

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

Application No. 22627
Permit No. 15933
District No. 5-H

1. Name of Applicant: Cub River & Worm Creek Canal Company,
Postoffice address: Preston, County: Franklin, State: Idaho.
 I. If applicant is a corporation, give:
 (a) Date and place of incorporation: Preston, Idaho.
 (b) Amount of capital stock: \$50,000.00
 (c) Amount paid in: \$19,000.00
 (d) Names and addresses of directors: Joseph Johnson, Henry Day, John A. Larsen,
 Preston Merrill and Fred Jensen.
 II. The financial resources of the applicant are:
 (a) Cash on hand: \$2,000.00
 (b) Treasury stock: \$31,000.00
 (c) Bonds to be issued:
 (d) Other resources:
2. Quantity of water claimed: Twenty-five (25) cubic feet per second.
3. Source of water supply: Cub River which is a tributary of Bear River.
4. Location of point of diversion: 40 rods north and 30 rods west
 feet distant from the southeast
 corner of Section 8, T. 15 S., R. 41 E., B. M., and is in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$
 of Section 8, T. 15 S., R. 41 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: \$ 10,000.00
8. Kind of works: Enlargement of present canal to double its capacity.
9. Height of dam 10 feet; length of dam at top 100 feet; length of dam at bottom 90
 feet; material used in dam rock and cement
10. Size of headgate: width 12' x 30 feet; height 10 feet
11. Ditch: Width at bottom 15 feet; width at water line 17 feet; depth of water 6
 feet; dimensions of flume 12 feet by 30 feet
 Diameter of pipe 10 feet inches; length of conduit 18 miles.
 Average grade per mile ten feet
12. The time required for the completion of such work is five years.
13. The time required for the complete application of the water to the proposed use is one 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.

Cub River & Worm Creek Canal Company Applicant.

By Arthur W. Hart. Agent.

Date of first receipt at Department of Reclamation. 9 A. M. December 14, 1923.

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 15933
 Recorded in Book 57 86 Page 15933 Approved December 17, 1923.
 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 15, 1924, 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 17, 1926.
 The whole of said work to be completed on or before December 17, 1928.
 Beneficial use of water appropriated in accordance herewith, to be made on or before December 17, 1929.

Witness my hand this 17th day of December, 1923.

W. G. SWENDSEN.
 Commissioner of Reclamation.

Remarks:

14 Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15 S.	39 E.	14			40	40			40	40	40	40			40	40	40	40	400
		15			20	20				20	40	10	20	40	40	40	40	40	330
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
16 S.	39 E.	3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
15 S.	39 E.	23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Total Number of Acres to be Irrigated 8410

A decree was entered in the District Court of the Fifth Judicial District of the State of Idaho, in and for Oneida (now Franklin) County, on the 26th day of January, 1906, wherein there was decreed to applicant 25 second feet of the date of 1882 and of the flood and freshet waters $\frac{1}{4}$ thereof; capacity of canal 85 cubic feet per second. This application is for twenty-five cubic feet per second of time in addition to the waters decreed to applicant aforesaid, and is to be used on the same lands for an additional water supply and is to be carried in the same ditch as is now used, conveying said water from Cub River near southeast corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T. 15 S., R. 41 E., to Preston; this application is made so that the said applicant can enlarge its present canal to double its present carrying capacity; this application is for the flood, spring or freshet waters of the said Cub River that heretofore have been unappropriated, and supplemental to this application is an application of even date herewith for the same amount of water to be appropriated from what is known as Worm Creek, a tributary of Cub River, the same to be used on the same lands and conveyed in the same canal by reason of the enlargement thereof, to double its present carrying capacity, as aforesaid.

See Deed of Conveyance to Preston-Whitney Irrigation Company recorded under Permit No. 15929.

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO,
No. 15933.

W. K. Barton Secretary of the
Comes now/Preston Whitney Irrigation Co., and represents to the Commissioner of
Reclamation of the State of Idaho.

That the said Company is the owner and holder of Permit to appropriate the Public Waters of the
State of Idaho, No. 15933, and requests that the list of lands to be irrigated, as des-
cribed in said permit, be changed to read as follows:

That the lands to be irrigated are situated in Township 15 south, Range 39
east, as shown by maps accompanying the application, and that no part of the said lands
lie in Township 16 South; that it was a typographical error in the original application
for permit, describing the lands as part in Township 15 South and part in 16 South.

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

Signed at Preston, Idaho, this 19th day of October, 1929.

PRESTON WHITNEY IRRIGATION CO..

BY W. K. BARTON
Secretary.

Date of receipt at Office of Department of Reclamation October 22, 1929.

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, Geo. N. Carter, Commissioner of Reclamation of the State of Idaho, hereby approve
the above and foregoing application for amendment to Permit to appropriate the Public Waters
of the State of Idaho, No. 15933. This approval constitutes a new permit and is issued as
an amendment to the original permit, to which it refers, and of which it becomes a part,
and said application is approved only insofar as the rights of others will not be adversely
affected thereby.

GEO. N. CARTER
Commissioner of Reclamation.

Permit No. 15933

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that PRESTON-WHITNEY IRRIGATION COMPANY, of Preston, County of
Franklin, and State of Idaho, the holder of Permit No. 15933, issued upon Application
No. 22627, bearing date of priority of December 14, 1923, authorizing the diversion of 25
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 25 second feet of the waters of Cub River; that the point of diversion of said
waters is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, Twp. 15 S., R. 41 E., B.M., and that the lands proposed
to be irrigated by the use of said water are described as follows, to-wit: All Secs. 2, 3,
9 and 10; S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$, Sec. 14; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ and SW $\frac{1}{4}$,
Sec. 15; all Secs. 21, 22, 23, 26, 27, 28, 34, and 35, all in Township 15 South, Range 39
East of Boise Meridian.

Witness my hand this 22nd day of October A. D. 1929.

GEO. N. CARTER
Commissioner of Reclamation.

Proof of Completion of Works made November 1, 1928.
Certificate of Completion of Works issued October 22, 1929.

LICENSE ISSUED FOR 25 SEC. FT.
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ARTHUR W. HART
ATTORNEY AT LAW
PRESTON, IDAHO

15933

Dec. 12th, 1933

W.G. Swendsen, Esq.,

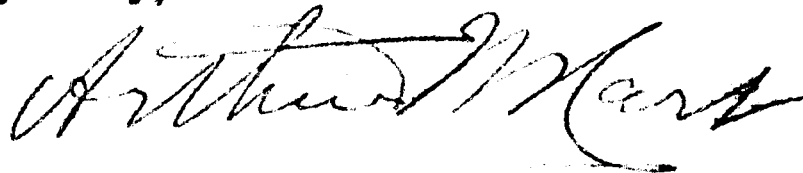
Commissioner of Reclamation,

Boise, Idaho

Dear Sir:-

I am enclosing money order for \$3.40 as called for in your
favor of the 10th inst.

Very truly,

A handwritten signature in cursive script, appearing to read "Arthur W. Hart".

15933

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 15933
Cub River & Worm Creek Canal Co.

Mr. Arthur W. Hart,
Attorney at Law,
Preston, Idaho.
Dear Sir:

Boise, Idaho,
December 18, 1923.

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

W. G. SWENDSEN.
Commissioner of Reclamation.

15933

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

September 6, 1928

Boise, Idaho.

Cub River & Warm Cr. Canal Co.
C/o Arthur W. Hart
Preston, Idaho

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. 15933.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before Dec. 17, 1928. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which 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 that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

GEO. H. CARTER

Commissioner of Reclamation.

15933

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Sept 18th 1928
(P. O.) Preston Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

Sub River & Worm Creek Canal
Arthur Mart, President CO

(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 is hereby given that at 10120 L M., on the 1st day of December, 1928, 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 2.5 cubic feet per second of the waters of

Cub River in accordance with the terms and conditions of a certain permit heretofore issued by the Board of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Cub River T Warm Creek Canal Co
2. The postoffice address of such person or principal place of business of such corporation is Preston Idaho, County of Franklin, State of Idaho.
3. The number of such Permit is 15933, and the date set for the completion of such work is
4. Said water is 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 2.5 cubic feet per second.
6. The amount of lands for which said water is available is 8410 acres, particularly described as follows:

ms 94-8-153-416

Commissioner of Reclamation.

15933

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Cub River & Tonn Creek Canal Co.
c/o Arthur W. Hart,
Preston, Idaho.

BOISE, IDAHO. **October 29, 1928.**

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. **15933**-----

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 **November 1, 1928**-----, 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 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 the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

GEO. E. CARTER

Commissioner of Reclamation

15933

NOTICE FOR PUBLICATION

Notice is hereby given that at 10.30 a.m., on the 1st day of November, 1928, at Preston, County of Franklin, State of Idaho, before Arthur S. Hart, notary public, proof will be submitted of the completion of works for the diversion of 25 cubic feet per second of the waters of Work Creek, ~~water~~ in accordance with the terms and conditions of Permit No. 15929, and 25 cubic feet per second of the waters of Cub Creek, in accordance with the terms and conditions of Permit No. 15933, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name of the person or corporation holding said permit is Cub River & Work Creek Canal Company.

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

Said water is to be used for irrigation and domestic purposes.

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 applications for such permits, is 25 cubic feet per second under each permit.

The amount of lands for which said water is available is 6410 acres, particularly described as follows:

South Half of the Northeast quarter, South Half of the Northwest quarter, North Half of the Southwest quarter and the Southeast quarter of Section 14; the South Half of the Northeast quarter, Southeast quarter of the Northwest quarter and the South Half of Section 15; all of Sections 21, 22, 27, 28 and 3 of Township 15 South, Range 39 East, Sections 9 and 10 of Township 16 South, Range 39 East and Sections 23, 26, 34, 35 and 2 of Township 15 South, Range 39 East, B. M.

NOTICE FOR PUBLICATION

Notice is hereby given that at 10.30 a.m., on the 1st day of November, 1928, 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 25 cubic feet per second of the waters of Work Creek, ~~under~~ in accordance with the terms and conditions of Permit No. 15929, and 25 cubic feet per second of the waters of Cub Creek, in accordance with the terms and conditions of Permit No. 15935, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name of the person or corporation holding said permit is
Cub River & Work Creek Canal Company.

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

Said water is to be used for irrigation and domestic purposes.

... will be fully completed on the date set for such

Geo. H. Carter,
Commissioner of Reclamation.

ARTHUR W. HART
Attorney-At-Law

PRESTON, IDAHO

Nov. 1st, 1928

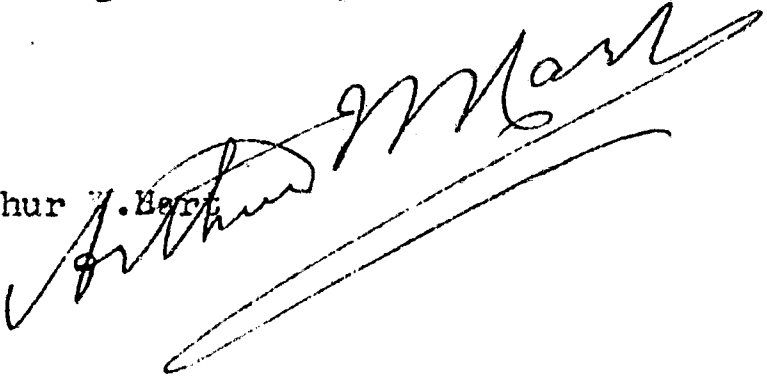
Geo. N. Carter, Esq.,
Commissioner of Reclamation
Boise, Idaho

Dear Sir:-

I am enclosing herewith the proofs this ~~xxx~~ day taken
under permits No I5933 and I5929. I also enclose the affidavit of publica-
tion. How much can the Printer charge for the publication of said notice?

Yours truly,

Arthur W. Hart



15929

PERMIT NO. 15933

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Harry A. Stephenson

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. Cub River & Wormcreek Canal Company, a corporation

Preston, Idaho; I am a director of said corporation, and am authorized to make this proof by the resolution of the Directors

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

Ans. Number of Permit is #15933; date of first receipt Dec. 14, 1923
25 Cubic Feet per Second; 40 R. N. & 30 R. W. of SE Cor. ~~Sec. 8~~, of NW $\frac{1}{4}$ SE $\frac{1}{4}$ -- 8-15-41
(Located in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, Twp. 15 S. Range 41 E. B. M. Franklin County)

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. For irrigation; to irrigate 8410 acres in Sections 14, 15, 21, 22, 27, 28 and 3, Range 39 E. of Township 15 South; in sections 9, 10, Twp 16 South Range 39 E. Sections 23, 26, 34, 35 and 2, Twp 15 S. Range 39 E. B. M.

(Described by ~~xxxx~~ by legal subdivisions in application #22527 Permit 15933)

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 flood waters were turned into the enlarged canal and run therein between March 1st, 1928, and May 10th, 1928, about and more than one hundred second-feet to irrigate the lands heretofore described.

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. They are fully completed and comply with the terms of said permit

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. It complies with said terms

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

Ans. The present canal of the Company was enlarged to more than double the previous carrying capacity, at a cost of upwards of ten thousand dollars; all is completed and in use; the intake required no enlargement and the head-gate was already built

(Sign here.)

Harry A. Stephenson

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, Idaho,

County of Franklin, State of Idaho, on this 1st day of November, A. D. 1928

Arthur W. West

Notary Public.

My Commission expires March 5th, 1932

Preston Idg
15933

PERMIT NO. 15933

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Harry A. Stephenson

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. Cub River & Wormcreek Canal Company, a corporation

Preston, Idaho; I am a director of said corporation, and am authorized to make this proof by the resolution of the Directors

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

Ans. Number of Permit is #15933; date of first receipt Dec. 14, 1923
25 Cubic Feet per Second; 40 R. N. & 30 R. W. of SE Cor. ~~Sec. 8~~, of NW $\frac{1}{4}$ SE $\frac{1}{4}$ -- 8-15-41
(Located in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, Twp. 15 S. Range 41 E. B. E.) Franklin County

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. For irrigation; to irrigate 8410 acres in Sections 14, 15, 21, 22, 27, 28 and 3, Range 39 E. of Township 15 South; in sections 9, 10, Twp 16 South Range 39 E. Sections 23, 26, 34, 35 and 2, Twp 15 S. Range 39 E. B. E.

(Described by ~~XXXX~~ by legal subdivisions in application #22627 Permit 15933

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 flood waters were turned into the enlarged canal and run therein between March 1st, 1928, and May 10th, 1928, about and more than one hundred second feet to irrigate the lands heretofore described.

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. They are fully completed and comply with the terms of said permit

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. It complies with said terms

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

Ans. The present canal of the Company was enlarged to more than double the previous carrying capacity, at a cost of upwards of ten thousand dollars; all is completed and in use; the intake required no enlargement and the head-gate was already built

(Sign here.)

Harry A. Stephenson

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, Idaho,

County of Franklin, State of Idaho, on this 1st

day of November, A. D. 1928

Notary Public.

My Commission expires March 5th, 1932

15933

Permit No. 15933

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Joseph Jensen, Farmer, Preston, Idaho

Ques. 2. Are you acquainted with Cub River & Hornacreek Canal Company, the holder of Permit No. 15933, authorizing the diversion of 25 second-feet of the waters of Cub River (Tributary of Bear River), at NW 1/4 SE 2 8-15-41 for Irrigation purposes? How long have you known him, and where does he reside?

Ans. I have known the corporate officers for over twenty years, and have known Harry Stephenson--present director for twenty years

Ques. 3. Have you read or heard read said Permit No. 15933, and are you familiar with its terms and conditions? I have read said Permit 15933 and know its terms

Ans. and its conditions

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. I am acquainted with all the said lands, which comprize what is alled the "Preston Flat" 8410 acres of cultivated fields of grain, alfalfa, beets, peas, potatoes and gardens; such lands require early and late water and require at least a cubic foot per second to each fifty acres

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; the canal and works will carry said water and several times as much

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

Ans. The present canal was enlarged to about three times the original carrying capacity so that the canal would hold about 150 second feet, it cost in the neighborhood of ten thousand dollars to make the enlargement. The intake is low so that it is unnecessary to put a dam across the river or stream; there is a head gate at the head of the canal to regulate the water that comes into it.

(Sign here.)

Joseph Jensen

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 xxx Preston County of Franklin, State of Idaho, on this 1st day of November, A. D. 1928

Preston Id 9

15933

Arthur J. Mass
Notary Public

Permit No. 15933

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Samuel C. Chadwick

Preston, Franklin County, Idaho; a farmer

Ques. 2. Are you acquainted with Cub River & Wormcreek Canal Co., the holder of Permit No. 15933, authorizing the diversion of 25 second-feet of the waters of Cub River (Tributary of Bear River), at NW 1/4 SE 1/4 A-15241 for irrigation purposes? How long have you known him, and where does he reside?

I have known the corporate officers for over 40 years--residing at Preston, Idaho; I have known Harry Stephenson for over 25 years--he is at present one of the directors of said corporation.

Ques. 3. Have you read or heard read said Permit No. 15933, and are you familiar with its terms and conditions?

Ans. I have read it and know its terms and conditions

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. I am acquainted with all the said lands; the lands comprize the Preston Flat--all cultivated, with gardens, alfalfa fields and beet fields and other crops, potatoes, peas etc. There are 8410 acres, and they require early and late water of at least one inch (miner's inch) to the acre

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 and a great deal more--several times as much

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity. The canal for 6 and 3/4 miles was enlarged to about three times its carrying capacity; it would and does hold about 150 second feet

Ans. There are no works necessary to diverly the water as the intake is made lower than the bed of the stream
The cost of enlargement was over ten thousand dollars

(Sign here.)

Samuel C. Chadwick

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 1st day of November, A. D. 1928

15933

Notary Public

Arthur M. Mart

Preston, Idaho

November 5, 1928.

Re: Permits Nos. 15929-15933

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

Dear Sir:-

Your letter of the 1st inst. received, together with depositions of holder and witnesses and affidavit of publication for proof of completion of works under the above permit. These are in proper form and will be placed on file here without further action until the report of our field engineer can be made. You will then be advised as to fees due this office before issuing certificates of completion of works.

As to the fees for publication would say that there is no specified charge set out in the statutes for these publication notices. Each printing office has its own rates for such work.

Very truly yours,
GEO. H. CARTER,
Commissioner of Reclamation.

By _____
Chief Clerk.

15933

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Cub River & Worm Creek Canal Co.

September 11, 1929

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

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 15933....., which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is ~~Dec. 17, 1929~~, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

GEO. N. CARTER,
Commissioner of Reclamation.

15933

September 14, 1929

Re: RIVERDALE & MINN CREEK RIGHT
Franklin County
Water District No. 5

A. W. HART, Esquire
Attorney-at-Law
Preston-Idaho

Dear Mr. Hart:

My present schedule will take me to Preston on September 18 about noon. If convenient I would be glad to meet you at your office at that time for a discussion of the controversy between the PRESTON RIVERDALE & MINN CREEK CANAL COMPANY and E. J. BAIRD, Watermaster of District No. 5. I have asked Mr. Baird to meet with us if possible; at the same time, it is my desire to make an examination of the proof of completion of works of the CUB RIVER & WORK CREEK CANAL COMPANY -

Permit No. 15929
Permit No. 15933

and I would appreciate it if you would have a representative of the Company who is familiar with their canal system to accompany me.

Very truly yours,

Assistant Commissioner
of Reclamation

MS/tip

15933

September 27, 1929

Re: PERMIT No. 15929
PERMIT No. 15933✓

Mr. W. K. BARTON
Secretary, Preston-
Whitney Irrigation Company
Preston, Idaho

Dear Sir:

This is to acknowledge receipt of your letter of September 25 relative to the rights of the PRESTON-WHITNEY IRRIGATION CO.: In this connection you are informed that you should file your evidence of conveyance of the water rights of the Cub River and Worm Creek Canal Company to the Preston-Whitney Irrigation Co., also, the evidence of conveyance of the rights of the Cub River Middle Ditch Co. to the Preston-Whitney Irrigation Co.

These transfers will then be made a matter of record and the certificates and licenses that may issue on these rights will then be made to the Preston-Whitney Irrigation Co., otherwise they will be issued to the record-holder of these rights.

I shall hold up action upon the proof which has recently been submitted by A. W. Hart on behalf of the Cub River and Worm Creek Canal Co. in order that you may have time within which to file these conveyances.

Very truly yours,

Assistant Commissioner
of Reclamation

MS/tip

15933

September 27, 1929

Re: PERMIT No. 15929
PERMIT No. 15933

Mr. ARTHUR E. HART
Preston
I d e h o

Dear Sir:

I have just received a communication from E. K. Barton, Secretary of the PRESTON-WHITNEY IRRIGATION COMPANY, requesting that Certificates of Completion of Works and Licenses to be issued by this Department in connection with the filing made by you on behalf of the Cub River and Horn Creek Canal Company be held up, pending filing of evidence of conveyance of these rights to the Preston-Whitney Irrigation Company.

Copy of reply to this request is enclosed herewith.

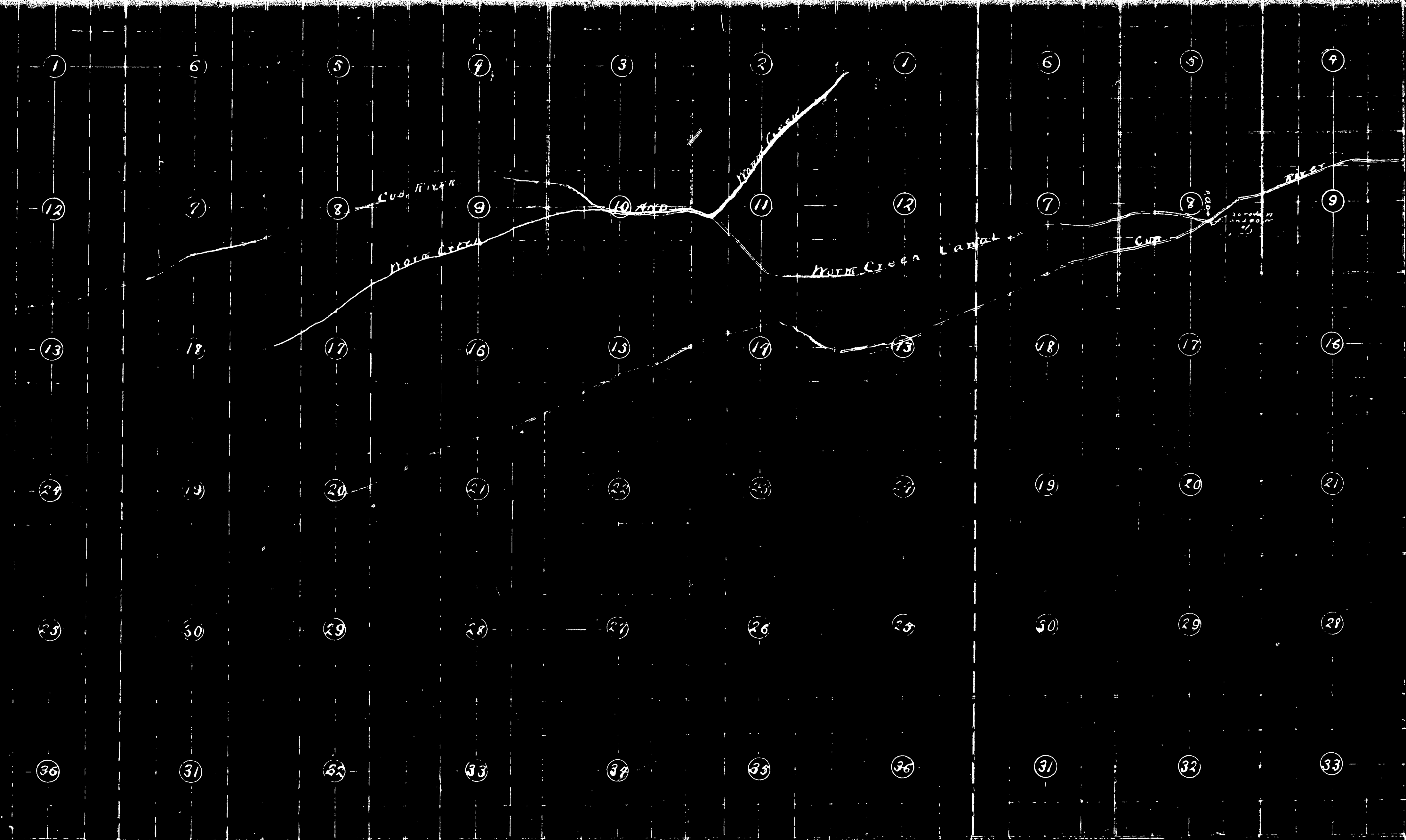
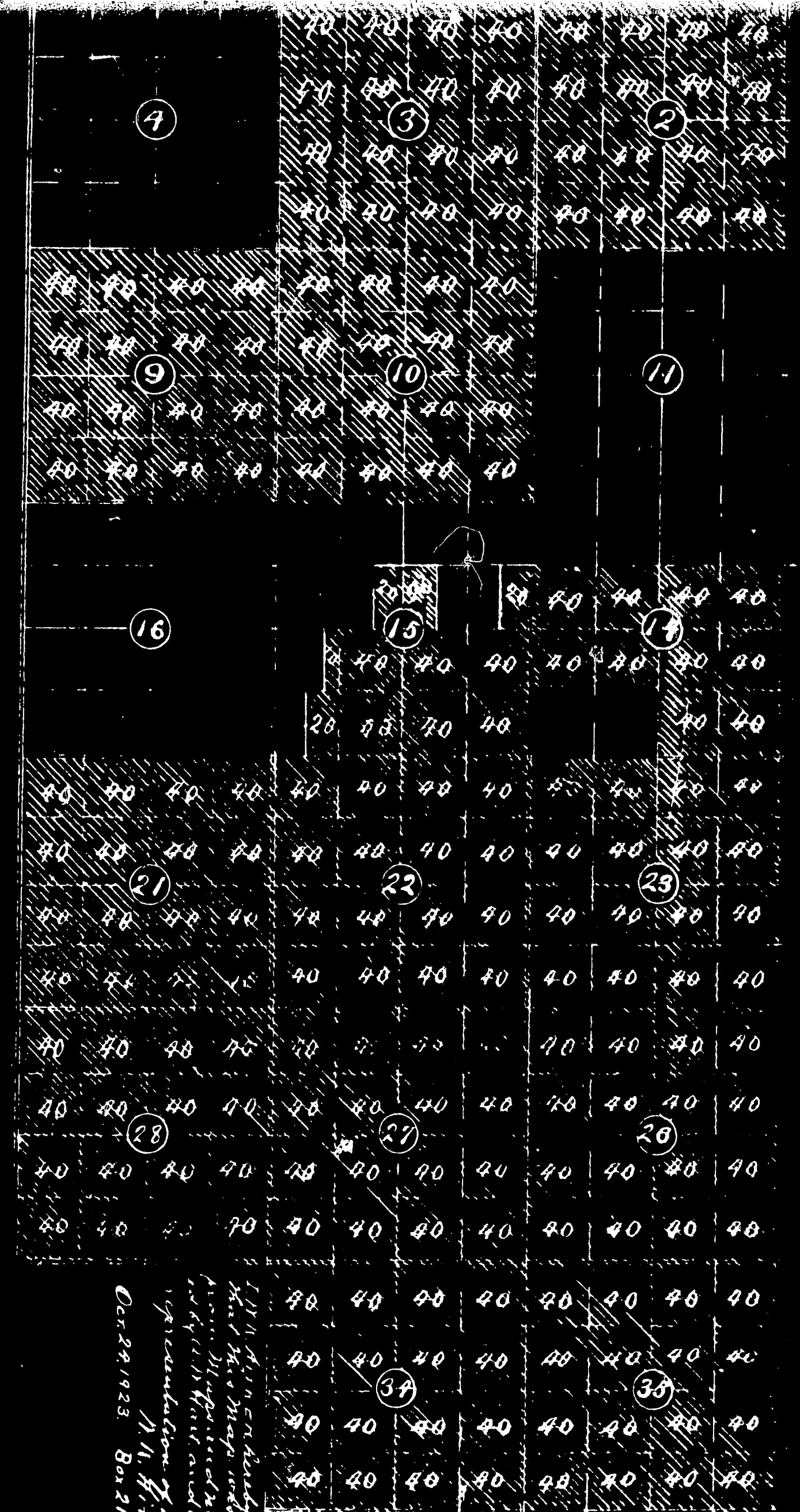
Very truly yours,

Assistant Commissioner
of Reclamation

MS/tip

15933

Map of Cud River and Normant Canal
 for accompanying application for Permit
 by C.W. Hart,
 Preston, Iowa 58618
 Scale 2"=1 mi.



1543

Scale 1"=5'

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 15933

This project is for **CAMP. WORKS**

In Water District No. 5-H

1. Name of applicant: **Cub River & Worm Creek Canal Co.**
2. Source of water supply: **Cub River**
3. Location of point of diversion: Is in the **NW¹SE¹** of Section **8**
T. **15 S.** R. **41 E.B.M.** County of **Franklin**

4. Describe works as they exist, giving dimensions and capacities of same: *Diversion works from Cub River consisting of timber headgate. No dam or weir required as diversion is to grade. Canal about 15' wide on bottom and capable of carrying water 4 1/2 ft deep. Reported and apparent capacity in excess of 110 cfs which is adequate to carry the 85 cfs decreed water and 25 cfs under this permit.*

5. Water is used for: **Irrigation**

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

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

South Half of the Northeast quarter, South Half of the Northwest quarter, North Half of the Southwest quarter and the Southeast quarter of Section 14; the South Half of the Northeast quarter, Southeast quarter of the Northwest quarter and the South Half of Section 15; all of Sections 21, 22, 27, 28 and 3 of Township 15 South, Range 39 East, Sections 9 and 10 of Township 16 South, Range 39 East and Sections 23, 26, 34, 35 and 2 of Township 15 South, Range 39 East, B. M.

Examination of each legal subdivision not made as this right is supplemental and appurtenant to the same lands as served by the canal system described in that certain decree described under remarks of permit.

15933

This examination was made on the **19** day of **Sept** 19**27**

(Signed)

Marion Goodwin

Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 15933

This project is for COMP. WORKS

In Water District No. 5-H

1. Name of applicant: Cub River & Worm Creek Canal Co.

2. Source of water supply: Cub River

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8

T. 15 S. R. 41 E.B.M. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: *Diversion works from Cub River consisting of timber headgate. No dam or weir required as diversion is to grade. Canal about 15' wide on bottom and capable of carrying water 4 1/2 ft deep. Reported and apparent capacity in excess of 110 cfs which is adequate to carry the 85 cfs decreed water and 25 cfs under this permit.*

5. Water is used for: Irrigation

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

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

Remarks:

Examination of each legal subdivision not made on this right is supplemental and appurtenant to the same lands as served by the canal system described in that certain decree described under remarks of permit.

15933

This examination was made on the 19 day of Sept 1927

(Signed)

Engineer.

October 7, 1929

RE: Permits 15929 - ~~15933~~-Preston-Whitney
Irrigation Company.

W. K. Barton, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho

Dear Sir:

We are returning you herewith the
Deed of Conveyance of the above numbered
permits to the Preston-Whitney Irrigation
Company, the same having been recorded in
this office.

The reports by our examining engineer
are now on file and are satisfactory. The
certificates of completion of works will be
issued upon receipt of fees as follows:

Permit No. 15925, capacity 25 sec.ft.	\$9.50
Permit No. 15933, capacity 25 sec.ft.	9.50
Recording deed	2.00
Total fees	<u>\$21.00</u>

Very truly yours,

GEO. H. CARTER
Commissioner of Reclamation

By _____
Chief Clerk

CB:G
Enc. Deed

15933

October 18, 1929

RE: Permits Nos. 15929, 15933

W. K. Barton, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho

Dear Sir:

In checking the records of the above numbered permits preparatory to issuing certificates of completion of works, we find an error in the description of the lands to be irrigated. The records here show part of the land in township 15 south, and part in township 16 south, while in fact the land all lies in township 15 south, range 39 east, as shown on the map accompanying the application for permit.

To correct this discrepancy in the records, it will be necessary for you to file an application for amendment to these permits, stating that it was a typographical error in making out the applications for permit and that no actual change has been made in the lands to be irrigated. This application for amendment should be made upon the enclosed form.

As soon as the application referred to above has been received here the same will be approved and the certificates will then be issued in regular order.

Very truly yours,

GEO. H. CARTER
Commissioner of Reclamation

By _____
Chief Clerk

CB:G
Enc.

15933

October 22, 1929

RE: Permits Nos. 15929 - 15933

W. K. Barton, Secretary
Preston Whitney Irrigation Co.
Preston, Idaho

Dear Sir:

We are mailing you herewith approved Applications for Amendment to the above numbered permits, Certificates of Completion of Works and Receipt for fee paid.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By _____
Chief Clerk

G
Enc.

15933

October 26, 1929

Re: PERMIT No. 15929
PERMIT No. 15933

Mr. GEORGE POSTER
R. P. D. No. 1
Preston-Idaho

Dear Sir:

Our records disclose the following filings
in good standing:

PERMIT No. 15929 filed 12/10/23 approved 12/17/23
Cub River and Horse Creek Canal Company
25 second-feet Horse Creek, tributary to Cub River
Conveyed July 17, 1928 PRESTON-SHITNEY IRRIGATION Co.
Proof of completion of works was made
Permit in good standing

PERMIT No. 15933 filed 12/14/23 approved 12/17/23
Cub River and Horse Creek Canal Company
25 second-feet Cub River, tributary to Bear River
Conveyed July 18, 1926 PRESTON-SHITNEY IRRIGATION Co.
Proof of beneficial use due December 17, 1929

in which you are interested.

Very truly yours,

Assistant Commissioner
of Reclamation

15933

TIP

February 6, 1930.

RE: Permits 15929 - 15933

Mr. Arthur W. Hart
Prosecuting Attorney
Preston, Idaho

Dear Sir:

Referring to your letter of the 4th inst. would say that two permits were issued to the Cub River and Worm Creek Canal Company, to-wit:

Permit No. 15929, was issued December 17, 1923, for the diversion of 25 sec. ft. of the waters of Worm Creek. Proof of Completion of works was made November 1, 1928, and the certificate of completion of works issued. Proof of beneficial use of water was due December 17, 1929.

Permit No. 15933, was issued December 17, 1923, for the diversion of 25 sec. ft. of the waters of Cub River. Proof of completion of works was made November 1, 1928, and the certificate of completion of works issued. Proof of beneficial use of water under this permit was due December 17, 1929. This proof, however, has not been made under either of these permits. Both permits were transferred to the Preston-Whitney Irrigation Company, July 16, 1926.

If the holder of these permits desires to proceed with the proof of beneficial use of water at this time, the inclosed blank notices should be filled out and returned to this office in time for the required four weeks publication prior to the date set for making proof.

Under the provisions of Sec. 5579 of the Compiled Statutes, proof of beneficial use of water will be accepted when made at a date subsequent to the date specified in the permit but the date of priority will be brought down a length of time equal to the time lapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

GEO. H. CARTER
Commissioner of Reclamation

By _____
Chief Clerk

CB:G
Incl.

15933

ARTHUR W. HART

PROSECUTING ATTORNEY

FRANKLIN COUNTY

Preston, Idaho.

Feb. 5th, 1930

Reclamation Department
Boise, Idaho
Gentlemen:-

Re: Permits 15929—15933

In accordance with your favor of the 5th inst., I am enclosing herewith duplicate Letter of authorization and two notices for publication one for each of the above named permits.

I have taken the liberty to fill in the notices, excepting the description of the lands irrigated. The lands that have been irrigated are the identical lands described in each of said permits. Would you fill in these descriptions and forward to our news-paper here.

Yours truly,

ARTHUR W. HART

P.S.W.H. BARTON told me to-day that there are still out-standing other permits, the ones filed on by the Franklin Sugar Company, or some one on its behalf and later transferred to Preston-Whitney Irrigation Co. What is the status of these permits.

Yours truly,

15933

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

(P. O.)

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

Preston Whitely Longhorne
by W. H. Barch, Secy

(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.

15933

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 11 a. m. on the 14th day of March, 1930
at Preston, County of Franklin, State of Idaho,
before Arthur W. Hart, Notary Public, proof will be submitted
of the application to beneficial use of 25 cubic feet per second of the
waters of Cule River in accordance with the terms and conditions of
Permit No. 15933 heretofore issued by the Commissioner of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....

Preston Whitney Irrigation Co., Preston, Idaho

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

The irrigation of agricultural lands on Fresh Flat

The amount applied to beneficial use is 25 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) 1/4 Sec 2, 3, 9 & 10; 1/4 NW 1/4, SE 1/4 NW 1/4, 1/4 SW 1/4
and 1/4 SE 1/4 NW 1/4; 1/4 NW 1/4, SE 1/4 NW 1/4, SE 1/4 NW 1/4
Sec 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
Tr. 15 S., R. 39 E., B. 11.

The name of the canal or ditch or other works by which said water is conducted to such place of use
is The Canal of the Preston Whitney Irr. Co.

The right to take water from such works is based upon Permit No. 15933

The source of supply from which such water is diverted is 15933 Cule River

The date of the priority which said user is prepared to establish is Dec 14, 1924
1924

Commissioner of Reclamation.

15933

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date.....**February 10, 1930**.....

PUBLISHER, FRANKLIN CO. CITIZEN
Preston, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to.....**March 14, 1930**....., the date set for proof, the expense of the publication to be paid by the applicant, **by W. E. Barton, Sec'y, of Preston,**

.....
to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

GEO. N. CARTER

Commissioner of Reclamation

15933

February 10, 1930.

Re: Permits Nos. 15929 & 15933
Preston-Whitney Irrigation Co.

MR. ARTHUR W. HART
Attorney at law
Preston, Idaho

Dear Sir:-

Referring to your letter of the 8th inst., enclosing notices for proof of beneficial use of water under the above numbered permits, would say that these have been completed as to the lands to be irrigated and one copy of each mailed to the Franklin County Citizen, at Preston, for the required four weeks publication prior to March 14, the date set for making proof.

The date of priority under each right has been brought down three months from the date of the filing, inasmuch as proof is being made three months later than specified in the permit.

Deposition blanks for holder and two witnesses will be mailed to you later, a set for each permit.

A separate letter is being mailed to you regarding the status of the other two permits now held by the Preston-Whitney Irrigation Company.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation

By _____
Chief Clerk.

15933

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, March 3, 1930

Mr. W. K. Barton, Sec'y
Preston-Whitney Irr. Co.
Preston, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 15933.....

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 rights:

1. On March 14, 1930....., the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at
Preston..... 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 the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

GEO. N. CARTER

Commissioner of Reclamation.

15933

ARTHUR W. HART

PROSECUTING ATTORNEY
FRANKLIN COUNTY

PRESTON, IDAHO.

March 15th, 1930

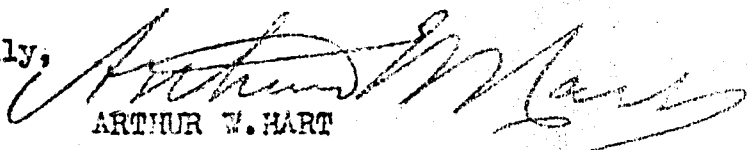
Reclamation Department
Boise, Idaho
Gentlemen:-

Re: Proof Permit No 15933

I am enclosing herewith proof of completion of works
in accordance with permit No. 15933.

Trusting it is alright, I am,

Very truly,


ARTHUR W. HART

15933

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given, that at 11 a.m. on the 14th day of March, 1924, at Preston, County of Franklin, State of Idaho, before Arthur W. Hart, Notary Public, proof will be submitted of the application to beneficial use of 25 cubic feet per second of the waters of Cub River, in accordance with the terms and conditions of Permit No. 15933 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

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

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

The amount applied to beneficial use is 25 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated): All Secs. 2, 3, 9 and 10; S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$, Sec. 14; SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec. 15; All Secs. 21, 22, 23, 25, 27, 28, 34 and 35, all in Twp. 15 S., R. 39 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use are the canals of the Preston-Whitney Irrigation company.

The right to take water from such works is based upon Permit No. 15933.

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

The date of the priority which said user is prepared to establish is March 14th, 1924.

Geo. N. Carter

Affidavit of Publication

I, Norma Murray

~~Notary Public~~

(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 Feb. 12, 1924,

ending with the issue dated Mar 5, 1924.

By Norma Murray

Subscribed and sworn to before me this

day of March, 1924

15933

March 29, 1930

RE: Permits Nos. 15929 - 15933
Preston-Whitney Irrigation Co.

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

Dear Sir:

In checking the depositions for proof under the above numbered permits we find that these are for completion of works instead of beneficial use of water. As the proof of completion of works has already been made under both of these permits and the certificates issued we are herewith returning these depositions and are inclosing blanks for proof of beneficial use of water, which should be filled out and returned to us in lieu of the depositions inclosed in your letter of the 15th inst.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By _____
Chief Clerk

CB:G
Incl.

15933

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 15933

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Aalter K. Barton; Preston, Idaho; Merchant at Preston, Idaho

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 Irrigation Company; Secretary-Treasurer; authorized by Board of Directors of said Corporation

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

#15933; March 14th, 1924; March 14th, 1924

Ans.

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

Ans. Cub River. Place of diversion is in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T. 15 S., R. 46 E. 4th.

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. 12 miles in length—the canal of Preston Whitney Irrigation Co.,—11 feet wide; four feet deep, fall per mile, four inches, slope 1-3 and will carry 100 second feet

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

Ans. For irrigation purposes; all lands cultivated and irrigated, to-wit:—
All of sections 2, 3, 9, 10; S $\frac{1}{2}$ NE $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SE $\frac{1}{4}$; and the SE $\frac{1}{4}$ Sec. 14; SE $\frac{1}{4}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$; and SW $\frac{1}{4}$ Sec. 15; All of sections 21, 22, 23, 26, 27, 28, 34 and 35
all in Township 15 South, Range 39 E. B. M.

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

Ans.

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

Ans. One miner's inch to the 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. The Cub River & Wormcreek Canal Co., a corporation, was merged in the present Permit Holder, and it transferred said permit to said Preston-Whitney Irr. Co

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

Ist and

Ans. 25 second feet was turned into the Canal between the 10th of April, 1929, and was used during the remainder of the irrigation season, that is until the water became short which was on or about the 1st of July, 1929; it was used for the irrigation of the lands 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 rights claimed thereunder.

Ans. During the year 1929, between the 1st and 10th of April, there was in addition to the said twenty five feet from Cub River, twenty five feet per second from Wormcreek under permit No 15929; also about 25 second feet is used through the same canal, that is the lower portion of it, from Winkcreek through the the Preston-Riverdale & Winkcreek Canal

(Sign)

W. R. Barton

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,

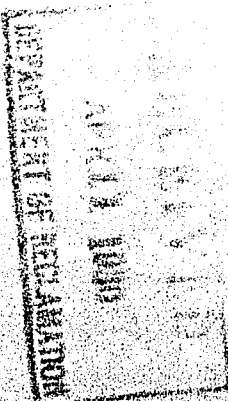
State of Idaho, on this 14 day of March, A. D. 19 30

My commission expires

March 5, 1932

Arthur W. Hart
Notary Public

Preston, Idaho



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 15933

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Joseph Jensen, Preston, Idaho, farmer aged 49

Ques. 2. Are you acquainted with Preston-Whitney Irrigation Company the holder of Permit No. 15933? How long have you known him and where does he reside?

Ans. I have known the corporation and its officers since its incorporation;
I have known the members thereof for many years.

Ques. 3. Have you read or heard read said Permit No. 15933, and are you familiar with its provisions and conditions? Yes

Ans. I am

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. Cub River; the water is conveyed to its place of use by means of a Canal
that is 12 miles long, 11 feet in width and four feet deep; fall per mile
4 inches—slope of Banks 1-3

Place of diversion is NW 1/4 Sec. 8, T. 15 S., R. 40 E., B. 1.

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. It will conduct 100 second feet ; I have seen that much conveyed which
includes the 25 second feet from Cub River 15933

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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. It is used for irrigational purposes, and for the irrigation of cultivated
lands which are described as follows, to-wit:— All of sections 2, 3, 9 and 10;
SW 1/4 NE 1/4; S 1/2 NW 1/4; SW 1/4 SE 1/4; Sec. 14; SW 1/4 NE 1/4; NW 1/4 NE 1/4; SE 1/4 NW 1/4; SE 1/4;
SW 1/4 Sec. 15; All of sections 21, 22, 23, 26, 27, 28, 34 and 35, all in Township
15 South, Range 39 East of the Boise Meridian, Idaho

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

Ans. One miner's inch to the 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. The Cub River & Wormcreek Canal Co, a corporation, was merged in the present Permit Holder, and it transferred said permit to said Preston-Whitney Irr. Co

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

1st and

Ans. 25 second feet was turned into the Canal between the 10th of April, 1929, and was used during the remainder of the irrigation season, that is until the water became short which was on or about the 1st of July, 1929; it was used for the irrigation of the lands 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 rights claimed thereunder.

Ans. During the year 1929, between the 1st and 10th of April, there was in addition to the said twenty five feet from Cub River, twenty five feet per second from Wormcreek under permit No 15929; also about 25 second feet is used through the same canal, that is the lower portion of it, from Winkcreek through the the Preston-Riverdale & Winkcreek Canal

(Sign)

W. H. Barton Leary

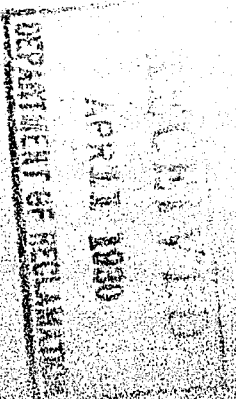
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Preston, County of Franklin, State of Idaho, on this 14 day of March, A. D. 19 30

My commission expires

March 5, 1932

W. H. Barton Leary
Arthur W. Hart
Notary Public

Preston, Idaho



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 15933

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Samuel D. Jensen, Preston, Idaho, Farmer and River Water Master of Cub River.

Ques. 2. Are you acquainted with ~~.....Preston-Riversdale-Whitney-Irrigation-Co.....~~ the holder of Permit No. 15933? How long have you known him and where does he reside?

Ans. I have known the corporation and its officers since its organization and have known the members thereof for many years

Ques. 3. Have you read or heard read said Permit No. 15253, and are you familiar with its provisions and conditions? Yes

Ans. 1 am

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. Cub River; the water is conveyed to its place of use by means of a
Canal that is 12 miles long, 11 feet wide, four feet deep with a Fall of four
inches to the mile; slope of Banks 1-3
Place of diversion is: NW 1/4 Sec. 8, T.15 S., R. 40 E.B.M.

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

Ans. It will carry 100 second feet; I have seen that much conveyed which includes the 25 second feet from Cub River under said Permit #15933

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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. ----- It is used for irrigation purposes, viz for the irrigation of cultivated lands which are described as follows, to-wit:- All of sections 2, 3, 9 and 10; S¹/₂ NW¹/₂; S¹/₂ NE¹/₂; S¹/₂ SE¹/₂; Sec. 14; S¹/₂ NE¹/₂; ~~SW¹/₂ NE¹/₂~~; and NW¹/₂; S¹/₂ SE¹/₂; Sec. 15; All of sections 21, 22, 23, 24, 25, 26, 27, 28, 34 and 35, all in Township 18 South, Range 30 East of the Boise Meridian, Idaho

15933

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

Ans. 1

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 land is a sand, loam and it requires at least one second foot for each fifty acres of land

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 a very small amount of stock in said corporation

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.

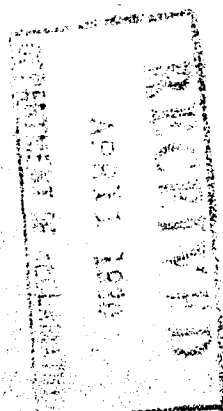
Ans. Sometime between the 1st and 15th day of April of last year, the water was turned into the works of diversion and all of the water appropriated under this permit was used for the irrigation of the above described lands, to-wit, 6520 acres

(Signed) _____

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 14 day of March, A. D. 1930

Arthur W. Lee
Notary Public.

My commission expires March 5, 1932



April 11, 1930

RE: Permits Nos. 15929 & 15933

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

Dear Sir:

We are today in receipt of your letter of the 4th inst. inclosing depositions of holders and witnesses for proof of beneficial use of water under the above numbered permits. These depositions have been completed as to the points of diversion, in accordance with your request. The papers will now be placed on file here without final action until the report has been made by our field engineer, later in the season, at which time you will be further advised.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By _____
Chief Clerk

CB:G

15933

June 20, 1930

PERMIT No. 15928
Re: PERMIT No. 15933
PERMIT No. R-364

PRESTON-WHITNEY IRRIGATION COMPANY
Preston
Idaho

Dear Sirs:

Attention: Mr. LARSON, Engineer

In examining the record in connection with the proof of beneficial use of PERMIT No. 15928 and PERMIT No. 15933 for the diversion of:

25 cubic feet per second from BORN CREEK
25 cubic feet per second from CUB CREEK

It is noted that the maps filed do not correspond with the conditions on the ground in the matter of canal locations.

I am enclosing a blue-print copy of the map; if possible, I would appreciate having canal alignments indicated approximately as constructed. It is not the requirement that extreme detail be shown but I feel that the deviation in this case is too great and correction should be made.

Also, in connection with PERMIT No. R-364: It is noted that amended plan and application for change in point of diversion were not made when the location of the dam was shifted upstream.

I am enclosing a blue-print of the reservoir site and dam detail and would appreciate having this change noted thereon, also, the drainage system which was installed at the west end of the dam.

I am, also, enclosing affidavit of change in point of diversion, which should be executed and filed.

Very truly yours,

Assistant Commissioner
of Reclamation

15933

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

Permit No. 15933This proof is for BEN. USE

In Water District No. _____

1. Name of applicant: Preston-Thimney Irrigation Co.2. Source of water supply: Cub River3. Location of point of diversion: Is in the N¹/2 S¹/2 E¹/2 of Section 8T. 15 S R. 40 E County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: Headum and
canal diverting from Cub River originally used to divert
decried rights enlarged to sufficient extent to carry the
said decried rights and in addition the 25 cfs appropriated
therein

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: Yesto the extent to which water has been available

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

All Secs. 2, 3, 9 & 10; S¹/2 E¹/2, S¹/2 E¹/2, N¹/2 S¹/2 and the S¹/2 Sec. 14;SE¹/2 NE¹/2, SW¹/2 NE¹/2, SE¹/2 NW¹/2, SE¹/2 & SW¹/2 Sec. 15; All Secs. 21, 22, 23, 26, 27, 28, 34 & 35,

Twp. 15 S., R. 39 E., B.M. Examination of each subdivision not made
as this right is supplemental to decried rights and
no additional lands are covered

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

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

Remarks: This company is successors of The Cub River Middle
 ditch Co and Cub River and Warm Creek Canal Co
both of which companies were decried rights to the
use of water of Cub River in the case of
Cub River Irrigation Co to Cub River Middle ditch Co
et. al. out of the fifth Jud. dist for Birds Co
entered Jan 26, 1906

15933

This examination was made on the 10 day of June 1930

(Signed)

Myron Dunsen

Examiner.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MEMORANDUM

Subject _____

July 22, 1930

File _____

PERMIT No. 15933

Inasmuch as the right sought in the above numbered permit is additional to an existing water right, namely: A decreed right entered in the case of:

CUB RIVER IRRIGATION COMPANY -vs- CUB RIVER MIDDLE
DITCH COMPANY, et al.

out of the Fifth Judicial District for ONEIDA COUNTY and no examination was necessary to determine that the water had been applied to beneficial use, no fee for examining should be charged - all in accordance with the provision of Chapter 53 of the 1923 Session Laws.

Myron E. Swenson

15933

July 28, 1930

Re: Permits 15929 and 15933.

Mr. W. K. Barton, Secretary
Preston-Whitney Irrigation Co.
Preston, Idaho

Dear Sir:

We are sending you herewith the
Licenses and Certificates of Water Rights
issued under the above numbered permits.

Very truly yours,

GEO. H. CARTER
Commissioner of Reclamation

By

, Chief Clerk

Encl.

15933

13-2104

State of Idaho
License and Certificate of Water Right

Water License No. 15933
Water District No.

Amount 25 sec. ft.
Priority March 14, 1924.

THIS IS TO CERTIFY that Cub River-Worm Creek Canal Company,
of Preston, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 14, 1923; that Permit No. 15933
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
25 second feet, was issued thereunder on October 22, 1923, showing that said works
were completed on the 1st day of November, 1923; and that on the 14th
day of March, 1924.

Preston-Whitney Irrigation Company,
of Preston, Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Cub River,
a tributary of Bear River, for the purpose of irrigation and
domestic use, under Use Permit No. 15933 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3623, on the 22nd day of July, 1924.

The right hereby confirmed dates from March 14, 1924.

The Point of Diversion is located
in the NW 1/4 SE 1/4, Sec. 8, Tp. 15 S., R. 41 E., B.M. Franklin County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 25
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
Sec. 21,	All Secs. 2, 3, 8 & 10; 14; 6E1N2, 6E1N3, 6E1N4, 6E1N5, 6E1N6, 6E1N7, 6E1N8, 6E1N9, 6E1N10, 6E1N11, 6E1N12, 6E1N13, 6E1N14, 6E1N15, 6E1N16, 6E1N17, 6E1N18, 6E1N19, 6E1N20, 6E1N21, 6E1N22, 6E1N23, 6E1N24, 6E1N25, 6E1N26, 6E1N27, 6E1N28, 6E1N29, 6E1N30, 6E1N31, 6E1N32, 6E1N33, 6E1N34, 6E1N35, 6E1N36, 6E1N37, 6E1N38, 6E1N39, 6E1N40, 6E1N41, 6E1N42, 6E1N43, 6E1N44, 6E1N45, 6E1N46, 6E1N47, 6E1N48, 6E1N49, 6E1N50, 6E1N51, 6E1N52, 6E1N53, 6E1N54, 6E1N55, 6E1N56, 6E1N57, 6E1N58, 6E1N59, 6E1N60, 6E1N61, 6E1N62, 6E1N63, 6E1N64, 6E1N65, 6E1N66, 6E1N67, 6E1N68, 6E1N69, 6E1N70, 6E1N71, 6E1N72, 6E1N73, 6E1N74, 6E1N75, 6E1N76, 6E1N77, 6E1N78, 6E1N79, 6E1N80, 6E1N81, 6E1N82, 6E1N83, 6E1N84, 6E1N85, 6E1N86, 6E1N87, 6E1N88, 6E1N89, 6E1N90, 6E1N91, 6E1N92, 6E1N93, 6E1N94, 6E1N95, 6E1N96, 6E1N97, 6E1N98, 6E1N99, 6E1N100, 6E1N101, 6E1N102, 6E1N103, 6E1N104, 6E1N105, 6E1N106, 6E1N107, 6E1N108, 6E1N109, 6E1N110, 6E1N111, 6E1N112, 6E1N113, 6E1N114, 6E1N115, 6E1N116, 6E1N117, 6E1N118, 6E1N119, 6E1N120, 6E1N121, 6E1N122, 6E1N123, 6E1N124, 6E1N125, 6E1N126, 6E1N127, 6E1N128, 6E1N129, 6E1N130, 6E1N131, 6E1N132, 6E1N133, 6E1N134, 6E1N135, 6E1N136, 6E1N137, 6E1N138, 6E1N139, 6E1N140, 6E1N141, 6E1N142, 6E1N143, 6E1N144, 6E1N145, 6E1N146, 6E1N147, 6E1N148, 6E1N149, 6E1N150, 6E1N151, 6E1N152, 6E1N153, 6E1N154, 6E1N155, 6E1N156, 6E1N157, 6E1N158, 6E1N159, 6E1N160, 6E1N161, 6E1N162, 6E1N163, 6E1N164, 6E1N165, 6E1N166, 6E1N167, 6E1N168, 6E1N169, 6E1N170, 6E1N171, 6E1N172, 6E1N173, 6E1N174, 6E1N175, 6E1N176, 6E1N177, 6E1N178, 6E1N179, 6E1N180, 6E1N181, 6E1N182, 6E1N183, 6E1N184, 6E1N185, 6E1N186, 6E1N187, 6E1N188, 6E1N189, 6E1N190, 6E1N191, 6E1N192, 6E1N193, 6E1N194, 6E1N195, 6E1N196, 6E1N197, 6E1N198, 6E1N199, 6E1N200, 6E1N201, 6E1N202, 6E1N203, 6E1N204, 6E1N205, 6E1N206, 6E1N207, 6E1N208, 6E1N209, 6E1N210, 6E1N211, 6E1N212, 6E1N213, 6E1N214, 6E1N215, 6E1N216, 6E1N217, 6E1N218, 6E1N219, 6E1N220, 6E1N221, 6E1N222, 6E1N223, 6E1N224, 6E1N225, 6E1N226, 6E1N227, 6E1N228, 6E1N229, 6E1N230, 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