

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

Application No. 26624
Permit No. 19162
District No.

1. Name of Applicant: MELVIN W. MC KAY
Postoffice address: Weston 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: one half 0.5 cubic feet per second.
3. Source of water supply: open drain through SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 20 & which is a tributary of SE $\frac{1}{4}$ NE $\frac{1}{4}$, & NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, Twp. 16S., Rge. 39 E., B. M.
4. Location of point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, Twp. 16 S, 39E feet distant from the corner of Section , T. , R. , B. M., and is the of Section , T. , R. , 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: \$ 75.00
8. Kind of works: metal flume
9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom feet; width at water line feet; depth of water feet; dimensions of flume: 7 inch; half round Diameter of pipe inches; length of conduit 100' miles. Average grade per mile 1.5% feet.
12. The time required for the completion of such work is one 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.

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 3:00 P. M., June 12, 1941

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19162

Recorded in Book 69 Page 19162 Approved July 1, 1941

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 Aug. 29, 1941 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 Jan. 1, 1942

The whole of said work to be completed on or before July 1, 1942

Beneficial use of water appropriated in accordance herewith, to be made on or before JULY 1, 1943

Witness my hand this 1st day of July, 1941

E. V. LERO.

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We Chase A. Clark Governor of the State of Idaho, and Geo. H. Curtis
Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have
caused the Great Seal of the State of Idaho to be hereunto affixed, this 1st day of July 1941

Countersigned:

STATE OF IDAHO

(SEAL

By

GEO. H. CURTIS

By

CHASE A. CLARK

Governor.

Flume will carry water from point of diversion into existing ditch.

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	20					4	21												25
							Permit #19162													
							CERTIFICATE OF COMPLETION OF WORKS													
							- - - - -													
TO ALL WHOM IT MAY CONCERN:																				
This is to certify that Melvin W. McKay of Weston, County of Franklin, and State of Idaho, the holder of Permit 19162, issued upon Application No. 26524 bearing date of priority of June 12, 1941, authorizing the diversion of one half 0.5 second feet of the waters of open drain through SW¼NW¼, Sec. 20 & SE¼NE¼, & NE¼SE¼, Sec. 19, Twp. 16 S., Rge. 39 E., B. M., County of Franklin, State of Idaho, for irrigation purposes, has fully complied with provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set and described in said Permit; that said works are adequate for diverting and conveying to the place of intended one half 0.5 second feet of the waters of open drain through SW¼NW¼, Sec. 20 & SE¼NE¼, & NE¼SE¼, Sec. 19, Twp. 16 S., Rge. 39 E., B. M. that the point of diversion of said waters SW¼NE¼, Sec. 20, Twp. 16 S., Rge. 39 E., B. M. that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 4 acres in NE¼NW¼ and 21 acres in the SE¼NW¼, Section 20, Twp. 16 S., Range 39 E., B. M.																				
WITNESS MY HAND this 16th day of July, 1942.																				
Completion of proof made June 27, 1942 Certificate of completion , issued July 16 1942																				
E. V. BERG Commissioner of Reclamation																				

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION OF WATER RIGHT

PERMIT NO. 19162

STATE OF IDAHO)
 : ss
 COUNTY OF FRANKLIN)

MELVIN W. MCKAY, being first duly sworn, deposes and says; That his postoffice address is Weston, Idaho. That he is the owner of and using a certain water right for .5 cubic foot per second of the water of an open drain, County of Franklin, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 19162, issued by the State of Idaho, July 1st, 1941, bearing date of priority of June 12, 1941, for the purpose of irrigating the following described lands, situate, lying and being in Water District No., in the County of Franklin, and State of Idaho, to-wit: 25 acres in the East half of the Northwest quarter of Section 20, Township 16 South, Range 39 East, of the Boise Meridian.

That said waters are now diverted from said stream in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 20, Twp. 16 S., Range 39 EEM, and conducted to the above described lands through an open ditch, as per map filed herewith and of this affidavit made a part.

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 20, Twp. 16 S., Range 39 EEM, and thereafter conduct same to the above described land through an open ditch, as per map above referred to.

That his reasons for desiring to make such change are as follows: error was made stating NE $\frac{1}{4}$ instead of NW $\frac{1}{4}$

That no one will be injured by such change and that such change will be made at affiant's own risk.

/s/ Melvin W. McKay
 Affiant

Subscribed and sworn to before me this 15 day of March, 1944

(SEAL)

/s/ J. N. Larsen
 Notary Public, Preston, Idaho

Received and filed for record in the Department of Reclamation,
 at Boise, Idaho, at 4:00 P. M., Mar. 23, 1944.

James Spofford
 State Reclamation Engineer
 A

ISSUED FOR 0.5 SEC. FT.

P. 4212



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

E. V. BERG, COMMISSIONER
BOISE

ROY W. THOMPSON
DEPUTY COMMISSIONER

CHASE A. CLARK, GOVERNOR

May 20, 1941.

Mr. Melvin W. McKay
Weston, Idaho

Dear Mr. Weston:

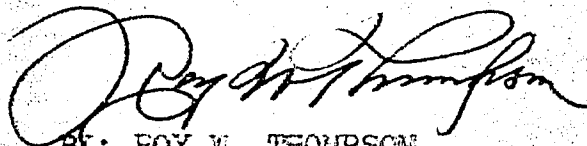
We wish to acknowledge the receipt of your Application for permit to file on 0.5 second feet from a drain ditch, together with a \$5.00 fee. It is necessary, however, to return your application as you forgot to sign it. Please sign in the place marked "applicant", also answer question 13 on the application.

We wish to advise you that Weston Creek as well as all tributaries of Bear River are over appropriated at the present time. Therefore, before spending too much money on your works, you should feel quite sure that your filling will not be protested at the time you make Beneficial Use proof. When you return this application, give us a statement describing the drain ditch. Is the drain ditch a natural draw or is it an artificial drain ditch? How much water does it carry? Give source of supply, and if it is independent of *any* the Canal Company or the Irrigation District water?

We are also returning your fee of \$5.00, herewith.

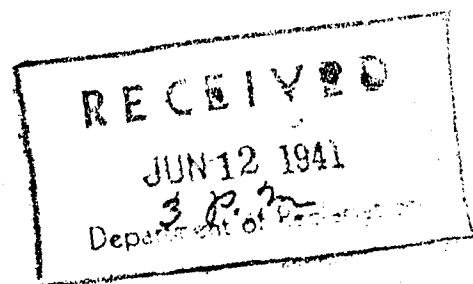
Very truly yours,

E. V. BERG.
Commissioner of Reclamation.


BY: ROY W. THOMPSON
Deputy Commissioner.

ENT:ml.

over



Hector Idaho, June 7, 1941

Department of Reclamation

E. V. Berg, Commissioner
Boise Idaho

19162

Dear Sir,

The drain spoken of in this application is an artificial ditch dug with a drag line.

The amount of water that it carries is seasonal. During the winter months it drops up, then during the spring then it carries as much as 1 cubic ft. per second. After this season it again drops up and does not run again untill the fore part of May or the beginning of the irrigating season, during this season the flow of water depends upon upon the amount applied to adjoining land and to waste water running into drain.

The source of this water is from seepage and waste water from adjoining land.

There is no connection between this drain ditch and any Canal Company, either financial or real, except the water used for irrigation on land adjoining drain comes from West Cache Canal.

Very truly yours

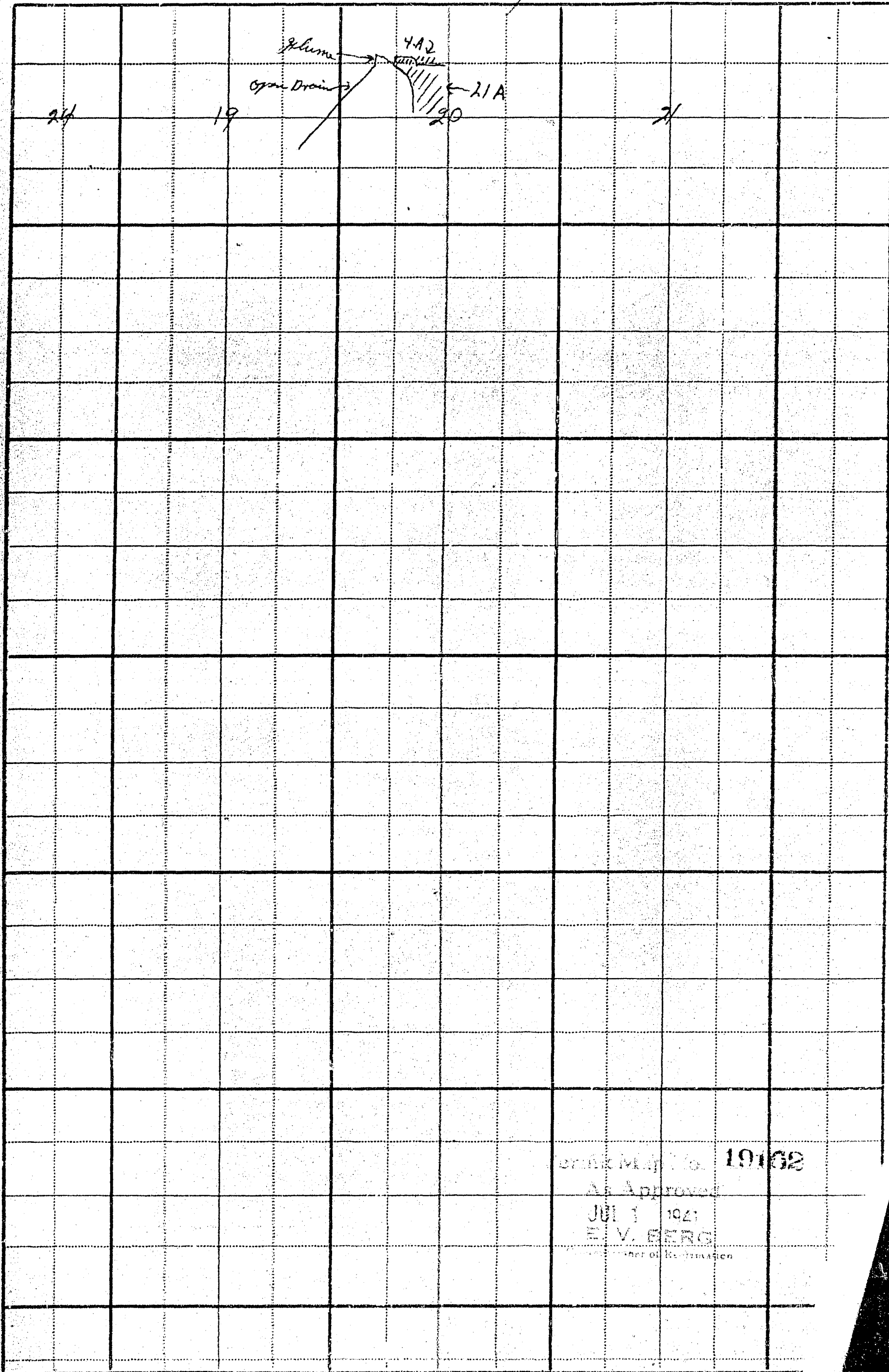
William H. McKay

NAME OF APPLICANT

Melvin J. McKay

T16. R39

FORM No. 0



Enrolled Map No. 19162

As Approved

JUL 1 1921

E. V. BERG

Chief of Registration

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19162

July 1, 1941
Boise, Idaho,

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the ~~third~~ ^{fourth} page.

Melvin A. McKay
Weston, Idaho
R#17862, encl. \$5.00

E. V. BERG.
Commissioner of Reclamation.

19162

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

May 18, 1942

Re: 19162

Melvin W. McKay
Weston, Idaho

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho,

Dear Sir:—

Under the terms of your permit No. 19162 you are required to complete your diversion works on or before July 1, 1942. 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,

E. V. BERG

Commissioner of Reclamation.

19162

Heston Idaho
June 30, 1942

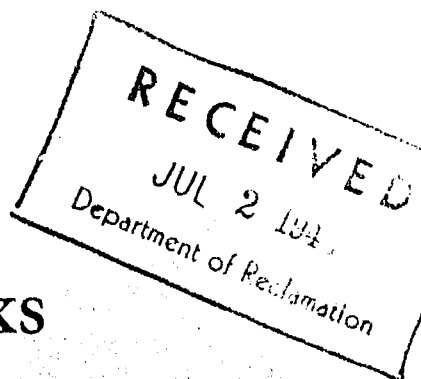
E.V. Berg
Commissioner of Reclamation
Boise, Idaho.

Dear Sir:-

Inclosed herewith is affidavit of proof
of completion of work of my permit no. 19162
together with five dollars (\$5.00) fee for
same.

Please send information regarding
proof of beneficial use of water.

Yours Truly
Melvin H. McKay

Permit No. 19162STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Franklin } ss.Melvin H. McKay, 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. 19162, and that his postoffice address is Preston, State of Idaho.Second: That the name of the stream from which said water is to be directed is open drain through property of Morgan Benson and P.B. Greene.Third: That the point of diversion of said water is SW 1/4 of NE 1/4 of Sec. 20, T.16, R.39E, BM.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 1, 1942.Fifth: That the use for which said water is intended is Irrigation.Sixth: That on the date above mentioned, the works constructed under said permit were ~~(or were not)~~ fully completed and consisted of the following:1. Kind of works: 100 ft of 7" x 3 1/2" half-round metal flume
(Reservoir, dam, ditch, flume, pipe or otherwise.)II. Dimensions of work: 100 ft. - 7" x 3 1/2"

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

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir.....acre feet.

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

(d) Conduit: flume width at bottom.....feet, width at water line 7 inches.
(State whether ditch, flume or pipe.)
feet, depth of water 3 1/2 in. feet; diameter of pipe.....inches, average grade per mile is 1.5% feet. Length of conduit is 100 ft. miles.Seventh: That said works are capable of conducting to the place of intended use 1/2 second feet of water.Eighth: That water appropriated under said permit is available for 25 acres of land described as follows: 4 acres of NE 1/4 of NW 1/4 and 21 acres of SE 1/4 of NW 1/4 Sec. 20, T.16S, R.39ENinth: Remarks: That flume will carry water from point of diversion to existing ditchMelvin H. McKay
(Sign here)Subscribed and sworn to before me this 27th day of June, 1942My commission expires Mar 8th 1943Thomas Proctor
Notary Public.

19162

July 3, 1942

Re: Permit No. 19162

Mr. Melvin W. McKay
Weston, Idaho

Dear Mr. McKay:

We wish to acknowledge receipt of your Completion of Works Proof on Permit No. 19162, together with \$5.00 to cover fees on same.

Your Certificate of Completion of Works will be mailed you in due course of time.

Relative to Beneficial Use Proof, this proof is not due until July 1, 1943, at which time you will be notified in plenty of time prior to the date set for proof. However, you are at liberty to make this proof any time prior to the proof date.

Please let us know, if you so desire.

Very truly yours,

E. V. BERG
Commissioner of Reclamation

By: ROY W. THOMPSON
Deputy Commissioner

RWT:djb

19162

AUGUST 3, 1942

MR. MELVIN W. MCKAY
Franklin
Idaho

Dear Mr. McKay:

Re: Permit #19162

We are enclosing Certificate of Completion of Works issued on the above numbered Permit to appropriate 0.5 second feet of water from open drain through SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19, Township 16 South, Range 39 E. B. M., Franklin, County, for irrigation purposes.

This Department's Receipt Number 18288 covering the \$5.00 fee for Completion of Works is also enclosed.

Very truly yours,

E. V. BERG
Commissioner of Reclamation

By: ROY W. THOMPSON
Deputy Commissioner

RWT:LGC
ENCS: 2

19162

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Mr. Melvin W. McKey
Weston, Idaho

May, 10, 1943

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 19162, which should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof. The proof must be submitted before a notary public or other officer authorized by law to administer oaths. The date for proof, as set out in your permit, is July 1, 1943, 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,

JAMES SPOFFORD

~~XXXXXXXXXXXXXXXXXXXX~~
State Reclamation Engineer

19162

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 21st, 1943

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

William H. McRay

(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.

19162

May 24, 1943

Re: Permit No. 19162

Mr. Melvin E. McKay
Preston, Idaho

Dear Mr. McKay:

We acknowledge receipt of notice in duplicate for publication in connection with proof of beneficial use, and also your authorization to have the notice published in the Preston Citizen, at Preston, Idaho, all under Permit No. 19162.

Your land description on the notice is for 4 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 21 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, but we feel sure this last description is an error, as the permit described 21 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and we have changed the notice accordingly.

A copy of the notice has been sent to the newspaper, with instructions to publish it once a week for four consecutive weeks prior to July 1st, the date set for proof.

About ten days prior to this, depositions, consisting of one for the holder and one for each of two witnesses, will be sent to Mr. J. N. Larsen, so that he may have them in ample time for the proof.

On the date designated, July 1st, you should appear at Mr. Larsen's office, with two disinterested witnesses, who are familiar with the terms of the permit, and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer

By

Chief Clerk

A

19162

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: May 24, 1943

Re: Permit No. 19162

The Preston Citizen
Preston, Idaho

Gentlemen:-

Enclosed you will find notice for publication once a week for four consecutive weeks prior to July 1, 1943, the date set for proof, the expense of the publication to be paid by the applicant, **Melvin E. McKay, Weston, Idaho** to whom you should furnish proof of publication on or prior to date for proof.

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

Very truly yours,

JAMES SPOTTOED
~~Commissioner of Reclamation~~
State Reclamation Engineer

19162

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

Notice is hereby given that at 9-00 A. M. on the 1st day of July, 1943
 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 5/10 cubic feet per second of the waters of
open drain in accordance with the terms and conditions of Permit No. 19162
 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Melvin W. McKay, Weston, Idaho

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

The amount applied to beneficial use is 5/10 second feet

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated)
4 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and 21 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Twp. 16
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 is none (Private ditch)

The right to take water from such works is based upon Permit No. 19162

The source of supply from which such water is diverted is
open drain

The date of priority which said user is prepared to establish is June 12, 1941

JAMES SPOFFORD

Commissioner of Reclamation
 State Reclamation Engineer

19162

THE PRESTON CITIZEN

Official Newspaper
City of Preston, County of Franklin

Established 1892

WILLIAM MACKNIGHT, PUBLISHER

PRESTON, IDAHO

19162

May 28, 1943

James Spofford,
Reclamation Commissioner
State of Idaho
Boise, Idaho

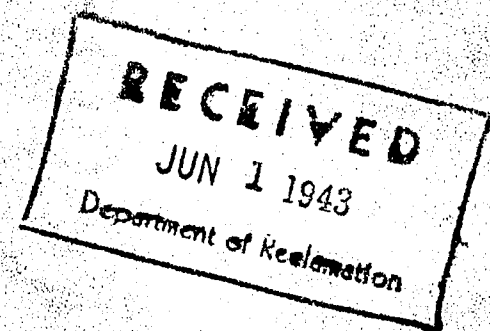
Dear Sir:

This is to acknowledge receipt of your proof for publication of Melvin E. McKay of Weston, Idaho. Copy of the paper is enclosed in which first insertion is contained. Notice is on page nine.

Very truly,

William MacKnight
Publisher

bh/wm



19162

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, June 21, 1943

Re: Permit No. 19162
Melvin E. McKay

Mr. J. N. Larsen
Notary Public
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. 19162

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 July 1, 1943, 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, Idaho 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,

JAMES SPOFFORD

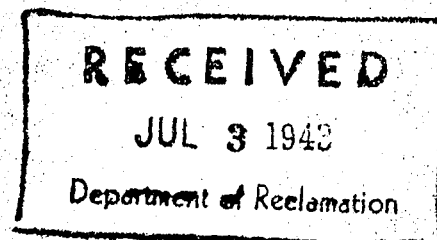
~~Commissioner of Reclamation~~
State Reclamation Engineer

19162

J. N. LARSEN
PAUL B. LARSEN
TED B. LARSEN

J. N. LARSEN COMPANY
BONDED REAL ESTATE BROKERS AND ABSTRACTERS
FIRE INSURANCE, FARM AND CITY LOANS

PRESTON, IDAHO
July 1, 1943



James Spofford
State Reclamation Engineer
Boise, Idaho

Dear Mr. Spofford:

This will acknowledge receipt of your letter of June 21, 1943 together with the enclosures therein named.

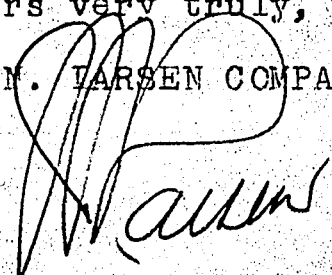
I have this day taken the Deposition of Melvin W. McKay applicant for water to beneficial use and the Depositions of Platt B. Greene and Merlin Whitney as witnesses.

We are enclosing to you these three depositions together with affidavit of publication of Notice of Proof Application of Water to Beneficial Use.

Please acknowledge receipt.

Yours very truly,

J. N. LARSEN COMPANY

By 

JNL: jm

Enclosures

19162

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19162

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Melvin W. McKay, Weston, Idaho. Farmer, Weston, 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. Not acting for any corporation.

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

Ans. 19162 Date of Permit, July 1, 1941 Date of Priority, July 12, 1941.

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

Ans. Open Drain ditch located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20, Tp. 16, S. Range 39 E.B.M. near the North line.

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. 100 foot metal flume with cement head wall, dimension of flume seven inches by three and one half inches deep, in half circle. .5 cu. sec. Ft. Point of diversion near the north line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, Tp. 16, South, Range 39 E.B.M. and then through a private canal.

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

Ans. used for irrigation, Four acres in NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and 21 acres in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 20 Tp. 16 South Range 39 E.B.M. Land is all cultivated,

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

Ans. Irrigation purposes.

19162

Ans. .5 Cu Ft. per sec. of time.

Ans. I am the person who permit was originally issued to.

Ans. I used the water all of year 1942 and am still using the water, did and am using water in question for irrigation purposes, in the amount of .5 Cu. Feet per second of time.

Ans. have 81 shares of the West Cache Irrigation Company which irrigates other lands and can be used in connection with the water applied for on the lands irrigated by the waters applied for.

(Sign)

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 1st day of July, A. D. 1943.

My commission expires May 1st 1945.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19162

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. Platt B. Greene, age 32, Weston, Idaho. Farmer, Weston, Idaho.

Ques. 2. Are you acquainted with Melvin W. McKay, the holder of Permit No. 19162? How long have you known him and where does he reside?

Ans. yes, have known him for about 10 years, Resides at Weston, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19162, 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. Open drain located in the SW. $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20 Township 16 South, Range 39 East of the Boise Meridian, diverted near the North line of above named quarter, Cement head wall and 100 ft half circle metal flume 7 inches by 3 $\frac{1}{2}$ inches, and private 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. .5 Cu. Ft. per second of time. Have seen .5 Cu. Ft. per second of time conveyed.

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 improvement which have been made as a direct result of said use.

Ans. Used for irrigation, for 4 acres in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and 21 acres in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 20 Tp. 16 South. Range 39 E.B.M. Cultivated land.

19162

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

Ans. Used only for irrigation

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. River bottom 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. Have no interest in the water other than it comes out of a drain made through my farm.

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. Used the during year 1942 to irrigate lands, in the amount of .5 Cu Ft. per second of time continuous on his land.

(Signed)

Platt B. Greene

I hereby certify that the foregoing testimony was read to the above subbscriber 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 day of 1st day of July A. D. 1943.

R. A. Green

Notary Public.

My commission expires May 1st 1945.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19162

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. Merlin Whitney, age 35 years, Weston, Idaho, Farmer, Weston, Idaho

Ques. 2. Are you acquainted with Melvin W. McKay, the holder of Permit No. 19162? How long have you known him and where does he reside?

Ans. I have known Melvin W. McKay of about 30 years, is a resident of Weston, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19162, and are you familiar with its provisions and conditions?

Ans. Yes, and am familiar with its contents.

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

Ans. From open drain, SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20 Tp. 16 South, Range 39 East of the Boise Meridian. a cement head wall and 100 ft. metal flume and private 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. .5 Sec. Ft. per second of time. .5 Sec. Ft. per second of time.

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 improvement which have been made as a direct result of said use.

Ans. used for irrigation 24 acres in the Northeast quarter of the N.W. $\frac{1}{4}$ 21 acres in and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 20, Tp. 16 South, Range 39 East of the Boise Meridian. land is cultivated. and is a river bottom loam.

19162

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

Ans. For irrigation.

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. River bottom land, it will require in my judgment .5 Cu. Ft. per Second of time.

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. Have seen water used on the land in question for the years 1942 and 1943.

(Signed)

Martin Whitney

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 day of 1st day of July, A. D. 1943.

R. A. Rawn

Notary Public.

My commission expires May 1st 1945.

**AFFIDAVIT
OF PUBLICATION**

I, W. J. MacTough
Printer of The Preston
Citizen, a newspaper pub-
lished weekly at Preston,
Franklin County, Idaho,
do solemnly swear that
the notice as per clipping
attached was published in
the regular and entire
issue of said newspaper,
and not in any supple-
ment thereof for four
consecutive weeks, com-
mencing with the issue
dated May 21, 1943,
and ending with the issue
dated, June 10, 1943.
W. J. MacTough
Signature

Subscribed and sworn
to before me this 14 day
of June, 1943.
[Signature]
(SEAL) Notary Public

NOTICE FOR PUBLICATION

**Notice of Proof Application of
Water To Beneficial Use.**

Notice is hereby given that at
9:00 a. m. on the 1st day of July
1943, at Preston, county of
Franklin, state of Idaho, before
J. N. Larson, notary public, proof
will be submitted of the applica-
tion to beneficial use of 5/10
cubic feet per second of the wa-
ters of open drain in accordance
with the terms and conditions of
Permit No. 19162, heretofore is-
sued by the department of recla-
mation of the state of Idaho.

The name and postoffice ad-
dress of the person or corpora-
tion holding said permit is Melvin
W. McKay, Weston, Idaho.

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

The amount applied to benefi-
cial use is 5/10 second feet.

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

Four acres in the NE 1/4 NW 1/4
and 21 acres in the SE 1/4 NW 1/4,
Section 20, Twp. 16 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 is none (Private ditch).

The right to take water from
such works is based upon Permit
No. 19162.

The source of supply from
which such water is diverted is
open drain.

The date of priority which said
user is prepared to establish is
June 12, 1941.

JAMES SPOFFORD
State Reclamation Engineer.
21-24.

19162

July 6, 1943

Re: Permit No. 19162
Melvin W. McKay

Mr. J. N. Larsen
Preston, Idaho

Dear Mr. Larsen:

We acknowledge receipt of the deposition of the holder, depositions of two witnesses, and affidavit of publication from the Preston Citizen, all in connection with beneficial use proof under the above numbered permit, in the name of Melvin W. McKay

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this Department. We cannot say just when this examination will be made, since this Department has but one Field Engineer, who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this Department, will try and contact Mr. McKay at the time set for the examination, so that he may have arrangements made to show him over the ground.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A

19162

CHART TO STATE

DEPARTMENT OF REVENUE

18

17

16

REPORT ON REVENUE

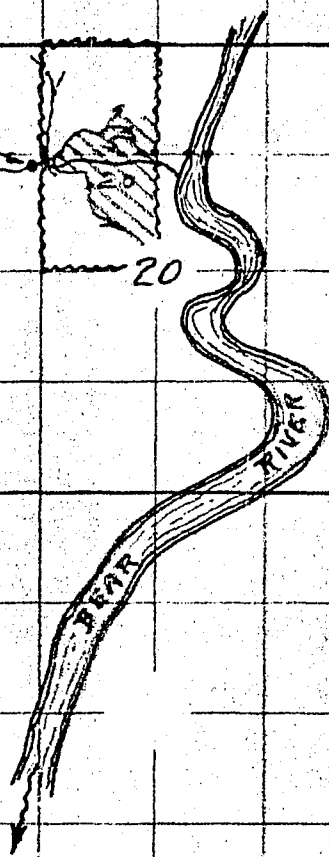
Point of Diversion

Drain

19

20

21



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19162

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Melvin W. McKay, Weston, Idaho
2. Source of water supply: Open drain ditch located in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 20, T. 16 S., Rge. 39 E., B.M.
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20
T. 16 S. R. 39 E. County of Franklin
4. Describe works as they exist, giving dimensions and capacities of same: Diversion is direct from the outlet of a short drain by means of a concrete structure of 1 $\frac{1}{2}$ to 2 feet high X 24 feet long; A waste outlet 2ft. wide; A flume 106 feet long X 3 $\frac{1}{2}$ " deep X 7" wide, and ditches 1ft deep X 1ft. wide.
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): NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, Twp. 16 South, Range 39 East, B. M.

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

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

Remarks:

This examination was made on the 11th day of August, 1943

(Signed)

A. H. Johnson
Examiner.

March 7, 1944

Re: Permit No. 19162

Mr. Melvin W. McKay
Neston, Idaho

Dear Mr. McKay:

We have on file the report of our Field Engineer on examination for beneficial use under the above numbered permit, which shows that you are irrigating 25 acres in the $E\frac{1}{2}$ NW $\frac{1}{4}$ Section 20, Township 16 South, Range 39 East, B. M.

However, in checking this report, together with the proofs, and your original permit, we find that the permit and your completion of works proof describe the point of diversion as being in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, whereas your beneficial use proof and also the report of our Field Engineer shows it in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of this section.

Before a license is issued, it will be necessary to reconcile this seeming discrepancy.

If there has been a change in your point of diversion, or if it has been incorrectly described in the first instance, you may execute the enclosed Affidavit for Change in Point of Diversion and return to this Department.

The fee in connection with beneficial use proof amounts to \$4.00

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer
By

Chief Clerk

A
Encl.

19162
FG

Affidavit for Change of Point of Diversion of Water Right

Permit No. 19162

STATE OF IDAHO,

County of Franklin

ss.

Melvin W. Mc Kay, being first duly sworn, deposes and says: That his postoffice address is Waston, Idaho. That he is the owner of and using a certain water right, for .5 cubic feet per second of the water of open drain, County of Franklin, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 19162, issued by the State of Idaho July 1st 1941, dated , 19 , bearing date of priority of June 12, 1941 for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 19162, in the County of Franklin and State of Idaho, to-wit: 25 acres in the East half of the Northwest quarter of Section 20, Township 16 South, Range 39 East, of the Boise Meridian.

and is the person (or representative of the person or persons) to whom such right was so issued, (or has become the owner thereof in the following manner:)

That said waters are now diverted from said stream in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 20, Twp. 16 S., Range 39 EBM, and conducted to the above described lands through the open ditch ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 20, Twp. 16 S., Range 39 EBM, and thereafter conduct same to the above described land through the open ditch ditch, as per map above referred to;

That his reasons for desiring to make such change are as follows: error was made stating NE $\frac{1}{4}$ instead of NW $\frac{1}{4}$

That no one will be injured by such change and that such change will be made at affiant's own risk.

Melvin W. Mc Kay

Affiant.

Subscribed and sworn to before me this 15 day of March, 1944.

[Signature]
Notary Public, Preston, Ida.

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

Accepted and filed for record in the Department
of Registration at Boise, Idaho, at

191624:00 P. M. Mar. 23 1944
James Spogord
BUREAU OF REGISTRATION
A.

March 27, 1944

Re: Permit No. 19162

Mr. Melvin W. McKay
Weston, Idaho

Dear Mr. McKay:

We acknowledge receipt of your Affidavit for Change of Point of Diversion, which has been duly recorded.

We enclose herewith License and Certificate of Water Right issued under the above numbered permit, confirming your right to use Five-tenths of a second foot of water from an open drain, with priority of June 12, 1941, for the irrigation of 25 acres in the NE $\frac{1}{4}$, NW $\frac{1}{4}$ and SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 20, Township 16 South, Range 39 East, B.M.

We also enclose Departmental Receipt No. 18519 for the \$4.00 fee in connection with beneficial use proof.

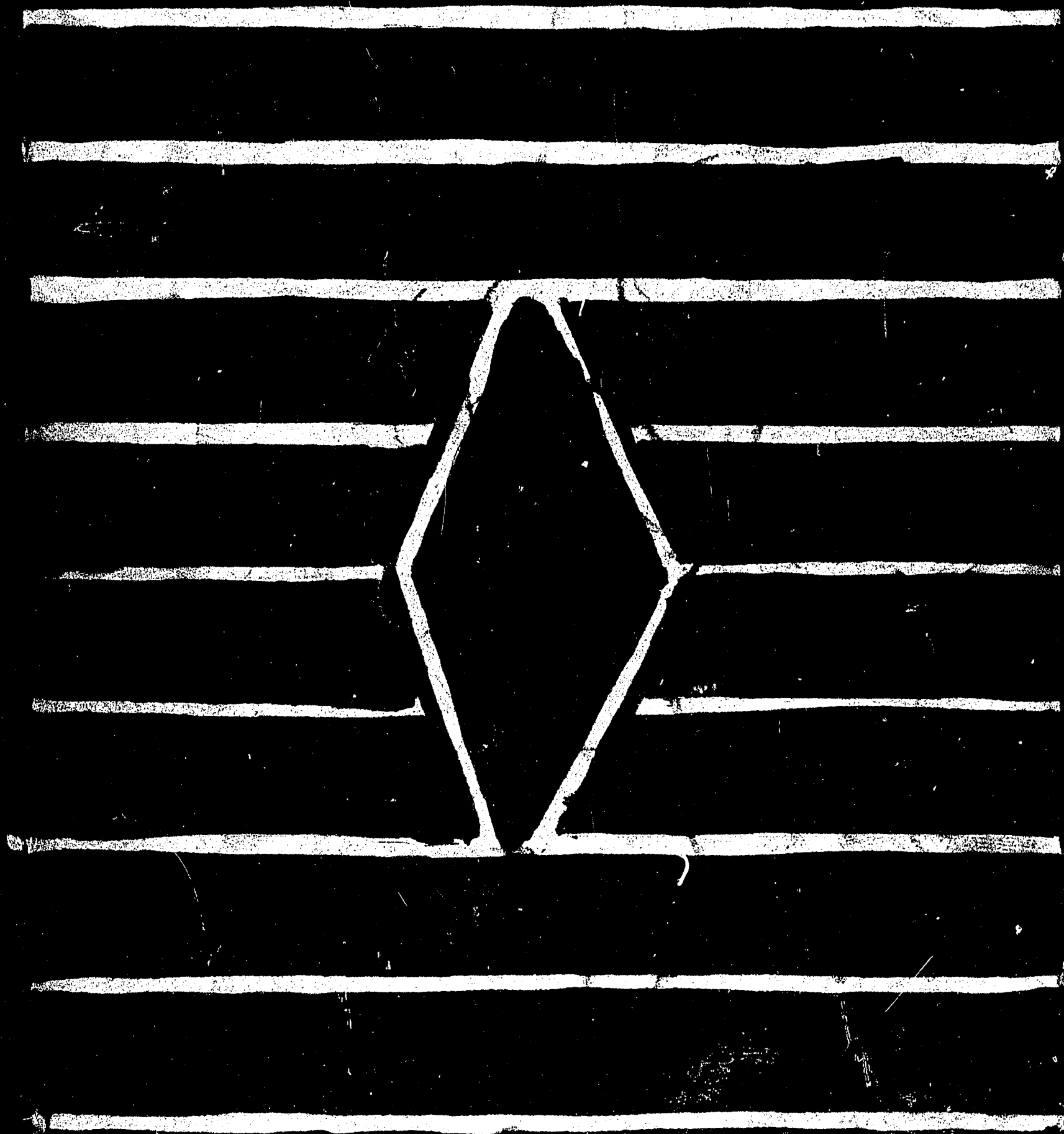
Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19162



19162
MERRILL K. GEE
GEORGE W. HARGRAVES

LAW OFFICES
GEE AND HARGRAVES
746 EAST LANDER
P. O. BOX H
POCATELLO, IDAHO 83201

April 23, 1971

RECEIVED

APR 27 1971

Department of Water Administration
AREA CODE 208
PHONE 233-2044

Water Resources Administration
Boise, Idaho 83700

RE: Permit issued to Melvin McKay, Weston, Idaho.

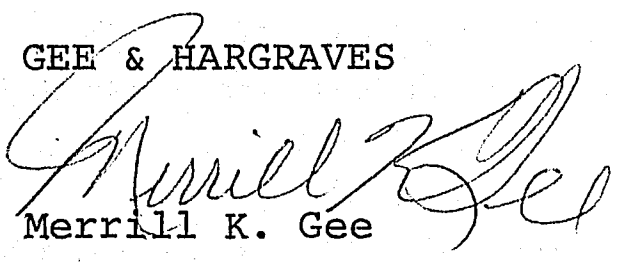
Gentlemen:

Could you please see if you could find a copy of the application and permit for use of water which is issued to Melvin McKay, June 12, 1941, covering water from an unnamed source from a location approximately 2 3/4 miles south and 3/4 of a mile west of the village of Weston, Franklin County, Idaho.

We understand the permit was for 1/2 second foot of water. We would sincerely appreciate your cooperation and assistance.

Very truly yours,

GEE & HARGRAVES


Merrill K. Gee

MKG/aac

13 2139

April 29, 1971

Re: License No. G-19162/13-2139 - Melvin W. McKay

Mr. Merrill K. Gee
GEE AND HARGRAVES
746 East Lander
Pocatello, Idaho 83201

Dear Mr. Gee:

Pursuant to your letter of April 23, 1971, please find enclosed a copy of the above referenced license. The fee for the copy is \$.50. Your prompt remittance is greatly appreciated.

If you should have any further questions in reference to this matter, please advise.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC/bb

Enclosure: Copy of License

13 2139

MERRILL K. GEE
GEORGE W. HARGRAVES

LAW OFFICES
GEE AND HARGRAVES
746 EAST LANDER
P. O. BOX H
POCATELLO, IDAHO 83201

AREA CODE 208
TELEPHONE 233-2044

June 2, 1971

Department of Water Administration
State of Idaho
Statehouse Annex 2
Boise, Idaho 83707

Re: License No. G-19162/13-2139 Melvin W. McKay

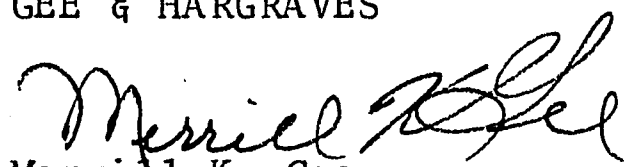
Gentlemen:

Could you please send us a copy of the Application made by Mr. McKay under which License No. 19162 was issued to Mr. McKay.

If there was a separate application for 13-2139, we would appreciate a copy of that application also. We are enclosing our check for \$1.00 which we trust will cover the cost.

Sincerely,

GEE & HARGRAVES


Merrill K. Gee

MKG: kaw

Encl

13 2139

June 7, 1971

Re: License No. G-19162/13-2139

C Law Offices
GEE AND HARGRAVES
746 East Lander
Post Office Box "H"
Pocatello, Idaho 83201

ATTENTION: Merrill K. Gee

O Dear Mr. Gee:

Pursuant to your letter request of June 2, 1971, please find enclosed a copy of the application in connection with the above referenced License No.

P If we may be of any further assistance to you in this or any other matter, please do not hesitate to contact us.

Very truly yours,

Y Dorian Clay
Appropriation Examiner

DC:CM

Enclosure

13 2139

State of Idaho

License and Certificate of Water Right

Water License No. 19162
Water District No. _____

Amount 0.5 second foot
Priority June 12, 1941

THIS IS TO CERTIFY that MELVIN W. McKAY
of Weston, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 12, 1941; that Permit No. 19162
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.5 second feet, was issued thereunder on July 16, 1942, showing that said works
were completed on the 27th day of June, 1942; and that on the 1st
day of July, 1943,
MELVIN W. McKAY

of Weston, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of an open
drain, tributary of, for the purpose of irrigation
, under Use Permit No. 19162 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 4212, on the 25th day of March, 1944;
The right hereby confirmed dates from June 12, 1941;

The Point of Diversion is located
in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T₁₆ S., R. 39 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.5
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.	20	NE $\frac{1}{4}$ NW $\frac{1}{4}$	4	5
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	21	20
			Total Number of Acres Actually Irrigated - -		25

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

WITNESS the seal and signature of the State Reclamation Engineer
~~Commissioner of Reclamation~~, affixed at Boise, Idaho,
this 25th day of March, 1944

(SEAL)

JAMES SPOFFORD

Commissioner of Reclamation

State Reclamation Engineer

