

No. 5828.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Preston & Whitney Reservoir Company.

Postoffice address: Preston, Idaho.

County: Oneida State:

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Oct. 19th, 1904, Oneida County, Idaho.

(b) The amount of capital stock: Ten thousand dollars.

(c) The amount paid in: Six thousand.

(d) The names and addresses of directors: James Johnson, Preston, Idaho; John Vinward, Preston, Idaho; Joseph Johnson, Preston, Idaho; Joseph Moser, Preston, Idaho; and Frank Ballif, Whitney, Idaho.

II. The financial resources of the applicant are:

(a) Other resources: Labor will be performed by stockholders, with the exception of masonry and cement work. Money needed will be raised by assessments.

2. The quantity of water claimed is "Equivalent to a continuous flow of 30 second feet.

3. Source of water supply: Winter flood & surplus flow of Worm Creek, Oneida Co.
County of Oneida, Idaho.

4. Location of point of diversion: 3720 ft. east & 2092 ft. south of N.W. corner sec. ten, Twp. 15 south, R. 40 E.B.M.

5. To be used for:

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: Fifteen Hundred acres.

(b) In the following legal subdivisions: $S\frac{1}{2}$ NW $\frac{1}{4}$ & $S\frac{1}{2}$ of sec. 19; N $\frac{1}{2}$ Sec. 30; $S\frac{1}{2}$ & $E\frac{1}{2}$ of NW $\frac{1}{4}$ sec. 20; N $\frac{1}{2}$ Sec. 29; N $\frac{1}{2}$ of sec. 28; W $\frac{1}{2}$ sec. 21; W $\frac{1}{2}$ & SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of sec. 21; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ sec. 22. & W $\frac{1}{2}$ of NW $\frac{1}{4}$ sec. 27. Twp. 15 S.R. 40 E.B.M.

6. Estimated cost of works: Two thousand and five hundred dollars.

7. Description of works for diversion:

I. Kind of works: Reservoir and ditches.

II. Dimensions of works:

(a) Height of dam 27.11 feet, length of dam at top 480 feet, length of dam at bottom four feet. Material used in construction: Stone and earth.

(c) Size of head gate: 2 X 1 feet inside measurement.

(d) Conduit: ditch, width at bottom five feet, width at water line eight feet, depth of water two feet. Length of conduit is $3\frac{1}{2}$ miles, and it crosses the following quarter sections: N $\frac{1}{2}$ of sec. 10 & 9; NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 9, $S\frac{1}{2}$ sec. 8.; W $\frac{1}{2}$ of sec. 17. Twp. 15 S.R. 40 E. to the reservoir; thence to land described in 5 I (b) above which is the point of intended use.

8. Time required for the completion of the construction of such work is five years.
9. Time required for the complete application of the water to the proposed use is four additional years.

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

Preston and Whitney Reservoir Company,

Applicant.

By. Joseph Wairs.....Agent/

Remarks: The distributing canals from the Reservoir are 3 feet, wide and 18 inches in depth, and the grade five feet, to one mile. The distributing canals running from reservoir are as follows:

No. 1.

Runs eastward across the N $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 20; N $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 21, southeastward across the S $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 21; and NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 21; S $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 22; eastward across the NE $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 27; North east ward across SE $\frac{1}{4}$ sec..22.South eastward across S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 23. all in Twp. 15 S.R. 40 E.B.M.

No. 2.

Runs south westerly across the W $\frac{1}{2}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ of NW $\frac{1}{4}$ sec. 20; W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 20-15-40.

No. 3

Runs west across S $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 20; the S $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 19, northeasterly across the NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 19; and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 18. all in Twp. 15 S.R. 40 E.B.M.

APPROVAL OF STATE ENGINEER.

The number of this permit is 4198.

Date of first receipt of application: 9.00 a.m. November 6,1908.

Returned to applicant for correction: November 6,1908.

Corrected application received: December 5,1908.

Recorded in Book 11. Page 4198. Approved December 19,1908.

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 grant the same, subject to the following limitations and conditions:

Good and sufficient bond to be filed in the sum of \$1,000 on or before February 17, 1909.

One-fifth of the work above specified to be completed on or before June 19,1911.

The whole of said work to be completed on or before December 19,1913.

The time for proof of beneficial use of water appropriated in accordance herewith, to extend to December 19,1917.

Witness my hand this nineteenth day of December,1908.

Jas. Stephenson, Jr.
State Engineer.

Proof of completion of works made December 17, 1913.

Fees received January 9, 1914.

Affidavit of publication received February 6, 1914.

Certificate of completion of works issued February 14, 1914.

PERMIT NO. 4198

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Preston & Whitney Reservoir Company, of Preston, County of Franklin and State of Idaho, the holder of Permit No. 4198, issued upon Application No. 5828, bearing date of priority of November 6, 1908, authorizing the diversion of 30 second feet of the waters of Worm Creek, County of Franklin, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions 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 30 second feet of the waters of Worm Creek; that the point of diversion of said waters is 3720 feet east and 2092 feet south of northwest corner of Section 10, T. 15 S., R. 40 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: $S\frac{1}{2}$ of NW $\frac{1}{4}$ & $S\frac{1}{2}$ of Sec. 19; N $\frac{1}{2}$ of Sec. 30; $S\frac{1}{2}$ Sec. 20 & E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 20; N $\frac{1}{2}$ of Sec. 29; N $\frac{1}{2}$ of Sec. 28; W $\frac{1}{2}$ of Sec. 21, W $\frac{1}{2}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21; SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 22; and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 27, all in T. 15 S., R. 40 E.B.M., containing 1500 acres.

Witness my hand this 14th day of February, A. D. 1914.

F. P. KING,

State Engineer of the State of Idaho.

License issued for 30 second feet

Page 2602

30 sec. ft. Worm creek.
Oneida county.

Jas. Stephenson Jr.

State Engineer.

Robert Whiting Reservoir Company

Increase to Reser 2017 -
The Township: 155. Range 40. East Boine Mer.

Sub-voyed July 26-7. 1904. By

S. P. Morgan, County Surveyor,
Franklin, Comeda County, 7. d. a. tw.

Re

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, December 18, 1908.

Permit 4198 Preston & Whitney Res. Co.

Joseph Davis,
Preston, Idaho.

Dear Sir:

I enclose herewith above numbered permit. Be sure to note limitations and conditions of same as given under approval of State Engineer on the third page.

JAS. STEPHENSON, Jr.,

State Engineer.

4198

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

NOTE

Permit 4198.

That in order to keep this permit in force a bond in the sum of \$ 1,000 must be filed in the office of the State Engineer on or before February 17, 1908, conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

JAS. STEPHENSON, Jr.,

State Engineer.

4198

LEADING
FIRE-INSURANCE
COMPANIES OF THE WORLD
PROBATE WORK
A SPECIALTY
BONDED ABSTRACTERS

NOTARY PUBLIC

CONVEYANCING
PROPERTY HANDLED FOR NON-RESIDENTS
COLLECTION AGENCY
LOANS, RENTALS

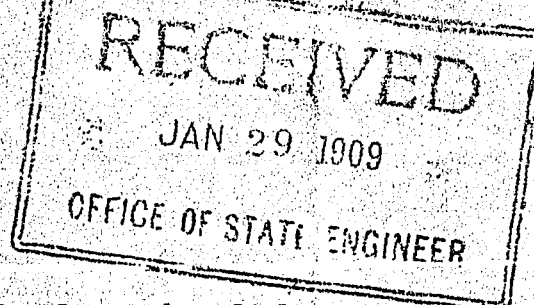


OFFICES:
154 N. MAIN ST. 300 E. CENTER
TEL. 256 TEL. 258

Pocatello, Idaho, January 28, 1909.

James Stephenson, Jr.,
Boise, Idaho.

Dear Sir:



A few days ago Mr. George E. Gray handed me permit No. 4198, Preston and Whitney Reservoir Company of Preston, Idaho, together with the letter to Mr. Joseph Davis, advising him that bond for \$1000 should be filed by February 17th and desired me to send in application and obtain a surety bond for them by in time for filing on that date.

In some way I lost the permit and letter out of my pocket and although I have made diligent search I am unable to find them. If you have a copy of the permit on file will you kindly have a certified copy made and forward to me and if you have no copy on file will you kindly furnish me the necessary information that we will need in preparing the bond? And if you have regular form bonds in this class of cases kindly forward me one.

If there are any charges in connection with this work I will remit upon receipt of bill. Thanking you in advance, I am,

Yours truly,

4198

January 29, 1909.

Permit 4198.

Mr. E. C. White,
Pocatello, Idaho.

Sir:

As per request of your letter of the 28th inst. I am inclosing herewith certified copy of above numbered permit for which please to remit \$2.00. Am also inclosing bond form.

Very truly yours,

State Engineer.

CC-BF

By....

4198

LEADING
FIRE-INSURANCE
COMPANIES OF THE WORLD
PROBATE WORK
A SPECIALTY
BONDED ABSTRACTERS

NOTARY PUBLIC.

CONVEYANCING
PROPERTY HANDLED FOR NON-RESIDENTS
COLLECTION AGENCY
LOANS, RENTALS



OFFICES:
154 N. MAIN ST. 300 E. CENTER
TEL. 256. TEL 258

Pocatello, Idaho. February 2, 1909

James Stephenson, Jr., State Engineer,
Boise, Idaho.

Dear Sir:

Your favor of the 29th ult. with inclosure at hand;
inclosed herewith please find check for \$2.00 in payment
of your charges.

Again thanking you for your trouble in this matter,
I am,

Yours truly,

E. C. White

JOSEPH DAVIS,
ATTORNEY - AT - LAW,

And Notary Public.

Bell Telephone 112-Red.

PRESTON, IDAHO. March 3rd, 1909.

Jas. Stephenson Esq,

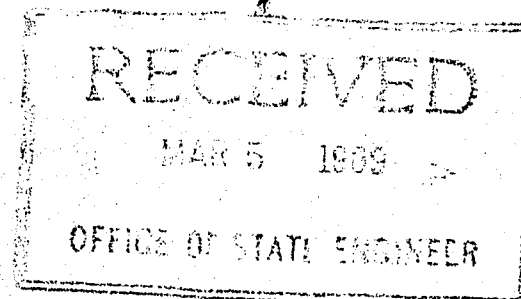
State Engineer, Boise, Idaho.

Dear Sir:-

I herewith enclose you bond in the Preston Whitney Reservoirs
Company and trust that the same will be accepted at this late date, It
was supposed by me that they had filed the bond with you within the re-
quired time, and I have been confined to my bed for three weeks with
Pneumonia, hence could not write to ascertain if they had done so,
If you can accept the same Now, I assure you the favor will be appre-
ciated. I beg to remain,

Very respectfully,

Joseph Davis



4198

Boise, Idaho, March 5, 1909.

Permit 4198.
Preston & Whitney Res. Co.

Joseph Davis,
Preston, Idaho.

Sir:—

I am just in receipt of yours of the 3rd inst. enclosing bond in the above underwritten by the Title Guaranty & Surety Co. Same is returned herewith for the reason that it is not properly drawn, as it recites that the principal, which is the Preston & Whitney Reservoir Co. ~~has~~ entered into a contract with the Preston & Whitney Co. I enclose you herewith a slip containing the proper obligation which should be inserted in the bond.

I trust that you will take this matter up with the bond company at your early convenience and have them redraw the instrument.

Very truly yours,

State Engineer.

By _____

Enc. B-L-CC-S.

W/G.

4198

JOSEPH DAVIS,
ATTORNEY - AT - LAW,

And Notary Public.

Bell Telephone 112-Red.

PRESTON, IDAHO. 4/12/1909.

Jas. Stephensen Jr.,

Boise City, Idaho.

Dear Sir:-

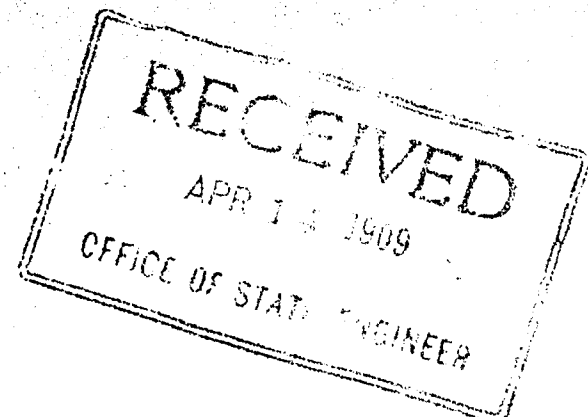
I herewith enclose Bond of the Preston & Whitney Reservoir Company, Preston, Idaho, and I trust that it will now be acceptable.

With deep respect, I beg to remain,

Truly yours,

Joseph Davis

8419



BOND No.

The Title Guaranty & Surety Company.



HOME OFFICE: SCRANTON, PENNSYLVANIA.

Know all Men by these Presents:

That -----PRESTON & WHITNEY RESERVOIR COMPANY-----

(hereinafter called the principal **S**), and **THE TITLE GUARANTY & SURETY COMPANY**, a corporation created and existing under the laws of the Commonwealth of Pennsylvania, and whose principal office is located in the City of Scranton, Commonwealth of Pennsylvania, (hereinafter called the Surety), are held and firmly bound unto-----**State of Idaho**-----

(hereinafter called the obligee), in the full and just sum of-----**ONE THOUSAND (\$1000.00)**-----
Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, the said Principal **S** bind-----**themselves and their**-----
heirs, executors and administrators, and the said Surety binds itself, its successors and assigns jointly and severally, firmly by these presents, signed and delivered this-----**8th**-----
day of-----**April**-----A. D., 190**9**.

Whereas, said Principal **S** have entered into a certain written contract with the Obligee, which contract is known as Application for Permit to appropriate the Public waters of the State of Idaho, No. 5828, and having the State Engineer's Approval as Permit No. 4198, approved Dec. 19, 1908, under and by virtue of which Permit the said Preston & Whitney Reservoir Company, principal, proposes to erect, construct and complete works for diversion of waters as shown and set out in Application No. 5828, Permit No. 4198, and the condition of this bond is that he shall faithfully carry to completion the works of diversion as specified in said Permit, copy of which, together with copy of Application No. 5828, is attached hereto and made a part hereof.

4198

Now, Therefore, The condition of the foregoing obligation is such that if the said Principal shall well and truly indemnify and save harmless the said Obligee from any pecuniary loss resulting from the breach of any of the terms, covenants and conditions of the said contract on the part of the said Principal to be performed, then this obligation shall be void; otherwise to remain in full force and effect in law; PROVIDED, however, that this bond is issued subject to the following conditions and provisions:

First—That no liability shall attach to the Surety hereunder unless, in the event of any default on the part of the Principal in the performance of any of the terms, covenants or conditions of the said contract, the Obligee shall promptly and immediately upon knowledge thereof, and in any event not later than thirty days after the occurrence of such default, deliver to the Surety at its office in the City of Scranton, Penna., written notice thereof with a statement of the principal facts showing such default and the date thereof; nor unless the said Obligee shall deliver written notice to the Surety at its office aforesaid before making to the Principal the final payment provided for under the contract herein referred to.

Second—That in case of such default on the part of the Principal, the Surety shall have the right, if it so desire, to assume and complete or procure the completion of said contract; and in case of such default, the Surety shall be subrogated and entitled to all the rights and properties of the Principal arising out of the said contract and otherwise, including all securities and indemnities therefor received by the Obligee, and all deferred payments, retained percentages and credits, due to the Principal at the time of such default, or to become due thereafter by the terms and dates of the contract.

Third—That in no event shall the Surety be liable for a greater sum than the penalty of this bond, or subject to any suit, action or other proceedings thereon that is instituted later than six months from the date stipulated in said contract for its completion.

Fourth—That the said Obligee shall retain the last payment and reserve due said principal until the complete performance by said principal of all the terms, covenants, conditions and stipulations of the contract on said principal's part to be performed, and until the expiration of the time within which liens or notices of liens may be filed, by reason of anything done in or towards the performance of said contract, and until the cancellations and discharge of such liens, if any.

Fifth—That in no event shall the Surety be liable for any damage resulting from, or for the construction or repair of any work damaged or destroyed by, an act of God, or the public enemies, or mobs, or riots, or civil commotion, or by employees leaving the work being done under said contract, on account of so-called "strikes" or labor difficulties.

In Testimony Whereof, the said Principal ^s ha ^{ve} hereunto set their hand and seal, and the said surety has caused these presents to be sealed with its corporate seal, duly attested by the signature of its Attorney-in-Fact the day and year first above written.

Signed, sealed and delivered
in the presence of

Joseph Davis

and

Preston A. Whitney Receiver Company.
By James Johnson [SEAL]
President [SEAL]

J. W. Winward [SEAL]
Secy.

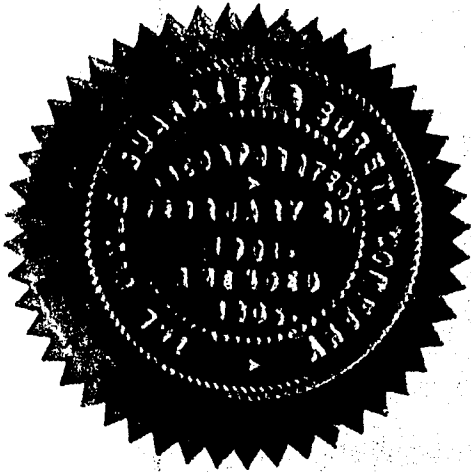
THE TITLE GUARANTY & SURETY COMPANY.

By *[Signature]*
Its Attorney-in-fact.

APPROVED

DATE *Apr. 14th* 1909

Jas. Stephenson Jr.
STATE ENGINEER



Boise, Idaho, April 14, 1909.

Permit 4198.
Preston & Whitney Reservoir Co.

Joseph Davis,
Preston, Idaho.

Sir:--
Bond in the above received today. Same
has been duly approved.

Very truly yours,

State Engineer.

By _____

W/G.

State of Idaho
ENGINEERING DEPARTMENT
BOISE

A. E. ROBINSON,
STATE ENGINEER

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Preston Whitney Reservoir Co.,
Preston, Idaho.

Boise, Idaho, Sept. 2, 1913.

Dear Sir:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 4198

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which it is to be submitted, which proof MUST be on or before December 19, 1913.

Upon receipt of this blank properly filled out, notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a Notary Public or other officer authorized to administer oaths.

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,

~~AXE~~ ROBINSON,

F.P. King

State Engineer

4198

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Oct. 2nd. 1913.

(P. O.) Preston, Idaho.

To the State Engineer,
Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
The Franklin County Citizen, of Preston, published in the
county in which the works are situated.

Preston Whitney Reservoir Co
BY- Joseph Johnson
President.

(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.

Notice of Publication

Notice is hereby given that at 2 P.M., on the 17th. day of December 1913, at Preston County of Franklin, State of Idaho, before A.C.Smith proof will be submitted of the completion of works for the diversion of 30 cubic feet per second of the waters of Worm Creek in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Preston-Whitney Reservoir Co.
2. The postoffice address of such person or principal place of business of such corporation is Preston, County of Franklin, State of Idaho.
3. The number of such Permit is 4198, and the date set for the completion of such work is December 19th. 1913
4. Said water to be used for Irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 30 cubic feet per second.
6. The amount of lands for which said water is available is 1500 acres, particularly described as follows: S $\frac{1}{2}$ of NW $\frac{1}{4}$ & S $\frac{1}{2}$ of Sec. 19; N $\frac{1}{2}$ Sec. 30; S $\frac{1}{2}$ & E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 20; N $\frac{1}{2}$ Sec. 29; N $\frac{1}{2}$ Sec. 28; W $\frac{1}{2}$ Sec. 21; W $\frac{1}{2}$ & SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 21; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 22 & W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 27, T. 15 S., R. 40 E.B.M.

F. P. KING, State Engineer.

A. C. SMITH

P. M. CONDIE

FIRE INSURANCE and LOANS

Smith & Condie

Attorneys-at-Law

Notary Public

Preston, Idaho

Preston, Idaho Oct-4th-1913.

Mr. F. P. King State Engineer.

Boise, Idaho

RECEIVED

OCT 7 - 1913

OFFICE OF STATE ENGINEER

Dear Sir;-

Enclosed you will please find Notice of Publication in the matter of the Preston Whitney Reservoir Company.

Will you please fill in the description also the number of feet. I do not have the information in my office and the parties concerned were unable to furnish it.

Thanking you for the same I remain,

4198

Yours truly,

A. C. Smith

Dec 17 *DR* *7104 sent Nov 1*

October 8, 1913.

Permit 4198-Preston-Whitney Res.Co.

A. C. Smith, Lawyer,
Preston, Idaho.

Sir:

Am in receipt of your letter enclosing notices for proof of completion of works under above permit. the notices have been completed from our record of the permit here, as per your request, and notice for publication will be mailed to the Franklin County Citizen in time for the required four weeks publication prior to December 17th and deposition blanks will be mailed to you.

Very truly yours,

F. P. KING,

State Engineer.

By _____

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Joseph Johnson, President
Preston- Whitney Reservoir Co.
c/o A. C. Smith,
Preston, Idaho.

Boise, Idaho, Nov. 3, 1913.

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under your permit No. 4198.

Deposition of Permit Holder.

Depositions of Two Witnesses.

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

1. On December 17th, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Preston, before A. C. Smith, notary public.
2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$5.00, where amount claimed does not exceed 10 second feet. Where more than 10 second feet is claimed, the fee required is 30 cents per second foot. When these have been received, together with report of the examining engineer, if everything is properly executed, Certificate of Completion of Works will issue.

Yours truly,

A. E. ROBINSON,
F.P.KING, ~~XXXXXXXXXXXX~~
State Engineer.

4198

November 20, 1913.

Permit 4198

Joseph Johnson, Pres.,
Preston-Whitney Res. Co.,
Preston, Idaho.

Sir:

Within the next week or ten days an engineer from this office will be down to make the examination for proof of completion of works under above permit. If possible, he will advise you later as to the exact date so that you may arrange for some one to accompany him over the ground.

Very truly yours,

F. P. KING,

State Engineer.

By _____

4198

REPORT OF ENGINEER

1. State name of applicant and number of permit: *Fleeton Whitney Res. Co. # 4198*
2. State source of water supply: *Worm Cr.*
3. Location of point of diversion: *SW 1/4 NE 1/4 Sec 10 T. 15 S. R. 40 E.*

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *Yes*

5. Describe works as they exist, giving dimensions of same as follows:

- | | <i>Feeder</i> | <i>Lateral</i> |
|---------------------------------|-------------------------------|--------------------|
| (a) Width of conduit at bottom: | <i>5'</i> | <i>3 1/2'</i> |
| (b) Width at water line: | <i>8'</i> | <i>4'</i> |
| (c) Depth of water: | <i>2'</i> | <i>18"</i> |
| (d) Grade per mile: | <i>5'</i> | <i>5' per mile</i> |
| (e) Capacity of ditch: | <i>Approx. 30</i> second feet | |

6. State whether or not water has been turned into works of diversion and if so, to what extent:

*Yes. To capacity as indicated by ditch banks
no water at the time of examination*

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

forty acre tract: *SW 1/4 NW 1/4 & SW 1/4 Sec 19, N 1/2 Sec 30, SW 1/4 & SE 1/4 of NE 1/4 Sec 20,
N 1/2 Sec 29, N 1/2 Sec 28, W 1/2 Sec 21, W 1/2 SE 1/4 of SE 1/4 of Sec 21,
SW 1/4 of SE 1/4 Sec 22, & W 1/2 NW 1/4 Sec 27 T. 15 S. R. 40 E.*

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: *Headgate 2' x 1'*

Storage Dam:

Height 27.11'

Bottom Length

Top "

Capacity of reservoir about 400 acre ft. (estimated)

*No rip-rap has as yet been placed on the face of the dam which
would be called for by general specification. M. Burkett
Nov. 23, 1913*

STATE OF IDAHO,

County of _____

} ss.

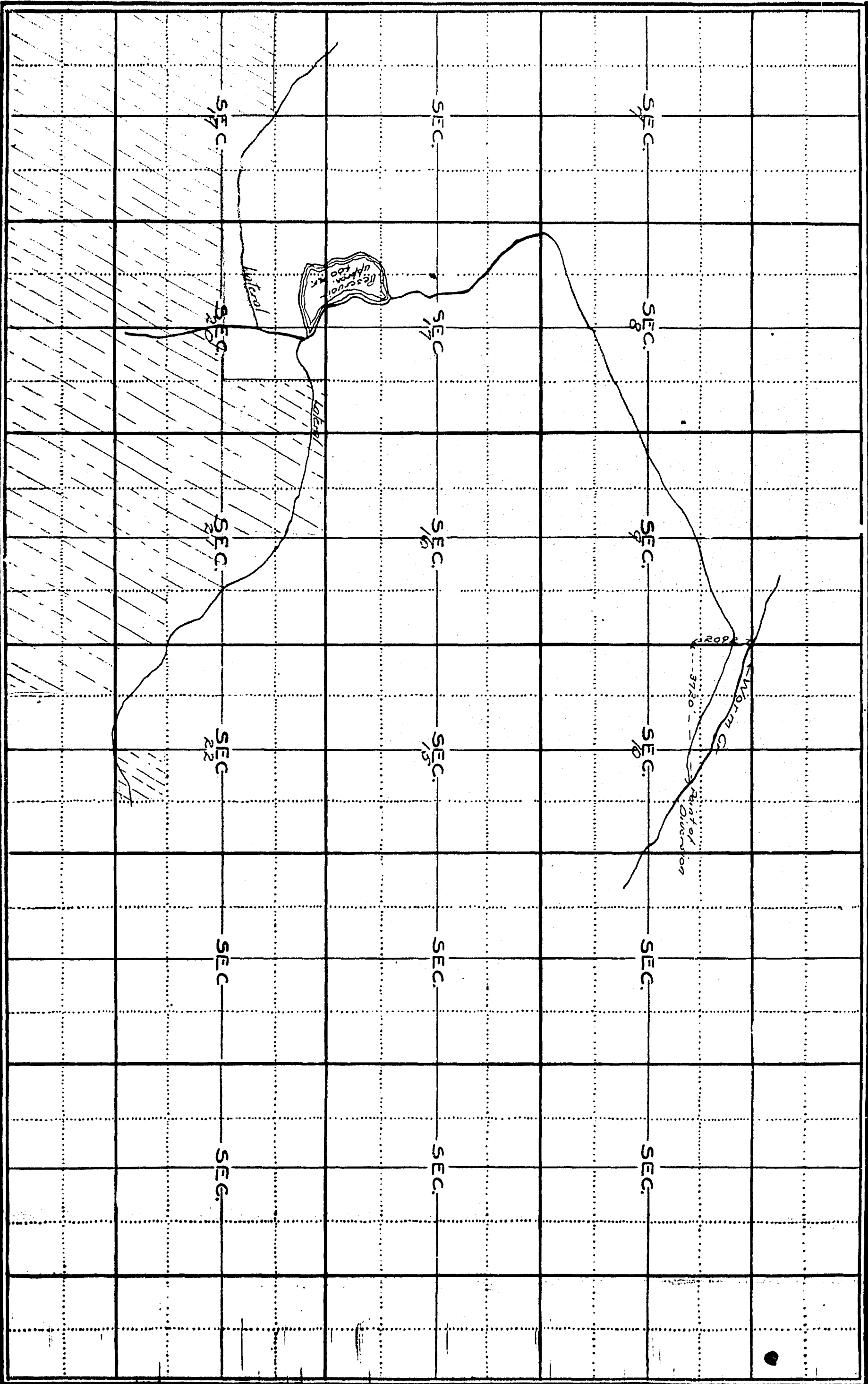
_____, being first duly sworn, deposes and says that the statements
contained in the within report are correct to the best of his knowledge and belief.

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

My Commission Expires _____

Notary Public.

4198



Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Joseph Johnson, 48 years, Preston, Idaho, farmer, P. O. Preston, Franklin County, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Am acting for Preston-Whitney Reservoir Co., a corporation, principal place of business Preston, Idaho, of which I am the President, and appear in its behalf by reason of being the President and by authority of the Articles of Incorporation of said corporation.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. No. 4198, Date of permit December 19th, 1908, permit having been mislaid this is my best information, amount of water 30 cubic feet from creek high waters, Point of diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 15 S., Range 40 E. B. M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation purposes. Land to be reclaimed: South half of NW $\frac{1}{4}$ Sec. 20; N. $\frac{1}{2}$ Sec. 29; N. $\frac{1}{2}$ Sec. 28; W. $\frac{1}{2}$ Sec. 21; W. $\frac{1}{2}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 21; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 22, and W. $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 17, Tp. 15 S., R. 40 E. B. M. comprising 1500 acres of land.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. The reservoir dam was completed about three years ago with the exception of riff-raffing which was done within the last two weeks. The reservoir has been used during the last three years. The canal has been used during the same time and previously thereto, but was not widened to comply with the permit until recently. Therefore, water has not been turned into canal since its completion to conform to permit.

JAN 2-1914

JAN 2-1914

JAN 1-1914

OFFICE OF STATE ENGINEER

OFFICE OF STATE ENGINEER

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. The reservoir ~~dam~~ covers about 70 acres; and the dam is about 100 feet long at the bottom and becomes longer until at the top it is about 400 feet in length; the thickness of said dam is about 150 feet at the bottom and at the top about 15 feet; the reservoir is about 20 feet deep at the dam. The ditch is about five miles in length and is five feet in width, from head to reservoir. Headgate at head of ditch of concrete. Cost of works about \$3000.00.

(Sign here.)

Joseph Johnson

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 Preston, County of Franklin, State of Idaho, on this seventeenth day of December, A. D. 1913.

My Commission expires

4198

Notary Public.

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Joseph Johnson, 48 years, Preston, Idaho, farmer, P. O. Preston, Franklin County, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Am acting for Preston-Whitney Reservoir Co., a corporation, principal place of business Preston, Idaho, of which I am the President, and appear in its behalf by reason of being the President and by authority of the Articles of Incorporation of said corporation.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. No. 4198, Date of permit December 19th, 1908, permit having been mislaid this is my best information, amount of water 30 cubic feet, from creek highwaters, Point of diversion SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 15 S., Range 40 E. B. M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation purposes. Land to be reclaimed: South half of NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20; N. $\frac{1}{2}$ Sec. 29; N. $\frac{1}{2}$ Sec. 28; W. $\frac{1}{2}$ Sec. 21; W. $\frac{1}{2}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 21; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 22, and W. $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 17, T. 15 S., R. 40 E. B. M. comprising 1500 acres of land.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

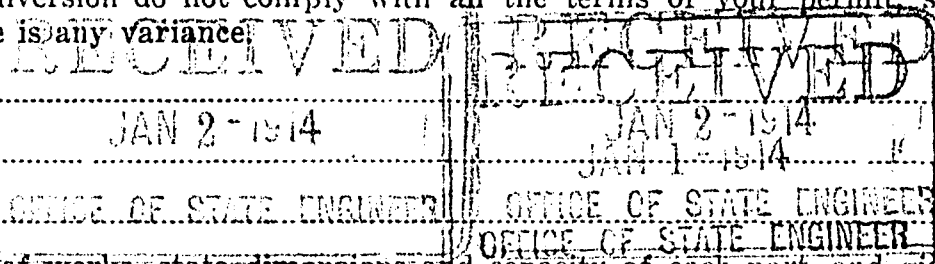
Ans. Water was turned into ditch 30 years ago, it has not been turned into canal since complying with terms of permit, ~~but it has been turned into reservoir~~ nor into reservoir, the completion having been made this fall and no use of water being made. Reservoir dam completed 3 years ago.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Works fully completed and they comply with terms of permit in all respects.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans.



Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. The reservoir ~~dam~~ covers about 70 acres; and the dam is about 100 feet long at the bottom and becomes longer until at the top it is about 400 feet in length; the thickness of said dam is about 150 feet at the bottom and at the top about 15 feet; the reservoir is about 20 feet deep at the dam. The ditch is about five miles in length and is five feet in width, from head to reservoir. Headgate at head of ditch of concrete. Cost of works about \$3000.00.

(Sign here.)

Joseph Johnson

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 Preston, County of

Franklin

State of Idaho, on this seventeenth

day of

December,

A. D. 1913.

My Commission expires

Dec. 16th 1917

Notary Public.

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 4198.

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Louis H. Ballif, Preston, Idaho.

Ques. 2. Are you acquainted with Joseph Johnson, the holder of Permit No. 4198, authorizing the diversion of thirty second-feet of the waters of Worm Creek, at T. 15 S. R. 40 E. B. M. for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes. Have known him 25 years, and he resides at Preston, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4198, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Am acquainted with land, all farm land capable of cultivation; described as follows: South $\frac{1}{2}$ of NW $\frac{1}{4}$ and S $\frac{1}{4}$ of Sec. 19; North $\frac{1}{2}$ Sec. 30; S $\frac{1}{2}$ and E $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 20; N $\frac{1}{2}$ Sec. 29; N $\frac{1}{2}$ Sec. 28; W $\frac{1}{2}$ Sec. 21; W $\frac{1}{2}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 21; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 22; and W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 17, T. 15 S. R. 40 E. B. M. comprising ~~2~~ 1500 acres of land.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Diversion works consist of dam of reservoir varying from about 100 feet at the bottom to 400 feet in length at the top; depth of water at dam 20 feet; thickness of dam 150 feet at bottom and varying to 15 feet at top. Ditch leading from Worm Creek is five feet in width and about five miles in length. Capacity of ditch ~~about~~ 30 second feet ~~per second~~. Reservoir covers about 70 acres of land and the land consists of hollows and small hills, so that it is impossible for me to give an estimate of its capacity. Headgate at head of ditch of concrete.

(Sign here.)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Preston, County of Franklin, State of Idaho, on this 17th day of December, A. D. 1913.

4198

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 4198.

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Andrew Jensen, Whitney, Idaho, farmer, P. O. Preston R. F. D. 1.

Ques. 2. Are you acquainted with Joseph Johnson, the holder of Permit No. 4198, authorizing the diversion of thirty second-feet of the waters of Worm Creek, at SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10, T. 15 S., R. 40 E. B. M. for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes. Have known him two years; He resides at Preston, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4198, and are you familiar with its terms and conditions?

Ans. Yes. sir.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Am acquainted with land, all farm land capable of cultivation; described as follows: South $\frac{1}{2}$ of NW $\frac{1}{4}$ and S $\frac{1}{2}$ of Sec. 19; North $\frac{1}{2}$ Sec. 30; S $\frac{1}{2}$ and E $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 20; N $\frac{1}{2}$ Sec. 29; N $\frac{1}{2}$ Sec. 28; W $\frac{1}{2}$ Sec. 21; W $\frac{1}{2}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 21; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 22; and W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 17, T. 15 S., R. 40 E. B. M. comprising 1500 acres of land. Water required 30 second feet.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Diversion works consist of dam of reservoir varying from about 100 feet at the bottom to 400 feet in length at the top, depth of water at dam 20 feet; thickness of dam 150 feet at bottom and varying to 15 feet at top. Ditch leading from Worm Creek is five feet in width and about five miles in length. Capacity of ditch ~~about~~ 30 second feet per minute. Reservoir covers about 70 acres of land and the land consists of hollows and small hills, so that it is impossible for me to give an estimate of its capacity. Concrete head gate at Worm Creek.

(Sign here.)

RECEIVED

JAN 1 - 1914

OFFICE OF STATE ENGINEER

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Preston, County

of Franklin, State of Idaho, on this seventeenth day of December, A. D. 1913.

4198

Notary Public.

January 2, 1914.

Permit 4198

Joseph Johnson, President
Preston-Whitney Reservoir Co.,
Preston, Idaho.

Sir:

We are just in receipt of the depositions for
proof of completion of works under the above permit.
Upon receipt of the affidavit of publication and fees
amounting to \$9.00, the certificate will be issued.

Very truly yours,

F. P. KING,

State Engineer.

By _____

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING
STATE ENGINEER

HERBERT WING
DEPUTY STATE ENGINEER
W. R. HEYDE
CHIEF CAREY ACT ENGINEER

January 2, 1914.

Permit 4198

Joseph Johnson, President
Preston-Whitney Reservoir Co.,
Preston, Idaho.

Sir:

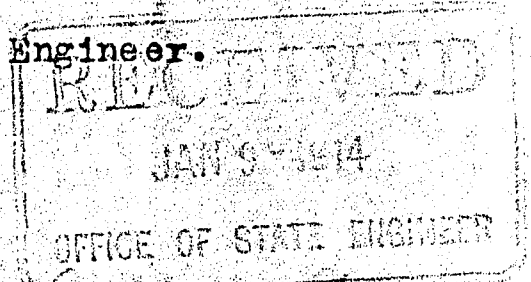
We are just in receipt of the depositions for
proof of completion of works under the above permit.
Upon receipt of the affidavit of publication and fees
amounting to \$9.00, the certificate will be issued.

Very truly yours,

F. P. KING,

State Engineer.

By *[Signature]*



*Mr. King enclosed please find
check as above*

Yours

*J. W. Winward
Preston-Whitney Reservoir
4198*

January 9, 1914.

Bermit 4198

Joseph Johnson, President
Preston-Whitney Res. Co.,
Preston, Idaho.

Sir:

In looking through the filed for proof of completion of works under above permit, I note that the affidavit of publication has not been received. This affidavit should be obtained from the publisher of the Franklin County Citizen and forwarded to this office to be filed with the rest of the proof papers. Am enclosing herewith receipt for fees received today. As soon as the affidavit is received, the certificate will be mailed you.

Very truly yours,

F. P. KING,

State Engineer.

By _____

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING
STATE ENGINEER

HERBERT WING
DEPUTY STATE ENGINEER
W. R. HEYDE
CHIEF CLERK ACT ENGINEER

January 9, 1914.

Permit 4198

Joseph Johnson, President
Preston-Whitney Res. Co.,
Preston, Idaho.

Sir:

In looking through the files for proof of completion of works under above permit, I note that the affidavit of publication has not been received. This affidavit should be obtained from the publisher of the Franklin County Citizen and forwarded to this office to be filed with the rest of the proof papers. Am enclosing herewith receipt for fees received today. As soon as the affidavit is received, the certificate will be mailed you.

Very truly yours,

F. P. KING,

State Engineer.

By W. R. Heyde

RECEIVED

FEB 6 1914

STATE ENGINEER

*Mr. King Enclosed please
find affidavit of Publication
of the same*

4198

Affidavit of Publication

STATE OF IDAHO,
County of Franklin } SS

Notice of Publication.

Notice is hereby given that at 2 p. m. on the 27th day of December 1913, at Pomeroy, County of Franklin, State of Idaho, before A. C. Smith, proof will be submitted of the completion of works for the diversion of 35 cubic feet per second of the waters of Worm Creek, in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Preston Whitney Reservoir Company.

2. The postoffice address of such person or principal place of business of such corporation is Preston, County of Franklin, State of Idaho.

3. The number of such Permit is 4198, and the date set for the completion of such work is December 19th, 1913.

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application of such permit, is 35 cubic feet per second.

The amount of lands for which said water is available is 1500 acres, particularly described as follows; S 1-2 of nw 1-4 and S 1-2 of Sec 19; n 1-2 sec 30; s 1-2 and e 1-4 of ne 1-4 Sec 30; n 1-2 sec 29; n 1-2 sec 28; w 1-2 sec 21; w 1-2 and se 1-4 of nw 1-4 sec 21, sw 1-4 of se 1-4 sec 22 and w 1-2 of nw 1-4 sec 17, Tp 15 S, R 40 E, E. 2.

F. P. King, State Engineer.

I, _____, do solemnly swear that I am one of the publishers of the FRANKLIN COUNTY CITIZEN, a weekly newspaper of general circulation published each week at Preston, Idaho; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper for 6 consecutive weeks, the first publication having been made on the 7th day of Nov 1913 and that the last publication was made on the 12th day of Dec, 1913 that said notice was published in the regular issue of every number of the paper during the periods and times of publication, and that the said notice was published in the newspaper and not in a supplement.

Walter Roe

Subscribed and sworn to before me this 2nd day of Feb, 1914

Arthur W. Merri
Notary Public.

I, _____, Register, do hereby certify that a notice, a printed copy of which is hereto annexed, was by me posted in a conspicuous place in my office for a period of thirty days, I having posted said notice on the _____ day of _____ 1914.

February 21, 1914.

Permit 4198-

Joseph Johnson, President
Preston & Whitney Res. Co.,
Preston, Idaho.

Sir:

Am enclosing herewith certificate of completion
of works issued under above permit.

Very truly yours,

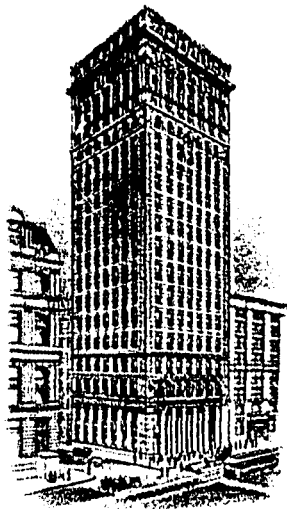
F. P. KING,

State Engineer.

CCW

By _____

4198



Home Office Building

American Surety Company of New York.

Capital \$5,000,000.

F. W. LaFrentz, President.

W. S. MCCORNICK, RESIDENT TRUSTEE

RESIDENT VICE PRESIDENTS

FRANK KNOX

W. W. ARMSTRONG

W. J. HALLORAN

A. B. SAWYER, JR., COUNSEL

WILLIAM E. MCKELL, MANAGER

IN REPLYING TO THIS LETTER PLEASE QUOTE
SUBJECT AND INITIALS GIVEN

BRANCH OFFICE FOR

UTAH, IDAHO, MONTANA, WESTERN WYOMING
AND NORTHEASTERN NEVADA

BOSTON BUILDING

W-0

SALT LAKE CITY, UTAH.

March 5, 1915.

0296742 - Preston & Whitney Res. Co. - Water Permit -to-
State of Idaho.

State Engineer,
Boise, Idaho.

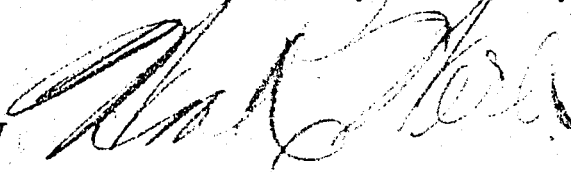
Dear Sir:-

The Title Guaranty & Surety Company executed a bond on behalf of the Preston & Whitney Reservoir Company covering water permit No. 4198. Please advise me whether the works of diversion were completed and proof made thereof and the bond accordingly released, or if this has not been done, then advise me whether the Preston & Whitney Reservoir Company filed relinquishment of their rights in order to release the bond.

I shall appreciate your prompt reply in the enclosed stamped return envelope.

Yours very truly,

William E. McKell, Manager,

By 

Yes. 8/17/1913

4198

March 8, 1915.

Permit 4198. Preston & Whitney Res.Co.

William E. McKell, Manager,
American Surety Company,
Boston Building,
Salt Lake City, Utah.

Sir:

Replying to your letter of the 5th inst. would say
that proof of completion of works was made under the
above permit On December 17, 1913, and the certificate
has been issued. The bond is, therefore, released.

Very truly yours,

Herbert King,

Acting State Engineer.

By _____

4198

State of Idaho
ENGINEERING DEPARTMENT

Preston & Whitney Reservoir Co. BOISE
Mr. Joseph Johnson, Pres.
Preston, Idaho.

Oct. 5, 1917.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. ~~4198~~-----, 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 the date it is submitted.

Yours truly,

J. H. Smith,

State Engineer

4198

Whitney Idaho
Aug 27" 1919
State Engineer,
Boise Idaho.

Dear Sir:-

We are writing you to-day, as directors of the Preston & Whitney Reservoir Co., in behalf of the stockholders of said Co. to try and obtain information from you in regards to the plans and specifications for the construction of said Company's dam. We would like very much to have the plans ect if you can furnish us with the same as the one

we had, if we had one, has been misplaced and lost.

We would like to know when the time for the completion of the dam will expire, and also if other parties can file on the same right without the consent of the company, provided that there is ample room over and above the present company's dam to justify such filing.

There seems to be \$3000 stock not subscribed for in the company; please let us know what action must be taken with that in order to reserve it for the stock-

holders. as we have all or
most all of us been in
the dark with reference to
this matter of extra stock,
and others have filed on the
sight we have used for a
number of years.

Please let us have the
above information at your
earliest convenience if you
can furnish it with it.

And Oblige

Respectfully Yours
James R. Bodily
E P Moser.

R F D #1 Preston
Idaho

September 2, 1919.

Re: Preston & Whitney Reservoir Co.

Mr. James R. Bodily,
R-1, Preston, Idaho.

Dear Sir:

Receipt of yours of August 27th with respect to the construction of a reservoir by the above stated Company is acknowledged.

Upon careful search of the files and records of this Department, I find no plans of this dam on file here.

Apparently your right is covered by permit No. 4198 bearing priority date of November 6, 1908. Proof of completion of works under this permit was made on December 17, 1913 and a certificate of completion of works was issued under such proof. Under the provisions of this permit, proof of the application of water to beneficial use was due December 19, 1917. Such proof, however, appears not to have been made.

It is my suggestion that if these works have been constructed and the water actually applied to beneficial use, that you should at this time, and without further delay, offer this proof of application to beneficial use. Notwithstanding the fact that the time for making this proof has expired, the proof can still be made and the license issued, but on so doing the date of priority will be changed in an amount of time equal to the time which has elapsed since the proof was due and up to the time proof is actually made.

Your question concerning the disposition of stock not subscribed is really a legal question and a definite answer could only be given after all of the facts are known. It is my opinion, however, that so long as this stock remains unsubscribed and in the treasury that any water that may be represented thereby really belongs to the Company and may be re-apportioned to the present outstanding stock.

I take it from your letter that you perhaps desire to raise your dam and thus increase the capacity of your reservoir. If this is true it is my suggestion that you should take out a new application for permit covering this increased height.

Permit 4198 ✓

4198

J. E. B. 9-2-19 #2.

For your information there is enclosed herewith a set of blanks for your use in making proof of application to beneficial use in accordance with the above suggestion.

Very truly yours,

WGS:MB
Encl.

Commissioner of Reclamation.

J. H. PETERSON
LAWYER
POCATELLO, IDAHO

Sept. 17th, 1919

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

Dear Sir:-

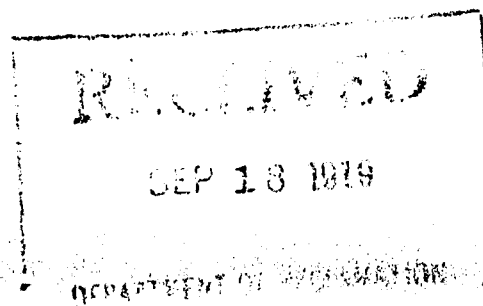
Inclosed herewith please find notice of proof of application of water to beneficial use prepared for your signature. You will observe that the inclosed letter from Mr. Joseph Johnson authorizes the publication of this notice in the Franklin County Citizen at Preston, Idaho, for five issues, and the hearing is set for the 30th day of October. Kindly forward this notice for publication at your early convenience.

With Personal regards,

Peterson & Coffin

B
2 incls

4123



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 16, 1919

(P. O.) Preston, Idaho.

TO THE STATE ENGINEER:

Boise, Idaho.

DEAR SIR:

You are hereby authorized to have the attached notice published at my expense in the
Franklin Co. Citizen of Preston, Idaho, published
in the county in which the works are situated, for five issues.

Joseph Johnson

(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.

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at ten a. m. on the 30th day of October, 1919,
at Preston, County of Franklin, State of Idaho,
before John A. Kofoed, Clerk District Court, proof will be submitted
of the application to beneficial use of Thirty (30) cubic feet per second of the
waters of Worm Creek, ~~Ontario County~~ in accordance with the terms and conditions of
Permit No. 4198 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are
Preston & Whitney Reservoir Company, Preston, Idaho
2. The use to which said water has been applied is the irrigation of approximately
900 acres of farm lands, and the watering of stock and for culinary
purposes incidental to said tract of land.
3. The amount applied to beneficial use is Thirty (30) Cubic ft. per sec.
4. The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) S $\frac{1}{2}$ NW $\frac{1}{2}$ & S $\frac{1}{2}$ of Sec. 19; N $\frac{1}{2}$ Sec. 30; S $\frac{1}{2}$ & E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 20;
N $\frac{1}{2}$ Sec. 29; N $\frac{1}{2}$ Sec. 28; W $\frac{1}{2}$ Sec. 21; W $\frac{1}{2}$ ^{SE $\frac{1}{4}$} & SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 21; SW $\frac{1}{4}$
of SE $\frac{1}{4}$ Sec. 22; & W $\frac{1}{2}$ of NW $\frac{1}{2}$ Sec. 27 Tp. 15 S. R. 40 E B M

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

6. The right to take water from such works is based upon Permit No. 4198

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

8. The date of the priority which said user is prepared to establish is November 6, 1908

September 17-1910

3720 ft E + 2092 ft S
of Mon. Rock, 15 ft.
R. 40 E B M.

5 H

4198 State Engineer.



O. W. DAVIS, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER
BOISE

BUREAU OF WATER RESOURCES
WATER APPROPRIATIONS
CAREY ACT DEVELOPMENT

September 18, 1919

In re: Permit #4198

Preston & Whitney Reservoir Co.,
c/o Joseph Johnson,
Preston, Idaho.

Gentlemen:

This will acknowledge receipt at this Department of notice of proof of application of water to beneficial use under the above numbered permit, and as you request, the same will be published in the Franklin County Citizen at Preston, Idaho, for five weeks and at your expense. The date of final proof has been set as of the 30th day of October, 1919. Blanks for use in taking this proof will be forwarded to John A. Koford, Clerk of the District Court of Franklin County.

The date of priority of this permit has been brought down as provided by statute a length of time which is the difference between the date proof should have been submitted as provided under the terms of the permit, and the date proof actually is being submitted. This would bring the date of priority down from November 6, 1908 to September 17, 1910, or one year, ten months and eleven days, which is the difference in time between December 19, 1917 the date proof of beneficial use was due and October 30, 1919, the date proof will be submitted.

Yours very truly,

W. G. SWENDSEN

Commissioner of Reclamation

By

Chief Clerk

L:M

CC to Peterson & Coffin,
Attorneys at Law,
Pocatello, Idaho.

4198

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

September 30, 1919.

BOISE, IDAHO,

Preston & Whitney Reservoir Co.,
c/o John A. Koford, Clk. of Dist. Court,
Preston, 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. 4198

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:

October 30, 1919.

1. On _____, 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 office of John A. Koford, Clk. of Dist. Court,

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,~~
State Engineer.

4198

October 30, 1919.

In re: Permit 4198.

Joseph E. Johnson,
Preston, Idaho.

Dear Sir:

Pursuant to your telephonic request of this afternoon, I am enclosing herewith blanks to be used in making proof of application of water to beneficial use under the above numbered permit.

Under date of September 30th, we forwarded the blanks to the "Preston and Whitney Reservoir Co., care of John A. Kofoed, Clk. of District Court, Preston, Idaho," but no doubt they have gone astray in the mails.

Your proof will in no wise be jeopardized by the submission of proof at a later date.

Yours very truly

W. G. Swendsen
Commissioner of Reclamation

By:

Chief Clerk.

4198

Preston Idaho Oct 30th 19

Mr, W, G, Swendsen Boise Idaho

Dear Sir

on Sep 18th you sent the Preston and
Whitney Reservoir Co a letter stating you
wanted send to Mr John A Cofoed Papers
to make final proof on said Reservoir
and in your letter you state it was to
be proved up on the 30th day of October
so of course the directors met as stated
and went to Mr Cofoed Office to fix it
and Mr Blanks had cum the Directors
Ordered me to write you and find out
what they would have to do now

Now I will send you the letter we received
from you and you can see why I
have wrote this letter to you

Now let me know what to do so as I can
let the directors know

With Kind regards

I remain

4198

R. W. Winward
Preston
Idaho
Secretary

November 3, 1919.

In re: Permit 4198.

J. W. Winward,
Preston, Idaho.

Dear Sir:

Reference is had to your letter of October 20, this day received at this office.

Our files show that under date of September 30, we forwarded to the Preston & Whitney Reservoir Company, in care of John A. Koford, Clerk of the District Court at Preston, Idaho, the necessary blank for use in taking the proof of beneficial use under the permit.

Pursuant to a telephonic request of Mr. Joseph E. Johnson, under date of October 30, we again forwarded blanks for use in taking this proof direct to Mr. Johnson; these blanks no doubt have been received by Mr. Johnson by the date of this writing.

Submit your proof as of the date advertised, to-wit: October 30. You will lose no right under the permit by the submission of this proof at a later date.

The blanks forwarded under date of September 30, no doubt went astray in the mail, and we are sorry indeed that you and the other officers of the company have been put to any inconvenience.

Yours very truly,

W. G. SWENDBERG,
Commissioner of
Reclamation,

By

Chief Clerk.

4198

L/B.

Preston Idaho March 15th 1919

Mr. Swendsen Boise Idaho

Dear Sir

Your kind letter came to hand a week ago
in regard the Papers to Prune up on the
Preston and whitney reservoir which you
said you would send us had sent to Mr
Joseph Johnson as Mr Koefoed
but as yet not a Paper has come so
Mr Johnson phoned to me to write again
to you and let you know we have not
got a Paper yet. What the cause is we
cant tell these let us hear again what
is the cause

with kind wishes

Yours

J. W. Winward
Preston

Idaho

A198

See

November 12, 1919.

In re: Permit 4198.

J. W. Windward,
Preston, Idaho.

Dear Sir:

Reference is had to your letter of November 10,
relative to the above numbered permit.

This office is at a loss to understand what has happened
to the blanks for use in taking proof of beneficial use of water
under the above numbered permit; under date of October 30,
as heretofore advised, we sent out another set of blanks,
forwarding them to Joseph E. Johnson, Preston, Idaho.

I am herewith enclosing a third set of blanks, by
registered mail.

The blanks heretofore sent out have never been returned
to this department although our return address is printed on
every envelope.

Yours very truly,

W. G. SWENDSEN,

Commissioner of
Reclamation,

By

Chief Clerk.

L/B.
Enc.

4198

PERMIT No. 4198

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

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

Ans. Joseph Johnson, 54, Preston, Idaho, farmer, P. O. Box 154,

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

Ans. Preston & Whitney Reservoir Company.

President of said Company.

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

Ans. 4198, Sept. 17, 1910

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

Ans. Worm Creek in the Southwest quarter of the southeast quarter of Section 10 Township 15 South, Range 40 East Boise Meridian, Idaho.

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. By cement gate in creek by ditch three and one half miles long, thirty cubic feet per second. Names of Ditch, Reservoir 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.

Ans. Irrigation of farm land and natural meadow, South half, Northwest quarter and south half of section 19; North half section 30; South half and East half of Northwest quarter Section 30; North half Section 29; North half of section 16; West half SE¹/₄ and SE¹/₄ of the SE¹/₄ Sec. 31; the NW¹/₄ of SE¹/₄ S. 6. 2; and 1/2 of NW¹/₄ Sec. 27; Twp. 15 S., Rng. 40 E. 1. M. Idaho.

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

Ans.

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

Ans.

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. About September, 1906, since 1908 and used it every year for
irrigating farm land and meadow, on about 900 acres, 70 of which being
natural meadow

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. Water has been used from the Cub River and Worn Creek Canal, to
irrigate fifty acres. An indefinite amount of water is used from the
Whitney ditch each year from the early season, being flood water from
Cub River.

(Sign)

Joseph Johnson

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 Preston, Franklin, County of Franklin State of Idaho, on this 20th day of November, A. D. 1919.

John A. Roford
Clerk of District Court

Permit No.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. E. F. Ballif age 59 Years

Ques. 2. Are you acquainted with Joseph Johnson the holder of Permit No. 4198? How long have you known him and where does he reside?

Ans. Thirty years, He resides at Preston, Franklin County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4198, 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. Worm Creek, In the Southwest quarter of the Southeast quarter of Section 10 Township 15 South, Range 40 East Boise Meridian, Idaho.

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. 30 cubic feet per second, said amount has been used and conveyed.

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

Ans. Irrigation of farm land and natural meadow on the South half, Northwest quarter, and South half of Section Nineteen; North half of Section 30; South-half-and-East-half-of-the-Northeast-quarter-of-Section-26; North half Section 29; North half of Section 28; West half of the Southeast quarter of the Southeast quarter Section 21; West half of Southeast quarter Section 22; and West half of the Northwest quarter of Section 27, Township 15 South Range 40 East Boise Meridian, Idaho.

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. about 800 acres of farm land and 70 acres of meadow, and to water the aforesaid acres for profitable cultivation would require about 30 cubic feet from other source which is being diverted from Cub River Worm Creek Canal & Whitney Canal.

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

Ans. 120 acres of land with \$1000.00 water right in Preston & Whitney, Reservoir Company.

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

Ans. I have used water for the last 16 years and irrigated 30 acres of Alfalfa, 4 acres of Beets, and 41 Acres of Grain

(Sign)

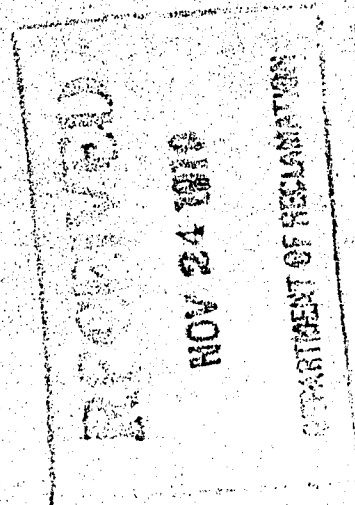
R. H. Ball,

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 Preston, County of Franklin, State of Idaho, on this 20th day of November, A. D. 19 19

John A. Kofoed
Clerk of Dist. Court ~~Notary Public~~

My commission expires

4198



Permit No. 4198.....

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Willard Johnson, 32, Preston, Idaho, farmer, Preston, Idaho, R. F. D. #1.

Ques. 2. Are you acquainted with Joseph Johnson, the holder of Permit No. 4198? How long have you known him and where does he reside?

Ans. 28 years, Preston, Franklin County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 4198, 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. Worm Creek in the Southeast quarter of southeast quarter of sec. 10 Township 15 RANGE 40 East of Boise Meridian, Idaho

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. 30 cubic feet per second. said amount has been used and conveyed.

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

Ans. Irrigation of farm land and natural meadow on the south half, northwest quarter and south half of section nineteen; north half of sec. 20; South half and East half of the northeast quarter of section 20; North half Sec. 29; north half sec. 28; West half of southeast quarter; and Southeast quarter of southeast quarter Sec. 21; West half of southeast quarter Sec. 22; and West half of NW 1/4 Sec. 27, Twp. 15 S. Range 40 E. B.M. Idaho.

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. About 300 acres of farm land and approximately 70 acres meadow, and to water the aforesaid acres for profitable cultivation would require about 50 cubic feet from other source which is being diverted from Cub River by Worm Creek Canal & Whitney Canal.

4198

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

Ans. 50. acres of land with \$350.00 water right in Preston & Whitney Reservoir Company

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

Ans. I have used water for the last 16 years and irrigated 50 acres of land on which was grown Grain, Alfalfa and sugar Beets, and 10 acres of natural meadow,

(Sign) *Willard Johnson*

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 Preston, County of Franklin, State of Idaho, on this 20th day of November A. D. 1919

John A. Reford
Clerk of District Court
Notary Public

My commission expires

4198

DEPARTMENT OF RECLAMATION

NOV 24 1919

RECORDED



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER

D. W. DAVIS, GOVERNOR

BOISE

December 9, 1919.

Re: Permit 4198.

Joseph Johnson,
Presion, Idaho.
Box 134.

Dear Sir:

We are in receipt of depositions for proof of beneficial use of water under the above numbered permit. In view of the fact that this proof was made almost a month later than the date advertised, it would be necessary for you to file an affidavit showing the reason for the delay in making the proof. You should also obtain an affidavit of publication from the Franklin County Citizen and mail same to this office. No further action can be taken upon this proof until the report of our examining engineer can be made, which will probably be as early in the spring as weather conditions will permit. Upon receipt of this report, you will be further notified as to fees required before issuing license.

Yours very truly,

W. G. SWENDSEN,

Commissioner of Reclamation,

By *EBrown*.

B/B.

4198

Affidavit of Publication

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at ten a. m. on the 30th day of October, 1919, at Preston, County of Franklin, State of Idaho, before John A. Koford, Clerk of District Court, proof will be submitted of the application to beneficial use of Thirty (30) cubic feet per second of the waters of Worm Creek in accordance with the terms and conditions of Permit No. 4198 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Preston & Whitney Reservoir Company, Preston, Idaho.

2. The use to which said water has been applied is the irrigation of approximately 200 acres of farm lands, and the watering of stock and for culinary purposes incidental to said tract of land.

3. The amount applied to beneficial use is Thirty (30) Cubic ft. per second.

4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) S $\frac{1}{2}$ NW $\frac{1}{4}$ & S $\frac{1}{2}$ of Sec. 19; N $\frac{1}{2}$ Sec. 30; S $\frac{1}{2}$ & E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 20; N $\frac{1}{2}$ Sec. 29; N $\frac{1}{2}$ Sec. 28; W $\frac{1}{2}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ Sec. 21; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 22; & W $\frac{1}{2}$ of NW $\frac{1}{4}$ Sec. 27 Twp. 15 South, Rng. 40 E. B. M.

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

6. The right to take water from such works is based on permit No. 4198.

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

8. The date of priority which said user is prepared to establish is Sept. 17th, 1910.

s25-015 W. G. Swendsen,
Com. of Reclamation

STATE OF IDAHO

COUNTY OF FRANKLIN—ss

I Walter D. Roe do solemnly swear that I am one of the publishers of the FRANKLIN COUNTY CITIZEN, a weekly newspaper of general circulation published each week at Preston, Idaho; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication, was published for four consecutive weeks, the first publication having been made on the 25th day of September 1919 and the last on October 15th 1919 that said notice was published in the regular issue of every number of the paper during the periods and times of publication, and that the said notice was published in the newspaper and not in a supplement.

Walter D. Roe
Subscribed and sworn to before me this

26th day of Dec 1919

John A. Koford
Clerk of Dist Court, ~~Notary Public~~

I, ~~.....~~ register, do hereby certify that a notice, a printed copy of which is hereto attached, was by me pasted in a conspicuous place in my office for a period of thirty days, I having pasted said notice on the day of 191

4198

AFFIDAVIT.

State of Idaho,
 SS
County of Franklin.

Joseph Johnson, and J. W. Winward, being first severally duly sworn, on oath each deposes and says, that Joseph Johnson is the President of the Preston Whitney Reservoir Company, a corporation, and J. W. Winward is the Secretary of aforesaid company;

That in accordance with instructions, the officers and board of directors of the above named company appeared for the purpose of submitting proof of beneficial use of water under permit No. 4198, on the 30th day of October, 1919, but due to the fact that the necessary blanks were not available, and could not be obtained for some time later, said proof of beneficial use could not, and was not made on the 30th day of October, 1919, but same was made as soon thereafter as the required blank forms could be obtained.

Affiants further state, that on the 30th day of October, 1919, on discovering that said blank forms had not arrived from the office of the Commissioner of Reclamation, that the aforesaid Joseph Johnson did telephone to said office notifying said Commissioner of Reclamation that said blanks had not reached said company, and that also, J. W. Winward did on the 30th day of October, 1919, write the Commissioner of Reclamation stating that said blanks had not been received; and affiants further state that immediately on receipt of said blanks, that same were filled out, and proof of beneficial use of water made.

In witness whereof the affiants herein named have hereunto subscribed their names, this 26th day of December, 1919.

Joseph Johnson
President,
Preston Whitney Reservoir Co.

J. W. Winward
Secretary,
Preston Whitney Reservoir Co.

Subscribed and sworn to before me this 26th day of December, 1919

[Signature]
Notary Public,
Preston, Idaho.

REPORT OF ENGINEER

This proof is for beneficial useIn Water District No. 5 H

1. State name of applicant and number of permit: Preston and Whitney Res. Co.
Permit: 4198 ✓
2. State source of water supply: Worm Creek
3. Location of point of diversion: 3720 feet east and 2092 feet south of NW cor.
Sec. 10, T. 15 S., R. 40 E. B. M.
4. Describe works as they exist, giving dimensions and capacities of same:
Earth dam, 35' H. 450' Long. Concrete outlet, 18" x 18"
Division-box in creek, - concrete, 2' B. 2' D. each.
2 ditches, each 2' B. 1' D. Cap. each 12 sec. ft.
5. State whether or not water has been turned into works of diversion: Yes.
6. Give exact location 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): S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$, Sec. 19; N $\frac{1}{2}$ Sec. 30; S $\frac{1}{2}$ and E $\frac{1}{2}$ of NE $\frac{1}{4}$, Sec. 20; N $\frac{1}{2}$, Sec. 29;
N $\frac{1}{2}$ Sec. 28; W $\frac{1}{2}$ Sec. 21; W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 21; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 27,
Twp. 15 S., R. 40 E. B. M. ✓
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system?
9. Give names and amount of each right:
10. What large stream would the water here appropriated finally reach? Bear River.
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: Thru drains to Worm Creek to Bear River.

Remarks: All land below ditches in cultivation.This examination was made on the 13th day of May 19 20.

4198

(Signed)

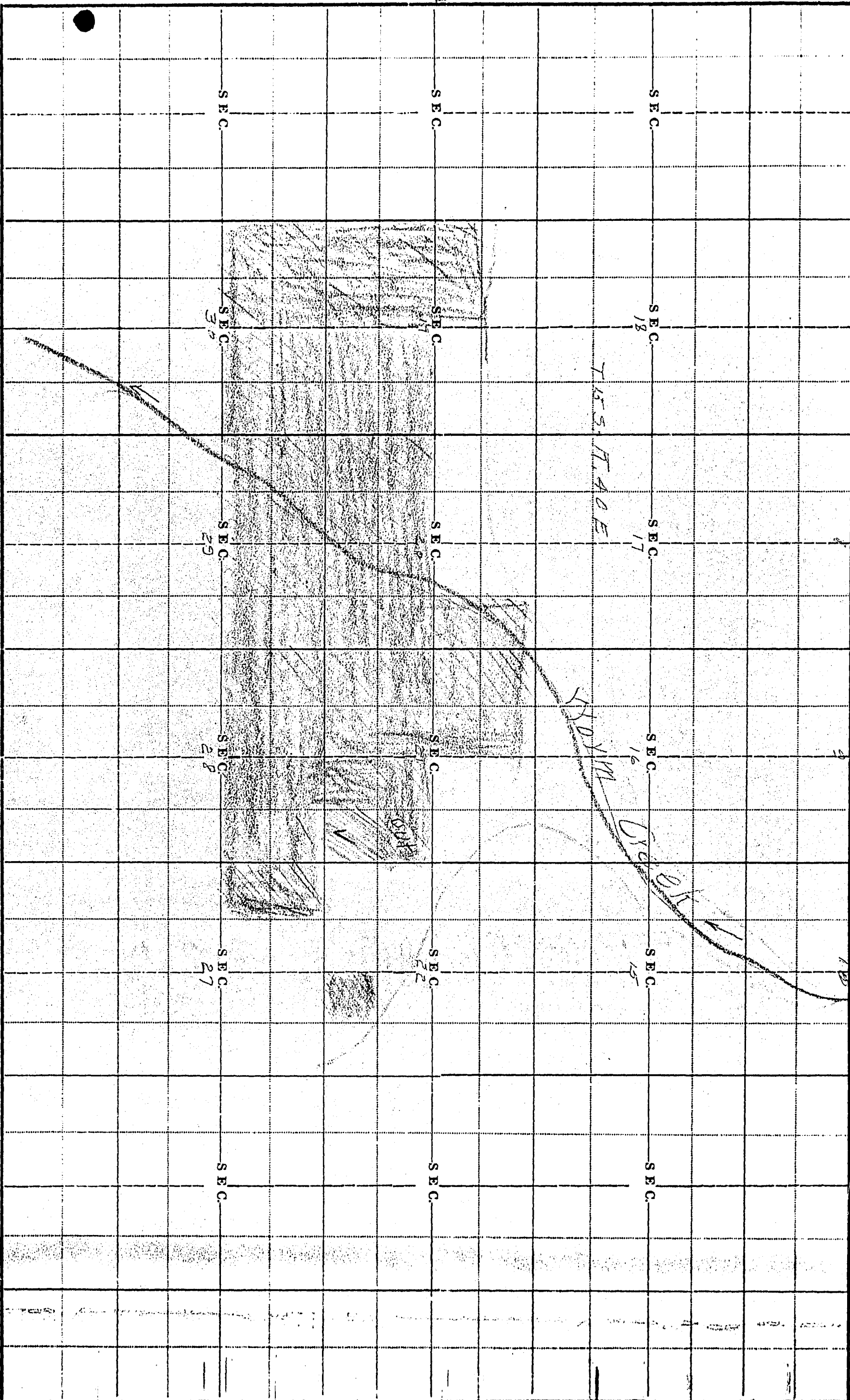
L. R. Annett.

Examiner.

OVER

NAME OF APPLICANT

W. J. ...



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

Res. 2 Div.

38-
420

June 22, 1920.

Re Permit 4198.

Mr. Joz. Johnson,
Preston, Idaho.

Dear Sir:—

According to the report of our examining engineer for proof of beneficial use of water under the above permit, there are 58 forty acre tracts under cultivation. The fees due this office for this proof will, therefore, amount to \$58.00, being \$1.00 for each forty. Upon receipt of this amount, license will be issued.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By_____.

4198



D. W. DAVIS, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER
BOISE

BUREAU OF WATER RESOURCES
WATER APPROPRIATIONS
CAREY ACT DEVELOPMENT

June 22, 1920.

Re Permit 4198.

Mr. Jos. Johnson,
Preston, Idaho.

Dear Sir:--

According to the report of our examining engineer for proof of beneficial use of water under the above permit, there are 58 forty acre tracts under cultivation. The fees due this office for this proof will, therefore, amount to \$58.00, being \$1.00 for each forty. Upon receipt of this amount, license will be issued.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By *Ed Brown*,

Preston Idaho July 6/20
Mr. W. G. Swendsen

*Enclosed you will find
check for above letter
Please send license
to me yours*

4198

J. W. Swenson
See

July 8, 1902.

Re Permit 4198.- Preston & Whitney Res. Co.

Mr. J. W. Winward,
Preston, Idaho.

Dear Sir:-

We are in receipt of check in the sum of \$58.00, fees
due for proof of use of water under the above permit. License
will be issued just as soon as we can get to it and will be mailed
to you.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By_____.

4198

Sept. 8, 1920.

Re: Permit 4198.
Preston-Whitney Res. Co.

Mr. J. W. Winward,
Preston, Idaho.

Dear Sir:—

Enclosing herewith water license issued under the
above permit, with receipt for fees paid.

Very truly yours,

W. A. SWENDSEN,

Commissioner of Reclamation.

By _____

WL-R5494.

4198

GEORGE H. CARVER

U. S. Commissioner

Preston, Idaho

February 18th 1922

W.G.Swendsen

Commissioner of Reclamation

Boise Idaho

Dear Sir;;

As I understand the blank for extention of time to complete the work on the Reservoir, I have filled it out, for the Preston and Whitney Reservoir Company, under the direction of Pres. E.P. Moser of said company.

I have given the number that I find on the old permit that they have made final proof on and for which they have a licence.

As the President stated that some time in 1919 the company made a filing under the direction of J.M. Burkett the engineer who gave the blue print and instructions how to do the work and the engineer promised to record the filing in your office.

Under the last filing the company were instructed to build on the inside of the "OLD DAM" and face the same with rock eighteen inches thick then raise the ~~the~~ old dam about eight or ten feet higher then the reservoir would hold sufficient water to irrigate all the land owned by the stock holders. They have spent about five thousand Dollars in building on to the old dam and desire four years additional time to complete the works and place the water to beneficial use. You will notice that we have not given the date of the last application nor the time for it to be completed for the reason we are unable to find those dates either from paper or memory of the officers.

Please examine your records and determine if the last filing was recorded and a permit granted for the Company to build on the old dam as advised by J.M. Burkett, the Engineer.

After doing so please advise me as to the status of the last filing claimed by the officers of the company, if it be necessary in your judgment you may return these papers, with suitable blanks and instructions to more perfectly make the application for an extension of time.

Thanking you for the interest you will take in assisting the Farmers to store water for their beneficial use.

Ever your friend

U.S. Commissioner

4198

February 25, 1922.

Mr. George H. Carver,
U. S. Commissioner,
Preston, Idaho.

Dear Sir:

Reference is made to your communication of February 18th transmitting application for extension of time for completion of works under Permit 4198 and mentioning some later filing which either the Company or Mr. Burkett is presumed to have made in connection with the same development.

The records of this office disclose that there have only been two permits filed by the Preston & Whitney Reservoir Company. The first is Permit 1012 which was filed on November 3, 1904 and calls for the diversion of 30 second feet of water for the irrigation of 1500 acres. No proofs were ever made under this permit and it was apparently allowed to lapse. At any rate it was cancelled for expiry by order of the Commissioner of Reclamation, dated February 16, 1922.

The second permit is Permit 4198. Proof of completion of works was duly made under this filing and a certificate of completion was issued February 14, 1914, for 30 second feet of water with which to irrigate 1500 acres. Proof of beneficial use was due on December 17, 1917 but has never been made. It is not possible to extend the time for making beneficial use now, but under our statutes the proof can be submitted at any time and the priority must then be stepped down a period of time equal to the period the said proof is over due.

There are no permits whatsoever standing in Mr. Burkett's name for the appropriation of water from Worn Creek. It is therefore difficult for us to advise you as to what can be done in connection with any rights the Company presumably initiated subsequent to Permit 4198. Is it not possible that some filing was made in some individual's name for the benefit of the Company but never transferred to the Company? If such is the case and we are advised as to the name of the individual, it may be possible that we can give you further information that will protect the Company's interests.

At any rate, inasmuch as completion of works for the full amount of water appropriated under Permit 4198 has already been made, there appears no reason for extending the time. We are therefore returning the application.

If you will advise us further as to any date you may be able to obtain regarding the filing we can not locate, we will be glad to give the matter further attention.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

4198

GBA:EB

Assistant.

IN IN FIVE DAYS TO
U. S. Commissioner

PRESTON, IDAHO.

March 3rd 1928

W.G. Swendsen

Commissioner Of Reclamation

Boise City Idaho

Dear Sir;

Your letter of February 25th giving the desired information concerning the Preston Whitney Reservoir Company received this morning the officers of the Company met at my office and decided to make Proof on the waters for beneficial use on Permit 4198.

Please send us the necessary blanks and any instructions that you may deem necessary in order that the proof can be made.

The company contemplates improving the Old Dam by building on the inside according to the Blue Prints furnished by Mr Burkett and raising the dam about eight or ten feet, having done some work during the past year and expect to do more as soon as the frost is out of the ground.

From your letter we are satisfied that no permit has been given authorizing the proposed improvements, therefore ask you to send suitable blanks on which ^{for} to make the application.

Thanking you ^{for} the interest you have taken and trust we will have an opportunity to return the kindness.

Ever your Friend

George L. Brown
.....
U.S. Commissioner

4198

4198

March 6, 1922.

Mr. George C. Carver,
U. S. Commissioner,
Preston, Idaho

Dear Sir:

Reference is made to your letter of March 3rd concerning the water right of the Preston-Whitney Reservoir Company.

Pursuant to your decision to proceed with proof of beneficial use under Permit No. 4198, there is inclosed herewith the necessary blanks to fill out. If you will kindly prepare these and return them to this department we will at once direct publication and then advise you further and forward the necessary proof blanks in due time.

In regard to raising the old dam and thereby enlarging the capacity of your reservoir, it will be necessary for you to file a new permit to cover the additional water and also to secure a use permit for the use of your additional water.

It is my suggestion that in preparing the reservoir application, you show the reservoir as it will be built when enlarged and also the new or enlarged dam, also, that on the reservoir application you simply show the additional water that there is to be stored and under "Remarks" make a statement to the effect that you already have title to such water as the present dam will store by virtue of your previous permit. In preparing the use permit I would also simply show the use of the additional water and the lands to which it will be applied, and under "Remarks" make a similar statement to that made in the storage permit.

There is inclosed herewith a manual of instructions which will no doubt assist you in preparing these applications for the additional water to be acquired. If, however, you have any difficulty in preparing the said applications, please feel at liberty to call upon us further.

Very truly yours,

W. C. SWEN SEN
Commissioner of Reclamation

By

Assistant

GBA:P

4198

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 13th 1922

(P. O.) Preston Franklin Co Idaho

TO THE STATE ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Franklin County Citizen of Preston Idaho, published in
the county in which the works are situated.

Preston Whitney Irrigation Reservoir Co.

By E. P. Moyer..... President.

(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

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 22nd day of April, 1922,
at Preston, County of Franklin, State of Idaho,
before U.S. Commissioner Geo H Carver Final, proof will be submitted
of the application to beneficial use of 30 cubic feet per second of the
waters of Worm Creek in accordance with the terms and conditions of
Permit No. 4198 heretofore issued by the State Engineer
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Preston Whitney Reservoir Company, Preston Franklin Co Idaho R.F.D.I

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 30 Second Feet

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) S $\frac{1}{2}$ of NW $\frac{1}{4}$, and S $\frac{1}{2}$ of Sec 19. N $\frac{1}{2}$ of Sec 30, S $\frac{1}{2}$ Sec 20.
E $\frac{1}{2}$ of NE $\frac{1}{4}$, Sec 20; N $\frac{1}{2}$ of Sec 29, N $\frac{1}{2}$ of Sec 28, W $\frac{1}{2}$ of Sec 21, W $\frac{1}{2}$ of SE $\frac{1}{4}$
& SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 21. SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 22, and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec 27, all in Town
ship 15 South of Range 40 E.B.M. containing 1500 acres

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

The right to take water from such works is based upon Permit No. 4198

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

The date of the priority which said user is prepared to establish is

November 6th 1908

W. G. Swendsen,

Commissioner of Reclamation.

3720' E. 102092' S 7 NW 6r
Sec 10 - 153 - 48 E
3-H -

4198

March 15, 1922.

Re: Permit #4198.

Mr. E. P. Moser, President,
Preston Whitney Reservoir Co.,
Preston, Idaho. R.F.D. No. 1,

Dear Sir:-

Relative to proof of beneficial use under the above permit would say that April 22nd has been set as the date for the proof and, unless otherwise advised within the next few days, notice will be mailed to the Franklin County Citizen for the required four weeks publication. Deposition blanks will then be mailed to Mr. Geo. H. Carver, U.S. Commissioner, before whom proof is to be made.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By
Chief Clerk.

4198

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Franklin County Citizen,

Boise, Idaho, March 20, 1922

Preston, Idaho.

Dear Sirs:

Enclosed find Notice for Publication under Permit no. 4198 which please publish once a week for four consecutive weeks in your paper. The expense of this publication will be paid by E. P. Moser, President, Preston-Whitney Reservoir Company, of Preston, 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. A. SWENDSEN,

Commissioner of Reclamation

4198

Apr 22

(P. O.)

Preston Idaho

(Date)

3/21/22

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of March 20th enclosing notice of proof under
Permit No. 4198 which will be published as you request, beginning with our issue of 22nd

Franklin County City

4198

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO,

April 10, 1922.

E. P. Meser, President,
Preston-Whitney Reservoir Co.,

c/o Geo. H. Carver,
U. S. Commissioner,
DEAR SIR: Preston, Idaho.

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. 4198.

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 April 22, 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 Preston, before U.S. Commissioner, Geo. H. Carver,

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.

4198

RETURN IN FIVE DAYS TO

U. S. Commissioner

PRESTON, IDAHO.

April 9th 1922

W.G.Swendsen

State Engineer

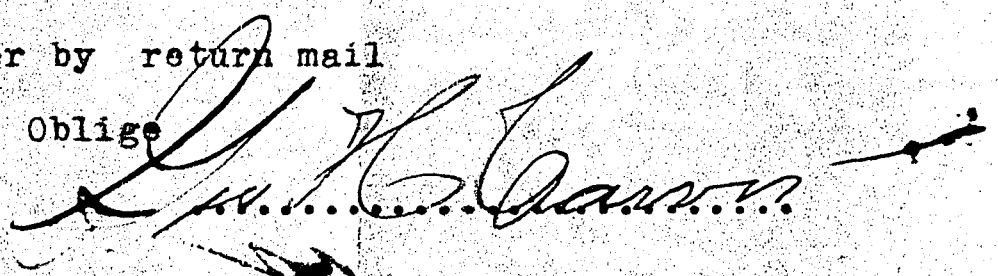
Boise City Idaho

Kind Friend;;

I am notified to hear the proof of beneficial use of water ,Preston -Whitney Reservoir Co on the 22nd of this month,will you please send the necessary blanks to be used in making the proof.

Will be pleased answer by return mail

Oblige

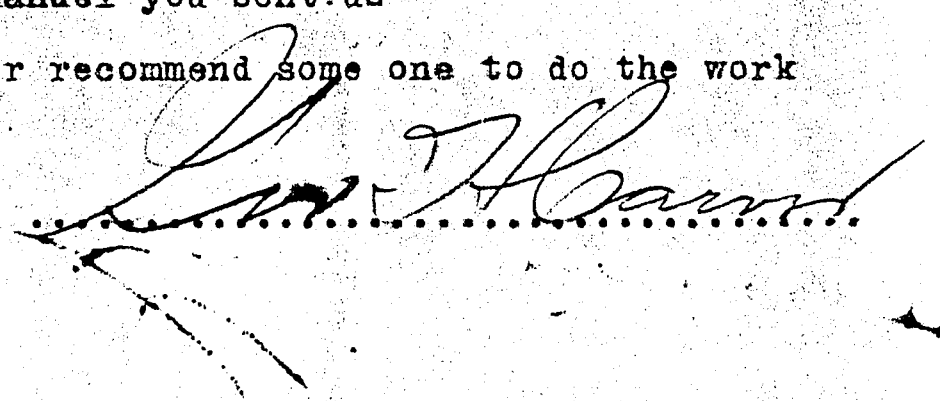


P.S.

We have asked Engineer Akin to do the work for the company,with your approval we will engage him and have the work done at once in preparing mapesand plans as recommended in the Manuel you sent.us

Please give us an answer or recommend some one to do the work

Ever yours



April 20, 1922.

Re: Permit No. 4198. - Preston - Whitney Res. Co.

Mr. Geo. E. Carver,
U. S. Commissioner,
Preston, Idaho.

Dear Sir:-

Your letter of the 9th inst., relative to examination of works under the above permit, was brought to my attention upon my return to the city a few days ago. In reply would say that we are required to have an engineer from this department make these examinations and a man will be in the field in your vicinity within the next few weeks who will make this examination and report.

Deposition blanks for this proof were mailed you on the tenth of this month, and you no doubt have received them before this.

Very truly yours,

Commissioner of Reclamation.

CB

U. S. Commissioner

PRESTON, IDAHO.

April 22nd 1922

W.G. Swendsen

Commissioner of Reclamation

Boise City Idaho

Dear Friend;

We herewith enclose ~~to~~ proof made by the Preston Whitney Reservoir Company, trust you will find it correct as we have understood the questions. But if you find any thing omitted please advise and we will take the matter up and if possible furnish the information on short notice.

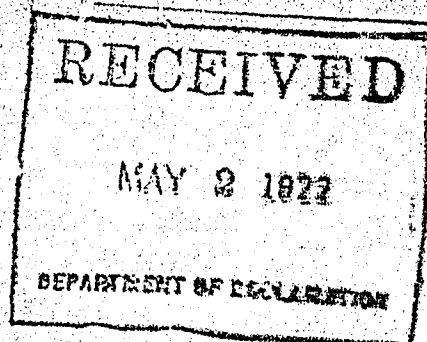
We thank you for the interest you have taken and trust we can return the kindness.

Your Friend

James H. Carr
U.S. Commissioner

P.S.

Will be pleased to meet you when you visit our city



4198

May 4, 1922.

Re Permit 4198

Mr. Geo. H. Carver,
U. S. Commissioner,
Preston, Idaho.

Dear Sir:-

We are herewith returning your enclosures of recent date on the proof of beneficial use under the above numbered permit.

It is noted that the lands described under the proof papers filled out by the holder and witnesses ~~do not~~ conform to those which were advertised according to the affidavit of publication attached. Any deviation from this list cannot be accepted, and should your clients desire to prove up on any other than the lands as advertised the same must be published in accordance with the routine as originally carried out, and an affidavit of change of point of use must be filed prior thereto in this department.

Otherwise we will accept the proof as made, but the only lands which will benefit will be those which coincide with the two land descriptions.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

4198

U. S. Commissioner

PRESTON, IDAHO.

May 9th 1922

W.C.Swendsen

Commissioner of Reclamation

Boise City, Idaho

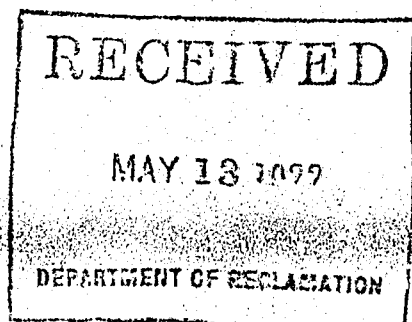
Dear Sir;;

Yours of 4th Inst.concerning the Proof of beneficial use of water under permit No.4198 has my attention. I have taken the matter up with the holder and witnesses. In the original survey some lands were included that can not be irrigated,when the proof was made the officers understood(Qusetion No. 6) to mean actually irrigated though some of the land was not included in the original survey.

To save expense to the Reservoir Company,if it be in harmony with your rules, you may send another set of blanks,like the ones we filled out and sent you , and we will fill them out and only include the lands that are actually irrigated under that system that were advertised in the published notice ,that will show less acres irrigated than in former proof. If you can not grant the request and thus save the expense of RE-ADVERTISING AND MAKING SECOND PROOF you will please what will be required as the Company is desirous of doing the work satisfactorly to you. Thanking you for past assistance.

Yours Truly

L. H. ...
U S Commissioner



May 13, 1922.

Re Permit 4198

Mr. Geo. H. Carver,
Preston, Idaho.

Dear Sir:-

With reference to the proof being made under the above numbered permit, we will accept the same and issue a license for that part of the proof which co-incides with the publication notice. The balance of the lands will be thrown out, however, unless they wish to re-publish the notice giving the correct lands.

The only other recourse will be for the company to make a new set of affidavits proving up on the lands described in said publication. Our limitations will not allow us to accept the proofs otherwise than as we have stated, but we are glad to help the company establish their rights, but the same will have to conform to the requirements by which this office is bound.

We are enclosing a new set of blanks in case the company wishes to remake the proof.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

RETURN IN FIVE DAYS TO

U. S. Commissioner

PRESTON, IDAHO.

June 10th 1922

W.G. Swendsen

Commissioner of Reclamation

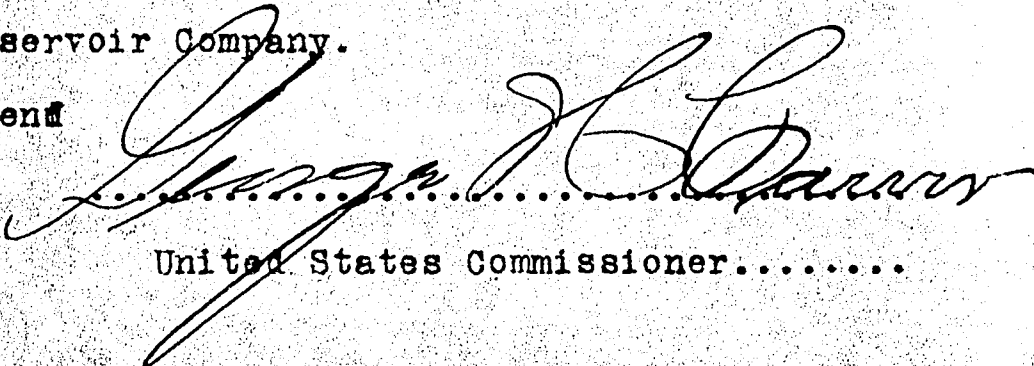
Boise City, Idaho

Kind Friend;

Concerning the proof on Permit No. 4198 made by the Preston Whitney Reservoir Company, we herewith you the corrected proof dated as per published notice April 22nd 1922, including only the land that was actually irrigated as described in the notice, following your last instructions and trust you will find the same satisfactory.

Again thanking you for the personal interest you have taken in this important matter to the Reservoir Company.

Your Friend


United States Commissioner.....

4198

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 22nd day of April 1922 at Preston, County of Franklin, state of Idaho, before U. S. Commissioner Geo. H. Carver, Final proof will be submitted of the application to beneficial use of 30 cubic feet per second of the waters of Worm Creek in accordance with the terms and conditions of Permit No. 4198 heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Preston-Whitney Reservoir Company, Preston Franklin County, Idaho, R. F. D. No. 1.

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

The amount applied to beneficial use is 30 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated): $S\frac{1}{2}$ of $NW\frac{1}{4}$, and $S\frac{1}{2}$ of Sec. 19; $N\frac{1}{2}$ of Sec 30; $S\frac{1}{2}$ Sec. 20; $E\frac{1}{2}$ of $NE\frac{1}{4}$ Sec 20; $N\frac{1}{2}$ of Sec 29; $N\frac{1}{2}$ of Sec. 28; $W\frac{1}{2}$ of Sec. 21; $W\frac{1}{2}$ of $SE\frac{1}{4}$ & $SE\frac{1}{4}$ $SE\frac{1}{4}$ Sec 21; $SW\frac{1}{4}$ $SE\frac{1}{4}$ Sec. 22; and $W\frac{1}{2}$ of $NW\frac{1}{4}$ of Sec. 27, all in Township 15 South of Range 40 E. B. M. containing 1500 acres.

The name of the canal or ditch or other works by which said water is conducted to such place of use is East Ditch and West Ditch.

The right to take water from such works is based upon Permit No. 4198.

The source of supply from which such water is diverted is Worm Creek.

The date of the priority which said user is prepared to establish is November 6th, 1908.

W. G. Swendsen,
Commissioner of Reclamation.
m22a12-41

Affidavit of Publication

I, Lousdale B Roe

(publisher) X (foreman) of the

FRANKLIN COUNTY CITIZEN

published weekly at Preston, Franklin County, Idaho, do solemnly swear that a copy of the notice as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for (4)

consecutive weeks, commencing with the issue dated Mar 22 1922 and ending with the issue dated April 12 1922

By Lousdale B Roe

Subscribed and sworn to before me this 22
day of April 1922

4198

Geo H Carver
U.S. Commissioner

PERMIT NO. 4198**Proof of Application of Water to Beneficial Use****Deposition of Holder**

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

Ans. E. P. Moser, forty years, Preston Franklin County Idaho.
Farmer. P.O. Address Preston Franklin County Idaho. R.F.D. No. 1.

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. Preston Whitney Reservoir Company: Whitney Franklin Co. Idaho
I am president by appointment of the board of directors.

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

Ans. No. 4198, date November 6th 1908. Priority

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

Ans. Worm Creek: Point of diversion 3720 feet East & 2092 feet South
of North West corner of Section ten. Tp. 15 South of Range 40 E.B.M. Franklin Co.

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. Through a cement head gate 4½ ft wide by 2½ ft deep and canal five
feet on bottom and eight feet on top to the reservoir about three miles
long. Capable of conveying thirty second feet of water to place of use;
Preston Whitney Reservoir Ditch. Frm the reservoir through ditches No.
1, 2 & 3 to place of use.

Ques. 6. State for what purpost 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. The water is used for irrigation and domestic use. SW¼NE¼ 12 acres
irrigated, SE¼NE¼ 5 acres irrigated, NW¼SW¼ 20 acres irrigated, NE¼SW¼ 10 meadow
& 23 acres irrigated. SE¼SW¼ 20 meadow & 20 irrigated, SW¼SW¼ 20 acres irrigated, NW¼
SE¼ 15 acres meadow & 20 acres irrigated, NE¼SE¼ 5 acres irrigated, SW¼SE¼ 4 acres
irrigated. Sec. 20. NE¼NW¼ 20 acres irrigated, NW¼NW¼ 40 acres irrigated, SW¼NW¼ 40
acres irrigated, SE¼NW¼ 20 acres irrigated Section 29. NE¼NW¼ 40 acres irrigated
SE¼NW¼ 40 acres irrigated, NW¼NE¼ 40 acres irrigated, SW¼NE¼ 40 acres irrigated,
NE¼NE¼ 40 acres irrigated, SE¼NE¼ 40 acres irrigated &c 30 all in Tp 15 S. R 40 E.B.M.

Ques. 7. If for other than for 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 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. I am the representative of the company, Preston Whitney Reservoir
company. And the water is used for irrigation and not for power purposes.

4198

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

Ans. From the date of priority November 6th 1908. From the reservoir Through ditches thirty second feet have been used to water meadow and farming land each year as above described.

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.

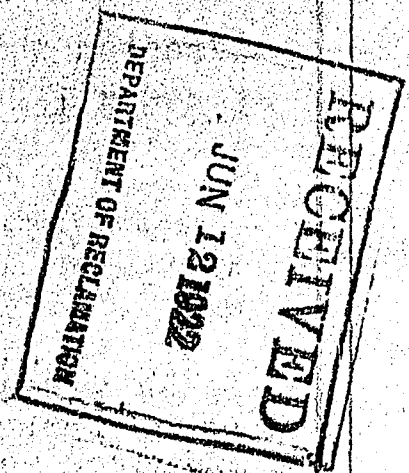
Ans.

(Sign)

E. P. Mores

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 Preston County of Franklin State of Idaho, on this 22nd day of April A. D. 1922

George H. Carson
United States Commissioner



Permit No...4198...

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. James R. Bobily, 50 years, Whitney Idaho, Farmer

Address Preston Franklin County Idaho R.F.D. No. 1.

Ques. 2. Are you acquainted with E. P. Moser, the holder of Permit No. 4198...? How long have you known him and where does he reside?

Ans. I have known the holder fifteen years. He resides in Preston Franklin County Idaho (He is the President of Preston Whitney Reservoir Co)

Ques. 3. Have you read or heard read said Permit No. 4198., and are you familiar with its provisions and conditions?

Ans. Yes sir. I have read the permit a number of times.

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. Worm Creek, 3020 ft East, 2092 ft South from North West corner of Section 10, Tp. 15 South of Range 40 E.B.M. Through a cement head gate and canal about three miles long to the reservoir. Then through the lateral ditches No. 1, 2 & 3 to place of use.

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. Thirty second feet; I have seen thirty second feet conveyed to the place of use.

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. The water is used for irrigation and domestic purposes. SW 1/4 NE 1/4 12 acres cultivated. SE 1/4 NE 1/4 5 acres cultivated and irrigated; NW 1/4 SW 1/4 20 irrigated; NE 1/4 SW 1/4 10 acres meadow 223 acres irrigated. SE 1/4 SW 1/4 20 acres meadow 20 acres irrigated SW 1/4 SW 1/4 20 A. Irr. NW 1/4 SE 1/4 15 meadow 20 cult; NE 1/4 SE 1/4 6 A. SW 1/4 SE 1/4 4 A. in Sec. 20. NE 1/4 NW 1/4 20 A. NW 1/4 NW 1/4 40 A. SW 1/4 NW 1/4 40 A. SE 1/4 NW 1/4 20 A. Sec. 29 NE 1/4 NW 1/4 40 A. SE 1/4 NW 1/4 40 A. NW 1/4 NE 1/4 40 acres. SW 1/4 NE 1/4 40 A. NE 1/4 NE 1/4 40 A. SE 1/4 NE 1/4 40 A. Section 30 all in Township 15 South of Range 40 E.B.M.

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

Ans. Not used for power purposes

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. The character of the land is of a mountainous formation in some places gravelly and clay soil. It will require about one acre foot of water to successfully irrigate the land to make a good crop of hay or grain.

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 have an interest in the water and the works; owning six hundred dollars of the stock.

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 the irrigation season from priority to date; through ditches to the amount of thirty second feet. I have seen homes built and lands brought under cultivation, through the system of irrigation.

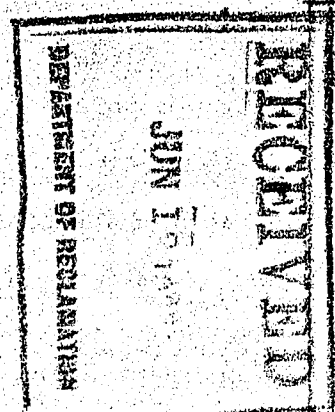
(Sign)

James R Bodily

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 Preston, County of Franklin, State of Idaho, on this 22nd day of April A. D. 1922.

George H. Garner
United States Commissioner Notary Public

My commission expires



Permit No. 4198

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Leonard Johnson, thirty two years of age, Preston Idaho
Farmer, Preston Franklin County Idaho P.F.D. No. 1.

Ques. 2. Are you acquainted with E.P. Moser, the holder of Permit No. 4198? How long have you known him and where does he reside?

Ans. I have been acquainted with President E.P. Moser for twenty years. he now resides in Preston Franklin County Idaho.

Ques. 3. Have you read or heard read said Permit No. 4198, and are you familiar with its provisions and conditions?

Ans. Yes sir. I have read the permit No. 4198 a number of times.

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. Worm creek 3720 ft East and 2092 ft South of the North West corner of Section Ten, Tp. 15 South of Range 40 E.B.M. Through a cement head gate and canal about three miles long to said reservoir then through ditches number 1, 2 & 3 to place of use.

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. Thirty second feet. I have seen thirty second feet conducted to place of use.

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. The water is used for irrigation and domestic purposes.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 12 acres irrigated SE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acres irrigated, NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres irrigated NE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres meadow & 23 acres irrigated, SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres meadow & 20 irrigated, SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres irrigated; NW $\frac{1}{4}$ SE $\frac{1}{4}$ 15 meadow & 20 acres irrigated; NE $\frac{1}{4}$ SE $\frac{1}{4}$ 6 acres irrigated; SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4 acres irrigated Sec. 20. NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres irrigated. NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres irrigated, SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres irrigated; SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres irrigated. Sec 29. NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres irrigated SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 acres irrigated, NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres irrigated, SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres irrigated, NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres irrigated, SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres irrigated, all in Tp. 15S of Range 40 E.B.M.

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

Ans. No used for power purposes.

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. The soil is of clay, gravel, sandy loam and will require about one acre foot of water for its profitable cultivation and irrigation under present conditions.

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 have an interest in the works and in the water I own three Hundred and thirty three dollars water stock. Thirty five acres of land.

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 the last fourteen years ... I have witnessed water used through the irrigation season to mature the crops of hay and grain produced under the system of irrigation.

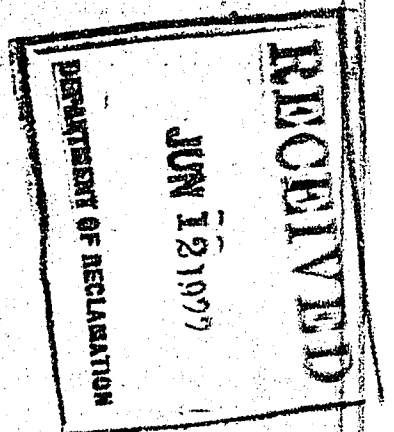
(Sign) Leonard Johnson

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 Preston, County of Franklin, State of Idaho, on this 22nd day of April A. D. 19 22

George H. Brown
United States Commissioner Notary Public

My commission expires

4198



June 16, 1922.

Re: Permit No. 4198-Preston Whitney Res. Co.

Mr. George H. Carver,
Preston, Idaho.

Dear Sir:-

Your letter of the 10th inst., enclosing depositions and affidavit of publication for proof of use of water under the above permit, was duly received. The depositions are in acceptable form and will be placed on file pending the examination by our engineer, after which you will be further advised as to fees required before issuing license.

Very truly yours,

W. G. SWERDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 5-n
Permit No. 4198

1. State name of applicant and number of permit: Preston-Whitney Reservoir Co.
2. State source of water supply: Worm Creek
3. Location of point of diversion: 3720' E. & 2092' S. of N.E. Cor. Sec. 10-15S-40E34
4. Describe works as they exist, giving dimensions and capacities of same:
Reservoir Dam 500' long, 92-1/2' bottom width, irregular top width.
Worm Creek Ditch, 2 mi. long, 5' bottom, 3' deep, 30 s. f. capacity.
Laterals, 3 mi., 4' bottom, 5 s. f. capacity.
T. O., sheet iron, covered with concrete, iron gate, 18".
Field laterals 2' bottom, 1 ft. deep.
5. State whether or not water has been turned into works of diversion: Yes.
6. Give exact location 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): S₁/₂NE₁/₄ & S₁/₂ Sec. 19; NE₁/₄ Sec. 30; S₁/₂ Sec. 20; E₁/₂NE₁/₄ Sec. 20; NE₁/₄ Sec. 29;
NE₁/₄ Sec. 28; W₁/₂ Sec. 21; W₁/₂SE₁/₄ & SE₁/₄SE₁/₄ Sec. 21; SW₁/₄SE₁/₄ Sec. 22; & W₁/₂NW₁/₄ Sec. 27 -
Twp. 15 S., E. 40 E., B.M.
(See attached supplement for list of cultivated irrigated lands.)
7. Submit map on enclosed plat, showing location and details of above description.
8. How many parties conduct water in this system? Two.
9. Give names and amount of each right:
E. F. Ballif. 3 s. f.; The Preston-Whitney Reservoir Co. 20 s. f.
10. What large stream would the water here appropriated finally reach? Salt Lake.
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:
Worm Creek-Cub Creeek-Bear River-Salt Lake.

Remarks:

This examination was made on the 21st day of August, 1922.

4198

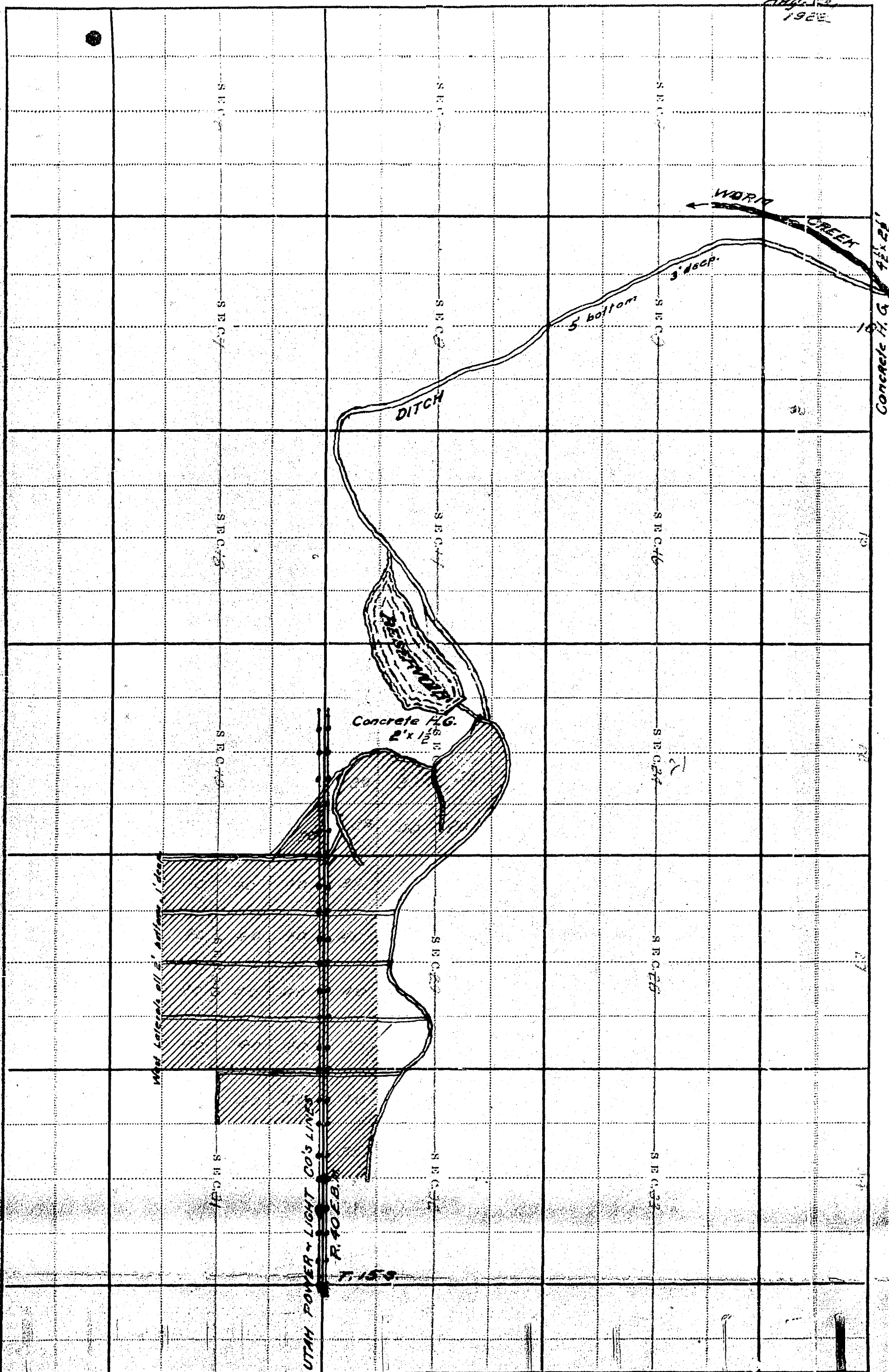
(Signed)

Edmund C. Hensinger

Examiner.

OVER

Aug 22
1922



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

PRESTON-WHITNEY RESERVOIR COMPANY

PERMIT No. 4198

Examined by Elvin W. Henninger,
Aug. 21, 1922.

LIST OF CULTIVATED IRRIGATED LANDS

All in T. 15 S., Range 40 E., E. M.

Sec. 20

SE 1/4 NE 1/4	. 3	A.
SW 1/4 NE 1/4	. 12	"
NE 1/4 SE 1/4	. 6	"
SE 1/4 SE 1/4	. 0	"
NW 1/4 SE 1/4	. 35	"
SW 1/4 SE 1/4	. 20	"
NE 1/4 SW 1/4	. 33	"
SE 1/4 SW 1/4	. 40	"
NW 1/4 SW 1/4	. 20	"
SW 1/4 SW 1/4	. 20	"

- I issued
note in publication Note in Permit -
I already issued

Sec. 19

SE 1/4 SE 1/4	. 20	"
---------------	------	---

- I issued

Sec. 29

NW 1/4 NW 1/4	. 39	A.
SW 1/4 NW 1/4	. 40	"
NW 1/4 SW 1/4	. 40	"
SW 1/4 SW 1/4	. 40	"

I issued
note in publication Note in Permit -

Sec. 30

NE 1/4 NE 1/4	. 40	A.
SE 1/4 NE 1/4	. 40	"
NW 1/4 NE 1/4	. 40	"
SW 1/4 NE 1/4	. 40	"
NE 1/4 NW 1/4	. 40	"
SE 1/4 NW 1/4	. 40	"
NE 1/4 SE 1/4	. 40	"
SE 1/4 SE 1/4	. 40	"
NW 1/4 SE 1/4	. 40	"
SW 1/4 SE 1/4	. 40	"
NE 1/4 SW 1/4	. 40	"
SE 1/4 SW 1/4	. 40	"

I issued

Sec. 31

NE 1/4 NE 1/4	. 40	A.
NW 1/4 NE 1/4	. 40	A.

not in Permit

Sec. 32

NW 1/4 NW 1/4	. 40	A.
SW 1/4 NW 1/4	. 35	"

not in Permit

13 - 40 not inc. in former license

October 10, 1922.

Re: Permit No. 4198.

Mr. George E. Carver,
Preston, Idaho.

Dear Sir:-

In looking over the proof of beneficial use of water recently filed under the above permit, we find that the license has already issued for the entire list of lands published, and for 30 second foot of water, the full amount claimed under this permit. A second license could, not, therefore, be issued under this permit.

The report shows lands under cultivation and irrigation that are not included in the permit here. These, I take it, have come in under the enlargement of the reservoir by raising the dam, but to obtain a license for the water for these lands, the holder would be required to file a new application to cover the additional water and the lands to be irrigated. The enclosed list of lands is taken from the engineer's report and shows the lands included in the license already issued and also additional lands not included in the permit. The license issued bears date of August 27, 1920.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

October 16, 1922.

Re: Permit No. 4198

Mr. E. P. Moser, President,
Preston & Whitney Reservoir Co.,
Preston, Idaho.

Dear Sir:I

I am herewith inclosing you letter addressed to
Mr. Geo. H. Carver which has just been returned to this
office.

This letter was sent relative to proof of bene-
ficial use of water which was recently made by the Com-
pany as holder of the above numbered Permit.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By
Chief Clerk.

CB:E
Encl.

4198

ECHO FARM

SPECIALIZING IN

SUGAR BEETS
GRAIN, HOGS, DAIRY
COWS AND
PERCHERON HORSES



WINESAP
ROME BEAUTY
WINTER BANANA
JONATHAN

PHONE NO. 224F3

WHITNEY, IDAHO.

Dec 4 - 1922

Mr. H. G. Swendsen
Boise, Id.

Dear Sir

your letter of Oct 16 to Pres E. P. Moser
of the Preston & Whitney Reservoir Co. permit 4198
I am instructed to write you for more
information.

We want to do all the state requires of us in every
particular. As this work has fallen on younger shoulders
legal heirs to this Co.

- 1- We want to know where we stand with the State of Idaho
relative to this matter?
 - 2- What more can we do that we have not done so far
as your depts. is concerned?
 - 3- According to your office is our water right secured?
 - 4- For the licence & permit two different instruments?
 - 5- Is it necessary to have deeds from your depts. for
the work & water thus far done & secured in our judgment?
- Please let us know what next to do for which
we will be very grateful.

4198

Yours truly, B. B. Bennett Secy. Treas.

December 5, 1922.

Re: Permit No. 4198-

Mr. E. P. Moser, President,
Preston-Whitney Reservoir Co.,
Preston, Idaho.

Dear Sir:-

Replying to your letter of the 4th inst. would say that all requirements have been complied with under the terms of the above permit. Both proof of completion of works and proof of beneficial use of water were made and the certificate and license issued for the full amount of water claimed-30 second feet. The Water License, which is the final title to the use of the water, was mailed to Mr. J. W. Winward, at Preston, September 8, 1920.

The permit and license are two different instruments. The permit is the approved application and simply gives the applicant permission to proceed with the construction of diversion works and beneficial use of the water. After the works have been constructed, the proof of completion of works is submitted and the certificate issued. When the land has been beneficially irrigated and cultivated from the use of the water, the final proof is made, upon which the license is based.

There is nothing more to be done to secure this water right in this office.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

WATER MEASURING
DEVICES AND HYDRAULIC
MACHINES
SCIENTIFICALLY
INSTALLED

AM PREPARED TO MEASURE THE FLOW OF ANY STREAM



FRANKLIN COUNTY IDAHO

LAND DRAINAGE
PIPE LINE
SURVEYS
P. O. BOX 212
PHONE 294-W

SURVEYOR'S OFFICE

W. K. AITKEN

Preston, Idaho, Aug. 4-1923.

Comm. of Reclamation,
Boise, Idaho.

Dear Sir:-

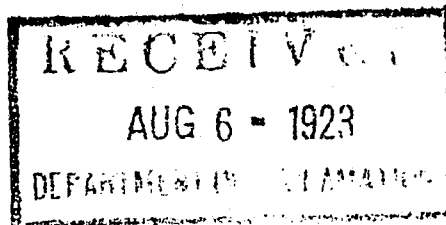
I am engaged to prepare application for permit to enlarge the Preston, Whitney Reservoir by raising it's Dam, said Dam being constructed, and accepted by your office as Permit No. 4198.

A few days ago I requested you to send me the necessary Blanks for the project. You were kind enough to forward me FORM No. 1 but it does not seem to fit the case of ENLARGING a Dam, and I wonder if you misunderstood my application.

To re-state, The old Dam has been in use many years and is now to be raised to a 10 foot higher duty. If the form you sent is to be changed to suit the condition please advise me.

Yours very truly,

W. K. Aitken.



4198

August 6, 1923

Re: Permit No. 4198

Mr. W. K. Aitken,
Preston, Idaho

Dear Sir:

Form No. 1 which was recently sent you, is the only form we have in this office for the filing of application for permits. This form is used for enlargements as well as for original applications, and when used for an enlargement it is only necessary to so state under the title of "Remarks".

In filing such an application *all* information, especially dimensions of structures or canals, you should show only the contemplated size when the same have been enlarged.

With reference to the raising of the dam, you should file detailed plans and specifications similar to those which you would submit to a contractor for bids; that is, plans and specifications which must receive such approval before starting construction work are in no wise related to the permit file and may be filed subsequent to the approval of the permit but prior to the beginning of actual construction work.

Very truly yours,

Director of Water Resources.

GNC:P

4198

May 25, 1925

Re: Permit 4198

Mr. B. W. Winnard
Secretary, Preston-Whitney Reservoir Company
Preston, Idaho.

Dear Sir:

As I promised you while in Preston last week, I am transmitting herewith copy of License No. 4198, permit of the Preston-Whitney Reservoir Company, to divert water from Worm Creek.

In connection with the construction work you are carrying on - raising the dam - I have just reviewed the plans and specifications which were approved by this department and are on file here. I note that the specifications for placing of the fill requires that the material shall be placed in layers not to exceed six inches in thickness when spread, thoroughly sprinkled and rolled with a roller weighing not less than one thousand pounds per lineal foot of length of roller. I wish to impress upon your Board the importance of having the material which is placed above the present water surface, thoroughly tamped or rolled. This is a very important item in the construction of an earth fill dam and I do not believe you can be too careful in thoroughly tamping or compressing all material which is placed dry. Of course, that part of the fill which is dumped in the water will puddle and thus be more thoroughly compacted. It is also well to keep the top of the dam as nearly level as possible as you go up with the filling.

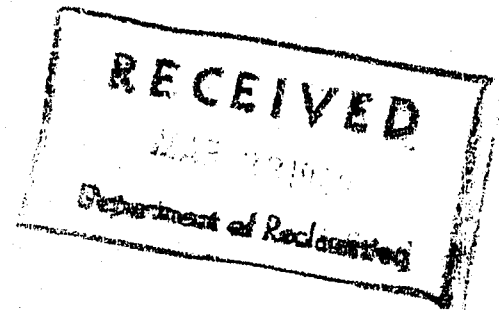
Very truly yours,

Assistant Commissioner
of Reclamation

CNC:E
Enc.

4198

Preston, Idaho
March 22, 1948



Idaho State Commissioner of Reclamation
State House
Boise, Idaho

Dear Sir:

Will you be kind enough to send us a copy of Permit No. 4198 and a copy of the map showing the lands included under the permit, and also a copy of Permit No. 15883 and a copy of the map showing the lands under this permit?

These permits are in the name of Preston Whitney Reservoir Company of Franklin County, Idaho.

Will you also check your records and advise us if there are any other permits issued in the name of the Preston Whitney Reservoir Company, and if there are any additional permits send us a copy of them and a copy of the maps showing the land under the permits?

Yours very truly,

PRESTON WHITNEY RESERVOIR CO.

BY

Harold Olverson

Secretary

bf

4198 - 152 L 152

15883 - 152 L 152 Permit 50

4198

March 26, 1948

Mr. Harold Oliverson, Sec'y
Preston Whitney Reservoir Co.
Preston, Idaho

Dear Mr. Oliverson:

In reply to your letter of March 22, 1948, requesting copies of permits in the name of the Preston Whitney Reservoir Company.

In addition to Permits Nos. 4198 and 15883, we find Reservoir Permit No. R-326 in the name of the Preston Whitney Reservoir Company.

Since Permits Nos. 4198 and 15883 have both gone to licenses, we are not sure whether you would prefer a copy of the permits themselves or the licenses.

A copy of Permit No. 4198 would cost \$1.50 or \$1.00 for the license, and this will include a copy of the map.

A copy of either Permit No. 15883 or the license will cost \$1.00, but since the map accompanying this permit is a tracing, we would have to have a print made which would cost an additional fifty-cents.

A copy of Permit No. R-326 will cost \$1.00, but there seems to be no map filed in connection with this permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

April 19, 1948

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Sir:

Will you kindly send us copies of Permit No. 4198, including a copy of the map, Permit No. 15883, and a copy of the map, and Permit No. R-326?

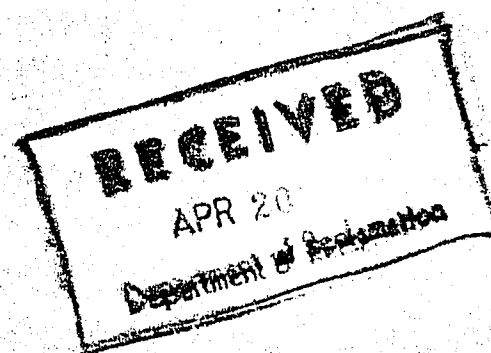
We are enclosing \$4.00 in payment for these copies as requested in your letter of March 26, 1948.

Yours very truly,

PRESTON WHITNEY RESERVOIR CO.

E. *Harold Oliverson*
Harold Oliverson, Secretary

bf
Enclosure



4198

✓
4198

April 26, 1948

Mr. Harold Oliverson, Sec'y
Preston Whitney Reservoir Co.
Preston, Idaho

Dear Mr. Oliverson:

We enclose copy of Permit No. 4198 including map, Permit No. R-326 including map which relates to both Permit No. 15883 and Permit R-326.

We enclose Departmental Receipt No. 20556 for the \$4.00 fee for making these copies.

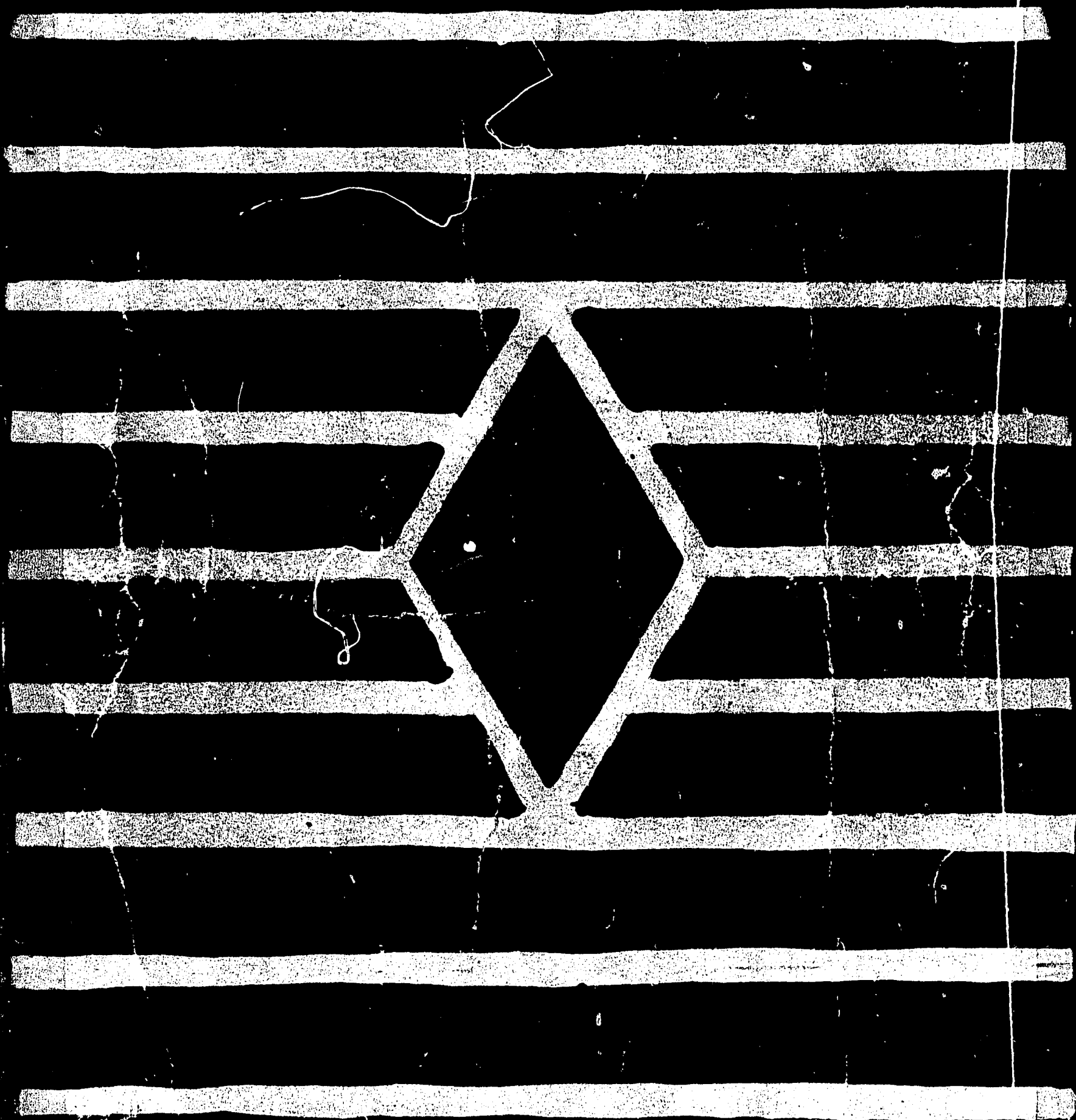
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

4198



State of Idaho
License and Certificate of Water Right

Water License No. 4198
Water District No. 5-H

Amount 30 sec. ft.
Priority Sept. 17, 1910.

THIS IS TO CERTIFY that **Preston & Whitney Reservoir Co.**
of **Preston, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **November 6**, 1908; that Permit No. **4198**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of **30**
second feet, was issued thereunder on **February 14**, 1914 showing that said works
were completed on the **17th** day of **December**, 1913; and that on the **20th**
day of **November**, 1919,

Preston & Whitney Reservoir Co.

of **Preston**, State of **Idaho**, made proof to the satisfaction of the
~~Commissioner of Reclamation~~ of Idaho, of a right to the use of the waters of **Worm Creek**,
a tributary of -----, for the purpose of **irrigation & domestic use**,
under Use Permit No. **4198** of the ~~Commissioner 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~~
~~Engineer~~ of Idaho and entered of record in Volume **5** of Licenses, at page **2602**, on the **27th**
day of **August**, 1920;

The right hereby confirmed dates from **September 17**, 1910;

The Point of Diversion is located **3720' E. & 2092' S. of NW cor. of**
in the ----- $\frac{1}{4}$ Sec. **10**, Tp. **15 S.**, R. **40 E.**, B.M.

County of Franklin.

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 **30** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	40 E.	19	SE $\frac{1}{4}$, NW $\frac{1}{4}$	400	400
		20	SE $\frac{1}{4}$, NE $\frac{1}{4}$	400	400
		21	NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$	440	440
		22	SW $\frac{1}{4}$, SE $\frac{1}{4}$	40	40
		27	W $\frac{1}{2}$, NW $\frac{1}{4}$	80	80
		28	N $\frac{1}{2}$	320	320
		29	N $\frac{1}{2}$	320	320
		30	N $\frac{1}{2}$	320	320
					2520

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.

Commissioner of Reclamation

WITNESS the seal and signature of the ~~Commissioner of Reclamation~~, affixed at Boise, Idaho, this **27th**
day of **August**, 1920.

H. G. Evenden

~~Commissioner of Reclamation~~
Commissioner of Reclamation

By **S. T. Baer**,

Deputy.

(SEAL)

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
155	40E	19							LT2 40	40	40	40	40	40	40	40	40	40	
		20	40			40					40	40	40	40	40	40	40	40	
		21					40	40	40	40	40	40	40	40		40	40	40	
		22															40		§
		27						40	40										
		28	40	40	40	40	40	40	40	40									
		29	40	40	40	40	40	40	40	40									
		30	40	40	40	40	40	LT1 40	LT2 40	40									

Total number of acres irrigated _____

13-2022

24

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
------------	------------------	----------	---------	--------------------------	----------------------------------	---	-----------------------	--	----------------------------------

13-2022 PRESTON WHITNEY (con't)
RESERVOIR COMPANY

Sec. 31 (con't) License

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 27.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39.0

Sec. 32

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 12.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 37.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 38.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 31.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 32.0

Sec. 29

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 39.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 39.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 37.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 19.0

Sec. 17

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 13.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.0

T15S, R40E

Sec. 6

Lot 1 36.0
Lot 2 33.0
Lot 3 23.0
Lot 4 23.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 29.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 35.0

Sec. 5

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0

T16S, R40E

1,559.0

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

13-2022

23

SOURCE: Worm Creek

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To					

13-2022 PRESTON WHITNEY
RESERVOIR COMPANY
Preston, Idaho

9-17-1910 Irrigation 4-1 11-1 5457.0 30.0 NW $\frac{1}{4}$ SE $\frac{1}{4}$, S.10 T15S, R40E

amended by final decree

The amount of water diverted using this right, 13-2102, and 13-2287 shall not exceed 40 c.f.s. or 5457.0 af/year.

Sec. 36 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 37.0 License
T15S, R39E
Sec. 1
Lot 1 4.0
T16S, R39E
Sec. 19
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 37.0
Sec. 20
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 1.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 36.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 7.0
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4.0
Sec. 30
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 40.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 37.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 36.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 24.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 37.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 39.0
Sec. 31
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 35.0
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 39.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 39.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 20.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0