: Permits G-30514, G-30723 and G-25728
Reid Stewart

Howard L. Armstrong
Attorney at Law
746 East Lander
Pocatello, Idaho 83201

Dear Mr. Armstrong:

Enclosed please find copies of the proofs filed in connection with the above numbered permits. A license has been issued on G-25728 and it is not in Mr. Stewart's name. He or your client may have purchased the property from Mr. Weston with the license and therefore would own water right. We could send you a copy of the license if you so desire.

There is a fee of \$5.00 for the enclosed copies. If we can be of further assistance please let us know.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Encl: Copies

25728

LAW OFFICES

GEE, HARGRAVES & ARMSTRONG

P. O. DRAWER H

MERRILL K. GEE
GEORGE W. HARGRAVES
HOWARD L. ARMSTRONG, JR.

746 EAST LANDER
POCATELLO, IDAHO 83201

TELEPHONE: 233-2044
233-2045

September 14, 1967

SEP 15 1967

Department of Reclamation

Mr. Keith Higginson
Reclamation Engineer
State of Idaho
State House
Boise, Idaho

Re: Reisner vs. Stewart et al - (Permits No. G-25728; G-30514;
& G-30723)

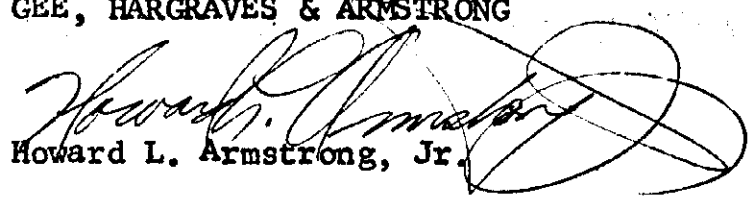
Dear Mr. Higginson:

We understand from our client, Mr. Herman Reisner, that Reid Stewart has filed his proof as it pertains to his water appropriation. We desire copies of all of the papers filed by Mr. Stewart or filed on his behalf. Mrs. Reisner informs us that he has filed his objections to this appropriation with you and he also indicated that he had told you there is pending a law suit in the District Court of Bannock County between he and Mr. Stewart concerning Mr. Stewart's appropriation and use of his well.

We would appreciate copies of the documents requested.

Very truly yours,

GEE, HARGRAVES & ARMSTRONG


Howard L. Armstrong, Jr.

HLA: kw

25728

April 26, 1963

RE: License No. G-25728
Mark Dunford Weston

Gee, Hargraves & Armstrong
Attorneys at Law
746 East Lander
Pocatello, Idaho

Attn: Howard L. Armstrong, Jr.

Gentlemen:

We acknowledge receipt of your check in the amount of \$8.35
and we are enclosing receipt No. 67867 issued to cover the fee for
the photo copies which were mailed to you April 15 th.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR

Encls. - receipt

25728

LAW OFFICES
GEE, HARGRAVES & ARMSTRONG
LEXCO BUILDING
746 EAST LANDER
POCATELLO, IDAHO

MERRILL K. GEE
GEORGE W. HARGRAVES

HOWARD L. ARMSTRONG, JR.
MAX FRED PARRISH

TELEPHONE: 233-2044
233-2045

April 26, 1963

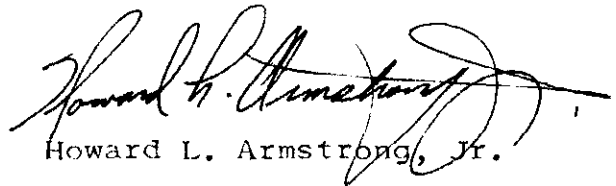
Department of Reclamation
107 State House
Boise, Idaho

Re: License No. G-25728
Mark Dunford Weston

Dear Sir:

The enclosed is my check in the amount of \$8.35
for the photo copies which we requested your
office to send us. Thank your for your cooperation.

Very truly yours,


Howard L. Armstrong, Jr.

HLA/jah

Enclosure

125728

April 15, 1963

Re: License No. G-25728
Mark Dunford Weston

Gee, Hargraves & Armstrong
Attorneys at Law
746 East Lanier
Pocatello, Idaho

Attn: Howard L. Armstrong, Jr.

Dear Sir:

Enclosed are photo copies of the noted permit, amendments, three depositions of proof of completion of works and beneficial use of the water and the water license, all as requested in your letter of April 11, 1963.

The fee for the copy work is \$8.35 which you may remit to this office at your earliest convenience.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. photo copies

25728

LAW OFFICES
GEE, HARGRAVES & ARMSTRONG
LEXCO BUILDING
746 EAST LANDER
POCATELLO, IDAHO

MERRILL K. GEE
GEORGE W. HARGRAVES

HOWARD L. ARMSTRONG, JR.
MAX FRED PARRISH

April 11, 1963

TELEPHONE: 233-2044
233-2045

Department of Reclamation
State of Idaho
107 State House
Boise, Idaho

Re: Permit No. G-25728

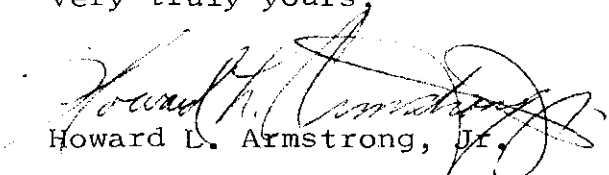
Mark Dunford Weston

Dear Sir:

Our office has been asked to obtain certain information concerning the above permit number. We should like to have a copy of the original filing in this matter together with copies of any amendments that may have been filed subsequent thereto. We should also like to have a copy of the final proof and certificate or licenses that was finally issued.

Thank you for your cooperation, we remain

Very truly yours,


Howard L. Armstrong, Jr.

HLA/jah

f 25728

November 17, 1962

RE: Permit No. G-25728
Mark Dunford Weston

Herman Reisner
Downey, Idaho

Dear Mr. Reisner:

Enclosed is the photo copy of the well drilled in connection with the above numbered permit which you requested in your letter of November 16, 1962.

Also enclosed is departmental receipt No. G-7562 in the amount of \$1.50 covering the fee for the photo copy.

Very truly yours,

CHAS. H. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

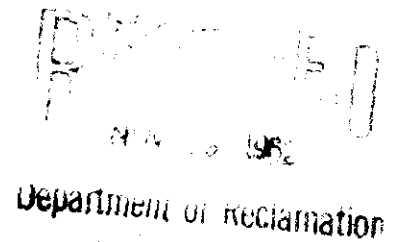
EPR:mr

Enc. photo copy
receipt

25728

Lorney, Idaho
Nov. 16, 1962

State of Idaho
Department of Reclamation
107 State House
Boise



Permit No. S-25728
Mark Demford Weston

Geo. W. Carter
State Reclamation Engineer

Dear Mr. Carter;

Enclosed find check for
\$ 1,500 for which please send me
a photo copy of the above well.

Very truly yours,
Herman Reiser

S25728

2/12/12

ABSTRACT OF WELLS IN THE NAME OF MARK DUNFORD WESTON

License #25728 - one well was licensed under this permit, located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, Twp. 11 S., Rge. 37 E., B. M.; amount of water licensed 2.40 c.f.s. to irrigate SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, said Section 7.

On June 18, 1962, Ralph H. Jones, of Jones, Pomeroy & Jones, Lawyers, Pocatello, wrote the State Reclamation Engineer stating - "that Herman Reisner and Wilford Reahner of Downey and Virginia, Idaho, respectively, that Dunford Weston drilled a well in Sec. 7, Township 11, R. 37 E., in or near the corner section of the line between the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 7. That pumping of said well is drying up, or at least taking a good portion of the flow of the large "Unnamed Spring", which is a tributary of Peck Creek, which spring in the past had a capacity of 4.0 c.f.s and the present flow is about one second foot." Mr. Jones also stated "he would like to have your views on the matter before we file any suit."

On June 19, 1962, a reply to Mr. Ralph H. Jones stated - "Permit No. G-25728, in the name of Mark Dunford Weston and Lois Florence Weston, shows point of diversion from a well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, in Sec. 7 for 2.4 c.f.s. Claude Denney filed the application on May 25, 1955. Proofs were due June 9, 1957, later extended to June 9, 1960 and further extended to June 9, 1962. The last extension was granted on Mr. Denney's statement that the well and pump had been in use, however, they were having sand troubles. Said extension being granted under Section 42-234, last portion of first paragraph. Such extensions have not been allowed except in a few cases similar to Mr. Denney's. Mr. Weston requested a change in point of diversion from SE $\frac{1}{4}$ SW $\frac{1}{4}$ to SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 7, on account of sand in the first well which was approved

J25728

"April 16, 1962"

"Mr. Weston has completed the depositions of completion of works and beneficial use of the water, however the works have not been examined by our field man. Kindly advise if this is not the information you desire."

June 25, 1962, a letter from Ralph H. Jones, Attorney, acknowledged receipt of the department letter of June 19th, stating that was the information they desired, and asked if they could be notified when the field man would make the examination because they would like to be present.

On August 21, 1962, Governor Smylie, responding to a letter from Mr. Howard Reisner, advised him that the matter was being investigated.

On August 22nd, Mr. Reisner was informed that legal publication had been made and that the department did not issue a permit to a man and make proof on a well without advertising.

On August 30, 1962, a report by the field engineer was made, showing that 2.40 c.f.s. flowing from the well was being beneficially used.

On September 5, 1962, in a letter to Mr. Jones, it was stated that "the field man's examination had been made showing 2.40 c.f.s. was being pumped from the well under Permit #0-25728.

September 7th, a letter from Mr. Jones stated that "the thing they were particularly concerned with was that the well when pumping was interfering with the flow of the spring which our clients had applied to beneficial use a long time prior to application for permit by Mr. Mark Dunford Weston. We were hoping that we could get this matter adjusted without the necessity of filing suit against Mr. Weston. If you have any suggestions in the matter we would like to hear from you."

October 5, 1962, the department's letter to Mr. Jones @ "After considering the several items of issuing of license in this case, it appears this department is required to issue it. As you know, a water license issued by this department is for otherwise unappropriated public water. Such a right cannot take water away from a prior appropriator."

On October 8, 1962, the Certificate of Completion of Works and License and Certificate of Water Right was issued on the above numbered permit and mailed to Mr. Mark Dunford Weston.

November 13, 1962, Mr. Herman Reiser asked the department for a log of Mr. Mark Dunford Weston's well and a photo copy was mailed to Mr. Reiser on November 19th.

April 11, 1963, Mr. Howard L. Armstrong, Jr., of the firm of Gee, Hargraves and Armstrong, asked for copies of the original filing, amendments and final proof certificate or license that were finally issued on Permit No. G-25728. They were mailed to Mr. Armstrong on April 15th.

On February 18, 1965, Mr. and Mrs. Reiser were in complaining loudly and vehemently about all the matters connected with the aforesaid well under Permit No. G-25728, claiming that the spring they have been using for upwards of forty years had been "dried up" by reason of the pumping of 6 second feet of water from well under License No. G-25728.

Our conclusions were to Mr. Reiser that perhaps his best method of proceeding in these matters might be to ask or petition formally for a Local Ground Water Board hearing, as defined under Idaho Code, 42-237d. Mr. Reiser

presented a petition asking that a Local Ground Water Board for Bannock County be established. It was returned to him because no details of the complaint were entered, no ownership of land was shown, and no proofs of water right were included, therefore, the statement of the claimant was not sufficient, and we asked for specific details for his claim to carry. Further action is pending receipt of his formal petition.

Further permits applied for under the name of Mark Dunford Weston as follows:

Permit No. G-30723 - On September 14, 1962, application was made for 4.0 c.f.s. of flow from a well in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T. 11 S., R. 37 E. This was to irrigate lands in NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18. Proof of Completion of Works and Beneficial Use are due September 20, 1967.

Permit No. G-30514 - On May 28, 1962, application was filed by Mark Dunford Weston, for 4.8 c.f.s. with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, T. 11 S., R. 37 E., to irrigate the NW $\frac{1}{4}$, said Sec. 19 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, same section. Proofs of Completion of Works and Beneficial Use are due May 27, 1967.

On July 15, 1963, Mr. Armstrong notified this department his office is representing Mr. Herman Reiser, who desires to file his objections to Mr. Stewart or Mr. Weston proving up certain ground water rights under a well which was dug on Mr. Weston's property during 1962. He stated further that in order to protect Mr. Reiser he desired to have a protest entered and to have notice of any and all proceedings mailed directly to our office.

July 16, 1963, the department asked Mr. Armstrong if the Idaho State Journal is not qualified as a medium for legal notices of intention to make proofs of permits issued from this office.

25728

On June 9, 1964, this department was requested by Mr. Howard L. Armstrong, Jr. to notify them in case of proof of completion of works and beneficial use under Permits No. G-30514 and G-30723, being advertised for final proof.

Our office is uninformed and has no knowledge of rights to any spring claimed by Mr. Herman Reisner. The record we have shows a map under Permit No. 8869, dated November 23, 1962, filed by Thomas W. Bennett of Virginia, Idaho, which locates a spring in NW1/4, said Section 6, T. 11 S., R. 37 E. Certificate of Completion of Works was issued to Mr. Bennett on December 13, 1963. Proof of beneficial use was never made. It was proposed under this permit to irrigate SW1/4, Sec. 6, T. 11 S., R. 37 E. Under "remarks" it was declared - "the spring and point of diversion mentioned in this permit is located on my own land."

Permit No. G-25623, was a permit granted to Wilford Reisner, of Virginia, Idaho, on April 18, 1955, for 2.40 c.f.s, point of diversion SW1/4, Section 6, T. 11 S., R. 37 E., to irrigate N1/4, SW1/4, said Section 6. This permit was cancelled due to failure of applicant to comply with Idaho Statutes.

The following references are to actions of Mr. Herman and Wilford Reisner, plaintiffs vs. Mark Dunford Weston and Lois Florence Weston and Mr. and Mrs. Reed Stewart, defendants, in the Fifth Judicial District in and for the County of Bannock, alleging interference with certain spring which said plaintiffs had used beneficially for the past thirty years and pray that the cause be tried before a jury and sought injunction against defendants Weston, et al. Complaint was answered by one Reed S. Stewart,

and declared that said well has not, does not, and will not effect the flow from said spring.

Judge Arthur Oliver, on July 13, 1963, ordered that the Department of Reclamation conduct examinations in said dispute and make a report thereon to the Court, pursuant to Chapter 14, Title 42 of the Idaho Code, and further, pursuant to said sections 42-237f and 42-225.

On June 24, 1963, the Department of Reclamation, by letter, informed Judge Oliver that Mr. Sam Barton of Boise had been appointed to make the investigation. Mr. Barton was unable to conduct the investigation. On July 25th, said order for Department of Reclamation to conduct this investigation was vacated and further ordered that any further proceedings under Plaintiff's Order to Show Cause be continued and postponed until further Order of the Court, dated 25th day of July, 1963.

November 14, 1962

RE: Permit No. G-25728
Mark Dunford Weston

Herman Reisner
Downey, Idaho

Dear Mr. Reisner:

Upon checking the well log on the above mentioned well we find top soil the first two feet; gravel from two feet to forty feet; gravel with water in from forty feet to fifty two feet; brown clay from fifty two feet to eighty feet. Depth of the well is eighty feet.

A photo copy of the log will be \$1.50. If you wish a copy of the log you may remit the \$1.50 to this department and it will be sent you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

25728

Bowney, Idaho
November 13, 1962

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

RECEIVED
NOV 14 1962
Department of Reclamation

George M. Carter, State Reclamation Engineer

Dear Mr. Carter:

Will you please send me the
log of Mr. Mark Dunford Preston's well,
Permit number G-25728? I need this
information because it involves our water.

Thank you kindly for the favor.

Very truly yours,

Herman Reiser

Bowney, Idaho

G25728

October 8, 1962

Re: Permit No. G-25728

Mark Dunford Weston
716 South 6th West
Logan, Utah

Dear Mr. Weston:

Enclosed are Certificate of Completion of Works
and License and Certificate of Water Right issued on the
above numbered permit.

Also enclosed is departmental receipt No. G-7468
in the amount of \$11.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates
receipt

25728

October 5, 1962

Re: Permit No. G-25728

Mark Dunford Weston

Jones, Pomeroy & Jones
Central Bldg.
Pocatello, Idaho

Attn: Ralph H. Jones, Sr.

Dear Sir:

I refer to our telephone conversation of October 4th, re above permit. After considering the several items relating to issuance of license in this case, it appears that this department is required to issue it.

As you know, a water license issued by this department is for otherwise unappropriated public water. Such a right cannot take water away from a prior appropriator.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

CARL E. TAPPAN, Assistant
State Reclamation Engineer

CET:ew

25728

Department of Reclamation
Boise, Idaho.

Sept. 10, 1962

Dear Mrs Rule.

Enclosed please find check
for completion of works on
Permit No. G-25728. Happy to know
that every thing turned out
O.K.

Also enclosing Application
for additional water. Hope it
is satisfactory.

Thanks for everything.

RECEIVED

SEP 11 1962

Department of Reclamation

Sincerely

[Signature]

25728

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
Pocatello, Idaho

T. D. JONES, DECEASED
D. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.
LAMONT JONES

September 7, 1962

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

ATTENTION: Ralph W. Thomas, Deputy
State Reclamation Engineer

Re: Permit No. G-25728
Mark Dunford Weston

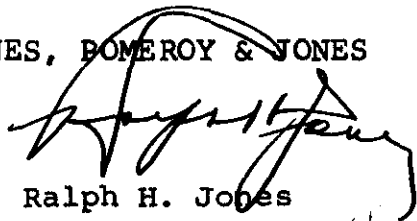
Dear Sir:

I was very sorry to learn that the field examiner failed to notify us when he would examine the works in respect to permit #G-25728. The thing we were particularly concerned with was that the well, when pumping, was interfering with the flow of the spring which our clients have applied to beneficial use a long time prior to the application for permit by Mark Dunford Weston. We were hoping that we could get this matter adjusted without the necessity of filing a suit against Mr. Weston. If you have any suggestions in the matter, we would like to hear from you.

Yours truly,

JONES, POMEROY & JONES

By


Ralph H. Jones

RHJ jk

cc: Mr. Wilford Reisner
Mr. Herman Reisner

Phone 232-3461

G25728

September 5, 1962

RE: Permit No. G-25728
Mark Dunford Weston

Ralph H. Jones
Jones, Pomeroy & Jones
Lawyers
Central Building
Pocatello, Idaho

Dear Mr. Jones:

The field examiner failed to notify you of the time he would examine the works.

The examination showed that 2.4 cubic feet per second of water was being pumped from the well to irrigate 120 acres of land.

The depth to water was measured while pumping and at intervals after the pump was stopped. The water raised 1.35' in five minutes and a total of 1.44' in 45 minutes which indicates that the drawdown was relatively light. A similar condition was noted in a well about one half mile west.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

25728

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

September 5, 1962

Re: Permit No. G-25728

Mark Dunford Weston
716 South 6th East
Logan, Utah

Dear Mr. Dunford:

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. G-25728 shows the well is (~~was~~) capable of conveying 120 miner's inches, or 2.4 c.f.s. of water for the irrigation of 120 acres.

Upon receipt of the statutory fees, totaling \$ 11.00, which consists of a Completion of Works fee of \$5.00 and License and Certificate of Water Right fee of \$6.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of May 26, 1955 to the use of 2.4 second feet of subterranean water with the point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7 for irrigation of 120 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 7, T. 11 S., R. 37 E., B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

825728

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

Permit No. G-25728

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

1. Name of applicant Mark Dunford Weston & Lois Florence Weston

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7

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

4. Describe works as they exist, giving dimensions and capacities of same: 50 HP US Motor

#1025830, Berkeley Pump #5707833, Column 52' x 8"; Well 80' x 16"

11' = 35' 1' d'd on pump test - 54' x 16" casing

(Measured depth to water while pumping at 39.82' (this was an average depth)

5 minutes after pump off d/w was 38.47' and 40 minutes later the

d/w was 38.38' - The recovery was 1.35' within 5 minutes after pump was turned

off and only 0.09' in the next 40 minutes or at a rate of 0.01' per each 5 minutes

5. Water is used for: Irrigation *during time of measurement*

6. State whether or not water has been turned into works of diversion: yes

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

SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 7., Twp. 11 S., Rge. 37 E.B.M.

* Referring to spring of Prestant - Estimated 20" to 25" discharge over a Contrall used as measuring device. 1" x 3" x 50" strip of wood nailed to a strip of tin 20" wide in bottom of ditch that has 1" x 12" x 18" wood abutments. No bevel on crest or air pocket under water spilling over crest.

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

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

Remarks: Mr. D. Weston along

Johnston Pump Co measured depth to water in well in July 1962 at 37' with

M-Scope.

Check for amendment to P.D.

This examination was made on the 30th day of August, 1962

(Signed)

L. J. Johnson

Examiner.

25728

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
SEP 4 1962

Department of Reclamation

Mark Dunford Weston
714 South 6th East
Logan, Utah
Parcel No. G-25728

Examination for Completion of Works & Beneficial Use

County: Bonneville

Sec. 7 T. 11S R. 37E

Quantity: 2.4 c. ts.

Source: Well

P.D.: SE. NW, Sec. 7, T. 11S. - R. 37E BM

Use: Irrigation

Filed: May 26, 1955

Date: June 9, 1957

Expiration: to June 9, 1962

Present: —

Completion of Works: —

Other Rights: none

Dale Forest Co. Inc.

3 Ray	2 Min	53 Sec
-------	-------	--------

200	~~99~~ 113	300	$2.66 \times .98 = 2.60$	cf -	130
-----	----------------------	-----	--------------------------	------	-----

R-37E.

Spring that are supposed to be affected,
about 50' deep.

T.
H.
S.

Ch. C. C.

8
Larry Bender suggested 6 mugs
3 cfs.

[illegible]

9-19-00 WHITE

Subdivisions 3

AREA	120
------	-----

Allow 9 240 cfs w. 120"

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-25728

REPORT ON PROOF OF Completion of Works & Beneficial Use

Mark Dunford Weston, 716 South 6th East, Logan, Utah

August 22, 1962

MEMORANDUM

TO: HON. ROBERT E. SMYLIE, GOVERNOR

FROM: CARL E. TAPPAN, Assistant
State Reclamation Engineer

Dear Governor Smylie:

Attached is my draft of a reply to Mr. Herman Reiser's letter of August 20, 1962.

It seems that Mr. Reiser has missed some of the developments in connection with Weston's well and has let his problems accumulate to the present stage.

A field man, in checking out the Weston Proof of Beneficial Use, would probably note that this well may have caused a spring to go dry and he might even demonstrate that such was a fact, but if the well owner refused to stop pumping, a field man would have no recourse, and I believe the owner of the spring would need, and should start, court action.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

CARL E. TAPPAN, Assistant
State Reclamation Engineer

Encl.
CET:pmk

Returned to Governor Smylie were the following:

1. Photo copy of letter dated June 18, 1962, to Jones, Pomeroy & Jones, from Ralph W. Thomas, Deputy State Reclamation Engineer.
2. Photo copy of letter to Department of Reclamation, Attn. Ralph W. Thomas, from Jones, Pomeroy & Jones, dated June 25, 1962.
3. Letter dated August 20, 1962, to Governor Smylie from Herman Reiser.
4. Two photo copies of Proof of Publication.

1525728

DRAFT

Mr. Herman Reiser,
Downey, Idaho.

Dear Mr. Reiser:

Further reference to your letter of August 20. Answering your question "how the Department of Reclamation can issue a permit to a man and make proof on a well without advertising." I am enclosing a copy of a sworn statement that such publication was made. Also enclosed is copy of a letter to the Department by Ralph H. Jones acknowledging receipt of the Department's letter of June 18, 1962.

It appears that the letter to Jones, Pomeroy & Jones recites the history of Permit No. G-25728 faithfully, but omits mention of Proof of Publication which was not requested.

We regret the inability of our field man to visit your property and can only say that our field men are very busy and much behind in their examinations and reports.

I can assure you that your problem is as important as other problems relating to water. We hope to send someone out your way before long, but this may take considerable arranging by the Reclamation Department.

Sincerely yours,

GOVERNOR

Encl.

S 25728



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
OFFICE OF THE GOVERNOR
BOISE

August 21, 1962

Mr. Herman Reisner
Downey
Idaho

Dear Mr. Reisner:

This will acknowledge your correspondence under date of August 20 and advise that I am looking into the matter for you and that I will write further when I have a report.

With kind regards, I am,

Sincerely yours,

GOVERNOR

RES:c

cc: Mr. Carl Tappan
Deputy State Reclamation Engineer
BUILDING

Dear Carl:

Will you please draft a reply to this correspondence for my signature and return the letter material with your draft.

Thank you


R E S

25728



ROBERT E. SMYLIE
GOVERNOR

STATE OF IDAHO
OFFICE OF THE GOVERNOR
BOISE

RECEIVED
AUG 21 1962

Department of Reclamation

August 21, 1962

Mr. Herman Reiser
Downey
Idaho

Dear Mr. Reiser:

This will acknowledge your correspondence under date of August 20 and advise that I am looking into the matter for you and that I will write further when I have a report.

With kind regards, I am,

Sincerely yours,

GOVERNOR

RES:c

cc: Mr. Carl Tappan
Deputy State Reclamation Engineer
BUILDING

Dear Carl:

Will you please draft a reply to this correspondence for my signature and return the basic material with your draft?

Thank you,

R.E.S.

25728

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
Pocatello, Idaho

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.
LAMONT JONES

June 25, 1962

RECEIVED
JUN 26 1962
Department of Reclamation

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

Re: Permit No. G-25728
Mark Dunford Weston

ATTENTION: Ralph W. Thomas, Deputy
State Reclamation Engineer

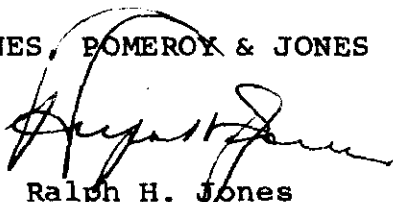
Dear Sir:

This will acknowledge your letter of June 18, 1962, in respect to the above matter, for which we thank you. This is the information that we desire. We would appreciate very much if you would let us know the date the works will be examined by your field man, because we would like to be present.

Yours truly,

JONES, POMEROY & JONES

By


Ralph H. Jones

RHJ jk

25728

June 14, 1962

Re: Permit No. G-25728
Mark Dunford Weston

Jones, Pomeroy & Jones
Lawyers
Pocatello, Idaho

Attn: Ralph H. Jones

Dear Mr. Jones:

We received your letter of June 18th, in which you described a well drilled by Mr. Weston in Section 7, Township 11, Range 35 E. Probably Range 35 E. is in error.

Permit No. G-25728, in the name of Mark Dunford and Lois Florence Weston shows point of diversion from a well in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 7, Twp. 11 S., Rge. 37 E. of 2 $\frac{1}{2}$ cubic feet per second of water to irrigate SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 7, Twp. 11 S., Rge. 37 E., B. H.

Claude Denney filed the application May 25, 1955. The proofs were due June 9, 1957, later extended to June 9, 1960, and further extended to June 9, 1962. The last extension was granted on Mr. Denney's statement that the well and pump had been in use, however, they were having sand troubles. Said extension being granted under Section 12-234, last portion of first paragraph. Such extensions have not been allowed except in a few cases similar to Mr. Denney's. Mr. Weston requested a change in point of diversion from SE $\frac{1}{4}$ SW $\frac{1}{4}$ to SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 7, on account of sand in the first well which was approved April 26, 1962.

Mr. Weston has completed the depositions of completion of works and beneficial use of the water, however the works have not been examined by our field man. Kindly advise if this is not the information you desire.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer
By:

CALVIN W. THOMAS, Deputy
State Reclamation Engineer

25728

RT:ow

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
Pocatello, Idaho

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.
LAMONT JONES

RECEIVED
JUN 19 1962
Department of Reclamation

June 18, 1962

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

Attn: Geo. N. Carter, State Reclamation Engineer

Dear Sir:

We have been informed by Herman Reisner and Wilford Reisner of Downey and Virginia, Idaho, respectively, that Dunford Weston drilled a well in Sect. 7, Township 11, Range 35 EBM and more particularly described: At a point near the corner section of the line between the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ AND NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 7. That the pumping of said well is drying up, or at least taking a good portion of the flow of the large "Unnamed Spring", which is a tributary of Peck Creek, which spring in the past had a capacity of four second feet per second and the present flow is about one second foot.

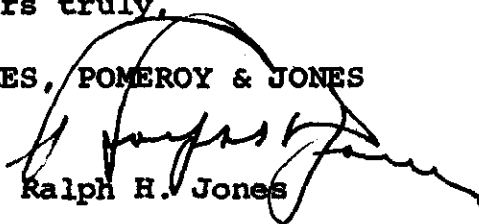
No doubt he has filed with your department an application to drill a well upon the premises above described. He has been pumping this well for the last sixty days. Our clients, of course, object to him appropriating this water, for the reason he has filed to drill his well where he could appropriate water from the spring.

Would appreciate it if you would advise us when he filed the application to obtain a permit to drill said well, and what completion date he has set in his application. Would like to have your views on the matter before we file any suit.

We understand that Dunford Weston's mailing address is Box 37, Logan, Utah.

Yours truly,

JONES, POMEROY & JONES

By 
Ralph H. Jones

25728

RHJ pb

June 7, 1962

Re: Permit No. G-25728

Mark Dunford Weston
716 South 6th East
Logan, Utah

Dear Mr. Weston:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Idaho State Journal, all submitted in proof of completion of works and beneficial use on Permit No. G-25728.

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:

25728

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 9-25728

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. Mark Dunford Weston
116 South 6th East Logan, Utah, Farmer.

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. No

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

Ans. #925728, June 9, 1955, May 26, 1955
June 9, 1956

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

Ans. Subterranean, Point of diversion, SE 1/4 NW 1/4 Sec. 7,
Twp. 11 South Rge. 37 E. B. M.

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. Well, Depth of well 80 feet, size of casing 16 inches, Depth
to water 35 feet, I am operating 96 nozzles, size
3/16 x 1/8 at 65# pressure. There is a main line running
through the middle of the Three 40 Acre tracts which is 8"
in two 40 and 6" in the last 40 A. with risers every 50'
3 inch lines. They are capable of conveying 28 second feet

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. This is to irrigate 40 Acres of Alfalfa, 40 Acres of Wheat
and 40 Acres of Potatoes, located, SE 1/4 NW 1/4 and NE 1/4 SW 1/4 and SE 1/4 SW 1/4
Sec. 7, Twp. 11 South Rge. 37 E. B. M. There has been a main
sprinkler line installed and a complete sprinkling system
bought at a cost of approx \$13,000 on this land.

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

Ans. Forest W. Cagle, Downey, Idaho

825728

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.

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.

By purchase of the Claude Denney Farm

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

Ans.

There has always seemed to be plenty of water but the original point of diversion sand was always cutting the supply off. At the new point of diversion there is ample water and no problems.

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.

There are no other water rights that I know of that pertain to this land.

(Sign)

Mark J. Weston

I hereby certify that the foregoing testimony was read to the above subscribed before the 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 Blaine County of Blaine

State of Idaho, on this 31 day of May A. D. 1962

My commission expires

11/1/64

25728

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

Permit No. 9-25728

**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. David Kent, age 46, Downey Idaho
Farming, Downey, Idaho

Ques. 2. Are you acquainted with Mark Dunford Weston, the holder of Permit No. 9-25728? How long have you known him and where does he reside?

Ans. I have known Mr. Weston for one year
716 So. 6th East, Logan, Utah

Ques. 3. Have you read or heard read said Permit No. 9-25728, 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. Well, Subterranean, Point of diversion, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7
Twp. 11, South Rge. 37 E. B. M. Sprinkling system, with
main line running through the 120 Acres, and six (6) 3" inch
 $\frac{1}{8}$ mile lines having 16 nozzles per line.

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. Said works will conduct 2.8 Second feet or 1260 gals per min.

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

Ans. I have seen pump deliver 1200 gals per min.
I estimated by using Rain bird chart on #30 nozzle
 $\frac{3}{16} \times \frac{1}{8}$ which 96 heads are being used with 65[#] pressure

925728

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, to irrigate 120 Acres located SE $\frac{1}{4}$ NW $\frac{1}{4}$; and NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7 Twp. 11 South Rge. 37 E. B.M. There has been a main sprinkler line installed and a complete sprinkling system bought at a cost of \$13,000 approx.

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

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. sandy loam with gravel. I feel it will take a full 120 miner inches to profitably cultivate this land.

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

Ans. No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I live within 14 or 15 miles of the said land and have been helping ~~Mr. Werten~~ Mr. Werten make sprinkling lines and know what the amount of water that has been used is as stated. Also have witnessed the sprinkling system in use the last five years when Mr. Denny owned the said land.

(Signed) David Hunt

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 31 day of May, A. D. 1962.

Lawrence H. Lawrence
Notary Public.

My commission expires 11/1/64

25728

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

450
3
1350

Permit No. Q-25728

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. Dale W. Nielsen, 39, Downey, Idaho
Farming & working on Railroad in Perazella in winter

Ques. 2. Are you acquainted with Mark Dunford Weston, the holder of Permit No. Q-25728? How long have you known him and where does he reside?

Ans. Yes, I have known him about 15 years
he resides at 716 So. 6th East Logan, Utah

Ques. 3. Have you read or heard read said Permit No. Q-25728, 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. Well, Subterranean, Point of diversion SE 1/4 NW 1/4 Sec. 7
Twp. 11, South Rge. 31 E.B.M., Sprinkling System with
main line running through the 120 Acres, and (6) six 3 inch
1/2 mile lines, Having 16 nozzles per line

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. Said works will conduct 28 second feet 1260 gals per min.

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

Ans. I have seen pump deliver 1200 gals per min. I estimated
by using Ram brand chart on #30 nozzle 3/16 x 1/8 which 96 heads
are being used with 65# pound pressure.

Q-25728

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, To Irrigate 120 Acres, Located SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 7 Twp 11 South Rge. 37 E.B.M. there has been a main Sprinkler line installed and a complete Sprinkling System bought at a cost of approx \$13000

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

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy loam with gravel, 1 foot it will take a full 120 miner inches to profitably cultivate this land.

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

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been helping Mr. Weston the last few months and have witnessed the Sprinkling System in operation and know the amount of water that has been used. Also have witnessed the Sprinkling System in use the last five years, when Mr. Denny owned the said land.

(Signed) Gale Nielsen

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 Dannock, State of Idaho, on this 31 day of MAY, A. D. 1962.

Sam H. Downey
Notary Public.

My commission expires 11/1/64

825728

PROOF OF PUBLICATION

RECEIVED

JUN 1 1962

Department of Reclamation

STATE OF IDAHO
County of Bannock

ss.

Betty Reardon

being first duly sworn on oath deposes and says: That she
was at all times herein mentioned a citizen of the United States of
America, more than 21 years of age, and the Principal Clerk of THE
IDAHO STATE JOURNAL, a daily newspaper, printed and published at
Pocatello, Bannock County, Idaho, and having a general circulation
therein.

That the document or notice, a true copy of which is attached, was
published in the said IDAHO STATE JOURNAL, on the following dates,
to-wit:

May 3	1962	19
May 10	1962	19
May 17	1962	19
May 24	1962	19
	19	19

That said paper has been continuously and uninterruptedly pub-
lished in said County for a period of seventy-eight weeks prior to the
publication of said notice or advertisement and is a newspaper within
the meaning of the laws of Idaho.

Betty Reardon
Subscribed and sworn to before me this 24th
day of May, 19 62

Roberta E. Spradlen
Notary Public, State of Idaho
Residence: Pocatello, Idaho

825728

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

SS.

Betty Beardon

Legal Advertisement

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

Notice is hereby given that at 10 a. m., on the 31st day of May, 1962, at Downey, County of Bannock, State of Idaho, before Ben Bowen, Notary Public, at Downey State Bank, proof will be submitted of the completion of works for the diversion of 2.4 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-25728, 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 Mark Dunford Weston and Lois Florence Weston, 716 So. 6th East, Logan, 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 2.4 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 2.4 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7 T. 11S. 37 E. B. M.

5. The place where said water is used is SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 7 Township 11 South R. 37 E.B.M.

6. The date of priority which said user is prepared to establish is May 26, 1955.

GEO. N. CARTER
State Reclamation Engineer
May 3, 10, 17, 24, 1962

being first duly sworn on oath deposes and says: That.....she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

May 3	62	19.....
May 10	62	19.....
May 17	62	19.....
May 24	62	19.....
		19.....

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Subscribed and sworn to before me this 24th

day of May, 1962

Notary Public, State of Idaho
Residence: Pocatello, Idaho

125728

PROOF OF PUBLICATION

RECEIVED
JUN 1 1962

STATE OF IDAHO
County of Bannock

ss.

Department of Reclamation

Betty Reardon

Legal Advertisement

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

Notice is hereby given that at 10 a. m. on the 1st day of May, 1962, at Downey, County of Bannock, State of Idaho, before Ben Bowen, Notary Public, at Downey State Bank, proof will be taken of the completion of works for the diversion of 2.4 cubic feet per second of water from the Snake River and water from the Snake River for application to beneficial use of water, in accordance with the permit and conditions of Permit No. 25728, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and present address of the person or corporation holding said permit is Mark Sanford Weston and Lois Florence Weston, 716 So. 8th East, Logan, 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 2.4 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 2.4 cubic feet per second.

4. The point of diversion of said water is SE1/4NW1/4, Sec. 7, T. 11S. 37 E. B. M.

5. The place where said water is used is SE1/4NW1/4, E1/2SW1/4, Sec. 7, Township 11 South R. 37 E.B.M.

6. The date of priority which said user is prepared to establish is May 26, 1955.

GEO. N. CARTER
State Reclamation Engineer
May 3, 10, 17, 24, 1962

being first duly sworn on oath deposes and says: That..... she..... was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

May 3	1962	19
May 10	1962	19
May 17	1962	19
May 24	1962	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Betty Reardon

Subscribed and sworn to before me this 24th

day of May, 19 62

Roberta C. Spradell

Notary Public, State of Idaho
Residence: Pocatello, Idaho

25728

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Betty Reardon

Legal Advertisement

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

Notice is hereby given that at 10 a. m., on the 31st day of May, 1962, at Downey, County of Bannock, State of Idaho, before Ben Bowen, Notary Public, at Downey State Bank, proof will be submitted of the completion of works for the diversion of 2.4 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-25728, 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 Mark Dunford Weston and Lois Florence Weston, 716 So. 6th East, Logan, 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 2.4 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 2.4 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7 T. 11S. 37 E., B. M.

5. The place where said water is used is SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 7 Township 11 South R. 37 E.B.M.

6. The date of priority which said user is prepared to establish is May 26, 1955.

GEO. N. CARTER
State Reclamation Engineer
May 3, 10, 17, 24, 1962

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

May 3	1962	19
May 10	1962	19
May 17	1962	19
May 24	1962	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Subscribed and sworn to before me this 24th

day of May, 19 62

Notary Public

Notary Public, State of Idaho

Residence: Pocatello, Idaho

25728

May 15, 1962

Re: Permit No. G-25728

Mark Dunford Weston
716 South 6th East
Logan, Utah

Dear Mr. Weston:

Enclosed is departmental receipt No. G-6968, in the amount of \$2.75 to cover the fee for a copy of your Permit No. G-25728, which was mailed to you on May 1, 1962.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

MR:ow

Enc. receipt

25728

May 14, 1962

Re: Permit No. G-25728
Mark Dunford Weston &
Lois Florence Weston

Idaho State Journal
Pocatello, Idaho

Gentlemen:

On April 26th we sent you a Notice of Publication on the above numbered permit, in the names of Mark Dunford Weston and Lois Florence Weston, requesting that a proof or tear sheet be mailed to this office for checking purposes.

To date we have not received such copy and request at this time that one be mailed to this office as soon as possible.

Very truly yours,

WEO. H. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

G 25728

May 1, 1962

RE: Permit No. G-25278¹²

Mark Dunford Weston
716 South 6th East
Logan, Utah

Dear Mr. Weston:

We are enclosing a copy of your Permit No. G-25728 which you requested in your letter of April 26.

A copy of this Permit will be necessary in making your Depositions of Proof of Completion of Works & Beneficial Use on May 31 at Downey, Idaho.

The fee for this copy work is \$2.75 which you may remit to the State Department of Reclamation.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR

Encl. - Copy Permit

25728

RECEIVED
APR 30 1962

April 28, 1962

Re: Permit No. Q-25728 Department of Reclamation

Mark Dunford (Ward & Lois) Joseph W. Foster

Dear Mrs. Kule:

In reading Form 17-A, Deposition of witness, Ques 3, which reads, "Have you read or heard read said Permit No. _____, and are you familiar with its provisions and conditions?"

Mr. Claude Denney who assigned this Permit to me, in moving to Bartley, Idaho, has misplaced this Permit. So I was wondering if it would be possible for you to make a copy of it and send to me.

If not able to do so, please advise me as to what I should do? I should be happy to pay any cost involved. Thanking you for your troubles

I remain Sincerely

Mark Dunford

Q25728

April 26, 1962

Re: Permit No. G-25728 Lois
Mark Dunford Weston & Florence Weston

Mark Dunford Weston
716 South 6th East
Logan, Utah

Dear Mr. Weston:

We enclose application for amendment to the
point of diversion issued on Permit No. G-25728.

Also enclosed is departmental receipt No. G6937
in the amount of \$1.00 covering fee for recording amendment
and a \$.50 refund.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. amendment
receipt
refund \$0.50

25728

Application for Amendment

POINT OF DIVERSION

Permit No. G-25728

Comes now Mark Dunford Weston & Lois Florence Weston and represents to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owners and holder s of Permit to Appropriate the Public Waters of the State of Idaho, No. G-25728.

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

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 7 Township 11 South R37 East. B.M.

That he y now requests that the point of diversion be changed to a point located: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 7 Township 11 South R37 East B.M.

That the reason for desiring to make such change is as follows: SE $\frac{1}{4}$ SW $\frac{1}{4}$ point was continuously pumping sand which, wore out ^{3 sets} Bowels, and caused in the new point has no sand at present.

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

Signed at Logan, Utah, this 24 day of April, 1962.

Mark Dunford Weston
Lois Florence Weston

Date of Receipt at Department of Reclamation April 26, 1962

APPROVAL OF STATE RECLAMATION ENGINEER

Carl E. Tappan, Assistant

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. G-25728. 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

Recorded in Book 91 of
Permits, at Page 25728
April 26, 1962

State Reclamation Engineer

G25728

April 26, 1962

Re: Permit No. G-25728

Mark Dunford Weston and
Lois Florence Weston,
716 So. 6th East,
Logan, Utah.

Dear Mr. & Mrs. Westons:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-25728. The proofs are to be made at 10:00 o'clock A.M., on the 31st day of May, 19 62, before Ben Bowen, Downey State Bank, Downey, Idaho, Notary Public.

As of this date we have mailed the Notice to the Idaho State Journal Pocatello, 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

*D*25728

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

Boise, Idaho

Re: Permit No. G-25728
Mark Dunford Weston and
Lois Florence Weston

Date: April 26, 1962

Idaho State Journal,
Pocatello, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to May 31, 1962 the date set for proof; the expense of the publication is to be paid by the applicant

Mark Dunford Weston & Lois Florence Weston of 716 So. 6th East, Logan, 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
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

629218

Encl.

Form No. 11
2M - 10/60

RECEIVED

APR 25 1962

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 23, 1962
(P. O.) 716 So. 6th East Logan, Utah

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Idaho State Journal of Pocatello published in

the county in which the works are situated.

Mark Dunsford Weston

(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.

825728

RECEIVED

APR 25 1962

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE Department of Reclamation

Notice is hereby given that at 10 A.M., on the 31 day of May, 1962, at Downey, County of Bannock, State of Idaho, before Ben Bowen, Notary Public, at (address) Downey State Bank Downey Idaho, proof will be submitted of the completion of works for the diversion of 2.4 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. 9-25728, 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 Mark Dunford Weston and Lois Florence Weston
716 So. 6th East, Logan, 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 2.4 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 2.4 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 7 T. 11. S. 37. E

5. The place where said water is used is SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 7
Township 11 South R. 37 East E. B. M.

6. The date of priority which said user is prepared to establish is May 26, 1955

925728

State Reclamation Engineer

April 19, 1962

Re: Permit No. G-25728

Mark Dunford Weston
716 So. 6th East
Logan, Utah

Dear Mr. Weston:

We enclose the assignment of Permit No. G-25728 to you and Lois Florence Weston, which has been recorded in this office.

Departmental Receipt No. G-6921, in the amount of \$0.50 covering fee for recording has been mailed to Mr. Denney, together with copy of this letter.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. assignment

cc: Claude Denney
Route #1
Downey, Idaho

Gene Hansen, Co. Supervisor
Farmers Home Administration
Pocatello, Idaho

25728

December 10, 1956

RE: Permit No. G-25390
Arnold Wheeler & Sons

St. Clair & St. Clair
Hasbrouck Building
Idaho Falls, Idaho

ATT: Gilbert C. St. Clair

Gentlemen:

We have your letter of December 3, 1956, enclosing Notice for Completion of Works and Beneficial Use proof on Permit No. G-25390, in the name of Arnold Wheeler & Sons, to be made January 22nd, 1957, before you as Notary Public.

We shall send a copy of the Notice to the Post-Register with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should contact Mr. Wheeler & Sons, the Permit holder, to appear before you together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

:vm
Enc.

P.S. As per your request we are also enclosing the Assignment Forms, which when completed should be returned to this Department.

25390

April 19, 1962

Re: Permit No. G-25728

Mark Dunford Weston
716 So. 6th East
Logan, Utah

Dear Mr. Weston:

We enclose the assignment of Permit No. G-25728 to you and Lois Florence Weston, which has been recorded in this office.

Departmental Receipt No. G-6921, in the amount of \$0.50 covering fee for recording has been mailed to Mr. Benney, together with copy of this letter.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

RFR:ew

Enc. assignment

cc: Claude Benney
Route #1
Downey, Idaho

Gene Hansen, Co. Supervisor
Farmers Home Administration
Pocatello, Idaho

S25728

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
Room 209 Courthouse
Pocatello, Idaho

RECEIVED
APR 17 1962

Department of Reclamation

April 16, 1962

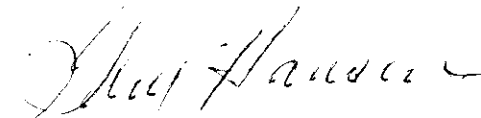
Mr. George N. Carter
State Reclamation Engineer
STATE OF IDAHO
Department Of Reclamation
107 State House
Boise, Idaho

Re: Permit No. G-25728
Claude Denney

Dear Sir:

Enclosed is an Assignment for Mr. Mark Dunford
Weston and \$.50 fee for recording the assignment.

Sincerely yours,



Gene Hansen
County Supervisor

Enclosures: 2

25728

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

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 25728

Date: April 2, 1966

Charles Loney
Box 1
Loney, Idaho

Dear Mr. Loney:

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- 25728 are due not later than June 2, 1966.

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 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 the 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 of 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

GEO. N. CARTER
State Reclamation Engineer

Enclosures: Form 36 2

cc: Mark Dunford Weston
715 S 6th East
Logan, Utah

J25728

February 6, 1962

Re: Permit No. G-25728
Claude Denney

Ruland G. Sparks, Supervisor
Farmers Home Administration
Room 209, Courthouse
Pocatello, Idaho

Dear Mr. Sparks:

Enclosed is a form for assignment of permit as
requested in your letter of February 5, 1962.

The proofs are due June 9, 1962, under this
permit.

There is a fee of \$0.50 for recording the assign-
ment in this office which must be paid.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. assignment

25728

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

Room 209 Courthouse
Pocatello, Idaho

February 5, 1962

Mr. George N. Carter
State Reclamation Engineer
State Of Idaho
Department Of Reclamation
Boise, Idaho

Re: Permit No. G25728 - Claude Denney

Dear Sir:

The land involved has been transferred to Mark Dunford Weston and Lois Florence Weston of Logan, Utah. Our Attorney has requested that we contact your office and have this permit assigned to these people on such forms as you may require.

Would you please supply us with the assignment forms necessary and we will have them completed and return them to your office.

Sincerely yours,


Ruland G. Sparks
County Supervisor

due 6-9-62

G25728

December 21, 1961

Re: Permit No. G-25728
Claude Denney

Mark Dunford Weston
716 S 6th ~~West~~
Logan, Utah

Dear Mr. Weston:

Enclosed is a form to assign a permit. Mr. Denney should complete the form, sign with his wife before a Notary Public and return to this office with the \$0.50 recording fee attached.

The time for proofs of completion of works cannot be extended. The proof of beneficial use of the water can be made at a later date, however, the date of priority will be advanced the same amount of time as the proofs are late.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. assignment form

J25728

RECEIVED
DEC 21 1961

Department of Reclamation

716 South 6th East
Logan, Utah
December 20, 1961

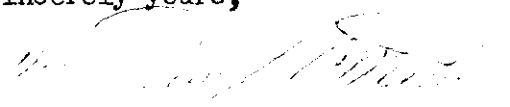
Mr. George N. Carter
State Reclamation Engineer
Department Of Reclamation
Boise, Idaho

Attention: Mrs. Edna P. Rule, Chief Clerk

Dear Sir:

In reference to the Claude Denney permit No. G-25728 I have this day bought this property and would like very much to have it recorded in my name and also if it would be allowable I would like to have an extention from June 9, 1962.

Sincerely yours,


Mark Dunford Weston

f25728

April 25, 1960

Re: Permit No.G25728

Mr. Claude Denney
Route #1
Downey, Idaho

Dear Mr. Denney:

We enclose an extension of time on the above
numbered permit to June 9, 1962.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew
Enc. extension

G25728

Permit No. G-25728.....

Application for Extension of Time
FOR COMPLETION OF WORKS

RECEIVED
APR 2 6 1960
Department of Reclamation

Claude Denney

Downey

State of Idaho, 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. G-25728

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by June 9, 1960.

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

Drilled and gravel packed the well and installed the pump
also installed a sprinkler system

costing \$ 17,063.42

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

Well requires more time pumping to develop the necessary amount of water
to irrigate the land

STATE RECLAMATION ENGINEER

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the comple-
tion of works under said permit to June 9, 1962.

Subscribed and sworn to before me this 25th day of April, 1960.

Notary Public.

My commission expires 5-10-62

Date of receipt at office of Department of Reclamation April 26, 1960

STATE RECLAMATION ENGINEER

APPROVAL OF COMMISSIONER OF RECLAMATION.

GEO. N. CARTER

State Reclamation Engineer

I, GEO. N. CARTER, 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. G-25728 to

June 9, 1962

Witness my hand this 26 day of April, 1960

G-25728

State Reclamation Engineer

April 19, 1960

Re: Permit No. G-25728

Claude Denney
Denney, Idaho

Dear Mr. Denney:

Enclosed is a form for requesting an extension of time for completion of works and beneficial use of the water partially completed.

Add any other explanation you believe should be shown but be sure and show the cost of the work you have finished, where indicated by the check on the form. Sign before a Notary Public and return to this office.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

RT:ERP:ew

Enc. extension form

S 25728

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G- 25728

Date: April 1, 1960

Claude Denney
Route #1
Downey, Idaho

Dear Mr. Denney

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- 25728 are due not later than June 9, 1960.

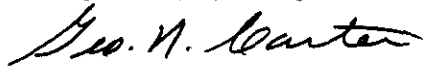
Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken 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 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 the 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 of 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 Form 36 - 11
instructions

Downey 7-1-60
April 16, 1960

RECEIVED
APR 19 1960

Department of Reclamation

Dept. of Reclamation

Dear Mr. Carter, State Reclamation Engineer

I'm referring to Permit No. 8 - 25728
i would like to get a attention of time.
i have completed the works but i have had
trouble with sand & in my well i have
gravel packed it, but it hasnt developed
yet to the point where it will deliver the
amount of water that will do the job
of irrigation my land, i would like about
two more years of pumping to see if
it wont do the necessary job.

I hope you can do this for me and
thanks very much.

Yours truly

Clarence Downey

Downey

State.

25728

12-22-59 10-11-59

6-9-55

6-9-60

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

25728

Re: Permit No. G-

Date: April 1, 1960

Claude Denney
Route #1
Downey, Idaho

Dear Mr. Denney

The date for proofs of Completion of Works and Application of Water to Beneficial Use, as set out under the terms of Permit No. G- ^{June 8, 1960} ~~25728~~ are due not later than

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 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 the 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 of 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

GEO. N. CARTER
State Reclamation Engineer

Form 36 - 11
Enclosures instructions

J 25728

April 29, 1958

Re: Permit No. G-25728

Mr. Claude Denney
Downey
Idaho

Dear Mr. Denney:

Enclosed is the Approval of State Reclamation Engineer for an extension of time for proofs of completion of works and beneficial use under the terms of Permit No. G-25728 to June 9, 1960. This was recorded in the Department of Reclamation in Book 91 of Permits at Page 25728 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.

825728

Permit No. G-25728.

Application for Extension of Time
FOR COMPLETION OF WORKS

RECEIVED
APR 25 1958

Department of Reclamation

Claude Denney, of Downey, Idaho,
State of Idaho, 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. G-25728.

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by June 9, 1958.

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

All work completed except developing the well.

costing \$.

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

The power line was not extended before winter set in, making it impossible
to develop said well.

WHEREFORE, He asks that the ~~Commissioner of~~ State Engineer of Reclamation extend the time for the completion of works/under said permit to June 9, 1960.

Subscribed and sworn to before me this 23rd day of April, 1958.

My commission expires 5-10-58 Notary Public.

Date of receipt at office of Department of Reclamation April 25, 1958.

APPROVAL OF ~~COMMISSIONER OF~~ State Engineer RECLAMATION, ENGINEER
I, MARK R. KULP, ~~Commissioner of~~ State 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. G-25728 to June 9, 1960.

Witness my hand this 25th day of April, 1958.

G-25728

Mark R. Kulp
State Reclamation Engineer

April 17, 1958

Re: Permit No. G-25728

Mr. Claude Denney
Downey,
Idaho

Dear Mr. Denney:

As per your request of April 15, 1958, we are enclosing herewith,
a form of Application of Extension of Time, partially made out.
Upon the completion of same being signed before a notary public
and returned to this department, an extension of time can be
granted to June 9, 1960.

Very truly yours,

MARK E. WOLF
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Encls: Application For
Extension of Time

G25728

-Downey Idaho.
April 15, 1958

Mr. Mark A. Kulp, State Rec. Engineer

Dear Mr. Kulp,

I have your letter - for proof of
works of Permit no 8-25728.

My F.H.C. Supervisor advised me
to ask for extension of time, we
have the well drilled and the sprinker
system installed ~~to~~ but we haven't
had a chance to try it out and
get it fully developed yet, Can
this be arranged

Very truly yours,

Claude Downey

825728

RECEIVED
APR 16 1958
Department of Reclamation

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

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

B O I S E

RE: Permit No. 0-25728

Date April 1, 1958

Claude Dorney
Dorney, Idaho

Dear Sir:

The date for proofs of completion of works and application of water to beneficial use, as set out under the terms of Permit No. 0-25728 are due not later than June 9, 1958.

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 on 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 the 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 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,

MARK R. KULP
State Reclamation Engineer

Enclosures

025728

April 23, 1957

Re: Permit No. G-25728

Mr. Claude Denney
Route # 1
Downey, Idaho

Dear Mr. Denney:

Herewith is "Approval of State Reclamation Engineer" extending the time for the completion of works and beneficial use proofs of Permit No. G-25728 to June 9, 1958.

This extension of time has been recorded in the Department of Reclamation in Book 91 of Permits at Page 25728. It 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

ER:nls
Enc:

25728

Permit No. G - 25728

Application for Extension of Time
FOR COMPLETION OF WORKS

RECEIVED
APR 18 1957
Department of Reclamation

Claude Denney, of Downey, Idaho

State of Idaho, 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. G-25728

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by June 9, 1957

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

Drilled a test well to the depth of 101 feet.

costing \$ 550.00

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

Lack of funds, waiting for approval of loan.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the comple-
tion of works under said permit to June 9, 1958

Subscribed and sworn to before me this 16th day of April, 1957

My commission expires 5-10-58

Notary Public.

Date of receipt at office of Department of Reclamation Apr 18, 1957

STATE RECLAMATION ENGINEER
APPROVAL OF

I, MARK R. KULP, State Reclamation Engineer, do hereby extend the time for the com-
pletion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. G-25728 to

June 9, 1958

Witness my hand this 18th day of April, 1957

G25728

Mark R. Kulp
Commissioner of Reclamation.

April 11, 1957

RE: Permit No. G-25728

Mr. Claude Denney
Downey, Idaho

Dear Mr. Denney:

We enclose an Application for Extension of time for Completion of Works and Beneficial Use to be used in connection with the above mentioned Permit.

This Application should be completed and signed before a Notary and returned to this Department for the approval of the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:vm
Encl. (10)

25728

RECEIVED
APR 1 11 1957

Department of Reclamation

Downey Idaho

April 10, 1957

Mr Mark R. Kulp.

State Rec. Engineer

Dear Mr Kulp,

In referring to Permit No.

G-25728, I would like to

get an extension of time

before making proof of

Completion of water works

I have had to ask the

F.H.A. for assistance and

its rate rather slow in

coming thru and as yet

my project is not finished

I can hold the blanks

here and send them in as soon as I can

G25728

get the work done
Very Truly Yours

Claude Dunning

P25728

XX

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

DEPARTMENT OF RECLAMATION

RE: Permit No. G-25728

April 1, 1957

Mr. Claude Denney
Route #1
Downey, Idaho
Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. G-25728. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This 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 not later than June 9, 1957.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

25728

June 13, 1955

RE: Permit No. G-25728

Mr. Claude Denney
Downey
Idaho

Dear Mr. Denney:

We enclose Permit No. G-25728 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. G-1208 for the \$5.50 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

G-25728

June 13, 1955

RE: Permit No. G-25728

Mr. Claude Denney
Downey
Idaho

Dear Mr. Denney:

We enclose Permit No. G-25728 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. G-1208 for the \$5.50 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

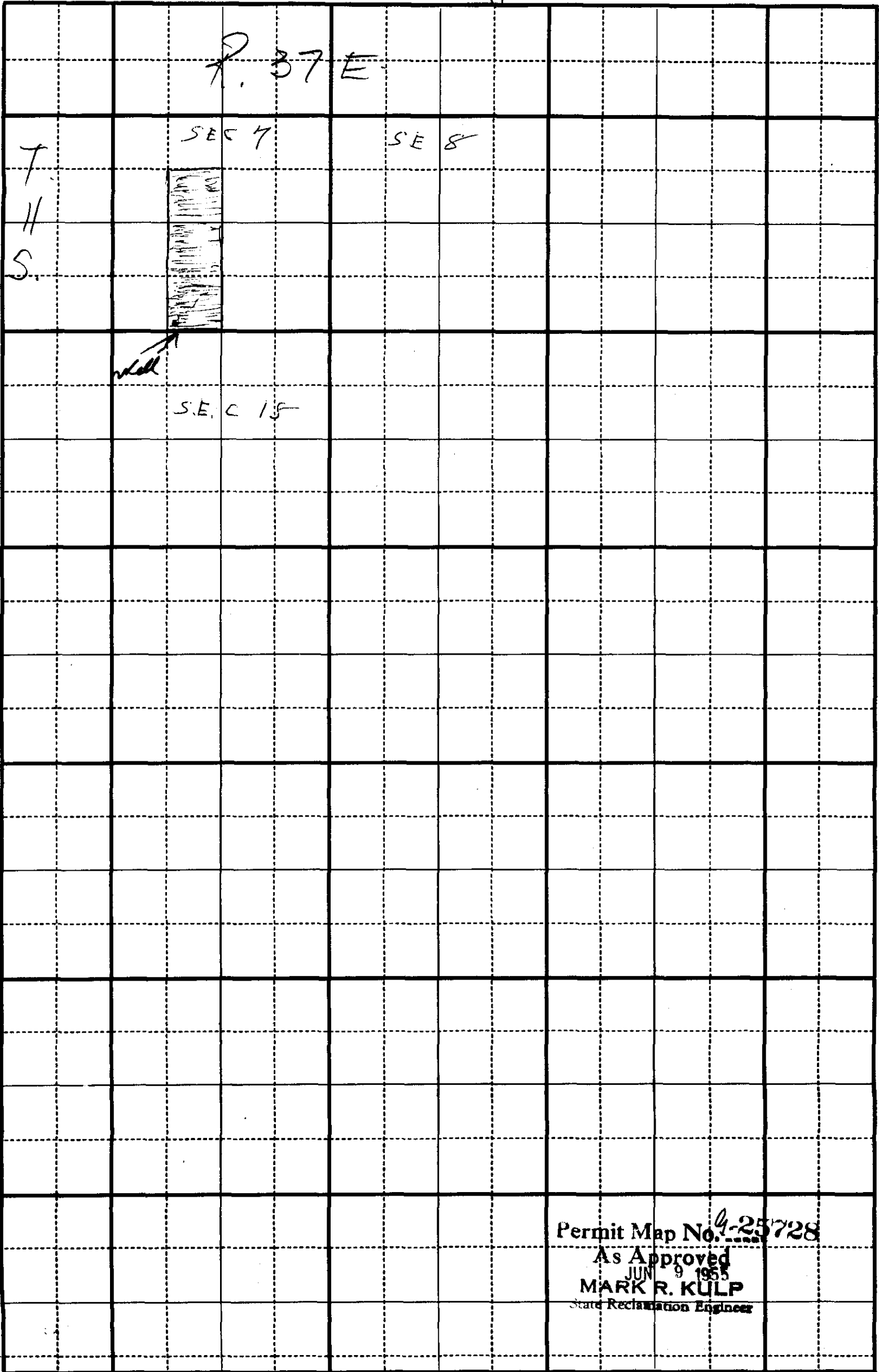
Chief Clerk

A:cu
Enc.

J 25728

NAME OF APPLICANT Clay & Dunning

Form No. 0



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

4-25728

May 24, 1955

Mr. Claude Denney
Downey
Idaho

Dear Mr. Denney:

We acknowledge receipt of your application for permit to appropriate 2 2/5 second feet of water from a well accompanied by your check for the \$5.50 filing fee.

However, you failed to sign the application and we return it, herewith, with the request that you sign it on the line indicated on the third page.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

J 25728