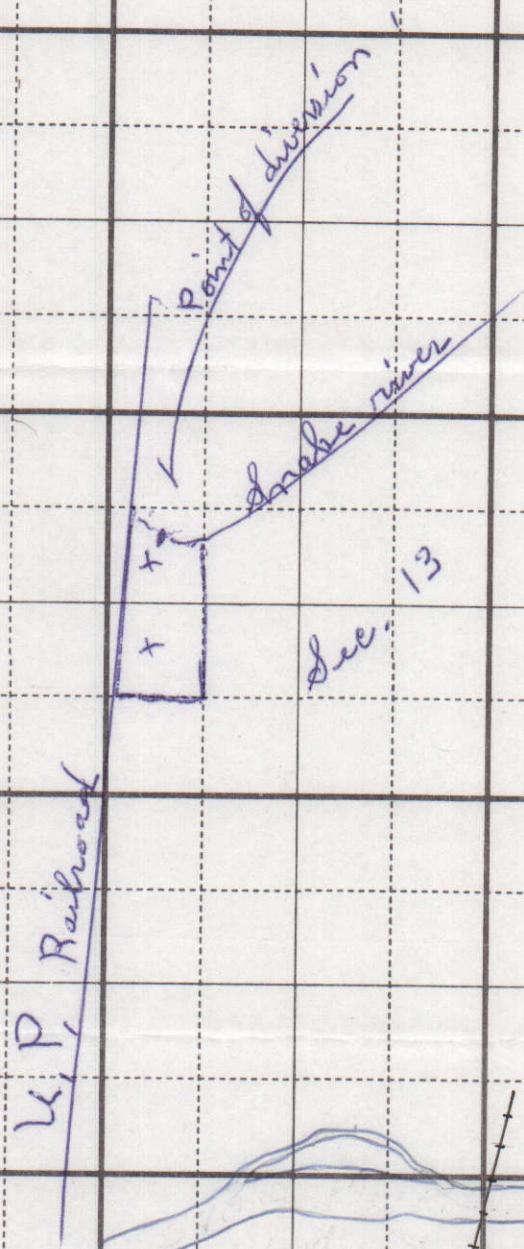


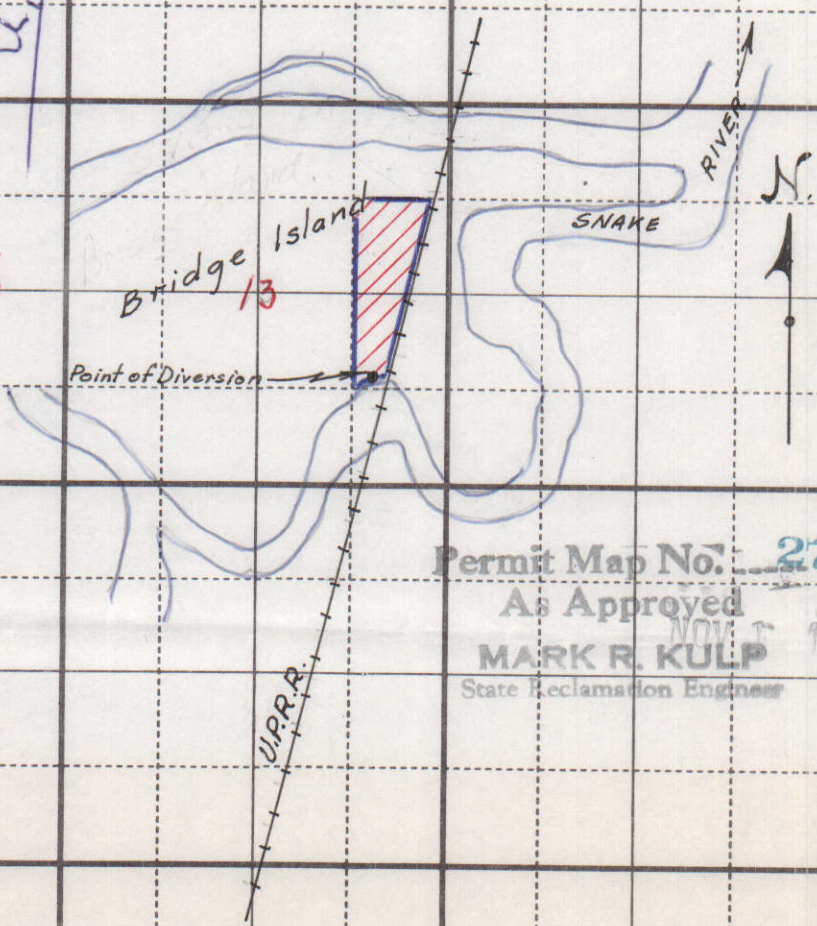
NAME OF APPLICANT Fred L. Morse

Form No. 0



Tax 2 in S E N E
Tax 3 in N E S E

T. 6 N. - R. 6 W.



Permit Map No. 27116
As Approved
MARK R. KULP
State Reclamation Engineer

— LEGAL NOTICE —

NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M. on the 30th day of March, 1959, at Parma, County of Canyon, State of Idaho, before Donald L. Lackland, A Notary Public, proof will be submitted of the application to beneficial use of 1.28 cubic feet per second of the waters of Snake River in accordance with the terms and conditions of Permit No. 27116 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person holding said permit is Fred L. Morse, Box 392, Nyssa, Oregon.

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

The amount applied to beneficial use is 1.28 cubic feet per second.

The place where said water is used SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, T 6 N, R 6 W BM.

The right to take water from such works is based upon Permit No. 27116.

The source of supply from which such water is diverted is Snake River.

The date of priority which said user is prepared to establish is October 11, 1957.

Publish March 5, 12, 19, 26.

Affidavit of Publication

STATE OF IDAHO

COUNTY OF CANYON

} ss.

Theron Gough

duly sworn, on his oath deposes and says:

That he is a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years and not a party to the action as per notice attached.

That he is Publisher of

THE PARMA REVIEW

a weekly newspaper published in the City of Parma, County of Canyon, State of Idaho, every Thursday; that the said newspaper is in general circulation in the said County of Canyon, and has been continuously and uninterruptedly printed and published in said county during a period of 78 consecutive weeks prior to the first publication of the annex-

ed notice of proof application of water;
that said notice being
by Fred L. Morse

was published in said newspaper in four consecutive issues in the regular and entire issue of each and every number of every paper during the period and time of publication, and was printed in the newspaper proper and not in a supplement, said notice having been so published upon the following dates: March 5, 12, 19, 26, 1959

Subscribed and sworn to before me, this 30

day of March, 1959.

12/2/54

Notary Public for Idaho,
Residing at Parma, Idaho

27116

7 1/2 X 110 X 550 X 40

12

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.

Grandview Ave
Fred L. Morse
P.O. A392
Nyssa, Oregon
Permit No. 27116

revised 2853

Examination for Beneficial Use

County Canyon

13-6N. -6W.

Q2 1.28 c.f.s.

S. = Snake River.

P.D. = NE. SE., Sec. 13, T. 6N. - R. 6W.

Uses Irrigation

allow 60 acres

Filed = Oct. 11, 1957

Due = Nov. 1, 1962

Look on aerial photo

see how much is west

of R.R.

of W. = 3-3-59

no other right

Century 1750 rpm

7 1/2 single phase

115/230 70/35

79537911

*4 1/2" Special Parma
water left*

8" steel pipe.

12' lift.

*delivers thru cone. box
42" x 43" x 43"*

55 acres

27116

Tax 2	in	SE	NE
Tax 3	in	NE	SE

See 13

U.P. Railway

T.G.N. R.G.W.

Bridge Island

Point of Diversion

Snake

N

44.34 acres

Permit Map No. 27116

As Approved

MARK R. KULP

State Reclamation Engineer

27114

United States Department of Agriculture
FARMERS HOME ADMINISTRATION

REAL ESTATE MORTGAGE
(Idaho, Utah, and Wyoming)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned, DONALD E. MORSE, a single man, and FRED L. MORSE, a single man, (co-mortgagor but not co-maker of the promissory note described below)
and his wife,

of the County of Canyon, State of Idaho,

(hereinafter called "Mortgagor"), is (are) justly indebted to the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, and its duly authorized representatives, (hereinafter called "Mortgagee"), as evidenced by the following described promissory note(s) or assumption agreement(s), hereinafter called instrument(s) of debt:

Date of Instrument	Principal Amount	Rate of Interest	Payee	Due Date of Final Installment
February 5, 1958	\$2,500.00	4 1/2%	United States of America	January 1, 1968

NOW, THEREFORE, in consideration of said indebtedness, and to secure the prompt payment thereof according to the terms of the instrument(s) of debt and of any extension or renewal thereof or any agreement supplementary thereto, and of any additional indebtedness accruing to Mortgagee on account of any future advances or expenditures made as hereinafter provided; and to secure the performance of every covenant and agreement of Mortgagor contained in this mortgage or in the instrument(s) of debt or in any supplementary agreement;

~~Notwithstanding to the extent of the amount of the indebtedness secured by this mortgage, the Mortgagor does hereby and by these presents grant, convey, and mortgage and forever warrant unto Mortgagee the real estate~~

Mortgagor does hereby and by these presents grant, convey, and mortgage and forever warrant unto Mortgagee the real estate situated in the County of Canyon, Idaho, described as follows:

PARCEL I: Lots One (1) and Two (2) and that part of Lot Three (3) lying North of the extended South boundary line of said Lot Two (2), all in Section Thirteen (13), Township Six (6) North, Range Six (6) West of the Boise Meridian.

PARCEL II: That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) and of Lot Six (6) of Section Thirteen (13), Township Six (6) North, Range Six (6) West of the Boise Meridian, lying West of the right-of-way of the Oregon Short Line Railroad;

EXCEPTING THEREFROM: BEGINNING at a point 1320 feet West and 1091 feet North of the Southeast Corner of the Northeast Quarter (NE 1/4) of said Section Thirteen (13) and running thence North 229 feet; thence East 1155 feet; thence South 5 deg. 30' West 230 feet; thence West 1132 feet to the point of beginning.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to rights to the waters of the Snake River under Application No. 34711, Permit No. 26805, issued to Donald E. Morse
on March 22, 1957, and under Application No. 35038, Permit No. 27116, issued to Fred L. Morse, approved by the Idaho State Reclamation Engineer on November 1, 1957.

Subject to existing easements for roads, highways, ditches, canals, laterals, and power and transmission lines, if any.

Subject to exceptions and reservations contained in patents from the United States.

27116

State of Idaho
License and Certificate of Water Right

Water License No. 27116 Amount 1.16 c.f.s.
Water District No. Priority Oct. 11, 1957

THIS IS TO CERTIFY that FRED L. MORSE
of Nyssa, Oregon, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 11, 1957; that Permit No. 27116
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.28 second feet, was issued thereunder on March 3, 1959, showing that said works
were completed on the 27 day of February, 1959; and that on the 30th
day of March, 1959,

FRED L. MORSE
of Nyssa, State of Oregon, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Snake River
, a tributary of Columbia River, for the purpose of irrigation
, under Use Permit No. 27116 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
11 of Licenses at page 6638, on the 8 day of May, 1959;
The right hereby confirmed dates from October 11, 1957;

The Point of Diversion is located
in the NE 1/4 SE 1/4, Sec. 13, Tp. 6N, R. 6W., B. M. Canyon 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 1.16 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N	6 W	13	SE 1/4 NE 1/4 (Lot 1)	35	30
			NE 1/4 SE 1/4 (Lot 6)	29	28
			Total Number of Acres Irrigated:		58

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
8th day of May, 1959.

s/ GEO. N. CARTER
State Reclamation Engineer.

(SEAL)

~~2-41-60~~
03-2045

State of Idaho

License and Certificate of Water Right

Water License No. 25801

Amount 1.0 c.f.s.

Water District No.

Priority July 7, 1955

THIS IS TO CERTIFY that ELIZABETH McDONOUGH, REX S. & ROXY C. JENSEN, Assignees of Melba, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 7, 1955; that Permit No. 25801 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.3 second feet, was issued thereunder on September 29, 1958, showing that said works were completed on the 15th day of September, 1958; and that on the 3rd day of November, 1958,

ELIZABETH McDONOUGH, REX S. & ROXY C. JENSEN, Assignees of Melba, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Unnamed Natural Drain, a tributary of Snake River, for the purpose of Irrigation, under Use Permit No. 25801 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 11 of Licenses at page 6637, on the 8 day of May, 1959; ; The right hereby confirmed dates from July 7, 1955;

The Point of Diversion is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, Tp. 1 S., R. 2 W., B. M. Canyon 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 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	2 W.	23	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 40	30 20
			Total Number of Acres Irrigated:		50

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

8th day of May, 1959.

S/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

Application For Permit To Appropriate the Public Waters of the State of Idaho

02-2143

FHA

APPLICATION No. 35038
PERMIT No. 27116
DISTRICT No.

Fred L. Morse
Nyssa, Oregon

1. Name of Applicant: FRED L. MORSE

Postoffice address: Nyssa

County: Malheur

State: Oregon

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) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 64 inches or 1.28 cubic feet per second.

3. Source of water supply: Snake River which is a tributary of Columbia River

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$
of section 13 , T. 6 N. , R. 6 W. , B. M., County of Canyon

5. Water is to be used for Irrigation

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 of , 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: \$1,000.00

8. Kind of works: Pump, pipe-line and ditches

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

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

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ Fred L. Morse
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 8:00 A. M. October 11, 1957

Returned to applicant for correction: Oct. 23, 1957

Corrected application received: Oct. 28, 1957

Approval of State Reclamation Engineer

The number of this permit is 27116
Recorded in Book 96 Page 27116 Approved November 1, 1957
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before January 1, 1958 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 May 1, 1959
The whole of said work to be completed on or before November 1, 1960
Beneficial use of water appropriated in accordance herewith, to be made on or before November 1, 1962

WITNESS My hand this 1st day of November, 1957

/s/ Mark R. Kulp
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE ROBERT E. SMYLLIE, Governor of the State of Idaho,
and JAS. H. YOUNG, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 1st

day of November, 1957
Countersigned:

STATE OF IDAHO

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

By /s/ ROBERT E. SMYLLIE
Governor.

REMARKS: Tax 2 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, Twp. 6 N., R. 6 W.
Tax 3 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Twp. 6 N., R. 6 W.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 N.	6 W.	13													29				64
7 M. 2005 - 7116 Permit No. 27116 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that FRED L. MORSE, of Nyssa, County of Malheur, and State of Oregon, the holder of Permit No. 27116, issued upon Application 35038 bearing date of priority of October 11, 1957, authorizing the diversion of second feet of waters of Snake River, County of Canyon, 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 second feet of the waters of Snake River, a tributary of Columbia River, that the point of diversion of said waters NE$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 13, T. 6 N., R. 6 W., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE$\frac{1}{4}$NE$\frac{1}{4}$, NE$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 13, T. 6 N., R. 6 W., B. M. PROOF OF COMPLETION OF WORKS MADE: February 27, 1959 Witness my hand this 3rd day of March, A. D., 1959 s/ GEO. N. CARTER State Reclamation Engineer CLOSE ISSUED FOR 1/16 SEP. 57 Page 6638																			

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Mark R. Kulp, State Reclamation
Engineer

DATE: September 27, 1957

FROM : William Burpee, Field Solicitor

SUBJECT:

We received the attached letter today and believe it
obviously intended for you.


William Burpee
Field Solicitor

Enclosure

RECEIVED
SEP 30 1957
Department of Reclamation

27116

October 4, 1957

RE: Application for Permit

Mr. Fred L. Morse
Box 392
Nyssa, Oregon

Dear Mr. Morse:

In reply to your letter of September 25th, we enclose an Application for Permit to appropriate the subterranean waters of the State of Idaho, together with a pamphlet, which gives regulations and instructions, and sketch maps in duplicate, which are required to accompany the application. The map is to be drawn by "cross hatch" or color, showing the lands to be irrigated by 40-acre sub-divisions, section number, township, range, and, clearly show the location of the point of diversion (well).

After this application is approved and signed by the Governor and the Secretary of State, it will be returned to you as a "Use Permit".

To complete the water right, two proofs are required:- Completion of works and Application to Beneficial Use, which are made at the same time. Under Question 10 - the maximum time allowed for this is 5 years.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:vm
Encl.

27116

October 24, 1957

Mr. Fred L. Morse
Nyasa
Oregon

Dear Mr. Morse:

We are returning your Application for Permit to appropriate water from the Snake River, together with the money order to the amount of \$5.25.

Since you did not have your application for permit properly and completely filled out and un-signed, we have taken the liberty to re-write your application according to the information we had on hand.

We wish that you would look over the re-written application carefully and request that you make any changes that do not conform with your requirements.

Please sign on the third page and return to this department together with the money order for \$5.25.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

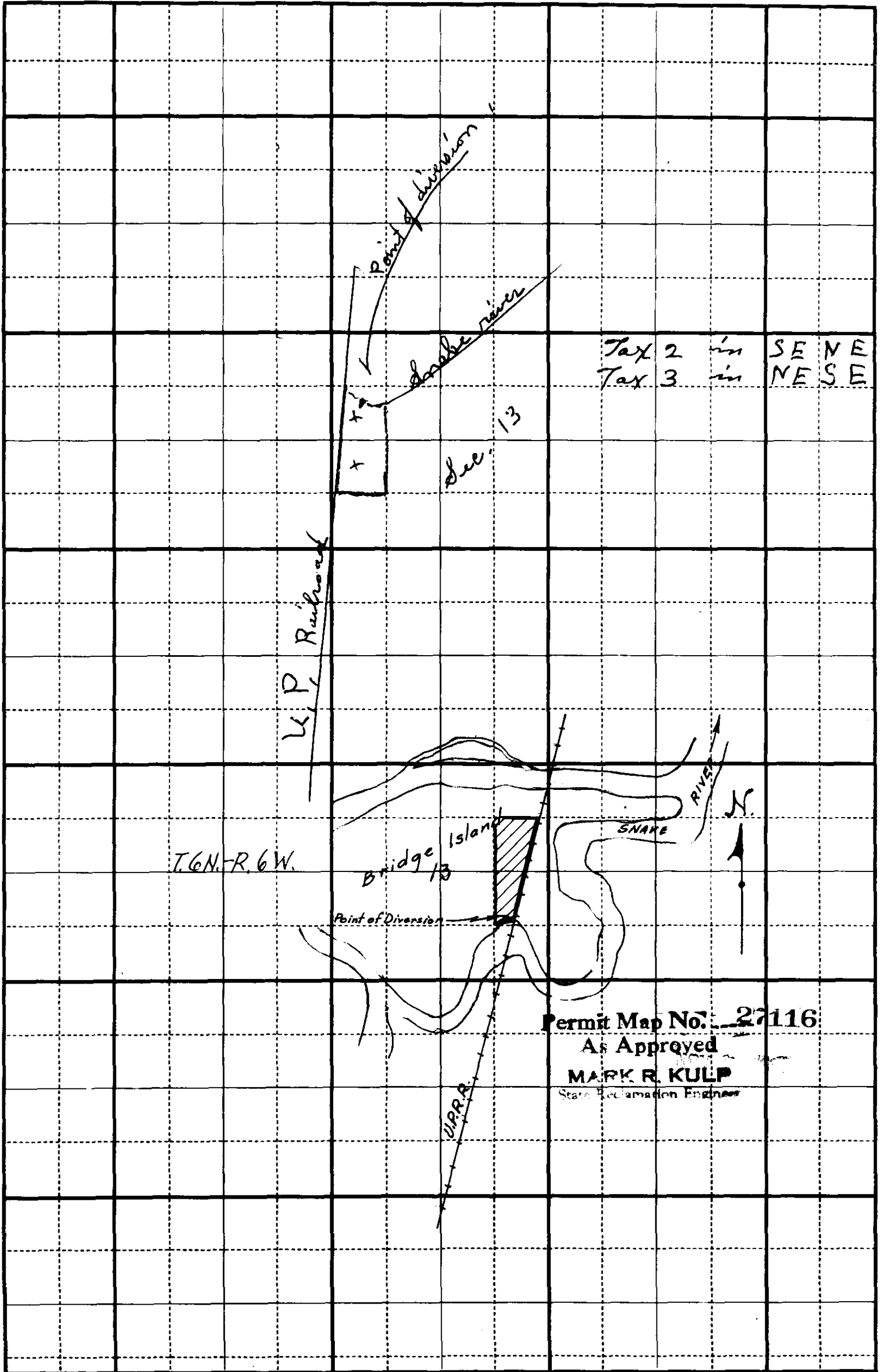
Roy W. Thompson
Office Manager

RWT:lw

Encls(1) Money Order
(2) Applications for Permit

27116

Fred L. Morse



December 9, 1957

Re: Permit No. 27116

Mr. Fred L. Morse
Nyssa,
Oregon

Dear Mr. Morse:

We enclose Permit No. 27116 in which we 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. 2857 which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:lw
Encls. (2)

27116

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
Box 893
Caldwell, Idaho

RECEIVED
FEB 21 1958
Department of Reclamation

February 26, 1958

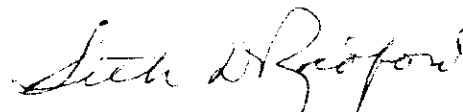
Mr. Mark R. Kulp
State Reclamation Engineer
Bureau of Reclamation
Capitol Building
Boise, Idaho

Dear Mr. Kulp:

This is to advise you that the USA, acting through the Farmers Home Administration, USDA, has obtained first lien, in the amount of \$2500.00 on land covered by permits No. 26805, issued to Donald E. Morse, on 3/22/57, and permit No. 27116, issued to Fred L. Morse, on 11/1/57.

We are enclosing a copy of the real estate mortgage with filing information for your records.

Sincerely yours,



Seth D. Redford
County Supervisor

encl.

27116

filing information

452775

Donald E. Morse, et al

to

U. S. A.

Mtg.

STATE OF IDAHO
County of Canyon

I hereby certify that this instrument was filed for record
at the request of: CANYON ABST. & TITLE CO.

Feb. 12, 1958
at 10 minutes past 9 o'clock a.m. in my office, and duly
recorded in book of mtgs. at page-----

/s/ S. S. FOOTE
Ex. Officio Recorder

by /s/ Lavona Sayre, Deputy
Fee \$7.75

27116

ACKNOWLEDGMENT

STATE of Washington }
COUNTY of King } ss

On this 7 day of Feb 1958, before me George R. Gordon,
a Notary Public in and for the above County and State, personally appeared
Donald R. Morse, a single man known to me to be _____,
~~Farmer, Home Administration, United States Department of Agriculture, and~~ the per-
son who executed the foregoing instrument, and he acknowledged to me that he exe-
cuted the same as the free act and deed ~~of the United States of America~~, for uses
and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Seattle
Washington the day and year aforesaid.

George R. Gordon
Notary Public in and for the County
of King State of Wash.

My commission expires:

Mar. 29, 1958

14. That the land and said property described hereinabove shall be the subject of and covered by this mortgage even though Mortgagor shall acquire his title to same after the execution of this mortgage.
15. That Mortgagor hereby assigns to Mortgagee all rents, profits, and other income derived from said property; and Mortgagor does hereby authorize and empower Mortgagee (1) to take possession of said property at any time there is any default in the payment of any debt hereby secured or in the performance of any covenant or obligation herein contained and to rent said property for the account of Mortgagor, and (2) upon commencement of any judicial or other proceedings to enforce any right under this mortgage, to have a Receiver for said property appointed by a court of competent jurisdiction upon application by Mortgagee and production of this mortgage, without other evidence and without notice of hearing of said application. Such Receiver shall have, among other things, full power to rent, lease, and operate said property and collect all rents, profits, and other income therefrom during said default and any period of redemption. All rents, profits, and other income collected as herein provided by either Mortgagee or Receiver, after deduction for costs of collection and administration, shall be applied in such manner as Mortgagee or the court may direct to payment of the mortgage debt or items of any nature that are payable by Mortgagor under this mortgage; and if Mortgagor be in default in the payment of any other debt to Mortgagee not secured by this mortgage, Mortgagee or Receiver may apply the rents, profits, or other income so collected to the reduction of same. In connection with this assignment, Mortgagor hereby waives all rights to the possession of said property whether or not it be farm lands or the homestead of Mortgagor.
16. THAT TIME IS OF THE ESSENCE OF THIS MORTGAGE and upon payment of all indebtedness hereby secured and full performance hereunder by Mortgagor, Mortgagee shall execute and deliver to Mortgagor a release and satisfaction of this mortgage deed within sixty (60) days after written demand therefor by Mortgagor, Mortgagor hereby waiving the benefits of all statutes or laws which require the earlier execution or delivery of such release or satisfaction; AND SHOULD DEFAULT BE MADE in the payment of any sum when due under said instrument(s) of debt or under any extension or renewal thereof or under any agreement supplementary thereto, or should Mortgagor fail to keep or perform any covenant, condition, or agreement contained or referred to in this mortgage, Mortgagee is hereby irrevocably authorized and empowered at its option and without notice: (1) to declare the entire indebtedness hereby secured immediately due and payable and to foreclose this mortgage in the manner hereinafter set out; (2) to incur and pay any reasonable expenses for repair or maintenance of said property and any expenses or obligations Mortgagor fails to pay as agreed in this mortgage, including taxes, levies, assessments, insurance premiums, and any other necessary costs and expenditures for the protection, preservation, and enforcement of this lien; and (3) to pursue any remedy provided by law.
17. That Mortgagor will pay or reimburse Mortgagee for all expenses necessary to enforce the provisions of this mortgage and the instruments referred to in it, including costs of evidence of title to and survey of said property, court costs, recording costs, and attorneys' fees.
18. That all moneys advanced or expended by Mortgagee as provided in this mortgage, with interest at the rate per annum hereinabove first specified until repaid, shall become a part of the indebtedness hereby secured and shall be due and payable by Mortgagor to Mortgagee immediately after such expenditure and without demand, at the place designated in the instrument(s) of debt or at such other place as Mortgagee may designate.
19. That Mortgagee or its agent may bid for and purchase said property as a stranger at any foreclosure or other sale, and Mortgagor's lawful share of the price for which said property is sold to Mortgagee or its agent may be paid by crediting at Mortgagee's option any debts owing by Mortgagor to Mortgagee with payment in a sum equal to such lawful share.
20. That Mortgagee may foreclose this mortgage by any procedure or method agreeable to, and in accordance with, the laws of the jurisdiction in which said property is situated and of the United States of America existing at the time of the commencement of foreclosure, and on terms and conditions satisfactory to Mortgagee, including but not limited to, if then legally permissible in the jurisdiction in which said property is situated, foreclosure by (1) statutory power of sale, or (2) advertisement and sale of said property at public auction to the highest bidder in one or more parcels at Mortgagee's option and at the time and place and in the manner and after such notice and on terms as may be required by statute or as may be determined by Mortgagee if not contrary to any statute, or (3) written agreement hereafter made between Mortgagor and Mortgagee. If said property is situated in two or more counties, any public sale of said property may be held in any of such counties after advertisement in the county in which the sale is to be held, if legally permissible in the jurisdiction in which said property is located.
21. That application of the proceeds of foreclosure sale shall be made in the following order: (1) to the payment of the costs of foreclosure, including expenses of advertising, selling, and conveying said property, abstracts of title and other title evidence covering said property, attorneys' fees, and court costs; (2) to the payment of the indebtedness secured by reason of this mortgage computed with interest to the date of such sale; (3) to the payment of secondary liens duly approved and allowed by the court or otherwise; (4) to the payment at Mortgagee's option of any other indebtedness owing from Mortgagor to Mortgagee; and (5) any balance shall be delivered to Mortgagor.
22. That, as against the indebtedness hereby secured and to the extent permitted by law, Mortgagor does hereby waive all present and future valuation or appraisal laws and all exemptions of any kind to which Mortgagor may be entitled under the laws and constitution of the jurisdiction in which said property is situated.
23. That each right, power, or remedy herein conferred upon Mortgagee is cumulative to every other right, power, or remedy of Mortgagee, whether herein set out or conferred by law, and may be enforced concurrently.
24. That all notices to be given under this mortgage shall be delivered or forwarded by registered mail, addressed in the case of the Mortgagee to the Farmers Home Administration, United States Department of Agriculture, Boise, Idaho, Salt Lake City, Utah, or Casper, Wyoming, according to the state in which the land hereby mortgaged is located, or to such other place as the Mortgagee may designate, and in the case of Mortgagor to the post office address stated hereinafter, and if none is stated, then to the post office address of the real estate described in this mortgage.
25. That if Mortgagor, the heirs, executors, administrators, successors, or assigns of Mortgagor shall pay unto Mortgagee or assigns all of the indebtedness hereby secured as hereinabove provided and shall perform each and every covenant, condition, or agreement herein contained, then this mortgage shall be satisfied and the same shall be released and the property shall be reconveyed to Mortgagor or assigns. **Morse, approved by the Idaho State Reclamation Engineer on March 22, 1957, and under Application No. 35038, Permit No. 27116, issued to Fred L. Morse, approved by the Idaho State Reclamation Engineer on November 1, 1957, and the mortgagor agrees that he will not transfer the waters appropriated under the foregoing permits nor will he utilize the waters developed pursuant thereto on any lands not described in this mortgage. In the event of mortgagor's failure to perfect the water rights under said permits, the mortgagee shall have the right to complete such action as may be required by law and the Idaho State Reclamation Engineer and the mortgagee may make the necessary final proofs to secure Certificates of Appropriation, in which event all expenses and costs incident to such proofs shall become a part of the indebtedness secured by this mortgage.**

IN WITNESS WHEREOF, the said Donald L. Morse, a single man, and Fred L. Morse, a single man, joining in this deed as Mortgagor, and hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the state in which said property is located, and relinquishing and conveying

27116

all rights by descent, curtesy, and dower and all other rights in and to said property, hereunto have set hands and seals this

5 day of February, 1958.

Box 392, Nyssa, Idaho Oregon
Mail Address

Donald E. Morse (SEAL)
Donald E. Morse, a single ~~man~~ and

Box 392, Nyssa, Idaho Oregon

Fred L. Morse (SEAL)
Fred L. Morse, a single man ~~and~~ wife)

ACKNOWLEDGMENT

STATE OF IDAHO)
COUNTY OF CANYON) ss:

On this 5 day of February, in the year of 1958, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Donald E. Morse, a single man and Fred L.

Morse, a single man and xxxxx wife, known to

me (or proved to me on the oath of _____) to be the person(s) whose name(s) are is subscribed to the within instrument, and acknowledged to me that they executed the same as (his) (their) free act and deed for the uses, purposes and consideration therein expressed.

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

(SEAL)

Lorene S. Garrett
Notary Public, residing at Caldwell
Idaho

My Commission expires: 12/12/58

February 28, 1958

Re: Permit No. 26805 - Donald E. Morse
27116 - Fred L. Morse

United States Department of Agriculture
Farmers Home Administration
Box 893,
Caldwell, Idaho

Attention: Seth D. Redford
County Supervisor

Dear Mr. Redford:

This will acknowledge receipt of your letter of February 26, 1958 enclosing a copy of a real estate mortgage in favor of the Farmers Home Administration.

We assume that you wish us to place this document on file in the permit records of Permits Nos. 26805 and 27116. Said documents will be placed on file and a notation will be made on the records of the above numbered permits so that you may be notified, providing the applicant's issue a transfer or assign said permits.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

27116

February 28, 1958

Re: Permit No. 26805 - Donald E. Morse
27116 - Fred L. Morse

United States Department of Agriculture
Farmers Home Administration
Box 893,
Caldwell, Idaho

Attention: Seth D. Redford
County Supervisor

Dear Mr. Redford:

This will acknowledge receipt of your letter of February 26, 1958 enclosing a copy of a real estate mortgage in favor of the Farmers Home Administration.

We assume that you wish us to place this document on file in the permit records of Permits Nos. 26805 and 27116. Said documents will be placed on file and a notation will be made on the records of the above numbered permits so that you may be notified, providing the applicant's issue a transfer or assign said permits.

Very truly yours,

MA K R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

See letter of transmittal in file ²⁶⁸⁰⁵~~27116~~ 27116

May 29, 1958

Re: Permit No. 26805 - Donald E. Morse
Permit No. 27116 - Fred L. Morse

United States Department of Agriculture
Farmers Home Administration
Box 893
Caldwell, Idaho

Attention: Mr. Seth D. Redford
County Supervisor

Dear Mr. Redford:

Relative to Permit No. 26805, in the name of Donald E. Morse, under the terms of this permit, Completion of Works Proof and Beneficial Use Proofs were due March 22, 1958.

This department sent a form letter under date of January 1, 1958, to Donald E. Morse, of Nyssa, Oregon, in connection with Permit No. 26805, stating that the proof was due March 22, 1958. On April 21, this department sent Mr. Morse another letter giving him forty days from the date of the notice to show cause why the permit should not be cancelled.

This department received a letter under date of April 30, 1958, from Mr. Ernest Anderson, Attorney, Parma, Idaho, stating that Mr. Donald Morse had neglected to bring the letter to his attention until April 29, 1958 and Mr. Anderson requested an extension of time. Under departmental letter of May 2, 1958, we wrote to Mr. Anderson as follows, " Since Mr. Morse did not complete his works according to the terms of the permit prior to March 22, 1958, we can not grant him an extension of time for making Completion of Works. If Mr. Morse had requested said extension of time prior to March 22, 1958, we would have extended his time as requested. We are enclosing an application for permit and would suggest that Mr. Morse re-file."

27116

Mr. Seth D. Redford

-2-

May 29, 1958

In connection with Permit No. 27116, in the name of Fred L. Morse -

Amount of water claimed - 1.28 cubic feet per second

Source of Supply - Snake River

Point of Diversion - NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 6 North, Range 6 West.

Water to be used for irrigation.

Works consist of pump, pipe line and ditches

Filed - October 11, 1957

Completion of Works Proof due - November 1, 1960

Beneficial Use Proof due - November 1, 1962

Place of Use - Tax 2- in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, Township 6 North,
Range 6 West.

Tax 3- in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, Township 6 North,
Range 6 West.

Since the Completion of Works Proof is not due until November 1, 1960,
the permit remains in good standing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

27116

Permit No. 27116

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

RECEIVED
FEB 27 1959
Department of Reclamation

STATE OF IDAHO

County of Ada

ss.

Fred L. Morse, 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. 27116, and that his postoffice address is Box 392, Nyssa, State of Oregon.

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

Snake River

Third: That the point of diversion of said water is

NE 1/4 Sec. 13, T. 6 N., R. 6 W. BM

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by November 1, 1960.

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

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

I. Kind of works: pump, pipe line and ditches

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

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

(d) Conduit ditch width at bottom 1 feet, width at water line 3 feet, depth of water 1.3 feet; diameter of pipe 8 inches, average grade per mile is 2.6 feet. Length of conduit is 0.5 miles.

Seventh: That said works are capable of conducting to the place of intended use 1.28 second feet of water.

Eighth: That water appropriated under said permit is available for 64 acres of land described as follows: SE 1/4 NE 1/4, NE 1/4 Sec. 13, T. 6 N., R. 6 W. BM

Ninth: Remarks: That

Fred L. Morse

(Sign Here)

Subscribed and sworn to before me this 27 day of July, 1959

My commission expires 3-5-59

M. L. Hamilton

Notary Public.

Boise, Idaho

27116

March 2, 1959

Re: Permit No. 27116
" " 27410

Seth Redford, County Supervisor
Farmers Home Administration
Caldwell, Idaho

Dear Mr. Redford:

Mr. Fred Morse was in this office today and prepared papers for proving beneficial use of water from Snake River for irrigation of SE $\frac{1}{4}$ E $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 13, Twp. 6 N., R. 6 W. under Permit No. 27116. After he and two witnesses have made proper affidavits at the time specified in the advertisement, some one from this office will inspect the works and a water license will be issued for the amount of water delivered by the pump to the acres actually irrigated. The amount of water will be limited by the capacity of the pump or at the rate of not over one miner's inch per acre.

The form was prepared for Mr. Donald E. Morse to file proof of completion of works which must be made on or before June 20, 1959 under conditions of the Permit No. 27410. We understand that he is only irrigating about 20 acres of land now and it will be several years before all of the 55 acres of land can be leveled and crops grown. The proof of beneficial use is due on or before June 20, 1960. We recommend that Mr. Donald E. Morse request an extension of time for proof of beneficial use to June 20, 1964 to allow sufficient time to complete the necessary work and have given Mr. F. L. Morse the proper form for such request. The proof of beneficial use can be made at any time desired, however the water license will be limited by the number of acres actually irrigated or the capacity of the pump, whichever is least. This permit in good standing is a better water right for 55 acres than a water license of 20 miner's inches for 55 acres, which he would get if he made proof of beneficial use when only 20 acres are irrigated.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

GWC:RT:ew
cc. Fred L. Morse

P. S. Permit No. 26805 in the name of Donald E. Morse was cancelled because proof of completion of works was not made on the due date.

27116

RECEIVED
MAR 2 1959
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 27, 1959

(P. O.) Nyssa, Oregon

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

The Parma Review

of

Parma

published in

the county in which the works are situated.

Canon Co.

Fred L. Moore

(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.

The 4th issue will be on 26th of Mar.

27116

RECEIVED
MAR 2 1959
Department of Reclamation

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

Notice is hereby given that at 10:00 A. M. on the 30th day of March, 1959,
at Parma, County of Canyon, State of Idaho, before
Donald L. Lockland, A Notary Public, proof will be submitted of the
application to beneficial use of 1.28 cubic feet per second of the waters of Snake River
in accordance with the terms and conditions of Permit No. 27116
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person ~~or corporation~~ holding said permit ~~is~~ is

Fred L. Morse, Box 392, Myssa, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 1.28 cubic feet per second

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

SE 1/4, NE 1/4, Sec. 13, T 6 N, R 6 W BM

Point of Diversion: NE 1/4 Sec. 13, T 6 N, R 6 W

~~The name of the owner of such works, and the name of the person or corporation to whom the right to take water from such works is based upon Permit No. 27116~~

The right to take water from such works is based upon Permit No. 27116

The source of supply from which such water is diverted is Snake River

The date of priority which said user is prepared to establish is October 11, 1957

State Reclamation Engineer.

27116

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION
Box 893
Caldwell, Idaho

February 27, 1959

RECEIVED
MAR 2 1959
Department of Reclamation

State of Idaho
Dept. of Reclamation
State House
Boise, Idaho

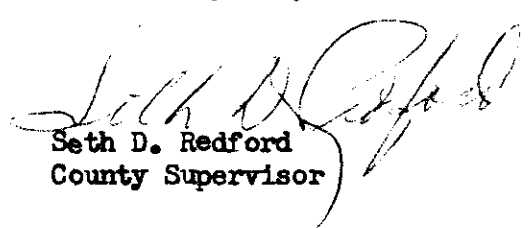
Gentlemen:

We would like to know the status of the water rights for Donald E. Morse, Permit No. 26805, and Fred L. Morse, Permit No. 27116.

It is our understanding that Donald E. Morse's Permit was in default and that a new permit had been requested. It is also our understanding that Fred L. Morse's Permit is in good standing until November 1, 1960, due date of Completion of Works Proof.

Proof has been made on these lands and the pumps are now in use. The water is being pumped out of the Snake River. We were wondering if your office could not issue water rights at this time. We have made a loan to Donald and Fred Morse to improve their property and we need to have a sound water right in order to comply with our regulations. We would appreciate very much if you would let us know concerning this matter and please send a copy of your letter to Mr. Fred L. Morse, Box 392, Nyssa, Oregon.

Sincerely yours,


Seth D. Redford
County Supervisor

27116

March 3, 1959

Re: Permit No. 27116

Mr. Fred L. Morse
Nyssa, Oregon

Dear Mr. Morse:

Enclosed is Certificate of Completion of Work
issued on Permit No. 27116 which has been recorded in
this office.

Departmental Receipt No. 29508 was given you
when you were in the office for the \$5.00 fees.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By:

ENC:ew
Enc. 1

Chief Clerk

27116 R

March 4, 1959

Re: Permit No. 27116

Mr. Fred L. Morse
Box 392
Nyssa, Oregon

Dear Mr. Morse:

This acknowledges the Notice of Proof of Application of Water to Beneficial Use under Permit No. 27116. The proof is to be made at 10:00 A. M. on the 30th of March, 1959, before Donald L. Lackland, Notary Public, at Parma, Idaho.

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. Rutledge
Chief Clerk

EPR/lw
Encls. (3)
cc: Donald L. Lackland
Notary Public
Parma, Idaho
cc: Seth D. Redford
U. S. Dept. of Agriculture
Caldwell, Idaho

27116

STATEMENT

The Parma Review • PARMA, IDAHO

PUBLISHERS AND PRINTERS

March 31 1959

M Fred L. Morse
Box 392

Nyssa, Oregon

Notice of proof of application of water to beneficial use

38 lines published four times. \$16.04

*18.11 Paid 4/30/59
Bryant Young*

Upon receiving your check for the above amount we will supply you with the
affidavit of publication. Thank you.

27116

April 1, 1959

Re: Permit 27116

Mr. Fred L. Morse
P. O. Box 392
Nyssa, Oregon

Dear Mr. Morse:

Enclosed are your deposition, two depositions of witnesses, affidavit of publication and publishers statement of costs. You may retain the statement of costs for your file.

Question 6 of all three depositions asks for the subdivision irrigated. That information is not shown. The notice of proof in the paper shows the water is used on the SE¹/₄NE¹/₄, NE¹/₄SE¹/₄, Sec. 13, T. 6 N., R. 6 W. and that should be shown, provided that is the land you are actually irrigating.

Return the three corrected depositions and affidavit of publication to this office.

Very truly yours,

GEORGE N. CARTER
State Reclamation Engineer

GNC:RT:ew
Enc.

27116

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 3 11 1959
Department of Reclamation

RECEIVED
APR 8 1959
Department of Reclamation

Permit No. 27116

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Arvid L. Grove
Canyon County, Id., near, Ingersoll, Oregon P.O. #392

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. None

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

Ans. 27116 - Dated priority Oct, 11 1957 - 11-1-57

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

Ans. Snake river, Southernly point of
NE 1/4 SE 1/4 Sec. 13 T. 6 N. R. 6 W 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. A ditch 3 ft. wide 4 ft. deep, 20 ft. long from
snake river to pump sump, 18 ft. 8" steel pipe
from sump to cement box or dispersing point
about 42" square 36" deep connected with ir-
rigation ditch.

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.

Legal Description
Ans. About 300 ft from the dispersing point the
water will flow to a ditch running east & westerly
direction watering about 25 acres, & portions of
water will be carried north on west side of property
thru cement lined ditch to north field of about
30 acres, about 1.28 second ft. estimated by flow of
water in ditch, also size of pump & motor a four inch
special 7 1/2 h. p. motor, at present being cultivated.
Water to be used as irrigation on ~~NE 1/4~~ SE 1/4 NE 1/4, 27116
NE 1/4 SE 1/4, Sec. 13, T. 6 N, R. 6 W., B. M.

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. _____

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

Ans. Been used for possibly 30 yrs, about the amount requested for 15 years, irrigation only,

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. none

(Sign) Fred L. Morse

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 PARMA County of Canyon State of Idaho, on this 30th day of MARCH A.D. 1959.

My commission expires May 1, 1959

Wm. L. Lockman

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
Department of Reclamation

Department of Reclamation

PERMIT NO. 2716

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Walter Schmidt 27 v Farmer P.O. 2 Parma Idaho
Bridge Island

Ques. 2. Are you acquainted with Fred Moore, the holder of Permit No. 2716? How long have you known him and where does he reside?

Ans. For 3 years Bridge Island P.O. 2 Parma Idaho

Ques. 3. Have you read or heard read said Permit No. 2716, 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. Snake river On south portion of this property
NE 1/4 SE 1/4 Sec. 13, T. 6N, R. 6W, P. 1M. cement lined ditch

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. 1.28

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.

Legal Description
Ans. irrigation for all of property one subdivision
on south half of property 25 acres the north
half 30 acres
S.E. 1/4 NE 1/4, NE 1/4, S.E. 1/4, Sec. 13, T. 6N, R. 6W, P. 1M.
water to be used as irrigation
Where?

27116

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. heavy soil 1.28

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

Ans. no

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

Ans. In 1957 I farmed this property

(Signed) Walter Schmidt

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 PARMA, IDAHO,

County of Canyon, State of Idaho, on this 30 day of MARCH, A. D. 1959.

James L. Lockman

Notary Public.

My commission expires May 1 1960

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 3 11 1959
Department of Reclamation

RECEIVED
APR 8 1959
Department of Reclamation

PERMIT NO 27116

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Gus Schmidt 59 yrs. 2 Parma
Idaho Farmer

Ques. 2. Are you acquainted with Fred Morse, the holder of Permit No. 27116? How long have you known him and where does he reside?

Ans. I have known him for 3 years
Box 392 Nyssa Oregon (Canyon Co, on farm)

Ques. 3. Have you read or heard read said Permit No. 27116, 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. From Snake river on south portion
of this property N.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec. 13, T. 6. N.
R. 6 W. B. M. cement lined ditch

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. 1.28 second feet

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.

Legal Description
Ans. For irrigation for one 25 acre field
and one 30 acre field. The Pump
using now will pump about 80 inches
Water is used as irrigation on S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$
N.E. $\frac{1}{4}$ S.E. $\frac{1}{4}$ Sec 13, T. 6. N. R. 6 W. B. M.
where?

27116

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. Heavy soil 80 inches will take care
of it

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 own~~ No

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

Ans. Am a neighbor, and seen him
farm and irrigate it

(Signed) Eus Schmidt

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 DONALD PERMA IRIG

County of CANYON, State of Idaho, on this 30th day of MARCH,
A. D. 1959.

Monica L. Leece
Notary Public.

My commission expires May 1, 1960

Affidavit of Publication

MAR 3 1959

Department of Reclamation

STATE OF IDAHO)

COUNTY OF CANYON)

ss.

Theron Dough

, being first

duly sworn, on his oath deposes and says:

That he is a citizen of the United States of America, and at all times hereinafter mentioned was over the age of twenty-one years and not a party to the action as per notice attached.

Publisher

That he is _____ of

THE PARMA REVIEW

a weekly newspaper published in the City of Parma, County of Canyon, State of Idaho, every Thursday; that the said newspaper is in general circulation in the said County of Canyon, and has been continuously and uninterruptedly printed and published in said county during a period of 78 consecutive weeks prior to the first publication of the annex-

ed notice of proof application of water;

that said notice being

by Fred L. Morse

was published in said newspaper in four consecutive issues in the regular and entire issue of each and every number of every paper during the period and time of publication, and was printed in the newspaper proper and not in a supplement, said notice having been so published upon

the following dates: March 5. 12. 19. 26. 1959

Theron Dough

Subscribed and sworn to before me, this

day of

March

19

Monroe L. Lockwood

12/2/54

Notary Public for Idaho,
Residing at Parma, Idaho

27116

April 8, 1959

RE: Permit No. 27116

Mr. Fred L. Morse
P. O. A392
Nyssa, Oregon

Dear Mr. Morse:

This acknowledges receipt of the depositions of Holder and two witnesses and the affidavit of publication in The Parma Review in proof of beneficial use under Permit No. 27116.

Before a permit can be licensed, the law requires that a field examination be made by an engineer from this department. At this time we cannot say just when this will be made but our field engineer will contact you prior to the time he is to make the inspection so that you can arrange to accompany him.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR

27116

GEO. N. CARTE

GEO. N. CARTE.

State Reclamation Engineer

rew

RECEIVED
APR 8 1959

Department of Reclamation

Dear Sir,

Corrections are made, & checked date of
printing, October 11th 1957

Hope all O.K. Thanks -

Fried Y. Mone

I have duplicate of adv; Costs -

27116

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 27116

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Fred L. Morse

2. Source of water supply: Snake River

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13

T. 6 N R. 6 W. B. M. County of Canyon

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

7 1/2 hp. single phase motor 4 1/2 inch special Parma
water lifter 8" steel column and pipe
12' lift open ditches gravity delivery.
Pipe from sump out into river.

5. Water is used for: irrigation

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):

35 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, 29 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 13., Twp. 6 N., Rge. 6 W. B. M.

Ground has considerable alkali. Needs washing

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

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

Remarks: _____

Morse along
Acres checked in Ct House in Caldwell.

This examination was made on the 17th day of April, 19 59

(Signed) E. H. Humphrey Examiner.

27116

7' x 110' x 550' x 40'

12

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.

Fred L. Morse
P.O. A992
Nyssa, Oregon
Permit No. 27116

Examination for Beneficial Use

County Canyon

Q. 1.28 c.f.s.

S. = Snake River

P.G. = NE. 1/4 Sec. 2 T. 41 N. R. 10 E.

Water right

Water 60 acres

Filed P.O. 11/1/02
Dec. 1, 1902

Water right

Water right

Water right

Water right

Century 1750
7 1/2 single phase

115/230 70/35

79537911

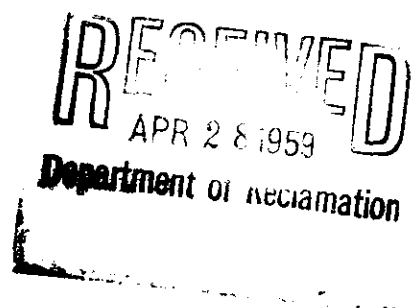
4 1/2" Special Parma
water left

8" steel pipe
12' lift

Delivers 1000 c.f.s.
42" x 43 1/2" x 43"

55 acres

27116



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

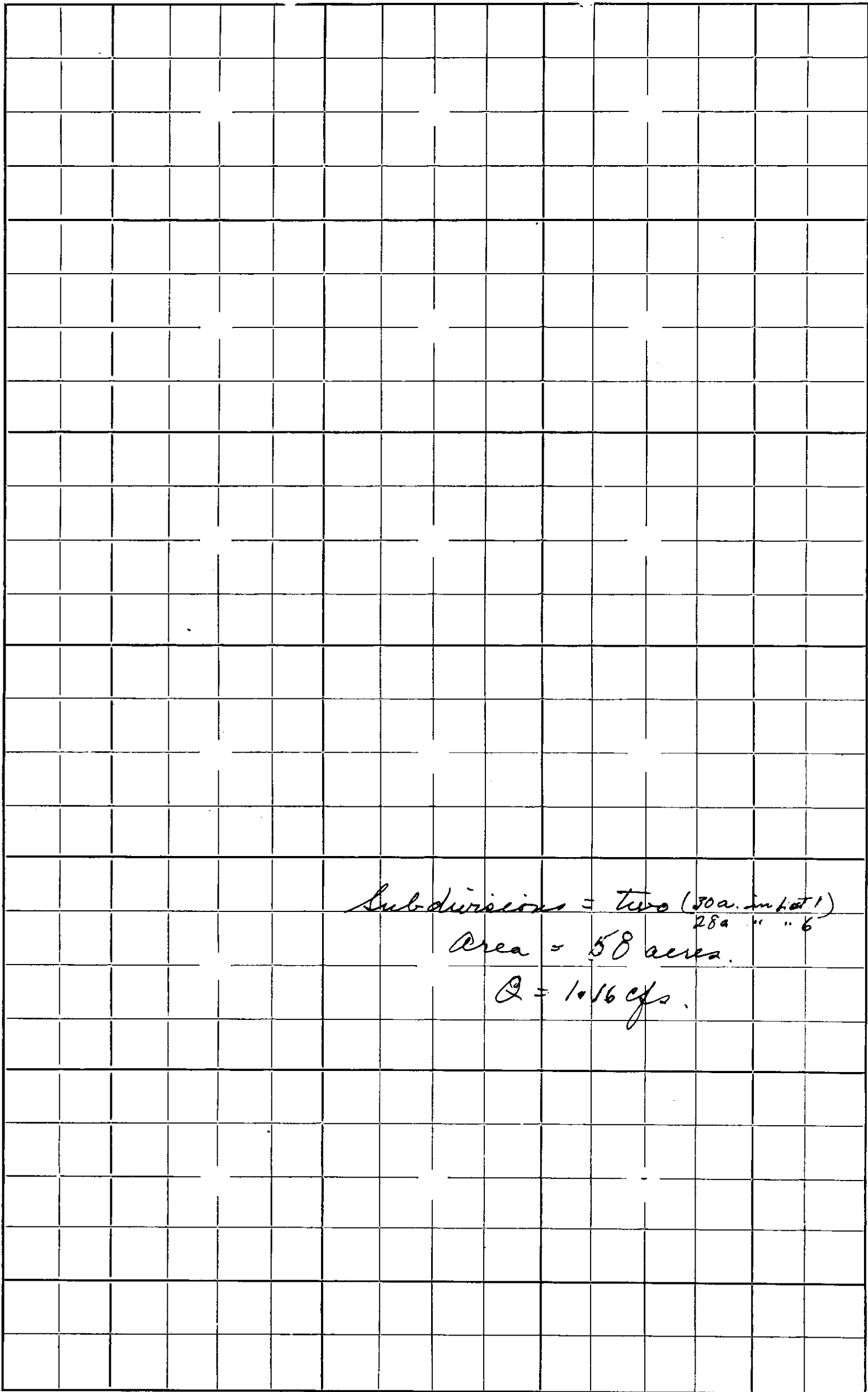
REPORT OF ENGINEER

PERMIT NO. 27116

REPORT ON PROOF OF Beneficial Use

Fred L. Morse, Nyssa, Oregon P. O. A392

27116

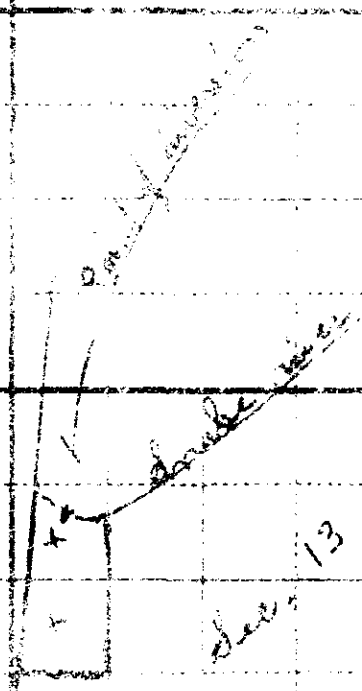


Subdivisions = two (50 a. in lot 1)
28 a. " " 6
Area = 58 acres.
Q = 1.56 cfs.

FIGURE 1

2-4-11

Map No.



Task 12
Task 13

U.P. Railway

T.6N. R.6W.

Bridge Island

Point of Diversion

28°

Snake River



Permit Map No. 27116

As Approved

MARK R. KULP
State Reclamation Engineer

27116

April 29, 1959

Re: Permit No. 27116

Mr. Fred L. Morse
P. O. Box A392
Nyssa, Oregon

Dear Mr. Morse:

Our field engineer's report on his inspection of proof of water to beneficial use under the terms of Permit No. 27116 shows the works are capable of conveying 58 miner's inches, or 1.16 c.f. s. of water for irrigation of 58 acres.

Upon receipt of the statutory fee of \$4.00 (fee based on 2.00 for each 40-acre subdivision) we will issue the License and Certificate of Water Right confirming the right with priority of October 11, 1957 to the use of 1.16 second feet of surface water with the point of diversion in the NE 1/4, Sec. 13, for irrigation of 58 acres in the SE 1/4, NE 1/4, Sec. 13, T. 6 N., R. 6 W., B. M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Chief Clerk

EPR:ew

27116

5-1-59

Myssa Oregon

Dear Sir, -

Please accept check
for \$400 enclosed
as per letter for,
final Certificate to
Water Right

Yours Truly

Frank L. Moore

P.S.
Letter of April 29th 1959

RECEIVED
MAY 6 1959

Department of Reclamation

Permit # 27116

27116

May 8, 1959

Re: Permit No. 27116

Mr. Fred L. Morse
P. O. Box A392
Nyssa, Oregon

Dear Mr. Morse:

Enclosed is License and Certificate of Water Right
issued on Permit No. 27116.

We also enclose departmental receipt No. 29593
covering fees of \$4.00.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

Chief Clerk

BT:EPR:ew
Enc: receipt
License

27116

April 5, 1962

RE: Permits No. G-27453, 27454, R. K. Stoddard
28156, George and Clayton Boodry
License No. 27116, Fred L. Morse

J. A. Terteling & Sons
611 First Security Bank Building
Boise, Idaho

Gentlemen:

Enclosed are assignments of Permit No. G27453, 27454, and 28156, and receipts No. 31007 for \$1.30 for assignments No. 27454 and 28156, and No. G-6893 for \$0.70 for assignment of Permit No. G-27453.

Also enclosed is assignment of Permit No. 27116 which was not recorded. This permit has been licensed; water license transfers of ownership are not recorded in this office. The water right goes with the land and should be identified in the deed to the land.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Carl E. Tappan
Assistant State Reclamation Engineer

CET:RWT:mr

Enc. assignments 4
receipts 2

27116

April 5, 1962

RE: License No. 27116
Fred L. Morse

County Supervisor
Farmers Home Administration
Box 893
Caldwell, Idaho

Dear Sir:

You notified this office by letter dated February 26, 1958 that Mr. Morse had mortgaged his right under Permit No. 27116 to the U. S. Government.

We have an assignment of the Water License No. 27116 from Mr. Morse to Terteling & Sons which was evidently signed in your office November 3, 1961.

Kindly notify this office by return mail if the mortgage on the permit has been released. It would be appreciated if notice of releases of mortgages were given this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Carl E. Tappan
Assistant State Reclamation Engineer

CET:RWT:mr

27116 125

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

Box 893
Caldwell, Idaho

April 6, 1962

27116

APR 9 1962

Mr. Carl E. Tappan
Assistant State Reclamation Engineer
Department of Reclamation
107 State House
Boise, Idaho

Department of Reclamation

Dear Mr. Tappan:

We have referred your letter of April 5, 1962 concerning
Fred L. Morse to our State Director for review and answer.
You should receive an immediate response from him.

Sincerely yours,


Robert J. Harrison
County Supervisor

27116 7/14/62

UNITED STATES DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

Room 250 Sonna Building
Boise, Idaho

APR 12 1962

Department of Reclamation

April 11, 1962

Mr. George N. Carter
State Reclamation Engineer
State of Idaho Dept. of Reclamation
Room 107 State House
Boise, Idaho

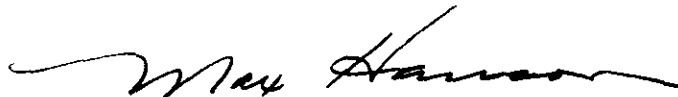
Re: Donald E. Morse, 12-14-26352
(and Fred L. Morse)

Dear Mr. Carter:

The mortgage on Permit No. 27116, referred to in your letter of April 5, 1962, to our county supervisor at Caldwell, was satisfied on November 3, 1961.

Our regulations provide that you be notified in such instances and we **regret** that it wasn't done. We apologize for the inconvenience that our oversight has caused you.

Very truly yours,



H. Max Hanson
State Director

27116

United States Department of Agriculture
FARMERS HOME ADMINISTRATION

REAL ESTATE MORTGAGE
(Idaho, Utah, and Wyoming)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned, DONALD E. MORSE, a single man, and FRED L. MORSE, a single man, (co-mortgagor but not co-maker of the promissory note described below)
and HELEN

of the County of Canyon, State of Idaho,

(hereinafter called "Mortgagor"), is (are) justly indebted to the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, and its duly authorized representatives, (hereinafter called "Mortgagee"), as evidenced by the following described promissory note(s) or assumption agreement(s), hereinafter called instrument(s) of debt:

Date of Instrument	Principal Amount	Rate of Interest	Payee	Due Date of Final Installment
February 5, 1958	\$2,500.00	1 1/2%	United States of America	January 1, 1968

NOW, THEREFORE, in consideration of said indebtedness, and to secure the prompt payment thereof according to the terms of the instrument(s) of debt and of any extension or renewal thereof or any agreement supplementary thereto, and of any additional indebtedness accruing to Mortgagee on account of any future advances or expenditures made as hereinafter provided; and to secure the performance of every covenant and agreement of Mortgagor contained in this mortgage or in the instrument(s) of debt or in any supplementary agreement;

Mortgagor does hereby and by these presents grant, convey, and mortgage and forever warrant unto Mortgagee the real estate situated in the County of Canyon, Idaho, described as follows:

PARCEL I: Lots One (1) and Two (2) and that part of Lot Three (3) lying North of the extended South boundary line of said Lot Two (2), all in Section Thirteen (13), Township Six (6) North, Range Six (6) West of the Boise Meridian.

PARCEL II: That part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) and of Lot Six (6) of Section Thirteen (13), Township Six (6) North, Range Six (6) West of the Boise Meridian, lying west of the right-of-way of the Oregon Short Line Railroad; **EXCEPTING THEREFROM:** BEGINNING at a point 1320 feet West and 1091 feet North of the Southeast Corner of the Northeast Quarter (NE 1/4) of said Section Thirteen (13) and running thence North 229 feet; thence West 1155 feet; thence South 5 deg. 30' West 230 feet; thence West 1132 feet to the point of beginning.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including but not limited to rights to the waters of the Snake River under Application No. 24711, Permit No. 26805, issued to Donald E. Morse, approved by the Idaho State Reclamation Engineer on March 22, 1957, and under Application No. 35038, Permit No. 27116, issued to Fred L. Morse, approved by the Idaho State Reclamation Engineer on November 1, 1957.

Subject to existing easements for roads, highways, ditches, canals, laterals, and power and transmission lines, if any.

Subject to exceptions and reservations contained in patents from the United States.

27116

together with all rents and other revenues or income therefrom, the rights, easements, hereditaments, water, water rights, water stock, and appurtenances thereunto belonging, and all improvements and personal property now or hereafter attached to or reasonably necessary to the use of the real property herein described, all of which property is hereinafter called said property;

TO HAVE AND TO HOLD said property unto Mortgagee and its assigns forever.

AND MORTGAGOR, for himself, his heirs, executors, administrators, successors, and assigns warrants the title to said property against all lawful claims and demands whatever, and does hereby covenant and agree:

1. To pay when due the indebtedness hereby secured and all taxes, assessments, levies, liabilities, obligations, and encumbrances of every nature whatsoever that affect said property or Mortgagee's rights and interests therein under this mortgage.
2. To maintain such fire and other insurance policies as Mortgagee may require upon the buildings and improvements now situate or hereafter constructed in or upon said property. Said fire and other insurance policies shall be with companies, in amounts, and on terms and conditions approved by Mortgagee.
3. To maintain said property in proper repair and good condition; to commit or suffer no waste or exhaustion of said property; to remove or demolish no building or other improvement on said property; neither to cut nor to remove any timber therefrom, nor to remove, nor permit to be removed, any gravel, oil, gas, coal, or other minerals, except such as may be necessary for ordinary domestic purposes; and promptly to effect such repairs to said property as Mortgagee may require.
4. To perform, comply with, and abide by each and every agreement, condition, and covenant contained in said instrument(s) of debt, in any extension or renewal thereof, in any agreement supplementary thereto, and in this mortgage; and to comply with all laws, ordinances, and regulations affecting said property or its use.
5. That Mortgagee, its agents, and attorneys shall have the right at all times to inspect said property for the purpose of ascertaining whether the security given is being lessened or impaired; and if in the judgment of Mortgagee the security given is being lessened or impaired, such condition shall be deemed a breach of the covenants of this mortgage on the part of Mortgagor.
6. That all of the provisions of said instrument(s) of debt and of any extension or renewal thereof, and of any agreement supplementary thereto are incorporated in and made a part of this mortgage as if the same were set out in full herein, and shall be construed with this mortgage as one instrument.
7. That any payment made to Mortgagee hereunder may be applied to any indebtedness hereby secured in such order as Mortgagee may determine, notwithstanding any provision to the contrary contained in the instrument(s) of debt or in this mortgage.
8. That should Mortgagor assign, sell, lease, transfer, or encumber said property or any interest therein, voluntarily, involuntarily, or otherwise, or should he abandon said property or become an incompetent or be declared a bankrupt or an insolvent or make an assignment for the benefit of creditors, or should he without the consent of Mortgagee fail to keep, perform, and comply with any covenant, warranty, or condition contained or referred to in this mortgage, or upon the death of Mortgagor, Mortgagee may declare the amount unpaid immediately due and payable and thereupon exercise any remedy provided herein or by law.
9. That, without in any manner affecting the right of Mortgagee to require and enforce performance at a subsequent date of the same, similar, or any other covenant, agreement, or obligation herein set forth, and without affecting the liability of any person for payment of any indebtedness secured hereby, and without affecting the lien created upon said property or the priority of said lien, Mortgagee is hereby authorized and empowered at its option and at any time to (1) waive the performance of any covenant or obligation contained in the instrument(s) of debt or in this mortgage; (2) deal in any way with Mortgagor or grant to Mortgagor any indulgence or forbearance or extensions of the time for payment of any indebtedness hereby secured; and (3) execute and deliver partial releases of any part of said property from the lien hereby created, or to subordinate the lien of this mortgage to other rights in said property.
10. That any notice, consent, or other act to be given or done by Mortgagee under this mortgage shall be valid only if in writing and executed or performed by the Administrator of the Farmers Home Administration or his duly authorized representative.
11. That all rights, privileges, benefits, obligations, and powers herein conferred on Mortgagee may be exercised on behalf of Mortgagee by the Administrator of the Farmers Home Administration, or by the head of any other agency of the Federal Government that may from time to time be vested with authority over the subject matter of this contract, or his duly authorized representative.
12. That Mortgagor will record this mortgage at his own expense in the office in said County where real estate mortgages are recorded.
13. That if any debt secured hereby was incurred under the Bankhead-Jones Farm Tenant Act, as amended, and if at any time it shall appear to Mortgagee that Mortgagor may be able to obtain a loan from a responsible cooperative or private credit source at rates (but not exceeding the rate of five percent (5%) per annum) and terms for loans for similar periods of time and purposes prevailing in the area in which the loan is to be made, and that if any debt secured hereby was incurred under the Act of August 28, 1937, as amended (16 U.S.C. 590r-x-3) and if at any time it shall appear to Mortgagee that Mortgagor may be able to obtain a loan from a responsible cooperative or private credit source on terms and conditions which he can reasonably be expected to fulfill, Mortgagor will, upon request of Mortgagee, apply for and accept such loan in sufficient amount to repay Mortgagee and to pay for any stock necessary to be purchased in the cooperative lending agency in connection with the loan.

27116