

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

Application No. 25968

Permit No. 18618

District No.

1. Name of Applicant: Fairview Cemetery Maintenance District

Postoffice address Preston - R. 1.

County: Franklin

State: Idaho

- I. If applicant is a corporation, give:

(a) Date and place of incorporation: March 21, 1904 Preston, Idaho

(b) Amount of capital stock: \$800.

(c) Amount paid in: \$320.

(d) Names and addresses of directors: Alloy H. Cherry, Adis E. Rawlings, Reuben F. Hyde.

- II. The financial resources of the applicant are:

(a) Cash on hand: \$670.

(b) Treasury stock: \$480.

(c) Bonds to be issued: none

(d) Other resources:

2. Quantity of water claimed:
- $1\frac{1}{2}$
- cubic feet per second.

3. Source of water supply: "Old Slough" - drainage water which is a tributary of Worm Creek

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

corner of Section , T. , R. , B. M., and is in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$

of Section 23 , T. 16 S. , R. 39 E. , B. M., County of Franklin

5. Water is to be used for: Sprinkling & irrigation of cemetery.

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: \$ 1,000.

8. Kind of works: pipe & pump & ditch

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 8 feet; height 4 feet.

11. Ditch: Width at bottom 2 feet; width at water line
- $2\frac{1}{2}$
- feet; depth of water 2

feet; dimensions of flume:

Diameter of pipe 4 inches; length of conduit $\frac{1}{4}$ miles.

Average grade per mile feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is 1 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.

Fairview Cemetery Maintenance District Applicant.

ATTEST: REUBEN F. HYDE, Secretary

By

ALLOY CHERRY

Agent.

Chairman

Date of first receipt at Department of Reclamation: 9:00 A. M., May 18, 1938

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18618

Recorded in Book 68 Page 18618 Approved June 8, 1938

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 August 7, 1938

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 8, 1939

The whole of said work to be completed on or before June 8, 1940

Beneficial use of water appropriated in accordance herewith, to be made on or before June 8, 1941.

Witness my hand this 8th day of June, 1938.

R. W. FARIS
Commissioner of Reclamation.

Remarks: See below.

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.	23							10										10
																			Total Number of Acres to be Irrigated--- 10

Remarks: The water in question on which this application is filed is the only available supply of water for use on this cemetery.

The water is taken from an Old Slough which gets its water from drainage from land above.

This water will be put to a very important use, to wit: for the improvement and beautification of the cemetery. Lawns, flowers, trees and shrubs can then be grown on said cemetery when this water is applied.

In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed this 8th day of June, 1938.

SEAL)

STATE OF IDAHO

Countersigned:

By BARZILLA W. CLARK
Governor

By IRA H. MASTERS
Secretary of State

PERMIT NO. 18618
Certificate of Completion of Works.

TO ALL FROM IT MAY CONCERN:

This is to certify that FAIRVIEW CEMETERY MAINTENANCE DISTRICT, of Preston, County of Franklin, and State of Idaho the holder of Permit No. 18618, issued upon Application No. 25962, bearing date of priority of May 18, 1938, authorizing the diversion of 1.5 second feet of the waters of "Old Slough"-drainage water, which is a tributary of Worm Creek, County of Franklin, State of Idaho, for sprinkling and irrigation of cemetery 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 1.5 second feet of the waters of "Old Slough"-drainage water; that the point of diversion of said waters is in the SW¼ of the NW¼ of Section 23, Township 16 South, Range 39 East, B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 10 acres in the SE¼ NW¼ of Section 23, Township 16 South, Range 39 East, B. M.

Witness my hand this 14th day of June, A. D. 1940.

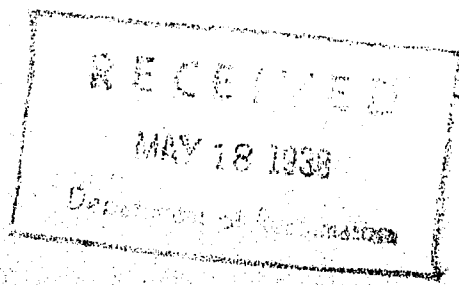
JAMES SPOFFORD
Commissioner of Reclamation.

Proof of completion of works made June 8, 1940
Certificate of Completion of Works issued June 14, 1940.

LICENSE ISSUED FOR 0.20 SEC. FT. MAR 27 1942 # 4107

18618

BEN B. JOHNSON
LAW OFFICES
GREAVES BUILDING
PRESTON, IDAHO



May 16th, 1938.

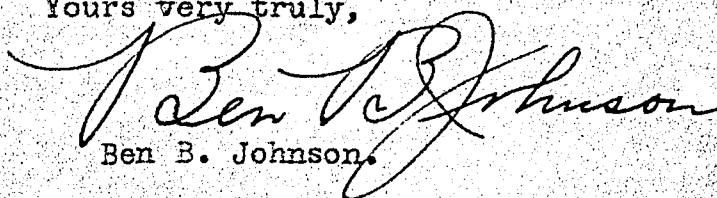
Department of Reclamation,
Boise, Idaho.

Gentlemen:

Inclosed is Application for Permit to appropriate the Public Waters of the State of Idaho, which application is accompanied by a check of \$5.25 to cover filing fees. The necessary maps are also inclosed, together with the legal descriptions.

Will you please, therefore, acknowledge receipt of this application and the filing fees, and issue your Permit accordingly?

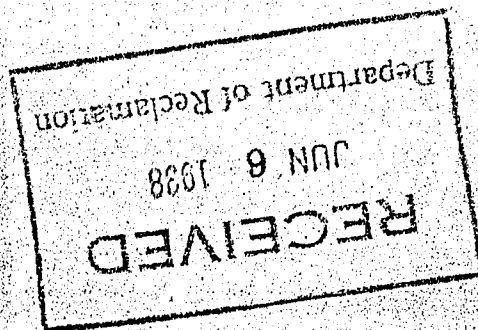
Yours very truly,


Ben B. Johnson.

BBJ/127
Inc.

18618

BEN B. JOHNSON
LAW OFFICES
GREAVES BUILDING
PRESTON, IDAHO



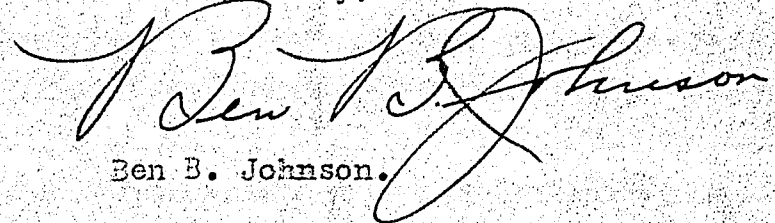
June 4th, 1938.

Department of Reclamation,
Boise, Idaho.

Gentlemen:

Will you please advise what action has
been taken in regard to the Application for Permit
to appropriate the Public Waters of the State of
Idaho submitted by the Fairview Cemetery Maintenance
District on May 16th?

Yours very truly,

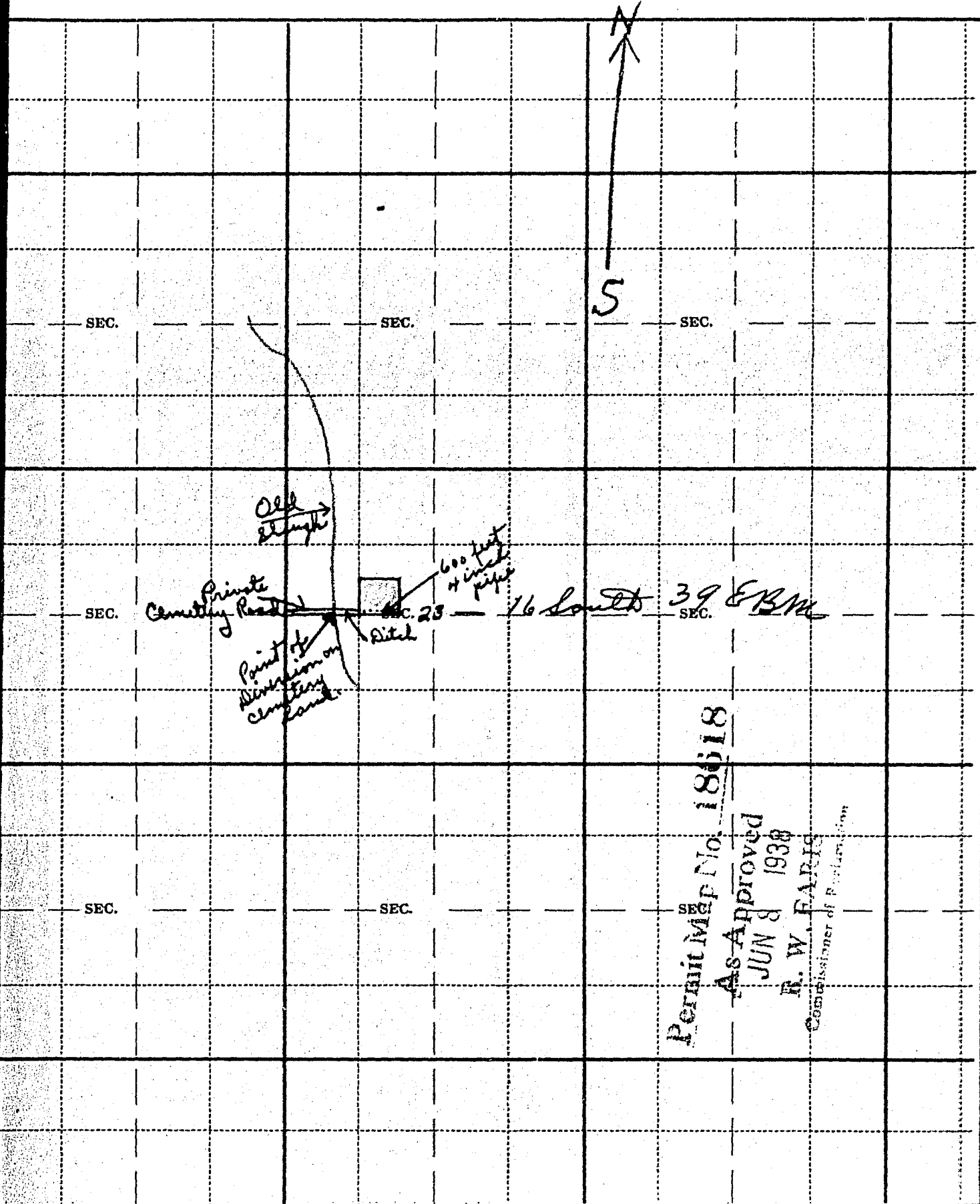


Ben B. Johnson.

MM

18618

18618



Permit Map No. 18618
As Approved
JUN 8 1938
R. W. FARIS
Commissioner of Public Works

June 8, 1938

Re: Permit Number 18618 ✓

Ben B. Johnson
Attorney-at-Law
Preston, Idaho

We are in receipt of your letter of June 4 in which you request information concerning the above numbered Permit. This Permit is being issued today, and you will probably receive it within the next few days.

Of course, you understand that the date of approval has no bearing on the date of priority under the Permit, since the date of priority is set as the date of first receipt in the Department of Reclamation.

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

By, PAUL H. BERG,
Deputy Commissioner

PHB:mh

18618

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18618

Boise, Idaho, June 9, 1938

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 page.

Alloy H. Cherry, Agent
Fairview Cemetery Maintenance District
Preston, Idaho

R. W. FARIS
Commissioner of Reclamation.

Encl.
Office Receipt for \$5.25.

18618

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 18618

Alley Cherry, Chairman,
Fairview Cemetery Maintenance
District,
Route 1, Preston, Idaho

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho, April 2, 1940

Dear Sir:—

Under the terms of your permit No. 18618 you are required to complete your diversion works on or before June 8, 1940. 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,
JAMES SPOFFORD

Commissioner of Reclamation.

18618

BEN B. JOHNSON
ATTORNEY AT LAW
PRESTON, IDAHO

June 8, 1940

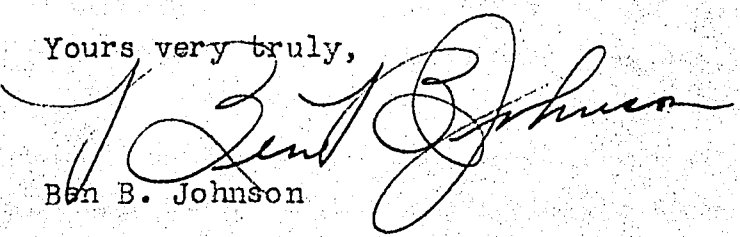
Mr. James Spoffard
Commissioner of Reclamation
State House
Boise, Idaho

Dear Mr. Spoffard: Re: Permit No. 18618
Alloy Cherry, Chairman
Fairview Cemetery Maintenance District

Enclosed herewith is proof of completion of
works together with \$5 fee.

The Fairview Maintenance District will therefore
appreciate it if you will send them their certificate of
completion and, as soon as it is permissible, they would
like to furnish proof of the application of the water to
beneficial use as set forth in their application.

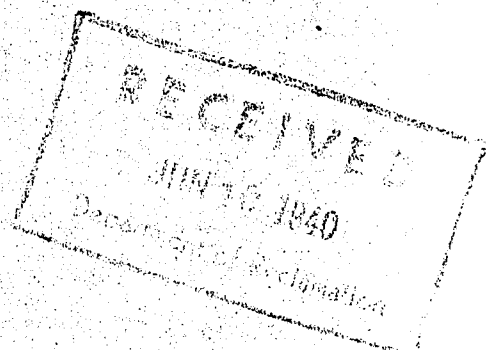
Yours very truly,


Ben B. Johnson

BBJ:g

Enclosure 2

BU due 6-8-41-



18618

Permit No. 18618STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Franklin } ss.Alloy Cherry, Chairman
Fairview Cemetery Maintenance District, 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. 18618, and that his postoffice address is Preston, Idaho R-1-
State of Idaho

Second: That the name of the stream from which said water is to be directed is

unnamed stream (old slough-drainage water)Third: That the point of diversion of said water is about 960 feet east of the SW corner of the NW 4 of Sec. 23, Twp. 16 So, Range 39 EBM, SW NW 1/4 Sec 23Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 8-, 1940.Fifth: That the use for which said water is intended is irrigation (sprinkling system for cemetery)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: Ditch -
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 5 feet, length of dam at top 12 feet, length of dam at bottom 12 feet. Material used in construction Cement - (concrete)

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

(b) Capacity of reservoir 1 acre feet.(c) Size of headgate: Width — feet, height — feet.(d) Conduit ditch width at bottom 2 feet, width at water line 3-
(State whether ditch, flume or pipe.)
feet, depth of water 1 1/2 feet; diameter of pipe — inches, average grade per mile is — feet. Length of conduit is 600 feet approximatelySeventh: That said works are capable of conducting to the place of intended use 1- second feet of water.Eighth: That water appropriated under said permit is available for 10 acres of land described as follows: 10 acres of Cemetery land located in-SW 4 SE 4 of NW 4 of Sec 23, Twp 16 So, Range 39 EBM, and the water is taken from the point of diversion by a 600 foot ditch to the pump on the cemetery.Ninth: Remarks: That the works have been completed and a pump put in to raise the water and force it thru a sprinkling system to irrigate and water the 10 acre Cemetery tract.Alloy Cherry,
(Sign here)Subscribed and sworn to before me this 8 day of June, 1940.My commission expires 9-1-40

Notary Public.

18618

June 17, 1940

Re: Permit No. 18618

Mr. Ben B. Johnson,
Attorney at Law,
Preston, Idaho.

Dear Mr. Johnson:

We enclose herewith Certificate of Completion of Works issued under the above numbered permit in the name of the Fairview Cemetery Maintenance District, to appropriate 1.5 second feet of water from Old Slough drainage water, tributary of Worm Creek, for sprinkling and irrigation of cemetery- with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Township 16 South, Range 39 East, E. M., Franklin County.

The departmental receipt No. 17431 for the \$5.00 fee paid in connection with this proof is also enclosed.

We note that these people are also ready to furnish proof of beneficial use of this water- and we enclose forms upon which duplicate notice of this proof should be made- setting time and place, and giving the name of the Notary Public before whom the proof will be made; also authorization to have this notice published in a newspaper in the county where the water is located.

In setting the date for proof at least forty days should be allowed, as the notice must be published for four consecutive weeks prior to this date.

Both copies of the Notice, and the authorization to publish should be returned to this office, and upon receipt thereof we shall send the notice, with instructions in regard to publication- to the newspaper which you designate

Very truly yours,

JAMES SPOTSFORD

Commissioner of Reclamation

By

Chief Clerk

JLA
Encls.

18618

BEN B. JOHNSON
ATTORNEY AT LAW
PRESTON, IDAHO

September 3, 1940

Commissioner of Reclamation
State House
Boise, Idaho

Dear Sir:

Enclosed herewith are the notices for publication in relation to the application for the beneficial use of waters by the Fairview Cemetery Maintenance District.

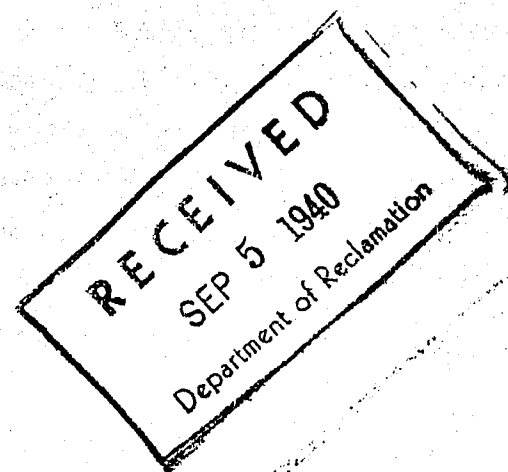
You will note that this permit has been set up for the 19th day of October, 1940 at 10 A. M. in my office. If this is satisfactory, please advise.

Yours very truly,

Ben B. Johnson

Ben B. Johnson

Enclosure 3



18618

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 3, 1940
(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.

Edis J. Rawlings
Secretary Fairview Cemetery Maintenance
District

(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.

18618

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Date September 5, 1940

Re: Permit No. 18618

FRANKLIN COUNTY CITIZEN
Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **October 19, 1940**, the date set for proof, the expense of the publication to be paid by the applicant,

Fairview Cemetery Maintenance District, Preston, Idaho
to whom you should furnish proof of publication on or prior to the date for proof.

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

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

*See sent
Jensen*

18618

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

23rd *November*

Notice is hereby given that at 10 A. M. on the 19th day of October, 1940,
 at Preston, County of Franklin, State of Idaho, before
Ben B. Johnson, a notary, public, proof will be submitted of the
 application to beneficial use of 1.5 cubic feet per second of the waters of Old
Slough in accordance with the terms and conditions of Permit No. 18618
 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.....

Fairview Cemetery Maintenance District

The use to which said water has been applied is Sprinkling and Irrigation

The amount applied to beneficial use is 1.5 C. F. S.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) Ten (10) acres in the Southeast quarter of the Northwest quarter of
Section 23, Township 16 South, Range 38 East of the Boise Meridian; more particularly
described as the Southwest quarter of the Southeast quarter of the Northwest quarter
of Section 23, Township 16 South, Range 38 East of the Boise Meridian.

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

The right to take water from such works is based upon Permit No. 18618

The source of supply from which such water is diverted is Old Slough

The date of priority which said user is prepared to establish is May 18, 1938

JAMES SPOFFORD

Commissioner of Reclamation.

18618

September 5, 1960

Re: Permit No. 18618

Mr. Ben B. Johnson
Attorney at Law
Preston, Idaho

Dear Sir:-

We acknowledge receipt of duplicate notices, and authorization to have the notice published in the Franklin County Citizen, of Preston, Idaho, all in connection with beneficial use proof under the above numbered permit, in the name of the Fairview Cemetery Maintenance District.

The date which you have set, October 19th, is all right, and we have sent the notice to the newspaper, with instructions to publish it once a week for four consecutive weeks prior to that date.

We are enclosing herewith forms of deposition, consisting of one for the holder, and one for each of two witnesses, so that you may have them in ample time for the proof.

On that date a representative of the Fairview Cemetery District should appear at your office, together with two disinterested witnesses, who are familiar with the terms of the permit, and the works to be constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encls.
CC to E. I. Rawlings, Sec'y.

18618



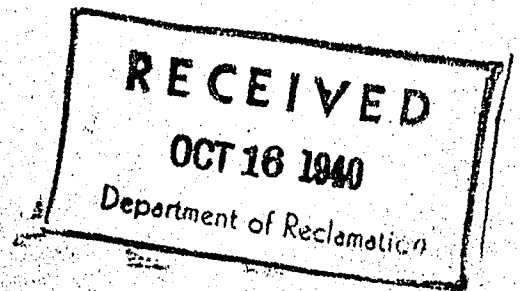
C. A. BOTTOLFSSEN, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
JAMES SPOFFORD, COMMISSIONER

BOISE

HARRY DEWEY
DEPUTY COMMISSIONER

October 8, 1940



Re: Permit No. 18618

Franklin County Citizen,
Preston, Idaho.

Gentlemen:

On September 5th, we sent you a notice for publication, in regard to beneficial use proof by the Fairview Cemetery Maintenance District, to be made on October 19th.

We have received no acknowledgment of this notice, nor a copy of your paper containing same.

We would, therefore, appreciate having you advise us if this notice is being published, and send us either a clipping of the notice, or a copy of an issue containing same.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Jeanne L. Anderson
Chief Clerk

JLA

Gentlemen:

Can find no record of notice having been printed — or received, here. Glad to print immediately upon receipt of copy —

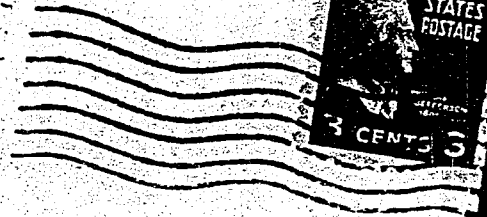
*Sincerely
J. C. [Signature]
Managing Editor*

18618

The Citizen

"A Community NEWSpaper"

PRESTON, IDAHO



Att: Chief Clerk

State of Idaho
Department of Reclamation
Boise, Idaho

18618

October 16, 1940

Re: Permit No. 18618

Mr. Ben B. Johnson,
Attorney at Law,
Preston, Idaho.

Dear Sir:

On September 5th we sent to the Franklin County Citizen, at Preston, Idaho, a copy of the notice of beneficial use proof under the above numbered permit, in the name of the Fairview Cemetery Maintenance District, which was to be made on October 19th.

Having received no acknowledgment of the notice, nor a copy of the paper, as requested, we wrote the paper on October 8th inquiring about it.

This morning we have a notation from them, stating that the notice has not been printed, and they can find no record of its having been received.

It will, therefore, be necessary to set a new date for this proof, as the notice now cannot start until next week's issue, which would make November 15th the earliest date the proofs could be made.

Please advise by return mail what date you wish to set for taking these proofs, and we will at once send an amended notice to the paper for publication.

Very truly yours,

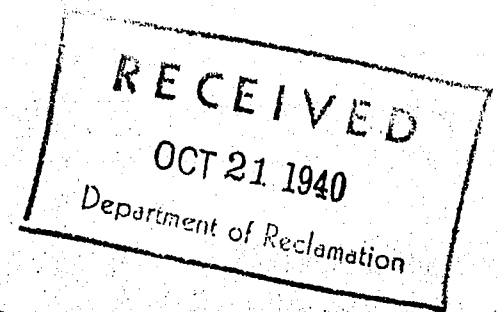
JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

18618

BEN B. JOHNSON
ATTORNEY AT LAW
PRESTON, IDAHO



October 18, 1940

Mr. James Spofford
Commissioner of Reclamation
Department of Reclamation
Boise, Idaho

Dear Mr. Spofford:

Re: Permit No. 18618

In answer to your letter of October 16, let
me advise that November 23 will be satisfactory with
me for taking these proofs.

Yours very truly,

A handwritten signature in cursive script that reads "Ben B. Johnson".

Ben B. Johnson

BBJ:g

18618

October 21, 1940

Re: Permit No. 18618

Mr. Ben B. Johnson
Attorney at Law
Preston, Idaho

Dear Mr. Johnson:

Your letter of October 18th has just reached us, and we have sent the notice to the Franklin County Citizen, setting date for beneficial proof on November 23rd.

In view of our recent bad luck with the former notice sent them, we suggest that you get in touch with that office personally and ascertain that the notice has reached them and will be published in this week's issue, without fail.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

18618

October 21, 1940

Re: 18618

Franklin County Citizen,
Preston, Idaho.

Gentlemen:

Your reply to our letter of October 8th, in regard to notice for publication, reached us on October 16th, but we waited to get in touch with the permit holder in regard to a new date before we could reply.

We note that the letter enclosing the notice which we sent you on September 5th did not reach you. We cannot understand this, as it has not been returned to this department.

However, since the notice has not been published, it has been necessary to set another date, and we are enclosing a notice herewith, to be published once a week for four weeks, commencing with this week's issue, so that publication may be made within the four weeks prior to November 23rd, the date set for proof.

The expense of the publication is to be paid by the Fairview Cemetery Maintenance District, and proof of publication should be furnished to the attorney, Mr. Ben B. Johnson on or prior to the date of proof.

Please acknowledge receipt of this notice, and also send us a copy of your first publication of same.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Chief Clerk

JLA
Encl.

18618

October 21, 1940

Re: 13618

Franklin County Citizen,
Preston, Idaho.

Gentlemen:

Your reply to our letter of October 8th, in regard to notice for publication, reached us on October 16th, but we waited to get in touch with the permit holder in regard to a new date before we could reply.

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Please acknowledge receipt of this notice, and also send us a copy of your first publication of same.

Very truly yours,

JAMES SPOTTORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encl.

18618

October 21, 1940

Re: 13618

Franklin County Citizen,
Preston, Idaho.

Gentlemen:

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Please acknowledge receipt of this notice, and also send us a copy of your first publication of same.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encl.

18618

November 4, 1940

Re: Permit No. 18618

Franklin County Citizen,
Preston, Idaho.

Gentlemen:

We are this morning in receipt of your memo
in reply to our letter of October 30th, and
enclosing a tear sheet of your issue of October
23rd, containing Notice of beneficial use under
the above numbered permit, for which we thank
you.

The previous copy of this paper, to which you refer,
reached us the morning after we had mailed our
letter to you, which it evidently crossed in the
mail.

Very truly yours,

JAMES SPURFORD

Commissioner of Reclamation

By

HA

Chief Clerk

18618

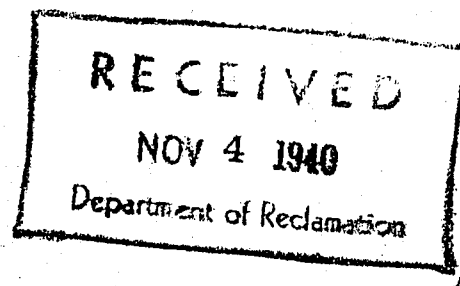


C. A. BOTTOLFSSEN, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
JAMES SPOFFORD, COMMISSIONER

BOISE

HARRY DEWEY
DEPUTY COMMISSIONER



October 30, 1940

Franklin County Citizen,
Preston, Idaho.

Gentlemen:

Please advise us if you received our letter of
October 21st, enclosing notice for publication,
commencing with your last week's issue.

And if the notice is being published, will you
please send us a copy of the paper containing
same.

Thank you.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Jeannette L. Anderson
Chief Clerk

JLA

*Enclosed please find copy of notice as published
Complete paper was mailed with notice on Page 7
earlier this week. Perhaps the notice wasn't marked
however.*

Sincerely,
Dale E. Fox
Dale E. Fox
L. E.

18618

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18618

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. E. I. Rawlings, Secretary, Preston, R. D. 1., Idaho
Fairview Cemetery Maintenance District.

✓ 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. Fairview Cemetery Maintenance District, Preston, R. F. D. 1., Idaho
Secretary of said District

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

Ans. No. 18618, May 18, 1938, and date of priority May 18, 1938.

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

Ans. Old Slough - drainage water -- point of diversion of said waters is in the $sw\frac{1}{4}$ of the $nw\frac{1}{4}$ of section 23, twp. 16 south, range 39 East Boise Meridian

✓ 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. Cement dam and ditch or channel conveying about 2 C. F. S. of water to place of use, from Old Slough. Claim only 1.5 c.f.s. and this amount has been diverted for use and we have set up a sprinkling system to use this amount, and this amount is needed for the proper watering and irrigation of said cemetery

✓ 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. Water is being used to sprinkle and maintain lawns and flowers and shrubery in cemetery-- cemetery consists of 10 acres which is to be watered through a sprinkling system, the force to be generated through a pump (electric).
Lands ~~lands~~ irrigated by use of said water are as follows, 10 acres in the $sw\frac{1}{4}$ of $NW\frac{1}{4}$ of section 23, Twp. 16 south, Range 39 East Boise Meridian and water has been applied as above indicated.

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

Ans. just as above indicated

APP. OF REC. NOT SENT
REC 42

18618

✓ Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 1.5 c. f. s.

✓ 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. same

✓ Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. Water used since May 1940 - through a sprinkling system - about 2. c.f.s. diverted from channel to place of use, but only claim use of 1.5 C.f. s. and only claim proof and permit for 1.5 c. f. s.

✓ Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.
Ans. none except water above referred to has been used - cemetery was dry and unkept until water above referred to was applied-

(Sign) E. L. Rawlings

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 23 day of November - A. D. 1940.

Ben B. Johnson
Notary Public

My commission expires 9-1-44

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18618

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. Oliver J. Choules - age 47, - Fairview - Idaho
farmer - Preston - P.O. 1 -

Ques. 2. Are you acquainted with Fairview Cemetery Maintenance District, the holder of Permit No. 18618? How long have you known him and where does he reside?

Ans. Yes - Preston - P.O. 1 - (Fairview,)

Ques. 3. Have you read or heard read said Permit No. 18618, 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. "Old Slough" drainage water - point of
diversion in the SW 4 of NW 4 of Sec 23, Twp 16 S. R. 39 E. 39 E. 39 E.
Cement Dam - and ditch to place of use

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

Ans. about 1.5 to 2 C.F.S. Saw 1.5 C.F.S. conveyed on Decoration
day.

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. Water is being used for sprinkling and
maintaining lawns, flowers, and shrubbery on Cemetery.
10 acres in the SW 4 of NW 4 of Sec. 23, Twp 16 S. R. 39 E. 39 E.
Have set up a electric pump & sprinkling system
to water dry cemetery land.

18618

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

Ans. -----

watering cemetery

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. -----

1.5 C.F.S. - needed for proper watering with sprinkling system - cemetery - was dry 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. -----

a taxpayer

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. -----

Decoration day - with sprinkling system - and canal and dam to intended use - would estimate 1.5 C.F.S. diverted for use.

(Signed)

Oliver J. Choules

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 *November - 23 -*, A. D. 19*40*.

Ben B. Johnson
Notary Public.

My commission expires -----

9-1-44

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18618

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. Vernon P. Cole - 39, - Preston - P. D. 1 - Farmer -

Ques. 2. Are you acquainted with Fairview Cemetery Maintenance District the holder of Permit No. 18618? Yes How long have you known him and where does he reside?

Ans. For life - Fairview, Idaho (Preston P. D. 1 -)

Ques. 3. Have you read or heard read said Permit No. 18618, 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. "Old Slough" drainage water - point of diversion is the SW4 of NW4 of Sec 23, Twp. 16 S. R. 39 E. Bm. Cement Dam - and ditch to place of use -

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

Ans. 1.5 C.F.S. - to 2 C.F.S. - - Have seen conveyed 1.5 C.F.S.

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. Water is being used for sprinkling and maintaining lawns, flowers and shrubbery on Cemetery. 10 acres in the SE4 of NW4 of Sec. 23, Twp. 16 S. Range 39 E. Bm. - Have set up a electric pump and sprinkling system

18618

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

Ans. Watering cemetery

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. 1.5 c.f.s. needed for proper development and maintenance of cemetery.

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

Ans. only as a taxpayer

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. Watched them sprinkle the cemetery land during this last summer - would estimate 1.5 c.f.s. diverted for use.

(Signed)

Vernon P. Cole

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 Nov. 23, A. D. 1940.

Ben B. Johnson
Notary Public.

My commission expires 9-1-41

Permit

December 2, 1940

Re: Permit No. 18618

Mr. E. I. Rawlings, Secretary,
Fairview Cemetery Maintenance District,
Route 1,
Preston, Idaho.

Dear Mr. Rawlings:

We acknowledge receipt of the deposition of yourself and two witnesses in connection with beneficial use proof under the above numbered permit, but we have not received the affidavit of publication from the newspaper, which is necessary to complete this proof.

The paper was instructed to send this affidavit to you, and if they have not already done so, you can obtain same, no doubt, by calling at their office.

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, as the department has but one field engineer, who makes examinations all over the State. However, Mr. Tolman, field engineer, will try and contact you at the time set for examination, so that you may show him over the grounds.

The statutory fee in connection with this final proof is \$3.00, which you may send at your convenience, and upon the report of our field engineer being filed, license will be issued in accordance therewith.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

JLA

Chief Clerk

18618

December 17, 1940

Re: Permit No. 18618

Mr. E. I. Rawlings, Secretary,
Fairview Cemetery Maintenance District,
Route 1,
Preston, Idaho.

Dear Mr. Rawlings:

We do not seem to have had a reply to our letter of December 2nd, in which we called attention to the fact that we had not received the Affidavit of Publication, which was necessary in order to complete your beneficial use proofs under the above numbered permit.

May we ask that you give this matter your prompt attention, so that the record may be clear on these proofs.

Very truly yours,

JAMES SPOTFORD
Commissioner of Reclamation

By

JLA

Chief Clerk

18618

AFFIDAVIT OF PUBLICATION

1. Dale E. Roe
(Foreman or Publisher)

of the Franklin County Citizen, a newspaper published weekly at Preston, 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 supplement

thereof, for Four

(4) consecutive weeks, commencing with the issue dated,

October 23, 1940
and ending with the issue dated,

November 14, 1940

Dale E. Roe
Subscribed and sworn to before me
this 7 day of Dec

1940

Notary Public.
18618

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M. on the 23rd day of November, 1940, at Preston, County of Franklin, State of Idaho, before Ben B. Johnson, Notary Public, proof will be submitted of the application to beneficial use of 1.5 cubic feet per second of the waters of Old Slough in accordance with the terms and conditions of Permit No. 18618 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 Fairview Cemetery Maintenance District

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

The amount applied to beneficial use is 1.5 cubic foot per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Ten (10) acres in the Southeast quarter of the Northwest quarter of Section 23, Township 16 South, Range 38 East of the Boise Meridian; more particularly described as the Southeast quarter of the Northwest quarter of Section 23, Township 16 South, Range 38 East of the Boise Meridian.

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

The right to take water from such works is based upon Permit No. 18618.

The source of supply from which such water is diverted is Old Slough.

The date of priority which said user is prepared to establish is May 18, 1938.

JAMES SPOFFORD, 18618
Commissioner of Reclamation.

December 18, 1940

Re: Permit No. 18618

Mr. Ben B. Johnson,
Attorney at Law,
Preston, Idaho.

Dear Mr. Johnson:

We acknowledge receipt of the affidavit of publication in connection with beneficial use proof under Permit No. 18618, in the name of the Fairview Cemetery Maintenance District.

Also the \$2.00 fee in connection with this proof, for which we enclose Departmental Receipt # 17665.

When the field examination has been made by our engineer, and his report filed, a license will be issued in accordance therewith, as per our letter of December 2nd, to Mr. E. I. Bawlings.

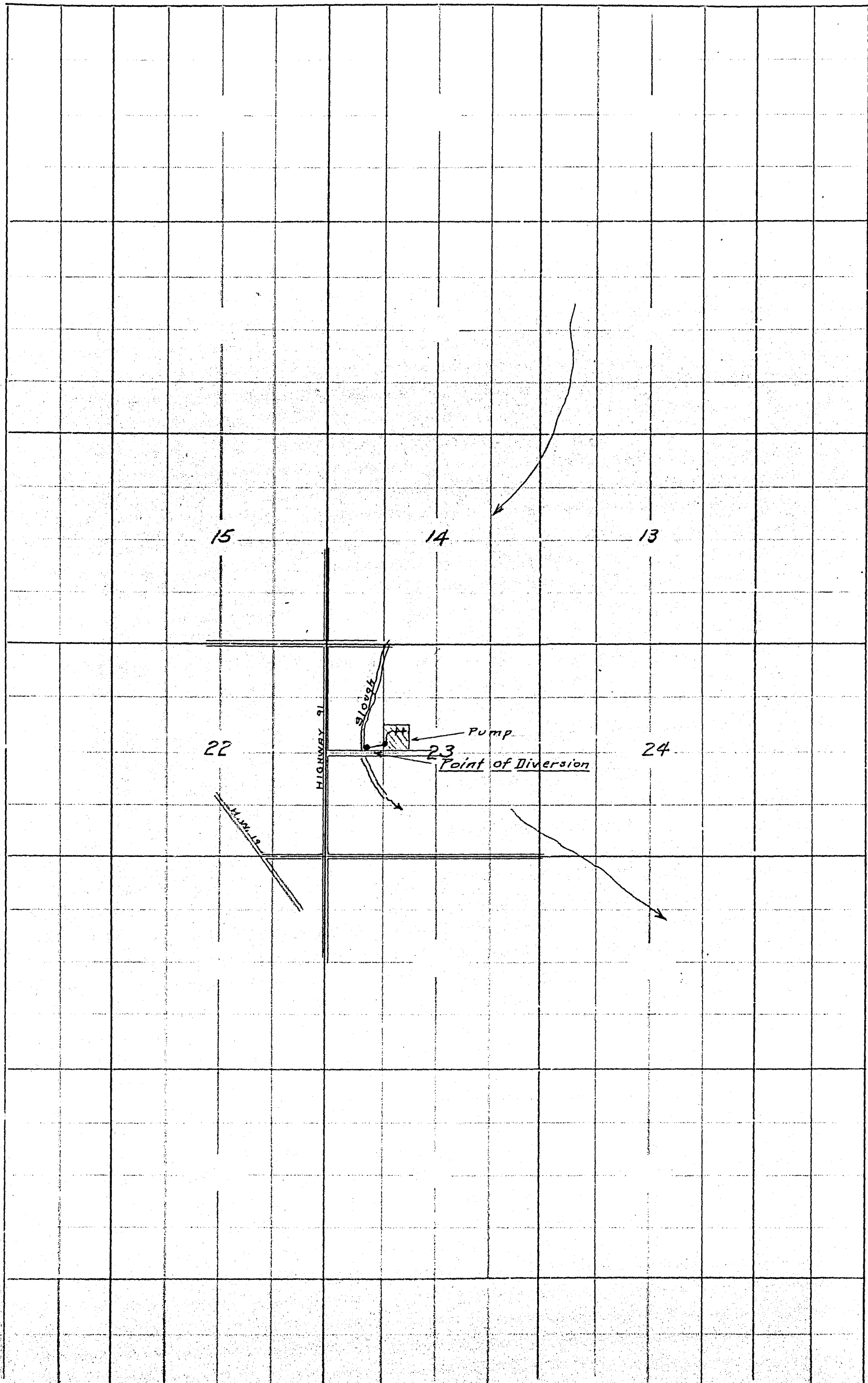
Very truly yours,

JAMES SPOTFORD
Commissioner of Reclamation
By

JLA
Encl.

Chief Clerk

18618



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18618

This proof is for Beneficial use

In Water District No.

1. Name of applicant Fairview Cemetery Maintenance District, E. I. Bawlings, Secy.

Route 1, Preston, Idaho

2. Source of water supply: Old Slough

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23

T. 16 S. R. 39 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: Diversion control is at

a concrete heading at a road culvert, 8 ft. wide and 4 ft. high; water thus

checked reaches the station sump via 500 ft. of ditch which is 3 ft. wide

and 3 ft. deep. Pump house is 24 X 12 feet, equipped with # 40102 Deming

Pump, and # 864 Wisconsin Engine. Mainmaker sprinkler system has 500 ft. of

4" and 600 ft. of 2" pipe

5. Water is used for: Sprinkling and 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 other than irrigation):

10 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Twp. 16 S., Range 39 E., 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? Cub River

Remarks:

This examination was made on the 20th day of June, 1941

(Signed)

Fred A. Polman

Examiner.

18618

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE
April 10, 1941

Re: 13618

Fairview Maintenance Dist.
Preston, Idaho

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. ~~13618~~, 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 ~~June 8, 1941~~, 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,

E. V. BERG.

Commissioner of Reclamation

18618

April 1, 1942

Re: 18618

Fairview Cemetery Maintenance District
c/o E. I. Rawlings, Secty.
Preston, Idaho

Dear Mr. Rawlings:

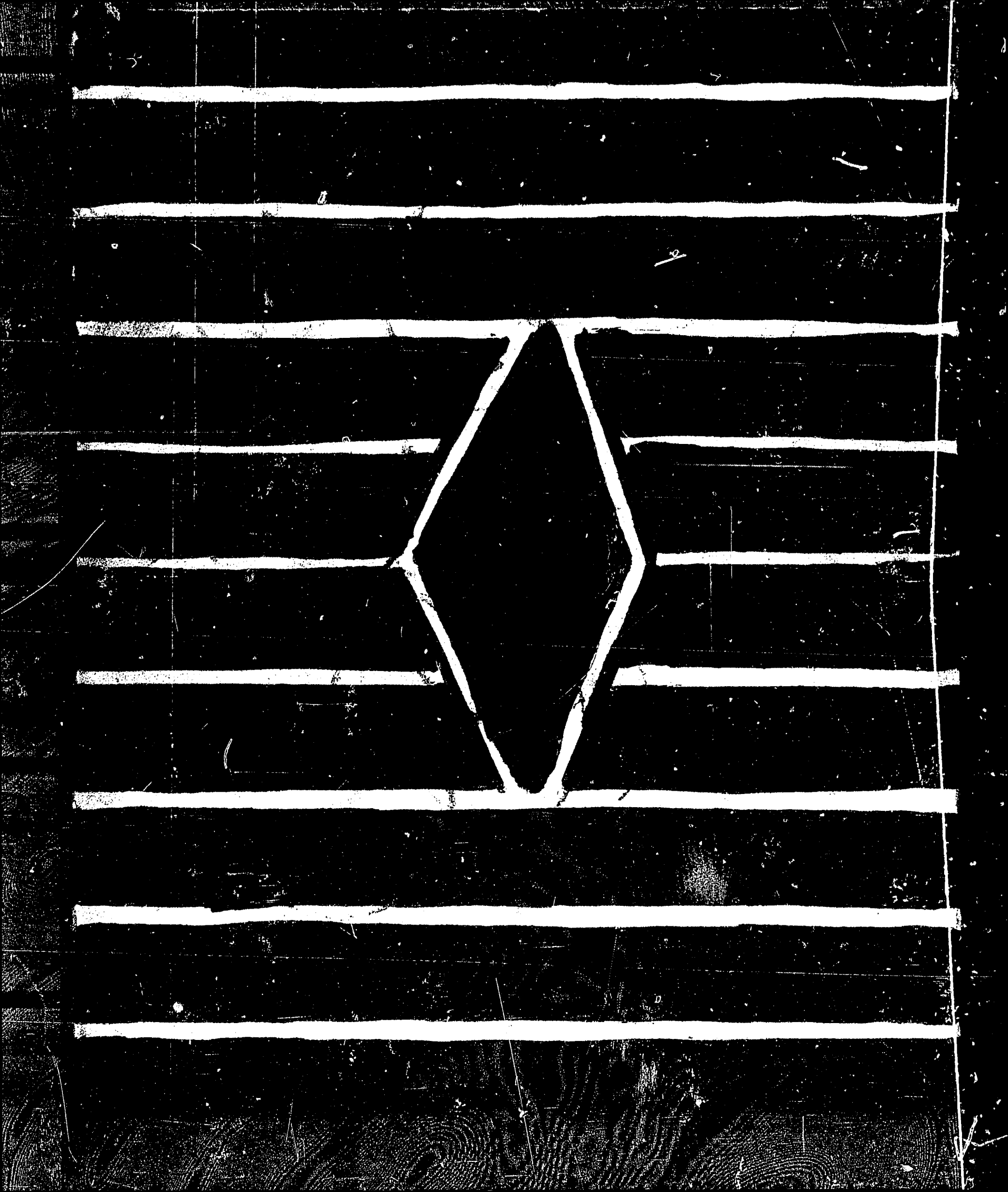
We are enclosing a License and Certificate of
Water Right for the use of 0.20 cubic feet per second of the
waters of "Old Slough" for irrigation of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23,
Twp. 16 S., Rge 39 E. The priority date is May 18, 1938.

Very truly yours,
E. V. BERG
Commissioner of Reclamation

BY: Chief Clerk.

ml.
encl.

18618



State of Idaho

License and Certificate of Water Right

Water License No. 18618Amount 0.20 c. f. s.

Water District No. _____

Priority May 18, 1938

THIS IS TO CERTIFY that FAIRVIEW CEMETERY MAINTENANCE DISTRICT of R#1, Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 18, 1938, 19 ; that Permit No. 18618 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.5 second feet, was issued thereunder on June 14, 1940, 19 , showing that said works were completed on the 8th day of June, 19 40 ; and that on the 23rd day of November, 19 40 ,

FAIRVIEW CEMETERY MAINTENANCE DISTRICT

of R#1, Preston, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of "Old Slough" drainage water, a tributary of Worm, for the purpose of sprinkling and irrigation of cemetery, under Use Permit No. 18618 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 4107, on the 27th day of March, 19 42 ;

The right hereby confirmed dates from May 18, 1938, 19 ;

The Point of Diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23, 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 0.20 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	23	SE $\frac{1}{4}$ NW $\frac{1}{4}$	10.00	10.00

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 27th day of March, 19 42

E. V. BERG

Commissioner of Reclamation

(SEAL)

PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

13-2140

39

SOURCE: Fairview Drain & Tributaries

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
13-2140	FAIRVIEW CEMETARY Maintenance District Rt. #1 Preston, Idaho	5-18-1938	Irrigation	4-1 11-1	55.0	0.2	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S.23 T16S, R39E	Sec. 25 SE $\frac{1}{4}$ NW $\frac{1}{4}$ T16S, R39E 10.0 <u>10.0</u>	License Unnamed Stream
13-2150	HINCKLEY, Vern Rt. #1 Preston, Idaho	6-29-1945	Irrigation	4-1 11-1	105.0	0.6	NW $\frac{1}{4}$ NW $\frac{1}{4}$, S.23 T16S, R39E	Sec. 23 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 T16S, R39E 130.0	License Unnamed Stream
13-0297	HINCKLEY, Vern Rt. #1 Preston, Idaho	6-15-1953	Irrigation	4-1 11-1	145.0	0.34	NW $\frac{1}{4}$ NW $\frac{1}{4}$, S.23 T16S, R39E	Sec. 23 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40.0 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 SE $\frac{1}{4}$ NW $\frac{1}{4}$ 30.0 T16S, R39E 130.0	License Unnamed Stream
13-0263	GILBERT, Hazen A. Rt. #1 Preston, Idaho	5-21-1957	Irrigation	4-1 11-1	280.0	1.60	Sec. 23 NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ T16S, R39E	Sec. 23 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 29.0 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 32.0 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 19.0 T16S, R39E 80.0	Beneficial Use Fairview Drain

amended by final decree