

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 20541
Permit No. 14447
District No. 5-H

1. Name of Applicant: **Franklin Cub River Pumping Company.**

Postoffice address: **Franklin** County: **Franklin** State: **Idaho.**

I. If applicant is a corporation, give:

(a) Date and place of incorporation: **June 19th, 1919, Franklin, Idaho.**

(b) Amount of capital stock: **\$25000.00**

(c) Amount paid in: **\$10,000.00**

(d) Names and addresses of directors: **Wm. Durant, Wm. Robinson, Wallace Olson,**

L. L. Hatch, T. H. Durant, S. L. Woodward, Henry Biggs and

II. The financial resources of the applicant are:

(a) Cash on hand: **\$1000.00**

Alma Morrison all of

(b) Treasury stock: **\$15,000.00**

(c) Bonds to be issued: **none**

Franklin, Idaho.

(d) Other resources: **none.**

2. Quantity of water claimed: **20.0** cubic feet per second.

3. Source of water supply: **Cub River** which is a tributary of **Bear River.**

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

corner of Section , T. , R. , B. M., and is in the **SE 1/4 NE 1/4**

of Section **30** T. **16 S.** R. **40 E.** B. M., County of **Franklin.**

5. Water is to be used for: **Irrigation purposes.**

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

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

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

(c) Water is to be returned to at a point feet

distant from the corner of Section T. , R. , B. M., in the
of Section T. , R. , B. M.

7. Estimated cost of works: \$ **7,500** including pumping apparatus.

8. Kind of works: **Dam, ditch & pump.**

9. Height of dam **10** feet; length of dam at top **60** feet; length of dam at bottom **35**
feet; material used in dam **earth & concrete.**

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

11. Ditch: Width at bottom **6** feet; width at water line **12** feet; depth of water **4**

feet; dimensions of flume

Diameter of pipe inches; length of conduit **3** miles.

Average grade per mile **2** feet.

12. The time required for the completion of such work is **5** years.

13. The time required for the complete application of the water to the proposed use is **6** additional years.

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

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

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

Franklin Cub River Pumping Co. Applicant.

By Hart & Rich Agent.

Commissioner of Reclamation
Date of first receipt at office of ~~State Engineer~~ 9:00 A. M. Nov. 28, 1919.

Returned to applicant for correction

Corrected application received

COMMISSIONER OF RECLAMATION
APPROVAL OF ~~STATE ENGINEER~~

The number of this permit is **14447**
Recorded in Book **51** Page **14447** Approved **December 10, 1919.**
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before **February 8, 1920** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before **June 10, 1922.**
The whole of said work to be completed on or before **December 10, 1924.**
Beneficial use of water appropriated in accordance herewith, to be made on or before **December 10, 1930.**

Witness my hand this **10th** day of **December, 1919.**

W. G. Swendsen.
~~State Engineer~~
Commissioner of Reclamation.

Remarks:

14 Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16 S.	40 E.	28					40	40	40	40	40	40	40	40					320
		29	40	40	40	40			40	40			40	40	40	40	40	480	
		30											30	40	40	15	40	40	205
Total number of acres to be irrigated.....																			1005

Proof Completion of Works made: August 28, 1920.
Certificate issued: March 16, 1921.

Permit No. 14447

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that Franklin Cub River Pumping Company, of Franklin, County of Franklin, and State of Idaho, the holder of Permit No. 14447, issued upon Application No. 20541, bearing date of priority of November 28, 1919, authorizing the diversion of 20 second feet of the waters of Cub River, County of Franklin, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 20 second feet of the waters of Cub River; that the point of diversion of said waters is in the SE¼NE¼, Sec. 30, T. 16 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: NW¼ & SW¼ Sec. 28; NE¼, S¼NW¼, S¼SW¼ and SE¼ Sec. 29; S¼SW¼ and SE¼ Sec. 30; all in T. 16 S., R. 40 E., B. M.

Witness my hand this 16th day of March, A. D. 1921.

W. G. SWENDSEN,
Commissioner of Reclamation.

License issued for 20.0 second feet

Page 2789

ARTHUR H. W. HART
COUNSELOR-AT-LAW

JESSE P. RICH
COUNSELOR-AT-LAW

HART & RICH
PRESTON, IDAHO
PHONE NO. 4

November 22nd, 1919.

Department of Reclamation,
Boise, Idaho

Gentlemen:

We enclose herewith application of Franklin
Cub River Pumping Co for permit to appropriate
water, together with our check in the sum of \$2.90
for filing fees.

We are also sending under separate cover the
duplicate maps as required in connection with the
application.

Yours very truly,

HART & RICH

Per *Arthur H. Hart.*
D.M.

14447

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 14447
Hart & Rich
Preston, Idaho.

Boise, Idaho,
Dec. 18, 1919.

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.

W. C. Swendsen.

Commissioner of Reclamation.

14447

February 12, 1920.

Re: Permit 14447.

Franklin Sub River Pumping Co.,
Franklin, Idaho.

Gentlemen:

For your information there is attached hereto a statement of the status of permit No. 12938 issued to Ivan Woodward and Samuel J. Hardy under priority date of April 12, 1917.

Under the provisions of this permit, work was to have been started on or before July 27, 1917 and one-fifth of the work was required to be completed on or before November 28, 1918. Completion of works is required on or before May 28, 1921.

This permit calls for 3 second feet of the waters of Sub River or a tributary thereof and is to be used for irrigation purposes.

There is nothing in the records of this Department to show whether or not the applicant has complied with the provisions of his permit regarding the commencement of the work and the doing of one-fifth.

Under the statutes if the work was not started within the time limit specified in the permit and if the one-fifth of the work was not performed within the required time, the permit would be subject to cancellation, providing a petition for such cancellation was filed by some other permit holder, and the conditions set up in his allegation were sustained.

Obviously an examination of the ground will be necessary before we can tell whether or not this permit is valid.

I may say that in passing, that the statutes do not make it possible for this office to take the initial steps to cancel a permit on the ground that the work was not commenced in time or on the ground that one-fifth was not performed in time. We can, however, take steps to cancel a permit where the proof of completion is not made on or before the required time.

Very truly yours,

WGS:MB

Commissioner of Reclamation.

14447

March 18, 1920.

Re: Permit 14447. - Franklin Cub River Pumping Co.

Mr. Arthur W. Hart,
Attorney at law,
Preston, Idaho.

Dear Sir:-

Enclosing herewith certificate and license issued
under the above numbered permit, with receipt for fees paid.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____
Chief Clerk.

C&L-R6609

14447

BOARD
L. L. Hatch
Wm. Robinson
Ernest Johnson
P. B. Dunkley

VILLAGE OF FRANKLIN

P. G. WHITEHEAD, CHAIRMAN

OFFICERS
T. H. Durrant, Clerk
F. E. Woodward, Treasurer
Thomas Durrant, Police Judge
Geo. Magee, Marshall

Franklin, Idaho,

July 8 1920

W. G. Svendsen

Commissioner, Reclamation

My Dear Sir

We beg to inform you that the
Installation of the Franklin Sub River
Pumping Co. Machinery is fully completed
and herewith ask you to send to us
the necessary Blank forms where by we may
make final proof as per permit No 14447
and filed Nov. 28-1919

atly A. W. Hart applicant in behalf of
Franklin Sub River Pumping Co.

Yours respty

T. H. Durrant

Secy Pumping Co.

RECORDED

JUL 16 1920

OFFICE OF THE CLERK

14447

July 10, 1920.

Re: Permit 14447.

Mr. T. H. Durant, Sec'y,
Franklin Cub River Pumping Co.,
Franklin, Idaho.

Dear Sir:

Per your request of the 8th instant, I am enclosing
herewith blank notices for proof of completion of works and
beneficial use of water under the above numbered permit.

Yours very truly,

W. G. Swendsen,
Commissioner of Reclamation,

By: _____

CMB:MW

14447

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

July 21 - 1920

(P. O.)

Franklin 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 Citizens

of *Preston Idaho*

, published

in the county in which the works are situated.

Franklin Pub River Runpage Co,
Myra Ida

By O. M. Durrant 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.

14447

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

Notice is hereby given that at 4 P.M. on the 28th
day of August, 1920, at Preston, County of
Franklin, State of Idaho, before Arthur W. Hart, notary public
proof will be submitted of the completion of works for the diversion of 20
cubic feet per second of the waters of Cub River
and of the application to beneficial use of said water in accordance with the terms and conditions
of Permit No. 14447 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

Franklin Cub River Pumping Co., Franklin, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and
the amount of water which said works are capable of conducting to the place of use, in accord-
ance with the plans accompanying the application for such permit, is 20
cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic
purposes, and the amount applied to beneficial use is 20 cubic feet per second.

4. The place where said water is used is W $\frac{1}{2}$ Sec. 26; NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 29;
S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ & 15 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T. 16 S., R. 40 E., B.M.

5. The date of priority which said user is prepared to establish is Nov. 28, 1919.

W. G. Swendsen,
Commissioner of the State Engineer.

State Engineer.

14447

Aug 24

July 23, 1920.

Re: Permit 14447.

Mr. Wm. Durant,
Pres., Franklin Cub River Pumping Co.,
Franklin, Idaho.

Dear Sir:

We are just in receipt of notices for proof of completion of works and beneficial use of water under the above numbered permit, and copy of the notice has today been mailed to the Franklin County Citizen for the required four weeks publication prior to August 28th, the date set for proof. Deposition blanks will later be mailed to Arthur W. Hart, Notary Public before whom proof is to be made.

Yours very truly,

W. G. Swendsen,
Commissioner of Reclamation,

By: _____

OMB:MW

14447

State of Idaho

ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO, Aug. 23, 1920.

Per. 14447.
Franklin Sub River Pumping Co.,
c/o Arthur W. Hart,
Franklin, 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. 14447-----

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 August 28, 1920-----, 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 Franklin, before Arthur W. Hart, notary public.-----

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

Yours truly,

W. G. Swendsen,-----

State Engineer.

14447

ARTHUR W. HART
Attorney-at-Law

JESSE P. RICH
Attorney-at-Law

HART & RICH
PRESTON, IDAHO
Phone No. 4

August 30, 1920.

Mr. Warren G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

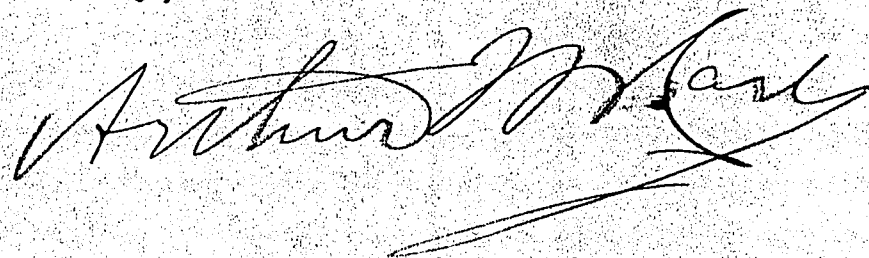
Dear Sir:

I enclose herewith the following described
papers, to wit:

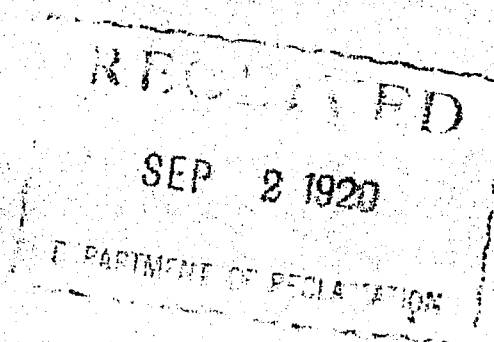
Affidavit of publication of notice of proof
of completion of works and application of water to
beneficial use; deposition of witness, Thomas H. Durant,
deposition of Hans W. Olsen, and deposition of William
Durant, president of the Franklin Cub River Pumping Co.,

Kindly let us know your further pleasure.

Yours truly,



AWH/Vlc



14447

PERMIT No. 14447

PROOF OF COMPLETION OF WORKS AND

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. William Durant, 42, Franklin, Idaho, farmer, Franklin, Idaho.

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. Franklin Cub River Pumping Company, Franklin, Idaho, President of corporation, authorized by directors of the corporation. (It is incorporated under the laws of Idaho)

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

Ans. No. 14447, November 28, 1919, November 28th, 1919.

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

Ans. Cub River; in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 30, Twp. 16 S. R. 40 E. B. M.; Cub River and the springs, rivulets, and tributaries flowing into Cub River)

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. Dam, ditch and pump, will carry 10 sec. ft of water. Franklin Cub River Pumping Company canal.

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. For irrigation and agricultural purposes; W $\frac{1}{2}$ of Sec. 28, 250 acres irrigated; NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$; S $\frac{1}{2}$ of SW $\frac{1}{4}$; and SE $\frac{1}{4}$ of Sec 29; about 250 acres irrigated; S $\frac{1}{2}$ of SW $\frac{1}{4}$; and SE $\frac{1}{4}$ of Sec. 30, 205 acres irrigated, all in Twp. 16 S. R. 40 E. B. M. Subdivisions as set forth in said permit.

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. 10 second feet, or $\frac{1}{2}$ of one miner's inch per acre.

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.

14447

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

Ans. Pumping plant and works were completed about July 1st, 1920, and immediately thereafter, wheat, alfalfa, and beet crops were irrigated and the alfalfa and beet crops have been irrigated continually since that time.

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. No other water used.

(Sign) *Wm. D. ...*

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 28th day of August A. D. 1920.

Arthur W. ...
Notary Public, Preston, Idaho.

14447

RECORDED

SEP 2 1920

DEPARTMENT OF RECLAMATION

Permit No. 14447

PROOF OF COMPLETION OF WORKS AND

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Hans W. Olsen, 38, Franklin, Idaho, farmer, Franklin, Idaho.Ques. 2. Are you acquainted with Franklin Cub River Pumping Company, the holder of Permit No. 14447? and its President, William Parant. How long have you known him and where does he reside?Ans. All his life; resides at Franklin, Idaho.Ques. 3. Have you read or heard read said Permit No. 14447, and are you familiar with its provisions and conditions?Ans. yes: 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. It comes from Cub River and its tributaries, including several small springs which run into Cub River and a tributary known as Maple Creek; in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 30, Twp. 16 S. R. 40 E. B. M.Dam, ditch and pumping plant.

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. The capacity of the pump is 10 second feet, as it is now installed, and it has been pumping to its full capacity since July 1, 1920

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. For irrigation and agricultural purposes: E $\frac{1}{2}$ of Sec. 28, 250 acres irrigated; NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$, S $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of Sec. 29, 250 acres irrigated; S $\frac{1}{2}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Sec. 30, 205 acres irrigated, all in Twp. 16 S. R. 40 E. B. M., Subdivisions as set out in said permit; cultivated lands, all fenced.

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. It is a clay loam, and it will require $\frac{2}{3}$ of an inch to the acre for its profitable irrigation.

14447

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 \$500.00 stock in said corporation, the holder of said permit.

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 been irrigating off and on since July 1, 1920, and have been irrigating up until July 25th, 1920, and I have seen most of the other stock holders irrigating their lands herein described. The pumps used are two #8 Allis Chalmers.

(Sign) Harold W. Olsen

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 28th day of August, A. D. 1920.

Arthur M. Clark
Notary Public.

My commission expires March 1, 1924.

14447

RECEIVED

SEP 2 1920

U. S. DEPARTMENT OF RECLAMATION

Permit No. 14447

PROOF OF COMPLETION OF WORKS AND

Proof of Application of Water to Beneficial Use.

DEPOSITION OF WITNESS

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

Ans. Thomas H. Durant, 71, Franklin, Idaho, farmer, Franklin

Idaho.

Ques. 2. Are you acquainted with Franklin Cub River Pumping Company, the holder of Permit No. 14447? and its President, William Durant? How long have you known him and where does he reside?

Ans. All his life; resides at Franklin, Idaho.

Ques. 3. Have you read or heard read said Permit No. 14447, and are you familiar with its provisions and conditions?

Ans. yes; 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. It comes from Cub River and its tributaries, including several small springs which run into Cub River and a tributary known as Maple Creek; in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 30, Twp. 16 S. R. 40 E. B. M.; Dam, ditch and pumping plant.

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. The capacity of the pump is 10 second feet, as it is now installed and it has been pumping to its full capacity since July 1, 1920.

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. For irrigation and agricultural purposes; W $\frac{1}{2}$ of Sec. 28, 250 acres irrigated; NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$, S $\frac{1}{2}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of Sec. 29, 250 acres irrigated; S $\frac{1}{2}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of Sec. 30, 205 acres irrigated, all in Twp. 16 S. R. 40 E. B. M. Subdivisions as set out in said permit. Cultivated lands, all fenced

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. It is a clay loam, and it will require $\frac{2}{3}$ of an inch to the acre for its profitable irrigation.

14447

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 \$400.00 stock in said corporation, the holder of said permit.

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 irrigated off and on since July 1, 1920, and have been irrigating today, and have seen most of the other stock holders irrigating their lands herein described. The pumps used are two #8 Allis Chalmers.

(Sign) Thomas H. Durant

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 28th day of August A.D. 1920.

Arthur M. Carr
Notary Public.

My commission expires March 1, 1924

14447

RECEIVED

SEP 2 1920

DEPARTMENT OF RECLAMATION

Affidavit of Publication

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

Notice is hereby given that at 4 p. m. on the 28th day of August, 1920 at Preston, County of Franklin, state of Idaho, before Arthur W. Hart, notary public, proof will be submitted of the completion of works for the diversion of 20 cubic feet per second of the waters of Cub River and the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 14447 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 Franklin Cub River Pumping Co., Franklin, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit is 20 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 20 cubic feet per second.

4. The place where said water is used is W $\frac{1}{2}$ Sec. 28; NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec 29; S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ and 15 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30 T. 16 S., R. 40 E. B. M.

5. The date of priority which said used is prepared to establish is Nov. 28, 1919.

W. G. Swendsen,

Commissioner of Reclamation.

STATE OF IDAHO

COUNTY OF FRANKLIN ss.

I Charles 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 5 day of August 1920 and the last on the 26 day of August 1920 that said notice was published in the reg-

ular 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.

Subscribed and sworn to before me this

30 day of August 1920

Arthur W. Hart
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 _____.

14447

Boise, Idaho

Sept. 2, 1920.

Re: Permit.
No. 14447

Mr. Arthur W. Hart,
Attorney at Law,
Preston, Idaho.

Dear Sir:

We are today in receipt of depositions and affidavit
of publication for proof of beneficial use of waters under the
above numbered permit.

As soon as the report of our Examining Engineer is
made, you will be further advised as to fees required before
issuing licence.

Very truly yours,

W. G. SWENDSEN.

Commissioner of Reclamation.

By _____

14447

REPORT OF ENGINEER

Completion Works &

This proof is for Beneficial UseIn Water District No. 5-H

1. State name of applicant and number of permit: Franklin Cub River Pumping Co.-Permit 14447
2. State source of water supply: Cub River
3. Location of point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30, T. 16 S., R. 40 E., B.M.
4. Describe works as they exist, giving dimensions and capacities of same:

2 8" cent pumps. 2 40 H.P. elec. motors. 16" pipe to canal,
50' head. Earth dam, 3' H. 20' long,
Concrete sump, 10' x 13'. Frame pump-house.
Ditch, 4' B. 2' D. Cap. 5 S.F.
Ditch, 6' B. 2.5' D. Cap. 6 S.F.
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): W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 28; NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 29; S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ & 15 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, all in Twp. 16 S., R. 40 E., B.M.
All in cultivation.
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? Salt Lake.
11. Describe the various tributaries en route, from point of diversion to the principal drainage stream: From land to Cub River, to Bear River, to Salt Lake

Remarks:

This examination was made on the 23 day of September 1940.

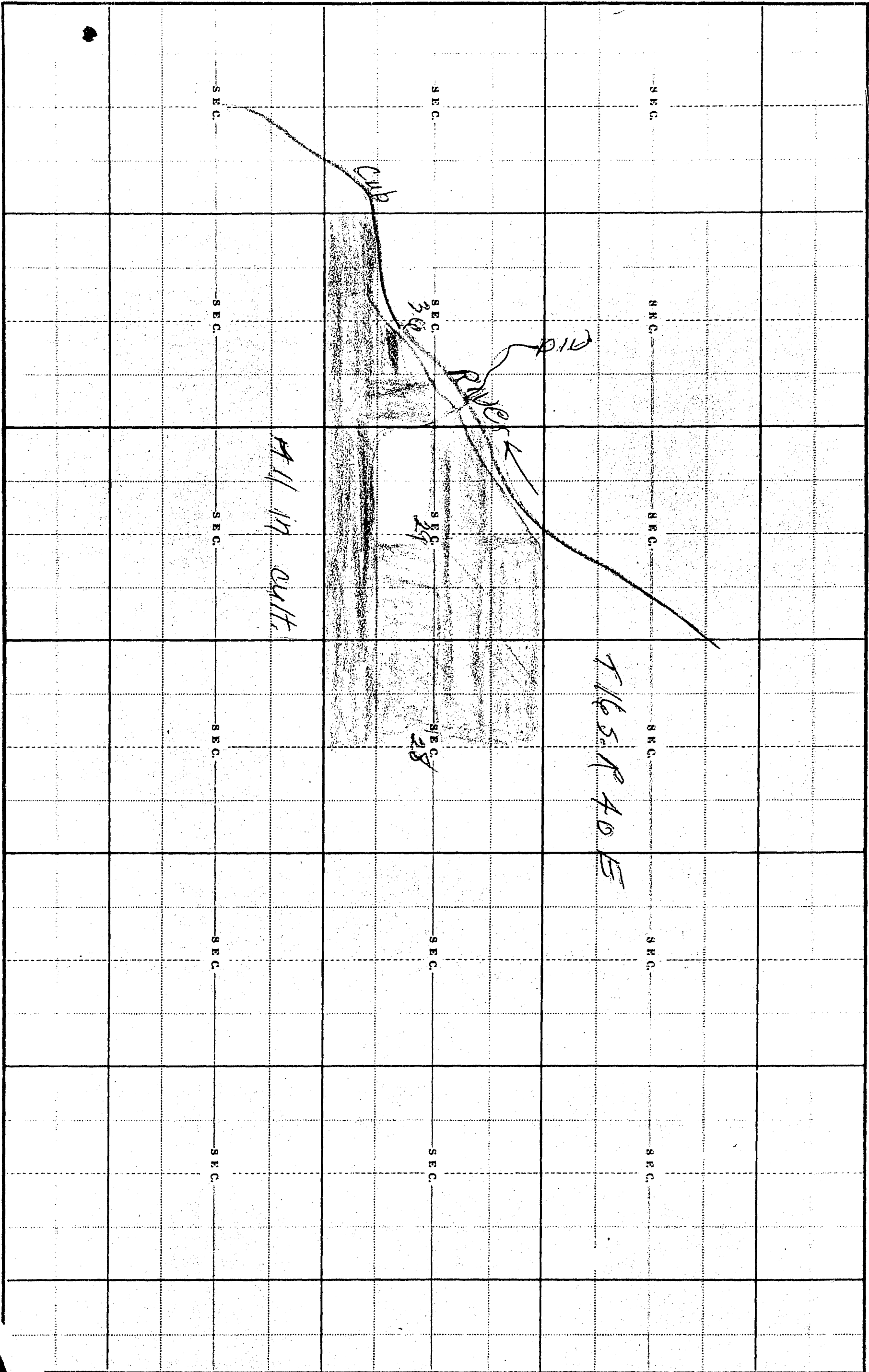
(Signed)

L. R. Annett
L. R. Annett.

Examiner.

OVER

NAME OF APPLICANT *Pequot Club River Runabout Co #14447*



2 INCHES = 1 MILE. DRAW PLAN IN INK.

14447

24 1 2 3 4 5 6 7 8

14447

October 22, 1920

Mr. Arthur W. Hart,
Attorney at Law,
Preston, Idaho

Dear Sir:

Upon receipt of fees in the sum of \$26.00,
license will be issued to Franklin Cub River Pumping
Co.

The report of our engineer shows parts of
26--40 acres tracts under cultivation and irrigation.

Yours truly,

W. G. SWENDSEN.
Commissioner of Reclamation.

BT _____

CB/BC

14447

February 3, 1921.

Re: Permit 14447- Franklin Can River Pumping Co.

Mr. Arthur W. Hart,
Attorney at law,
Preston, Idaho.

Dear Sir:--

Proof of completion of works and beneficial use of water under the above permit was made last August and the report of our engineer filed September 23, 1920. According to this report the works have a capacity of eleven second feet and there are twenty-six forty acre tracts under cultivation and irrigation. The fees will therefore amount to \$5.30 for completion of works and \$26.00 for beneficial use of water, making a total of \$31.50. Upon receipt of this amount, the certificate and license will be issued.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____

14447

LAW OFFICE OF
ARTHUR W. HART
PRESTON, IDAHO

March 9th, 1921.

W.G. Swendsen, Esq.,

Commissioner of Reclamation, Boise, Idaho.

Dear Sir:-

In re Permit #21452:

Replying to your favor of the 5th

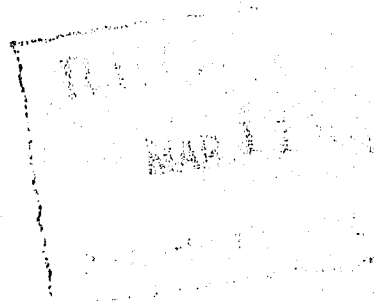
Inst I am returning herewith the application with the maps, and I have shown the particular 40 acre tracts or subdivisions upon which water is to be irrigated, making same on the new forms.

I am also enclosing herewith check of the Franklin Cub River Pumping company, dated Mch 7th, 1921, check #59, payable to you, and for the sum of \$31.30 in payment of the License to be issued to this company.

Kindly send the License.

Yours truly,

Arthur W. Hart



14447

April 2, 1956

RE: ^{Permit} License No. 14447

Franklin Cub River Pumping Co.
Franklin
Idaho

ATTENTION: Mr. Ray Morrison, President

Gentlemen:

Since returning to the office I have been trying to get the information you requested, and I am finding what appears to be some discrepancy in usage of names.

You said your company was the Franklin Cub River Pumping Co. and the watermaster's report lists it that way. But in the Cub River Decree there is no mention of the Pumping Company but does decree 5 cubic feet per second of 1882 right to the Franklin Cub River Canal Co.

Please let me know right away the relationship between the Franklin Cub River Canal Company and the Franklin Cub River Pumping Company. As soon as I get this information I can answer your query regarding your water rights in Cub River.

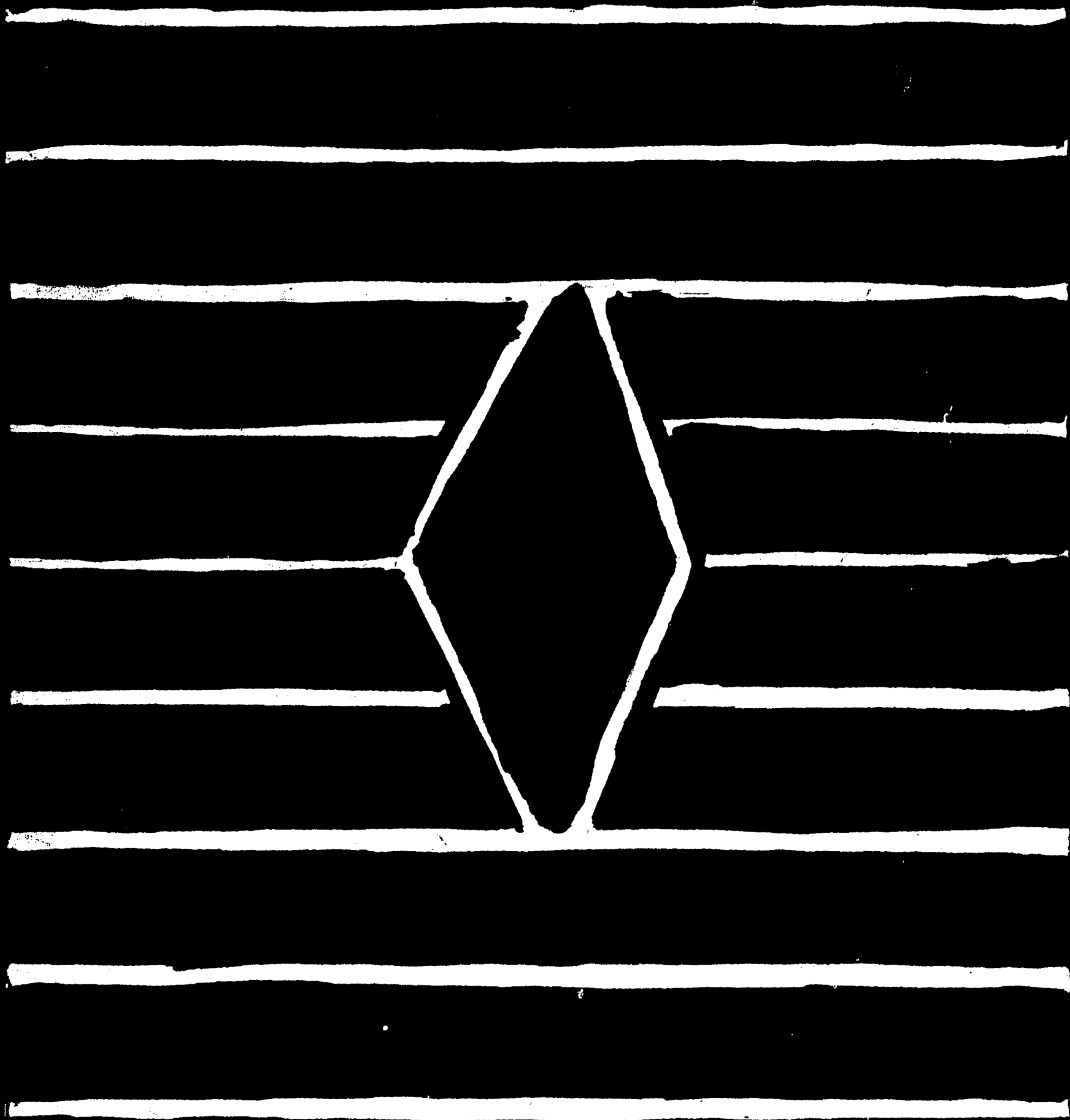
Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

14447



State of Idaho

License and Certificate of Water Right

Water License No. 14447Amount 20 sec.ft.Water District No. 5-HPriority 11-28-1919

THIS IS TO CERTIFY that Franklin Cub River Pumping Company,
of Franklin, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 28, 1919; that Permit No. 14447
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 20.0
second feet, was issued thereunder on March 16, 1921; showing that said works
were completed on the 28th day of August, 1920; and that on the 28th
day of August, 1920,

Franklin Cub River Pumping Company,

of Franklin, 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 Cub River,
a tributary of Bear River, for the purpose of irrigation and domestic use,
under Use Permit No. 14447 of the State Engineer, 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 Com-
missioner of Reclamation of Idaho and entered of record in Volume 5 of Licenses, at page 2789, on the 16th
day of March, 1921;

The right hereby confirmed dates from November 28, 1919;

The Point of Diversion is located
in the SE ¼ of NE ¼, Sec. 30, Tp. 16 S., R. 40 E., B. M.

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 20.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S.	40 E.	28	NW $\frac{1}{4}$	160	160
			SW $\frac{1}{4}$	160	160
		29	NE $\frac{1}{4}$	160	160
			S $\frac{1}{2}$ NW $\frac{1}{4}$	80	80
			S $\frac{1}{2}$ SW $\frac{1}{4}$	80	80
			SE $\frac{1}{4}$	160	160
		30	SW $\frac{1}{4}$ SW $\frac{1}{4}$	30	30
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	15	15
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40 --1005

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

WITNESS the seal and signature of the Commissioner of Reclamation
State Engineer, affixed at Boise, Idaho, this 16th
day of March, 1921.

(SEAL)

W. G. SWENDSEN

State Engineer
Commissioner of Reclamation.