

180

Priority May 26, 1921

J. L. MERRELL - Assignee - ELNA MERRELL HINOTE

The Point of Diversion is located

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 0.12 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	36 E	15	NE $\frac{1}{4}$ SE $\frac{1}{4}$	3	6

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
24th day of September, 1964.

(SEAL)

29 2202

SCANNED
APR 27 2001

APPLICATION FOR PERMIT 29-2232

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 21601
 Permit No. 15204
 District No. 65 17-F

Assigned to Elna Merrell Kinate

1. Name of Applicant: J. L. Merrell

Postoffice address: Inkom

County: Bannock

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

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

2. Quantity of water claimed: 6/50 cubic feet per second.

3. Source of water supply: unnamed spring which is a tributary of

4. Location of point of diversion: feet distant from the
 corner of Section , T. , R. , B. M., and is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$
 of Section 15 , T. 7 S , R. 36 E , B. M., County of Bannock

5. Water is to be used for: irrigation and domestic use

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
 T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet
 distant from the corner of Section , T. , R. , B. M., in the
 of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 50.

8. Kind of works: dam and ditch

9. Height of dam 2 feet; length of dam at top 3 feet; length of dam at bottom $1\frac{1}{2}$
 feet; material used in dam earth

10. Size of headgate: width feet; height feet

11. Ditch: Width at bottom 1 feet; width at water line $1\frac{1}{2}$ feet; depth of water $\frac{3}{12}$
 feet; dimensions of flume

Diameter of pipe inches; length of conduit .2 miles.

Average grade per mile 7 feet

12. The time required for the completion of such work is $\frac{1}{2}$ years.

13. The time required for the complete application of the water to the proposed use is 1 additional years.

14. The land to be irrigated is described in the following tabulation: See Remarks.

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

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

J. L. Herrell

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation. 9 A. M. May 26, 1921.

Returned to applicant for correction. May 27, 1921.

Corrected application received. June 7, 1921.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 15204

Recorded in Book 54 Page 15204 Approved June 21, 1921.

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 20, 1921. and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before September 20, 1921.

The whole of said work to be completed on or before December 20, 1921.

Beneficial use of water appropriated in accordance herewith, to be made on or before December 20, 1922.

Witness my hand this 21st day of June, 1921.

W. G. SWENDSEN,
Commissioner of Reclamation.

Remarks:

14 Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 S	36 E	15	3			3												6	
Total Number of Acres to be irrigated-----6																			
AFFIDAVIT OF PERMISSION TO FILE ON SPRINGS																			
I, W. F. Sexton, of Inkom, County of Bannock, State of Idaho, do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of J. L. Merrell is located, to-wit: NE¼ of SE¼. T. 7 R. 36 E. Section 15 and that I do hereby grant unto the said J. L. Merrell permission to file on the said spring as set forth in the foregoing application.																			
W. F. Sexton.																			
STATE OF IDAHO,)) SS. County of Bannock,)																			
On this 24 th day of May, 1921, before me a Justice of the Peace for the State of Idaho, residing at Inkom, personally appeared W. F. Sexton known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he executed the same.																			
Witness my hand and seal, the day and year in this certificate first above written.																			
F. J. Richardson Justice of the Peace																			
My Commission expires Jan. 1, 1923.																			

Proof of Completion of Works made November 21, 1921.
Certificate issued December 19, 1921.

Permit No. 15204.

Certificate of Completion of Works.

To All Whom It May Concern:

This is to certify that J. L. Merrell of Inkom, County of Bannock, and State of Idaho, the holder of Permit No. 15204, issued upon Application No. 21601 bearing date of priority of May 26, 1921, authorizing the diversion of 6/50 second feet of the waters of an unnamed spring; County of Bannock, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of 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 6/50 second feet of the waters of an unnamed spring; that the point of diversion of said waters is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, T. 7 S., R. 36 E., B. M., and that the lands proposed to be irrigated by the use of said waters are described as follows, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, T. 7 S., R. 36 E., B. M.

Witness my hand this 19th day of December, A. D. 1921.

W. G. SWENDSEN,
Commissioner of Reclamation

By Geo. B. Archibald,
Assistant.

ASSIGNMENT

By Warranty Deed dated May 4, 1944 - 'See Warranty Deed in File Folder' to ELNA MERRELL HINOTE

Recorded: September 24, 1964

APPLICATION FOR AMENDMENT
POINT OF DIVERSION
Permit No. 15204

Comes now ELNA MERRELL HINOTE and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 15204.

That the point of diversion is described in said Permit as being located: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 7 S., R. 36 E.

That he now requests that the point of diversion be changed to a point located NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 7 S., R. 36 E.

That the reason for desiring to make such change is as follows: Error in original permit.

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

Signed at Boise, Idaho, this 22 day of September, 1964.

s/ ELNA MERRELL HINOTE
Inkom, Idaho

Date of Receipt at Department of Reclamation: September 22, 1964.

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy 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. 15204. 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/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: September 24, 1964

(over)

Application for Amendment
LAND LIST
Permit No. 15204

Comes now ELNA MERRELL HINOTE and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 15204, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NE¹/₄SE¹/₄, Sec. 15, T. 7 S., R. 36 E., making a total of ___ acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 22 day of September, 1964.

s/ ELNA MERRELL HINOTE

Date of receipt at office of Department of Reclamation 9-22-64

APPROVAL OF STATE RECLAMATION ENGINEER

I, RALPH W. THOMAS, Deputy 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. 15204. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it is a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Recorded: September 24, 1964

LICENSE ISSUED FOR 0.12 SEC. FT.
LICENSE PAGE NO. 8003

September 24, 1964

Re: Permit No. 15204

Elna Merrell Hinote
Inkom, Idaho

Dear Mrs. Hinote:

Enclosed are the Amendments to the point of diversion and land list and the License and Certificate of Water Right issued on the above numbered permit.

Also enclosed is departmental receipt No. 32445, in the amount of \$6.00 covering the fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. amendments
license
receipt

SCANNED

APR 27 2001

15204

Warranty Deed

THIS INDENTURE, Made this **3rd** day of **May**
in the year of our Lord One Thousand Nine Hundred and forty four , between **Aril Leonard Merrell**
a bachelor

of **Inkom** , County of **Bannock** , State of **Idaho**
the part **y** of the first part, and **Elna Merrell Hinote**

of **Inkom** , County of **Bannock** , State of **Idaho**
the part **y** of the second part:

WITNESSETH: That the said part **y** of the first part, for and in consideration of the sum of
---One and no/100-----

DOLLARS.

whereof is her by acknowledged

, does by these presents, Grant, Bureath, Sell and Convey and Confirm unto said part **y**
of the second part, and to **her heirs** and assigns forever: All th at certain lot
piece of land situate, lying and being in the County of **Bannock** State of **Idaho**, bounded
and more particularly described as follows, to-wit: The NW $\frac{1}{4}$ SE $\frac{1}{4}$, the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec.
15, in Twp.7 South of Range 36 East of the Boise Meridian in Idaho,
containing 120 acres, according to the official plat of the survey of the
said lands as returned to the General Land Office by the Surveyor
General. Together with all the water hitherto owned by A.J.Damron and
Edward M.Web and Mary Web in Rapid Creek, as shown by that certain Decree
in the District Court of Bannock County, as shown in Book Two of
Judgments page 280 of the Records of Bannock County. Also in and to a
Certain Spring, the Waters of which have been used upon said land.



Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances and privileges thereunto incident
unto the said part **y** of the second part, and to **her heirs** and assigns forever. And the said part **y** of the
first part, and **his heirs** in the quiet and peaceable possession of the said part **y** of the second part,
her heirs and assigns against the said part **y** of the first part, and **her heirs** and against all and every
person or persons whomsoever lawfully claiming to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said part **y** of the first part has hereunto set his hand and seal
the day and year first above written.

Witness my hand and seal this 3rd day of May 1944.

Aril Leonard Merrell
(Seal)

(Seal)

(Seal)

(Seal)

15204

STATE OF IDAHO,
County of Bannock

{ ss.

On this

4th

day of

May

in the year 1944

the undersigned

a Notary Public

in and for said County and State, personally appeared

Arll Leonard Merrell, a bachelor

known to me to

be the person whose name is

subscribed to the within instrument, and acknowledged to me that he executed the same

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above

written

Arll Leonard Merrell

Residence *Notary Public*
Pocatello, Idaho

200237
WARRANTY DEED

TO

Dated _____, 19____

STATE OF IDAHO,

County of *Blaine* ss.

I hereby certify that this instrument was filed for record at the request of

Edna Hurst

at *30* minutes past *4*

o'clock *2* M., this *5* day of

Sept A. D. 19*44*

at my office and duly recorded in Book *76*

of Deeds at page *259*

Arll Leonard Merrell

Ex-Officio Recorder.

By _____ Deputy.

Fee, \$ *1.00*

PRIME & SONS, POCATELLO, IDAHO

Irham

15204

Application for Amendment

POINT OF DIVERSION

Permit No. 15204

SEP 22 1964
DEPARTMENT OF RECLAMATION

Comes now Elna Merrell Hinote and represent to the State Reclamation Engineer of the State of Idaho:

That he is (are) the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 15204.

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

SW^{1/4} NE^{1/4} SEC. 15 T7S R36E

That he now requests that the point of diversion be changed to a point located: NE^{1/4} SE^{1/4} SEC. 15 T7S R36E

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

Error in original permit

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

Signed at Boise Idaho, this 22 day of Sept., 1964.

Elna Merrell Hinote
Boise, Idaho

Date of Receipt at Department of Reclamation , 1964

APPROVAL OF STATE RECLAMATION ENGINEER

Alvin W. Thomas, Deputy

I, ~~XXXXXXXXXXXX~~ Alvin W. Thomas, State Reclamation Engineer of the State of Idaho, HEREBY APPROVE the above and foregoing application for Permit to appropriate the Public Waters of the State of Idaho, No. . This approval constitutes a new permit and is issued as an amendment to the Permit to which it refers and of which it becomes a part, and said application shall be subject to the rights of others will not be adversely affected thereby.

Alvin W. Thomas
Deputy
State Reclamation Engineer

Recorded in Book of
Permits, at Page 54
Recorded on , 1964

15204

Application for Amendment

LAND LIST

Permit No. 15204

RECEIVED
SEP 22 1964

Department of Reclamation

Comes now Elna Merrell Hinete, and represents
to the STATE RECLAMATION ENGINEER of the State of Idaho:

That he is the owner and holder of Permit to Appropriate the Public Waters of the
State of Idaho, No. 15204, and requests that the list of lands to be irrigated,
as described in said permit, be changed to read as follows:

NE 1/4 SE 1/4 Sec 15 T 7 S R 36 E

, making a total of _____ acres.

That an additional amount of water is not asked for, and that the rights of others
will not be adversely affected by such change.

Signed at Boise, Idaho this 22 day of Sept., 1964

Elna Merrell Hinete

Date of receipt at office of Department of Reclamation. 9-22-64

APPROVAL OF STATE RECLAMATION ENGINEER

Deputy

I, ~~CLAYTON CARPENTER~~, 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. 15204. 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. This application is approved only insofar as the rights of others
will not be adversely affected by such change.

Ralph W. Thomas
Deputy
State Reclamation Engineer

15204

September 17, 1964

RE: Permit No. 1520~~8~~4
J. L. Merrell

Phillips & Phillips
Attorneys at Law
Box 1784
Pocatello, Idaho

Attention: George R. Phillips

Dear Mr. Phillips:

The Certificate of Completion of Works was issued to Mr. Merrell for 0.12 c.f.s. from a spring in the SW¹/₄NE¹/₄, Sec. 15 for irrigation of 6 acres in the E¹/₂NE¹/₄, Sec. 15, T. 7 S., R. 36 E., B.M.

Mr. Merrell made proof of beneficial use of the water. The report of the field examination shows that the spring was located in the NE¹/₄SW¹/₄, Sec. 15 and about 6 acres were irrigated in the NE¹/₄SE¹/₄, Sec. 15. There was an underdeveloped spring in the SW¹/₄NE¹/₄, Sec. 15 which sank and could be the same water as the developed spring. The affidavit of permission to file on the spring described the NE¹/₄SE¹/₄, Sec. 15, T. 7 S., R. 36 E., B.M.

A letter, dated July 25, 1939, was sent to Mr. Merrell advising him to amend the permit and remit the \$2.00 fee and the license would be issued. We have no record of an answer. The license can still be issued according to the letter; however there is a fee of \$1.00 for recording each amendment. Forms are enclosed. The license would have to be in the name of J. L. Merrell unless he assigned the permit. The fee for recording is \$0.50.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. amendment and assignment forms

15204

LAW OFFICES
PHILLIPS & PHILLIPS
755 WEST CENTER STREET
POCATELLO, IDAHO

GEORGE R. PHILLIPS
ALBERTA M. PHILLIPS

P. O. BOX 1784
TELEPHONE 232-3887

September 16, 1964

Re: J. L. Merrell
Permit No. 15204

Mrs. Edna P. Rule
Chief Clerk
Department of Reclamation
107 State House
Boise, Idaho

Dear Mrs. Rule:

Would you kindly verify water permit number 15204 at Inkam, Idaho, dated December 19, 1921, point of diversion SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, T7S, R36EBM, lands to irrigate NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 15, T7S, R36EBM.

Your kindness would be greatly appreciated.

Sincerely yours,

PHILLIPS & PHILLIPS

George R. Phillips
George R. Phillips

GRP:rp

*Chas. L. Merrell
Filed May 20, 1964
201-5112
201-5112
201-5112
201-5112*

15204

July 25, 1939

Re: Permit No. 15204

Mr. J. L. Maxwell,
Idaho, Idaho.

Dear Sir:-

Our field engineer has just returned from an examination in connection with your Permit No. 15204, and his report shows that the spring from which your water is obtained is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Township 7 South, Range 36 East, B.M., instead of in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of this section, as described in your original application and permit; also that the land which you are irrigating is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of this same section, instead of in the NE $\frac{1}{4}$ SE $\frac{1}{4}$.

We are, therefore, enclosing an affidavit for change of point of diversion, and also application for amendment to the land list, both of which should be signed by you on the line indicated.

We have also prepared duplicate maps showing the new point of diversion and point of use, and these should also be signed by you, and returned to this office, together with the affidavit and application for change in description.

Upon receipt of these instruments, together with the statutory fee of \$2.00, a license will be issued to you.

We are returning herein your permit and other papers which you gave Mr. Tolman for reference in connection with this permit.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Deputy Commissioner

A

15204

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 15204

This proof is for Beneficial Use

In Water District No.

1. Name of applicant J. L. McCrell, Inkom, Idaho

2. Source of water supply: Unnamed spring in SW¹/₄ NE¹/₄ Section 15, T.7 S., R.36 E., B.1.

3. Location of point of diversion: Is in the SW¹/₄ NE¹/₄ of Section 15

T. 7 S. R. 36 E. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: A small spring

situated in the NE¹/₄ SE¹/₄ Sec 15 is piped and ditched to
swelling^{ing} field respectively in the said NE¹/₄ SE¹/₄
Sec. 15.

5. Water is used for: Irrigation and domestic use

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 for other than irrigation): NE¹/₄ NE¹/₄, and SE¹/₄ NE¹/₄ Section 15, T. 7 S., R. 36 E., B.1.

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

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

Remarks: The spring in the SW¹/₄ NE¹/₄ of Sec 15 is undeveloped
but the spring which is developed (piped etc) is located
in the NE¹/₄ SE¹/₄ of Sec 15 as described in the
Affidavit of permission to file on spring and duly
recorded. Irrigation consists of approximately six
acres in the NE¹/₄ SE¹/₄ of Sec 15.
It is quite probable that the two springs deliver the
same flow, ie that the flow of the upper one sinks
and reappears at the lower point

This examination was made on the 14th day of July, 1939.

(Signed)

15204

Examiner.

J. L. Merrell
Inkom, Idaho

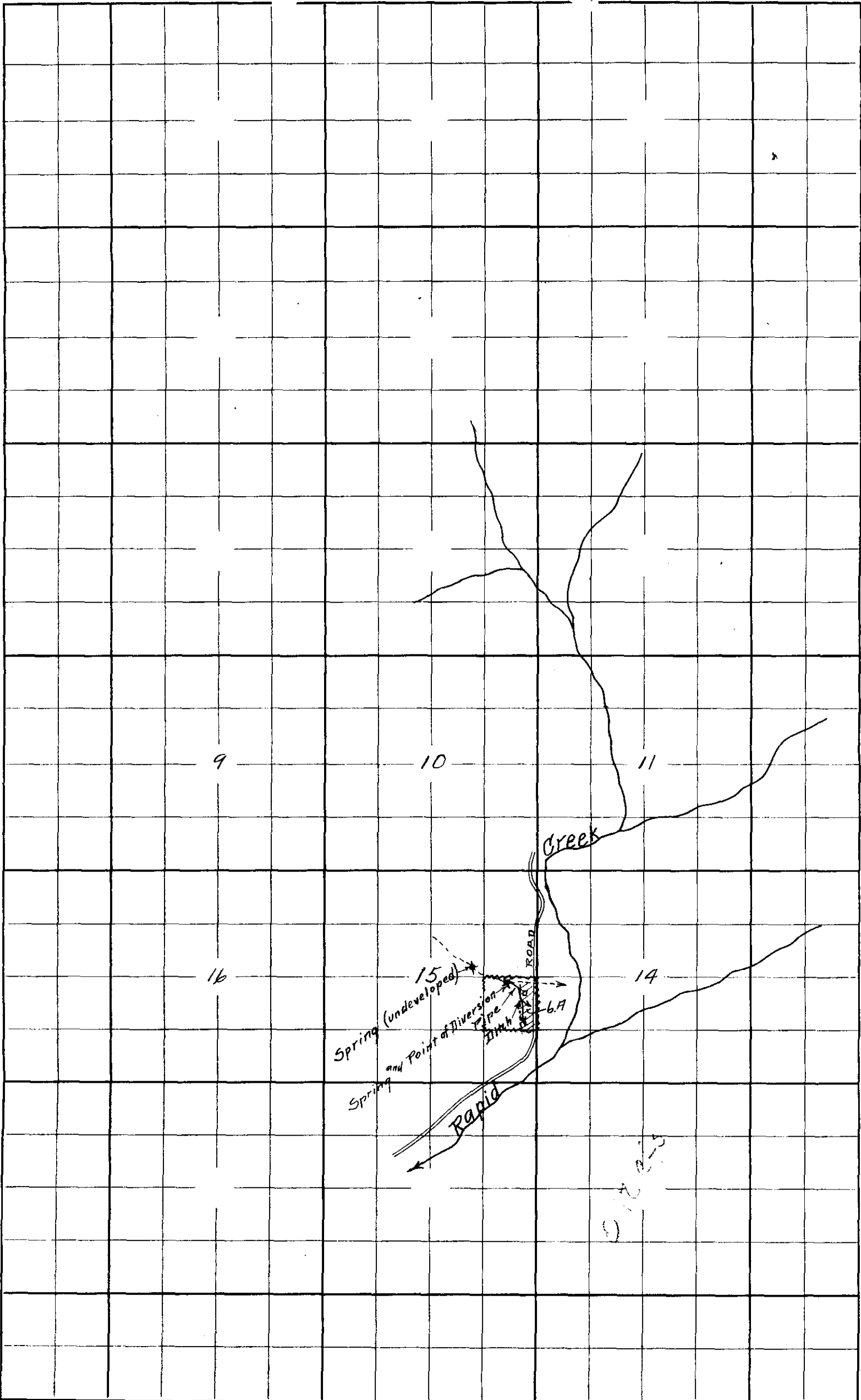
Permit No. 15204

Examination for Beneficial use

County Barnock

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 a 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.
-



**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE**

REPORT OF ENGINEER

PERMIT NO. 15204

REPORT ON PROOF OF Beneficial Use

March 8, 1939

Re: Permit No. 15204
J. L. Marrell

Mr. A. L. Marrell,
Inkum, Idaho.

Dear Sir:-

We have before us your letter of March 1st, in regard to the above numbered permit, and inquiring about License in connection with proof of beneficial use thereunder.

A search of the records of this department shows that while proof of beneficial use was made on June 1, 1922, we do not find a report from the department's engineer thereon, and no license issued.

The next time our office engineer is in that vicinity he will make an examination, and upon receipt of his report we will advise you in regard to fees, upon receipt of which License may be issued.

We cannot advise you at this time as to just when this examination will be made, as the Department has but one engineer, who makes examinations all over the State- but when Mr. Tolman, our office engineer, makes this examination, he will try and contact you, so that you may show him over the grounds.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

15204

Idaho
Mar 1 1939

Dept of Reclamation
Stat House
Boise Idaho
Dear Sirs:

I have in my possession a permit to appropriate the waters of the state of Idaho Permit no 15204 Recorded in Book 53 Page 15204 Dated, June 7, 1921. Also Certificate of completion of works dated December 19, 1921. Recorded in Book 53 of Permit, page 15204.

However I cannot find this certificate of use or final Proof. Could you look this up and see if these have been filed. If not could I make out a certificate of use now or would I need to go thru all of this routine again the water covered has been in use upon the land mentioned in application continuously and uninterrupted. and used upon no other for irrigation before or since the filing was made

Yours truly A F Merrill. 15204

October 5, 1922.

Re: Permit No. 15204.

Mr. J. L. Merrell,
Inkom, Idaho.

Dear Sir:-

Referring to yours of the 3rd inst., in which you enclose notice of proof of beneficial use of water, would say that this proof has already been filed under the above permit and is now waiting for the examination to be made by our engineer. There is nothing more for you to do in regard to this proof, as you will be advised as to fees due when the report has been filed.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

15204

Trinkom, Idaho.

Oct. 3 '22.

Dep't. Reclamation,

Boise, Idaho.

Dear Sirs:-

Find enclosed papers which I have filled out to the best of my knowledge. Description of land has been filled out according to description given in the deeds which I hold. I did not understand how to fill in the dates, etc. but you will be able to fill those out as they should be.

Trusting this will be satisfactory, I am

Very truly yours,

JLM/VBM

J. L. Merrill

15204

15204



State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Mr. J. L. Merrell,
Inkom, Idaho.

Sept. 13, 1922.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 15204, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN.

Commissioner of Reclamation.

15204

June 7th 1922.

Re: Permit No. 15204.

Mr. J. L. Merrell,
Inkom, Idaho.

Dear Sir:—

We are today in receipt of depositions of holder and witnesses, together with the affidavit of publication for proof of use of water under the above numbered permit. These will be placed on file in this office pending the examination by our engineer, at which time you will be further advised as to fees due before issuing license.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

15204

PROOF OF PUBLICATION

SS

J. F. Whitney being first duly sworn, deposes and says that he is the *Editor* of the McCAMMON NEWS, a weekly newspaper published in McCammon, Bannock County, in the State of Idaho. That the *Notice for Publication*, a true copy of which is hereto attached, was published in The McCAMMON NEWS for *four* consecutive weeks, first publication having been made on the *28th* day of *April* 19*22*, and the last publication having been made on the *19th* day of *May* 19*22*.

That said paper has been continuously and uninterruptedly published in said county during a period of fifty-two consecutive weeks prior to the first publication of said notice or advertisement, and is a newspaper within the meaning of the laws of Idaho.

J. F. Whitney
SUBSCRIBED and SWORN TO before me this *19th* day of *May* A. D., 19*22*.

E. B. Goodwin

Notary Public.

Residence McCammon Idaho

15204

PROOF OF PUBLICATION

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that at 10 a. m. on the 1st day of June, 1922, at Inkom, County of Bannock, State of Idaho, before A. L. Sloat, Notary Public, proof will be submitted of the application to beneficial use of 0.12 cubic feet per second of the waters of an unnamed spring, in accordance with the terms and conditions of Permit No. 15204 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person holding said permit are J. L. MERRELL, INKOM, IDAHO.

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

The amount applied to beneficial use is 0.12 cubic feet per second.

The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, Twp. 7 S., R. 36 E., B. M.

The date of the priority which said user is prepared to establish is May 26, 1921.

W. G. SWENDSEN,
Commissioner of Reclamation.
(Advertisement) Apr. 28-M.19.

SS

J. L. Merrill being first duly sworn, deposes and says that he is the *Editor* of the McCAMMON NEWS, a weekly newspaper published in McCammon, Bannock County, in the State of Idaho. That the *Notice for Publication* a true copy of which is hereto attached, was published in The McCAMMON NEWS for *28* consecutive weeks, first publication having been made on the *28th* day of *April* 1922, and the last publication having been made on the *19th* day of *May* 1922.

That said paper has been continuously and uninterruptedly published in said county during a period of fifty-two consecutive weeks prior to the first 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 *28th* day of

May A. D. 1922.

E. L. Sloat
Notary Public.

15204

PERMIT NO. 15204**Proof of Application of Water to Beneficial Use****Deposition of Holder**

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

Ans. Joseph L. Merrill - Forty Six, Inkom, Ida. - same

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

Ans. _____

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

Ans. 15204 - May 26 - 1921 - (Date of Permit June 21 - 1921)

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

Ans. An unnamed Spring - N. 4. S. E. 4. Sec. 15 -
T. 7 S. R. 36 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.

Ans. Earth dam, ditch - one foot across bottom,
one and one half feet across top, one foot deep. From fifteen
to twenty inches of water, no name.

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 cultivate or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Domestic and irrigation. About six acre orchard
and garden in N. E. 4 - N. E. 4, S. E. 4 - N. E. 4. Sec. 15 T. 7 S. R. 36 E. B. M.
Cultivated, Six A. Orchard and garden,
Orchard and small fruit

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

Ans. _____

Ques. 8. What is the minimum amount of water required for the 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. _____

15204

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

Ans. *At all times during the year for domestic purposes, and for irrigating six acres orchard and garden during summer.*

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 right claimed thereunder.

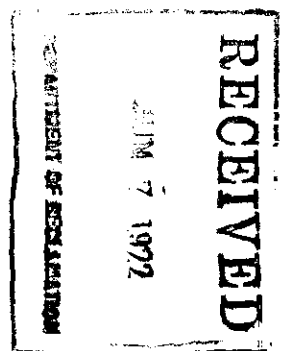
Ans. _____

(Sign) *Joseph L. Wessell*

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Lukon* County of *Bannock* State of Idaho, on this *1* day of *June* A. D. 19*22*

A. L. Sloat
Notary Public

15204



Permit No. 15204**Proof of Application of Water to Beneficial Use****DEPOSITION OF WITNESS**

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

Ans. William F. Sexton - Thirty Nine - Inkom, Ida,
Farmer - Inkom, Ida.Ques. 2. Are you acquainted with J. L. Merrill, the holder of Permit No. 15204 How long have you known him and where does he reside?Ans. Yes, Seven Years. Inkom, Ida.Ques. 3. Have you read or heard read said Permit No. 15204, 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. Small Spring on S-15-Tp 7 S. E. B. M. About one
fourth mile from source, earth dam, and ditch
capable of carrying about 20 in. water.
Place of Diversion S 4 1/4 N E 1/4 Sec 15 Tp 7 S R 36 E B. M.

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. Capacity of ditch about 20 in. From 12 to 15 in.

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

Ans. Irrigation and Domestic. At place of J. L. Merrill.
N E 1/4 N E 1/4 S E 1/4 N E 1/4 Sec 15 Tp 7 S R 36 E B. M.
Cultivated land - 6 A. - Orchard and small fruits

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Gently sloping, loamy, especially adapted to
fruit raising. About one in. per acre.

15204

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

Ans. I am owner of land Sec. 15 upon which this water originates

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

Ans. About once every week, for irrigation and domestic purposes, capacity of ditch

(Sign) William F. Seaton

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 Inkorn, County of Camrock

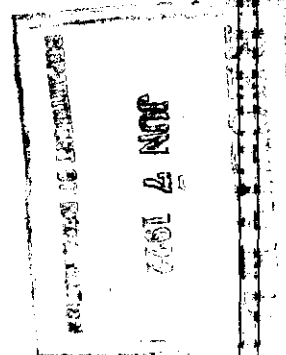
State of Idaho, on this 1 day of June A. D. 1922

R. S. Coats

Notary Public.

My commission expires Jan 26 - 1926,

15204



Permit No. 15204,**Proof of Application of Water to Beneficial Use**

DEPOSITION OF WITNESS

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

Ans. John I Cornwall - Forty & me - Farmer
Idaho, Ida.Ques. 2. Are you acquainted with J. L. Marshall, the holder of Permit No. 15204? How long have you known him and where does he reside?Ans. Yes, Seven years, Idaho, Ida.Ques. 3. Have you read or heard read said Permit No. 15204, 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. Small spring on Sec 15 - T17S R36 - E.B.M.
About one fourth mile from source, earth dam, and
ditch capable of carrying about 20 in. water.
Point of diversion - SW 1/4 Sec 15 T17S R36 E.B.M.

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

Ans. About 20 in. - From 12 to 15 in.

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

Ans. Irrigation & Domestic, at home of J. L. Marshall
NE 1/4 NE 1/4, SE 1/4 NE 1/4 - Sec 15 - T17S R36 - E.B.M.
Cultivated land - 60. Orchard & small fruits

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Gently sloping, loamy, very well
adapted to fruit raising, about one in per a
15204

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

Ans.

None whatever

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

Ans.

During irrigating season, probably once or twice every week for both irrigating and domestic use. For irrigating garden and Orchard about 6 acres

(Sign)

John I. Cornwall

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 *Inkom*, County of *Bannock*

State of Idaho, on this *1* day of *June* A. D. 19*22*

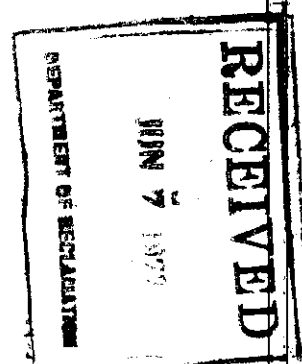
A. D. Sloat

Notary Public.

My commission expires

Jan 26 - 1926

15204



State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO, May 23, 1922.

Mr. J. L. Marrell,

c/o A. L. Sloat,
Inkom, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. 15204.

DEPOSITION OF PERMIT HOLDER.

DEPOSITIONS OF TWO WITNESSES.

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

1. On June 1, 1922, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to at Inkom, before Mr. A. L. Sloat, notary public,

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice. When these have been received, together with report of examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation.

15204

(P. O.) McCammon, Idaho.
(Date) April 25-1922.

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of April 24- enclosing notice of proof under
Permit No. 15204 which will be published as you request, beginning with our issue of 4/28/22

McCammon River
J. F. Whitney

15204

Form No. 31.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

McCammon News,
McCammon, Idaho.

Boise, Idaho, **April 24, 1922.**

Dear Sirs:

Enclosed find Notice for Publication under Permit no. **15204** which please publish once a week for four consecutive weeks in your paper. The expense of this publication will be paid by **J. L. Merrell, of Inkom,** to whom you will please furnish proof of publication of this notice on or before date of proof.

Please promptly acknowledge receipt of this notice, and kindly mail me your first issue containing its publication that I may compare it with my records.

Yours truly,

W. G. SWENDSEN

Commissioner of Reclamation

15204

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) ~~March 10, 1922~~ APRIL 10, 1922.

(P. O.) ~~Inkom, Idaho.~~

TO THE STATE ENGINEER:

Boise, Idaho.

Dear Sir:

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

J. L. Merrell

(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

15204

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at a. m. on the First day of June, 1922,
at Inkom, ... County of Bannock State of Idaho,
before A.L.Sloat Notary Public proof will be submitted
of the application to beneficial use of 13 cubic feet per second of the
waters of an unnamed spring in accordance with the terms and conditions of
Permit No. 15204 heretofore issued by the Commissioner of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....
J.L.Merrell, Inkom, Idaho

The use to which said water has been applied is irrigation and domestic

The amount applied to beneficial use is 12 feet

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated)
N.E 1/4 NE 1/4, SE 1/4 NE 1/4 Sec. 15, T. 7S., R. 36 E.B.M.

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

The right to take water from such works is based upon Permit No. 15204

The source of supply from which such water is diverted is unnamed spring

The date of the priority which said user is prepared to establish is May 26, 1921

Commissioner of Reclamation.

- 17-F

15204

March 14, 1922.

Re: Permit No. 15204.

Mr. J. L. Merrell,

Inkom, Idaho.

Dear Sir:-

Replying to yours of the 11th inst. would say that notice of proof of use of water is required to be advertised four weeks, five publications, prior to the date of making the proof. The blanks enclosed should be filled out and returned to this office, setting the date far enough ahead to allow for the required publication of the notice. One copy will then be mailed to the paper designated by you and later deposition blanks will be mailed to the notary public named in the notice, one for the holder and one each for two witnesses. The names of the witnesses are not required to be advertised.

Very truly yours,

W. G. SWENDSEN,

Commissioner.

By

Chief Clerk.

F10-11

15204

Inkom, Idaho.

Mar. 11, 192

W.G.Swendsen,

Boise, Idaho.

Dear Sir:-

On Dec. 20, 1921 I received receipt for filing fees, and Certificate for Completion of Works (Permit No. 15204) to appropriate the public waters of an unnamed spring. I have used the water for the past six and a half years and am now ready to make final proof. Will you please advise me how to proceed?

Thanking you for your courtesy, I am

Yours truly,

J.L.Merrell,

Inkom, Idaho.

15204

December 20, 1921.

Re: Permit 15204.

Mr. J. L. Merroll,

Inkom, Idaho.

Dear Sir:

We inclose herewith Certificate of Completion of Works, issued under the above numbered Permit, together with receipt for fees.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

ENCLOS.

By _____
Chief Clerk.

15204

Permit No.

STATE OF IDAHO
Department of Reclamation

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

} ss.

County of

J. L. Russell, being first duly sworn, upon his oath deposes and says:
First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 15204, and that his postoffice address is Inton-
State of Idaho.

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

unnamed

Third: That the point of division of said water is.....

South

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by 4 Dec, 1921.

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

Garden domestic

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

I. Kind of works:.....

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

ditch

II. Dimensions of work:.....

3 ft

(a) Height of dam 2 feet, length of dam at top 3 feet, length of dam at bottom 12 feet. Material used in construction.....

cut Earth

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir.....acre feet.

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

(d) Conduit.....width at bottom.....feet, width at water line.....feet, depth of water.....feet; diameter of pipe.....inches, average grade per mile is.....feet. Length of conduit is.....miles.

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

9/50 second feet of water.

Eighth: That water appropriated under said permit is available for 6 acres of land described as follows:.....

S. W. 1/4 Sec 15 T. 2 S.R. 36 E. N. M. Bannock Co.Idaho

Ninth: Remarks: That.....

J. L. Russell

(Sign here)

Subscribed and sworn to before me this 21 day of November, 1921.

J. F. Richardson

Notary Public.

My commission expires Jan 1, 1922.

15204Inton

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. J. L. Merrill,
Inkom, Idaho.

Boise, Idaho,
Sept. 2, 1921.

Dear Sir:—

Under the terms of your permit No. 15204.....you are required to complete your diversion works on or before Dec. 4, 1921.... I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

W. G. S. ENDSER
Commissioner of Reclamation.

15204

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

15204

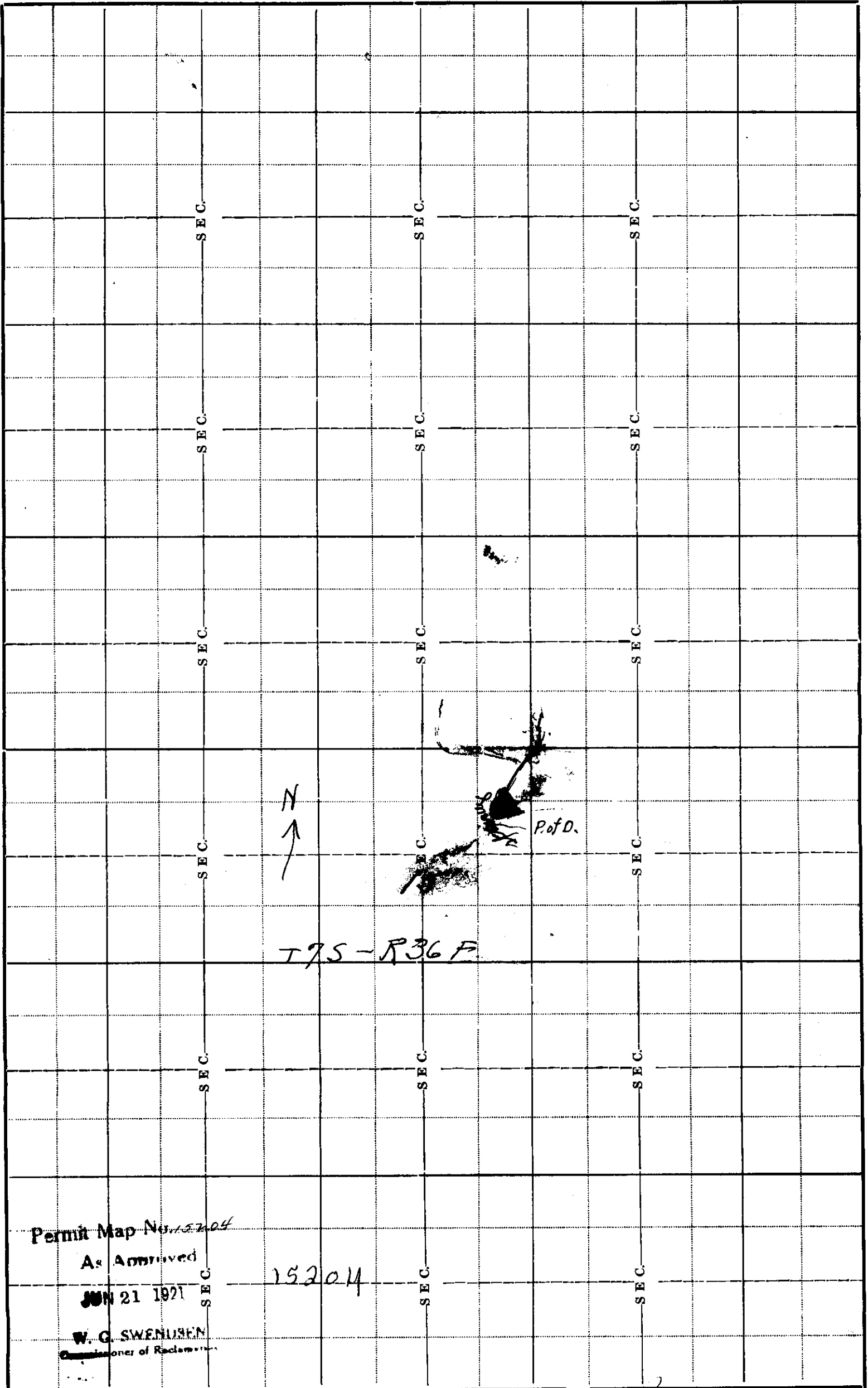
Boise, Idaho,
June 21, 1921.

Dear Sir:

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

W. G. SWENDSEN,
Commissioner of Reclamation.

15204



NAME OF APPLICANT

J. L. Merrill

May 27, 1921

21601

Mr. J. L. Merrell,
Inkom, Idaho.

Sign the application on Page 5.

15204

21601

21601