

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

Application No. 22757
Permit No. 16038
District No. 5-H

1. Name of Applicant: Peter C. Jensen and Willard Gailey,
Postoffice address. Preston, County: Franklin, State: Idaho.
 I. If applicant is a corporation, give:
 (a) Date and place of incorporation:
 (b) Amount of capital stock:
 (c) Amount paid in:
 (d) Names and addresses of directors:
 II. The financial resources of the applicant are:
 (a) Cash on hand:
 (b) Treasury stock:
 (c) Bonds to be issued:
 (d) Other resources:
2. Quantity of water claimed: six and four tenths cubic feet per second.
3. Source of water supply: Unnamed stream which is a tributary of Worm Creek
4. Location of point of diversion: 635 feet distant from the northwest corner of NE $\frac{1}{4}$ of Section 12, T. 16 S., R. 39 E., B. M., and is in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12, T. 16 S., R. 39 E., B. M., County of Franklin.
5. Water is to be used for: Irrigation.
6. If for mining, milling, power or manufacturing purposes, give:
 (a) Point of use of water: feet distant from corner of Section T. , R. , B. M., in the of Section , T. , R. , B. M.
 (b) Amount of power generated: H. P., under feet head.
 (c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B. M., in the of Section , T. , R. , B. M.
7. Estimated cost of works: \$ 50.00
8. Kind of works: Earth and rock dam
9. Height of dam five feet; length of dam at top fifteen feet; length of dam at bottom four feet; material used in dam earth and rock
10. Size of headgate: width four feet; height three feet
11. Ditch: Width at bottom two feet; width at water line four feet; depth of water two feet; dimensions of flume
 Diameter of pipe inches; length of conduit miles.
 Average grade per mile feet
12. The time required for the completion of such work is six months - years.
13. The time required for the complete application of the water to the proposed use is 6 months 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.

Peter C. Jensen
 Willard Gailey

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation. **9 A. M. June 28, 1924.**

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **16038**
 Recorded in Book **57** Page **16038** - Approved **July 8, 1924.**
 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 **September 6, 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 **October 8, 1924.**
 The whole of said work to be completed on or before **January 8, 1925.**
 Beneficial use of water appropriated in accordance herewith, to be made on or before **July 8, 1925.**

Witness my hand this **8th** day of **July, 1924.**

W. G. SWENDSEN.
 Commissioner of Reclamation.

Remarks:

14 Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16 S	39 E	12									40		40		40	40		160	
		13								40		40		40	40		160		
Total Number of Acres to be Irrigated																		320	
Proof of Completion of Works made December 2, 1924. Certificate of Completion of Works issued April 27, 1925. Permit No. 16038 CERTIFICATE OF COMPLETION OF WORKS To All Whom It May Concern: This is to certify that Peter C. Jensen and Willard Gailey of Preston, County of Franklin, and State of Idaho, the holder of Permit No. 16038, issued upon Application No. 22757, bearing date of priority of June 28, 1924, authorizing the diversion of 6.4 second feet of the waters of an unnamed stream, 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 6.4 second feet of the waters of an unnamed stream; that the point of diversion of said waters is 635 feet distant from the Northwest corner of NE¼ of Section 12, T. 16 S., R. 39 E., B.M., and is in the NE¼ of the NW¼ of Section 12, T. 16 S., R. 39 E., B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: E½ SW¼ and W½ SE¼ Sec. 12 and E½ SW¼ W½ SE¼ Sec. 13, T. 16 S., R. 39 E., B.M. Witness my hand this 27th day of April, A. D. 1925. W. G. SWENDSEN Commissioner of Reclamation.																			
License issued for 6.4 second feet - Page 3278																			

License issued for 6.4 second feet - Page 32-78

J. N. LARSEN COMPANY

Bonded Real Estate Brokers And Abstractors

Farm And City Loans

FIRST NATIONAL BANK BUILDING

16038

PRESTON, IDAHO.

June 26, 1924

Commissioner of Reclamation,
Boise, Idaho.

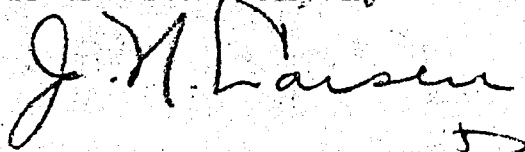
Dear Sir:

We are herewith enclosing application of Peter C. Jensen and Willard Gailley for permit to appropriate the public waters of the State of Idaho, together with cashier's check for \$1.60.

Yours very truly,

J. N. Larsen Company

By



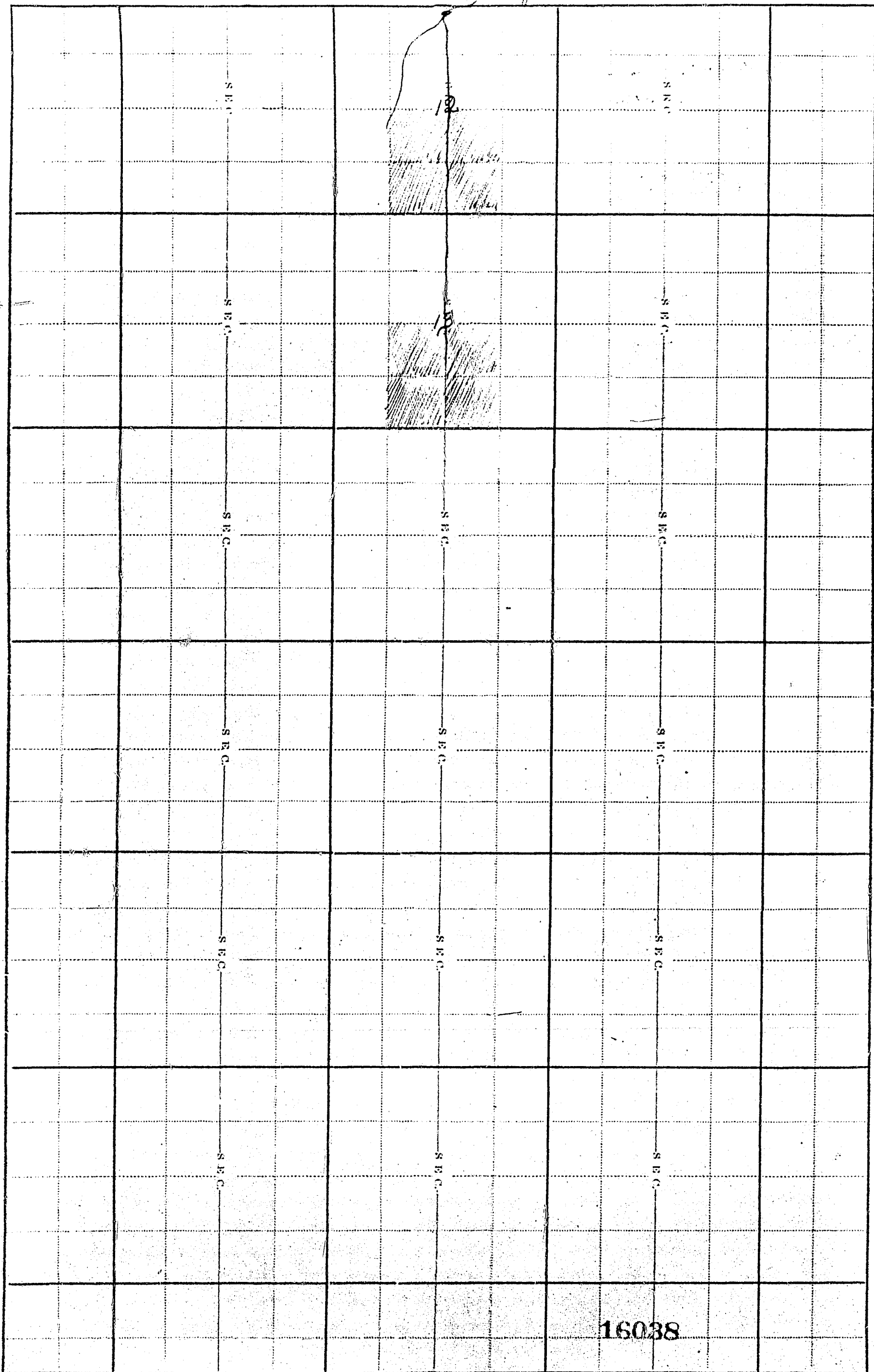
JNL:D

16038

NAME OF APPLICANT

Peter C. ...

16038



16038

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

Permit Map No. 16038

As Approved

July 8, 1924

W. G. SWINDESEN
Commissioner of Reclamation

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 16038

Mr. Peter C. Jensen, et al.,
Preston, Idaho.

Boise, Idaho,

July 9, 1924.

Dear Sir:

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

W. G. SWENDSEN.
Commissioner of Reclamation.

16038

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Peterson C. Jansen & Willard Gailey **Boise, Idaho, October 16, 1924**
Preston, Idaho

Dear Sir:—

Under the terms of your permit No..16038.....you are required to complete your diversion works on or before ~~Jan. 8, 1925~~... I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

J. G. SWENDSEN

Commissoner of Reclamation.

16038

J. N. LARSEN COMPANY

Bonded Real Estate Brokers And Abstractors

Farm And City Loans

FIRST NATIONAL BANK BUILDING

PRESTON, IDAHO.

October 20, 1924.

State Engineer,
Boise Idaho

Dear Sir:

Re Permit #16038 Peter C. Jensen and
Willard Gailey, RFD#3

Peter C. Jensen and Willard Gailey asked us to advise you that they have fully completed all of their work in the matter of canals and diverting dams for the use of water under permit #16038, and would be pleased to make final proof.

Please advise us when this can be done.

Yours very truly,

J. N. Larsen Company

By *J. N. Larsen*

JNL:D

5-6

10-11

16038

October 23, 1924

Re: Permit No. 16038

J. N. Larsen Company
Preston, Idaho

Gentlemen:

Per your request of the 20th instant, you will find enclosed affidavit for proof of completion of works, together with blank notices for proof of beneficial use of water.

The date for making proof of beneficial use of water should be set far enough ahead to allow time for the required four weeks publication of the notice.

These blanks should be filled out and returned to this office at your early convenience.

Very truly yours,

W.C. SWENDSEN
Commissioner of Reclamation

By
Chief Clerk

16038

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 2, 1924

(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 Citizen of Preston, Idaho, published in the county in which the works are situated.

Peter C Jensen & William L Gilly
by J. H. Allen

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 10th day of January, 1925,
at Preston, County of Franklin, State of Idaho,
before J. M. Larsen, Notary Public, proof will be submitted
of the application to beneficial use of 6.4 cubic feet per second of the
waters of Unnamed stream in accordance with the terms and conditions of
Permit No. 16038 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
Peter C. Jensen, & Willard Galley, of Preston, County of Franklin, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 6.4 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section
12, Tp 16, SR 39 EBM, NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of
Section 13, Tp 16, SR 39 EBM

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

The right to take water from such works is based upon Permit No. 16038

The source of supply from which such water is diverted is Unnamed stream

The date of the priority which said user is prepared to establish is June 25, 1924

W. G. Swendsen,

Commissioner of Reclamation.

16038

WE NW - 12 765 - 39 E,

Franklin

5 - 11

J. N. LARSEN COMPANY

*Handled Real Estate Brokers And Abstractors**Farm And City Loans*

FIRST NATIONAL BANK BUILDING

PRESTON, IDAHO

December 2, 1924.

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

Dear Sir:

Enclosed please find

Proof of Completion of Works
Notice for Publication.

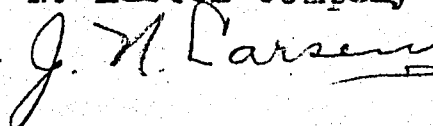
Would you please advise us when you will publish.

Trusting that you will find everything satisfactory,
We are,

Yours very truly,

J. N. Larsen Company

By



JNL:D

16038

Permit No. 16038

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Franklin ss.Peter C. Jensen - Willard Gailley being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 16038, and that his postoffice address is BuistonState of IdahoSecond: That the name of the stream from which said water is to be diverted is unnamed streamThird: That the point of diversion of said water is 635 ft. from the NW. Cor. of NE 1/4 of Sec 12, Tp 16 SR 39 EBM and is in NE 1/4 NW 1/4 Sec 12 Tp 16 SR 39 EBMFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Jan. 1, 1925Fifth: That the use for which said water is intended is irrigationSixth: That on the date above mentioned, the works constructed under said permit were ~~(or were not)~~ fully completed and consisted of the following:I. Kind of works: Earth and Rock Dam
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 5 feet, length of dam at top 15 feet, length of dam at bottom 4 feet. Material used in construction Earth and Rock
(State whether wood, earth, stone or concrete.)(b) Capacity of reservoir acre feet.(c) Size of headgate: Width 4 feet, height 3 feet.(d) Conduit ditch width at bottom 2 feet, width at water line 4 feet, depth of water 2 feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.Seventh: That said works are capable of conducting to the place of intended use 6.4 cubic feet per second feet of water.Eighth: That water appropriated under said permit is available for 320 acres of land described as follows: NE 1/4 of SW 1/4, SE 1/4 of SW 1/4, NW 1/4 of SE 1/4, SW 1/4 of SE 1/4 of Section 12, Tp 16, SR 39 EBM, NE 1/4 of SW 1/4, SE 1/4 SW 1/4, NW 1/4 of SE 1/4, SW 1/4 of SE 1/4 of Section 13, Tp 16, SR 39 EBM

Ninth: Remarks: That

P. C. Jensen - Willard Gailley
(Sign here)Subscribed and sworn to before me this 2nd day of December, 1924.My commission expires Apr. 30, 1925W. H. Hansen
Notary Public.

16038

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE December 4, 1924

~~Franklin~~ County Citizen,
Preston, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to January 10, 1925, the date set for proof, the expense of the publication to be paid by the applicant, ~~Pay to their attorneys,~~ J. N. Larsen, of Preston, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

W. G. ~~SWENDSEN,~~

Commissioner of Reclamation.

16038

December 4, 1924

Re: Permit No. 16038-Jensen & Gailey

Mr. J. N. Larsen
Preston, Idaho

Dear Sir:

We are today in receipt of your letter of the 23rd instant, enclosing affidavit of holders for proof of completion of works under the above numbered permit, together with notices for proof of beneficial use of water. Upon receipt of fees in the sum of \$5.00 for proof of completion of works a certificate will be issued the applicants herein.

Notice for publication for proof of beneficial use has today been mailed to the Franklin County Citizen, per your request. Deposition blanks, one for the holders and one each for two witnesses, will be mailed to the notary public in time for proof to be made on the date set.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

16038

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

~~PROOF OF COMPLETION OF WORKS~~
~~AND~~
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

January 8, 1925

Peter C. Jensen,

c/o J. N. Larsen,
Notary Public,
Preston, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of ~~completion of~~
~~works and~~ beneficial use of water under Permit No. 16038

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 January 10, 1925, 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 J. N. Larsen, 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,

W. G. SWENDSEN,

Commissioner of Reclamation.

16038

January 16, 1925.

Re: Permit No. 16038.
Jensen & Gailey.

Mr. J. H. Larsen,
Preston, Idaho.

Dear Sir:-

Since mailing our letter dated January 12th, we find that the affidavit of the holders for proof of completion of works had been placed in a separate file pending receipt of the statutory fee of \$5.00 before issuing the certificate of completion of works. It will not be necessary, therefore, for the holder to make any further affidavit for this proof. Upon receipt of the required fee, the certificate will issue.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

16038

J. N. LARSEN COMPANY

Bonded Real Estate Brokers And Abstractors

Farm And City Loans

FIRST NATIONAL BANK BUILDING

PRESTON, IDAHO.

April 17, 1925

Department of Reclamation,
Boise, Idaho,

Attention W. G. Swendsen

Gentlemen:

Mr. Gailey called at the office today with reference to a request that you have just made of Peter C. Jensen and Willard Gailey for publication of notice of proof, application of water for beneficial use. There is evidently some oversight in the sending of these notices to be filled out for publication, as this matter has already been attended to at the time you made the request October 23rd, 1924. When such a set of papers was sent to you, the notice was published in the Franklin County Citizen immediately thereafter by yourselves at the expense of Jensen and Gailey. If this is an additional notice that should be published kindly give us the information.

Mr. Jensen and Gailey would like to know if possible, at once, as to the final papers in connection with this water right.

Yours very truly,

J. N. Larsen Company

By

J. N. Larsen

JSL:D

16038

*Continued from
62nd 2 of 5 pgs.*

16038

April 20, 1925

Re: Permit No. 16038

Mr. J. S. Larsen
Preston, Idaho

Dear Sir:

Referring to your letter of the 17th instant, would say that our files show that both proof of completion of works and beneficial use of water have been filed under the above numbered permit. In regular order, this final proof is due in July and was on the list for our first of the month notices.

We find that the certificate of completion of works has been withheld pending the receipt of the fee of \$5.00.

Very truly yours,

W. C. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

CB:EK

16038

J. N. LARSEN

J. S. LARSEN

J. N. LARSEN COMPANY

Bonded Real Estate Brokers And Abstractors

Farm And City Loans

FIRST NATIONAL BANK BUILDING

PRESTON, IDAHO.

April 25, 1925

Department of Reclamation,
Boise Idaho.

Re Permit No. 16038

Gentlemen:

As per your letter of April 20th, we are herewith enclosing check of \$5.00 to pay the fee in the above entitled permit, which we take will close and clear up everything in connection with said permit.

Yours very truly,

J. N. Larsen Company

By

J. N. Larsen

JSL:D

16038

April 27, 1925

Re: Permit No. 16038-Jensen and Gailey

Mr. J. N. Larsen
Preston, Idaho

Dear Sir:

We enclose herewith Certificate of
Completion of Works issued under the above
numbered Permit, together with receipt for
fee paid.

Very truly yours,

W. C. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

CB:EK

16038

J. N. LARSEN COMPANY

Bonded Real Estate Dealers And Abstractors

Farm And City Loans

FIRST NATIONAL BANK BUILDING

PRESTON, IDAHO.

January 17, 1925

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

Dear Sir: In the matter of Permit #16038, Peter C.
Jensen and Willard Gailey

We are herewith enclosing two deposition of permit of
Holder, one we had to typewrite as you only sent us one copy
stating that you were enclosing two. We are also enclosing
two depositions of two witnesses, witnesses Ephraim Bosworth
and James W. Jensen Also application of publication.

There was no one here at the office to protest against the
application.

Trusting that you will find everything satisfactory, we are,

Yours very truly,

J. N. Larsen Company

By *J. N. Larsen*

JNL:D

16038

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 16038

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Peter C Jensen, 57 years old, Preston Idaho, Farmer.

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

Ans. _____

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

Ans. 16038 June 28, 1924, June 28, 1924

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

Ans. Unnamed stream, 635 ft. S from the NW corner of the NE 1/4 of Sec. 12, T. 16 N. R. 39 E. B. 10.

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. A dam made of rock and earth, height of dam about 5 ft. Length of dam on top about 15 ft. Length of dam on bottom 4 feet. With head gate about 4 ft high and 3 ft wide - 6.4 Cu. Ft. per second, over own private ditch.

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

Ans. For irrigation, NE 1/4 Sec. 12, T. 16 N. R. 39 E. B. 10 and NW 1/4 Sec. 13, T. 16 N. R. 39 E. B. 10. Total 160 acres. All cultivated, water has just been used over seven and has changed farm from a dry farm to an irrigated farm.

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

Ans. _____

16038

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

Ans. 1 cu. ft. head 50 acres

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

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

Ans. Season of 1924, for irrigation, used all waters of stream

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

Ans. None other than rented water.

(Sign)

Peter C. Jensen

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 10th day of January A. D. 1925.

W. A. Jensen
Notary Public - Preston, Idaho

16038

RECORDED
JAN 19 1925
DEPARTMENT OF AGRICULTURE

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 16038

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. James W. Jensen 50 years, Preston Id.

Ques. 2. Are you acquainted with Peter C. Jensen & Willard Gaiter, the holder of Permit No. 16038? How long have you known him and where does he reside?

Ans. Yes - Peter C. Jensen for 50 years, Preston Id.
Willard Gaiter, 12 years, Preston Id. R. 7 D. 3

Ques. 3. Have you read or heard read said Permit No. 16038, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Unnamed stream, 635 ft. South from the NW corner of the NE 1/4 of Sec. 12, T. 16. S. R. 39. E. B.M. A dam made of rock and earth about 1 ft high, 15 ft long on top, and 4 ft long on bottom and dilt.

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. 6.4 sec. feet.

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

Ans. For irrigation, NE 1/4 & SW 1/4 + SE 1/4 & SW 1/4 + NW 1/4 + SE 1/4 + SW 1/4 + SE 1/4 + NW 1/4 of Sec. 12, also NE 1/4 & SW 1/4 + SE 1/4 + NW 1/4 of Sec. 13, all in T. 16. S. R. 39. E. B.M. cont. 320 acres. All cultivated. Just irrigated season 1924, changed from dry to irrigated.

16038

Ans.

Ans.

Ans.

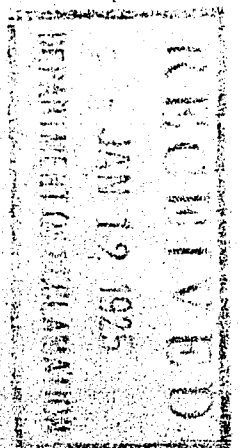
Arts.

(Sign

Notary Public.

My commission expires

16038



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 16038

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. Ephtaim Bosworth, 40, Preston Ida. Farmer,
Preston Ida.

Ques. 2. Are you acquainted with Peter C Jensen and Willard Galley, the holder of Permit No. 16038? How long have you known him and where does he reside?

Ans. I am known Peter C Jensen 8 years, Preston Ida.
Have known Willard Galley 30 years, Preston Ida. R. 7 D. #3

Ques. 3. Have you read or heard read said Permit No. 16038, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Unnamed stream, 635 ft. South, from the NW corner of Q. 14 E. 1/4
Sec. 12 T. 16. S. R. 39 E. B. M. an cut + Rock dam about
5 ft. high, 15 ft. long on Top + 4 feet long on bottom. + ditch

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

Ans. 6.4 Sec. Feet.

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

Ans. For Irrigation, NE 1/4 + SE 1/4 of SW 1/4 and NW 1/4 of SE 1/4
+ SW 1/4 of SE 1/4 Sec. 12, and NE 1/4 of SW 1/4 + SE 1/4 of SW 1/4 and
NW 1/4 of SE 1/4 + SW 1/4 of SE 1/4 Sec. 13 all in T. 16. S. R. 39
E. B. M. all cultivated, 320 acres irrigated

16038

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. Clay loam, 1 second foot for each 50 acres

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

Ans. None

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. Water used on said lands season 1924.

(Sign) Ephraim Basworth

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 Boston, County of Franklin, State of Idaho, on this 10th day of January, A. D. 1925.

My commission expires Apr 30, 1925

Notary Public.

Boston Idaho

16038

RECEIVED
JAN 19 1925
DEPARTMENT OF IRRIGATION

STATE OF ILLINOIS
DEPARTMENT OF REGULATION
BOULEVARD

PERMIT No. 16038

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

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

Ans. William Gailley, 57, Ruston Ida, R. F. No. 3, Farmer

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

Ans. _____

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

Ans. 16038, June 25, 1924, June 25, 1924,

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

Ans. Unimproved stream, 635 ft. S from the NW corner of the NE 1/4 of Sec. 12 T. 16 S. R. 39 E. B. M.

Ques. 5 Describe your works of diversion and state amount of water they are capable of conveying, from point of diversion to place of use and give name of canal or ditch or other works by which water is conducted to such place of use

Ans. A dam made of rock and earth, height of dam about 5 ft. length of dam on top about 15 ft., length of dam on bottom 2 ft. wide head gate about 4 ft. wide and 3 ft. high. - 6.4 Cfs. per second, on own private ditch.

Ques 6. State for what purpose water is used and describe place of use. If

for irrigation name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water) State whether cultivate or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation of NE 1/4 of NW 1/4 and SE 1/4 of NW 1/4 and NW 1/4 of SE 1/4 and NW 1/4 of SE 1/4 Sec. 12, T. 16 S. R. 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 1 Sec. Ft. for each 50 acres.

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

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

Season 1924, for irrigation, used all water of stream.

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

None other than rented water

(Sign)

Willard Bailey

=====

I hereby certify that the foregoing testimony was read to the above 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 10th day of January A.D. 1925

W. H. H. H.
Notary Public, Preston, Idaho

My Commission expires
Apr. 30, 1925

16038

PRESTON, IDAHO.

NOTICE FOR PUBLICATION

Notice of Proof Application of Water To Beneficial Use

Notice is hereby given that at 10:00 a. m., on the 10th day of January 1925, at Preston, County of Franklin, State of Idaho, before J. N. Larsen, Notary Public, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of Unnamed stream in accordance with the terms and conditions of Permit No. 16038 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 Peter C. Jensen, and Willard Gailey, of Preston, County of Franklin, Idaho.

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

The amount applied to beneficial use is 6.4 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, Tp. 16, S R 39 EBM, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, Tp. 16 S, R. 39 E. B. M.

The right to take water from such works is based upon Permit No. 16038.

The source of supply from which water is diverted is Unnamed stream.

The date of the priority which said user is prepared to establish is June 28, 1924.

W. G. SWENDSEN,
Commissioner of Reclamation.

Affidavit of Publication

1. Seland L. Chatterton

(publisher) (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 Dec 17 1924 and ending

with the issue dated Jan 7 1925

Franklin County Citizen
By Seland L. Chatterton

16038

Subscribed and sworn to before me this 6th day of Jan 1925

J. N. Larsen
Notary Public
Idaho

January 12, 1925.

Re: Permit No. 16038

Mr. J. N. Larsen Company,
Preston, Idaho.

Gentlemen:-

We are today in receipt of depositions of holders and witnesses, together with the affidavit of publication for the proof of beneficial use of water under the above numbered permit. The affidavit of the holder for proof of completion of works, however, was omitted. Notice of this proof, together with the affidavit form, was mailed to the holders October 16th and again to you in our letter of October 23rd, 1924. We are enclosing another blank which should be filled out and dated as of the date of proof of beneficial use of water, January 10, 1925, as this proof is required to be made on or prior to the date of proof of beneficial use of the water. The rest of the proof is in proper form and will be placed on file pending the examination by our engineer later in the spring.

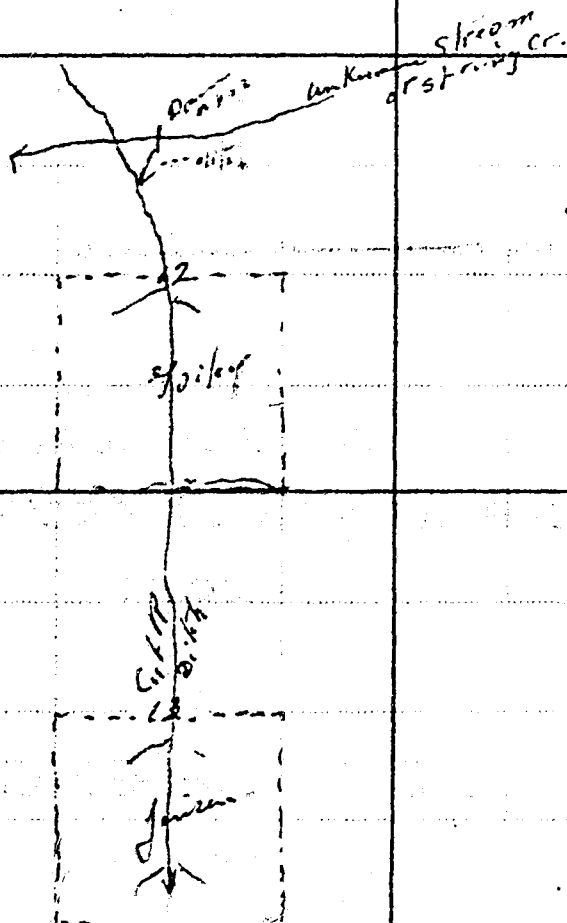
Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

Form #6 encl.

16038

T16S R39E



16038

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

Permit No. 16038

This proof is for Beneficial UseIn Water District No. 5-H1. Name of applicant: Peter C. Jensen & Willard Bailey2. Source of water supply: Unnamed stream3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12T. 16 S R. 39 E.B.M. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: Box down 4' wide, 3' deep
plants for which ^{new} directs water into ditch 2 to 2 1/2 wide 2 ft deep which
carries water to old common carrier ditch which now carries Cut River
water onto lands named in Permit.

5. Water is used for: irrigation6. 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): NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12; NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 13, Twp. 16 S., R. 39 E., B.M.

All under cultivation and irrigated.

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

8. What large stream would the water here appropriated finally reach? Cut River & Bear River.Remarks: stream is sometimes locally known as Spring Cr.

Water is caused by seepage & waste water from irrigated lands above.

Lands are also watered by Cut River ditch system. This water
is filed upon as an additional right when other goes down.

Mr. Bailey states he & Mr. Jensen have used it off on for 15 years.

16038

This examination was made on the 23 day of June, 1925

(Signed)

R. F. Sutcliffe

Examiner

June 29, 1925

Ref Permit No. 16038-Jensen & Gailey

Mr. Peter C. Jenson
Preston, Idaho

Mr. Willard Gailey
R.F. D. #3
Preston, Idaho

Gentlemen:

We are in receipt of the depositions in the matter of proof of beneficial use of water under the above numbered permit, also the report of the examining engineer. Upon receipt of fees in the sum of \$8.00, being \$1.00 for each forty-acre tract or fraction, license will be issued.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

OB:EK

16038

J. N. LARSEN

J. S. LARSEN

J. N. LARSEN COMPANY

Bonded Real Estate Brokers And Abstractors

Farm And City Loans

FIRST NATIONAL BANK BUILDING

PRESTON, IDAHO

July 2 1928

W. C. Swendsen
Commissioner of Reclamation
Boise Idaho.

Dear Sir:

Enclosed please find check for \$8.00 as per
your letter of June 29th addressed to Willard Gailey
This is to cover fee for license under permit #16038

Please acknowledge receipt.

Yours very truly,

J. N. Larsen Company

By *J. N. Larsen*

JNL:D

16038

July 9, 1925.

Re: Permit 16038

Mr. Peter C. Jensen,
Preston, Idaho.

Dear Sir:

Enclosed you will find
water license issued to yourself and
Willard Gailey, under the above num-
bered permit, together with receipt for
fees paid.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By

Chief Clerk

Encls
CC-Mr. Gailey
Preston, Idaho.

16038



THE UNION CENTRAL LIFE INSURANCE CO.
OFFICES SUITE 412 MC CORNICK BUILDING

SALT LAKE CITY

November 8th,
1928.

Berdella Hawkes Application

State Engineer,
Boise, Idaho.

Dear Sir:

We are negotiating a loan to Berdella Hawkes upon the following described property which she acquired from Mrs. P. C. Jensen.

The E $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 13, Township 16 South, Range 39 East of the BM containing 160 acres of land.

Mrs. Hawkes advised us that she holds permit #16038 entitling her to irrigate the above 160 acres of land from Spring Creek.

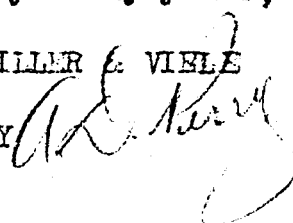
For our information we shall appreciate it very much if you will kindly furnish us with a copy of the above permit on your regular form, and also kindly advise us if the regular bond as required by law has been filed in this case.

What must be done yet to perfect this water right and obtain regular certificate of appropriation?

We assure you your prompt reply will be appreciated very much.

Very truly yours,

MILLER & VIELE

BY 

ADP: S

16038

November 10, 1928.

Re: Permit No. 16038.

Messrs. Miller & Vile,
412 McCormick Building,
Salt Lake City, Utah.

Gentlemen:-

Referring to your letter of the 8th inst. would say that all the requirements have been met under the above numbered permit and certificate of completion of works and license issued. A copy of the final license is herewith enclosed for your information.

No bond is required to be filed under a permit unless the amount of water claimed exceeds 6.4 second feet.

Our records do not show the title brought down to Berdella Hawkes.

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

By _____
Chief Clerk.

16038

Preston Idaho

July 2 1930.

6-28-24

Commissioner of Reclamation

Boise Idaho.

Dear Sir,

Drum 6-28-24
Warren 5m May 15 1886
10m May 15 1888
Drum 10m May 15 1922

On July 8 1925 the State of Idaho gave, through the Commissioner of Reclamation, Water License No. 16038, Water District No. 5-H, Amount 6.4 sec. ft., Priority June 28, 1924, to Peter C Jensen and Williard Gailey of Preston Idaho.

Three years ago I bought the farm of Mr Jensen together with this water right. Mr Jensen told me at the time to watch this water because others would take it. Mr Jensen died soon after. Last summer Mr Gailey was accidentally killed. Some time after his death in the early fall James A Chadwick of Whitney built a cement head-gate across the stream about $\frac{1}{4}$ mile above the Point of Diversion and is taking the water claiming he has a right to it. About $\frac{3}{4}$ mile farther up he is taking it again.

Joseph Gailey, son of Williard Gailey was not at home at the time of his fathers death but is now operating the Gailey farm. He and I feel that Mr. Chadwick is taking advantage of the death of Mr. Jensen and Mr. Gailey to get possession of this water. The Certificate No. 16038 was recorded July 17, 1925 at Franklin County.

What can you do for us in this matter? Water is scarce and our crops are burning so we would very much appreciate a prompt answer.

Thanking you in advance and hoping to hear from you soon, I am,

Yours very truly,

16038

BE Hawker
62 & 2. East
Preston
Ida.

ARTHUR W. HART

PROSECUTING ATTORNEY
FRANKLIN COUNTY

PRESTON, IDAHO.

July 3rd 1930,

Reclamation Dept.
Boise, Idaho,

Gentlemen: Re-

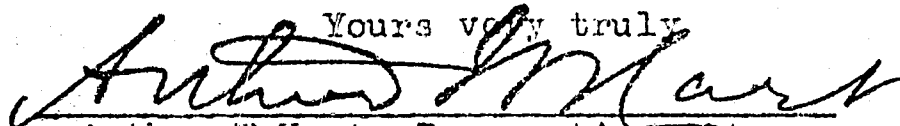
Today I had a Mr. Gailey arrested for cutting a dam and taking the water that was decreed to John A. Dunkley and Chris Monson on the 7th day Feb. 1913, Alfred Budge District Judge. This decree was entered in the case of the said Dunkley -vs- Monson and is recorded in Book C at Page 287 Records of Oneida County, filed Feb. 10th 1913. This plaintiff and defendant have used the water under said decree uninterruptedly until a few days ago when a Mr. C.E. Hawkes and Jos. Gailey, successors in interest to Peter C. Jensen and Willard Gailey, took the water and continually tear out the dam, the successors in interest of the said Dunkley and the said Monson are losing their pea crop.

I examined the licence that you issued to the said Jensen and Gailey in the year 1925, but I could not connect it up with the decreed water rights aforesaid and I suggested to the court today that I would write you as I was sure that it was never your intention to interfere with decreed water rights.

The Records of Oneida County above referred to has been transferred to Franklin County and is now of record in Franklin County.

Kindly let me hear from you soon.

Yours very truly

Arthur W. Hart, Prosecuting Attorney,
Preston, Idaho.

16038

July 5, 1930

Mr. Arthur W. Hart
County Attorney, Franklin County
Preston, Idaho

Dear Sir:

In response to your letter of July 3 relative to the controversy over the waters of a certain stream which was decreed in the case of Dunkley vs. Monson, and that certain permit No. 16038, you are informed that this permit was issued in compliance with the statutes providing for the right of any person to appropriate the public waters. This permit was filed on June 28, 1924 and after due proof had been made license was issued confirming the right, with a date of priority of June 28, 1924.

This date of priority is of course subsequent to the decreed rights of Monson and Dunkley, and I take it that the holder of this permit would be entitled to all water in excess of the said decreed rights. This department, however, can take no action in the distribution of these waters unless a watermaster is appointed, and in that event appropriate instructions will be issued and the owners of decreed rights will be given their water and the balance turned to subsequent rights.

Yours truly,

Myron Swendsen
Assistant Commissioner
of Reclamation

MS/co

16038

Preston Idaho

July 3, 1930

Commissioner of Reclamation

Boise Idaho

Dear Sir;

I wrote you yesterday concerning water License No I6038 issued to Peter C Jensen and Williard Gailey. In the county attorney,s office I found today a decree of this stream issued to Chris Monson and John Dunkley in I9I3 but for twenty-five inches only. Ten inches to one man and fifteen inches to the other.

At the time this decree was made there was only about that much water in the stream but it has increased since then and there has been plenty of water for the Jensen and Gailey farms There is much more than the twenty-five inches at present and Mr Chadwick is using two streams most of the time.

Now if Mr Jensen and Gailey used the excess waters long enough to obtain the said License No I6038 are they not entitled to all waters over the twenty-five inches?

Trusting this information will aid you some in making reply and anxiously^{awaiting} the same I am

Very truly yours.

CE Hawkes

July 5, 1930

Permit 16038.

Mr. C. E. Hawkes
62 So. 2 East
Preston, Idaho

Dear Sir:

In response to your letters of July 2 and 3, you are informed that inasmuch as the waters of this stream have been decreed it is highly important that in exercising your right to the use of these waters by virtue of your permit you should be extremely careful that you do not in any way interfere with the prior decreed rights, as you would then be guilty of contempt and subject to heavy penalty provided therefor.

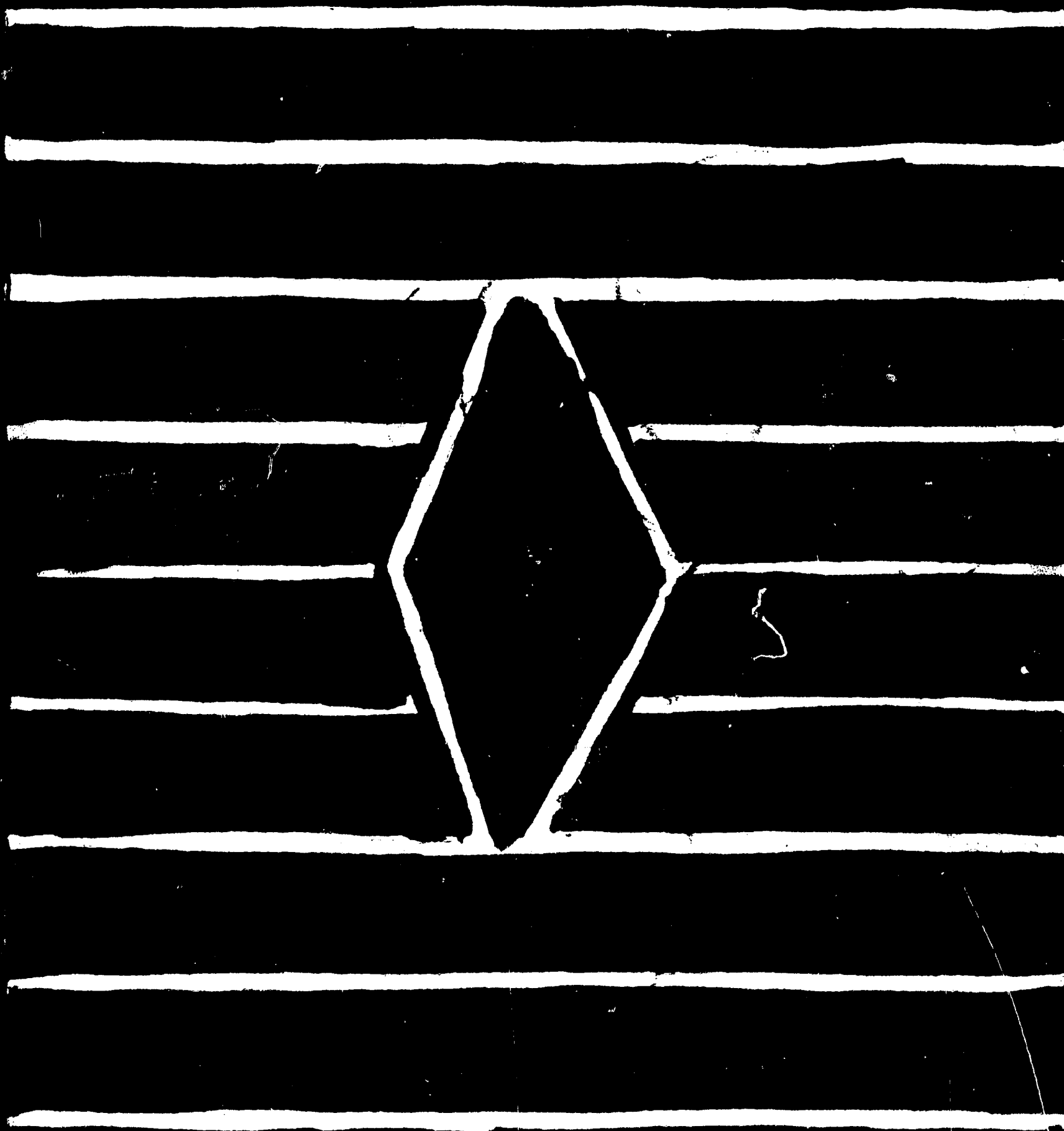
I have written the County Attorney, Mr. Hart, more fully and I would suggest that you discuss this matter with him.

Yours truly,

Myron Swendsen
Assistant Commissioner
of Reclamation

MS/co

16038



State of Idaho

License and Certificate of Water Right

Water License No. 16038Amount 6.4 sec. ftWater District No. 5-HPriority 6-28-1924

THIS IS TO CERTIFY that Peter C. Jensen and Willard Gailey of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 28, 1924; that Permit No. 16038 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4 second feet, was issued thereunder on April 27, 1925, showing that said works were completed on the 10th day of January, 1925; and that on the 2nd day of December, 1924,

Peter C. Jensen and Willard Gailey of Preston, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of an unnamed stream, a tributary of Worm Creek, for the purpose of irrigation and domestic use under Use Permit No. 16038 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 6 of Licenses, at page 3278, on the 8th day of July, 1925;

The right hereby confirmed dates from June 28, 1924;

The Point of Diversion is located in the NE 1/4 of NW 1/4, Sec. 12, Tp. 16 S, R. 39 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 6.4 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	39 E	12	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
		13	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
Total 640					390

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, affixed at Boise, Idaho, this 8th day of July, 1925

W. C. Swendsen
Commissioner of Reclamation.

(SEAL)

