

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

Application No. 26199
Permit No. 18823
District No.

1. Name of Applicant: MERLIN T. WHITTLE and ROYAL G. WILSON

Postoffice address Preston (Route 1) 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:

- (b) Treasury stock:
- (d) Other resources:

- (a) Cash on hand:
- (c) Bonds to be issued:

2. Quantity of water claimed: Three (3) cubic feet per second.

(Unnamed stream)

3. Source of water supply: Drainage water from fields above which is a tributary of

4. Location of point of diversion: 1500 feet distant from the S E

corner of Section 16, T. 16 S., R. 39 E., B. M., and is in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$

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

5. Water is to be used for: Irrigation

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

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

(b) Amount of power generated: H. P., under foot 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 work: \$ 250.00

8. Kind of works: Small dam and ditches

9. Height of dam 10 feet; length of dam at top 50 feet; length of dam at bottom 10

feet; material used in dam: Earth fill

10. Size of headgate: Width 12 inch feet; height 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 inches; length of conduit 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 3 additional years.

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

15. (a) Is reservoir to be used? Yes If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit: Unnamed
(c) Date of filing of Application for Storage Permit and Name of Applicant: Only small earth fill

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.

MERLIN T. WHITTLE

Applicant.s

ROYAL G. WILSON

By

Agent.

Date of first receipt at Department of Reclamation: 11:00 A.M. July 15, 1939

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18823

Recorded in Book 69 Page 18823 Approved July 20, 1939

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before September 18, 1939

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 July 20, 1940

The whole of said work to be completed on or before July 20, 1941

Beneficial use of water appropriated in accordance herewith, to be made on or before July 20, 1944

Witness my hand this 20th day of July, 1939

JAMES SPOTFORD

Commissioner of Reclamation.

Remarks: Drainage water from farms above made possible by drain now under construction, and it is the plan of applicants to put this drainage water to beneficial use on their farm. It will take but little work to put this water to beneficial use. Drain will soon be completed and applicants desire to file on said water made available by the drain. The small storage reservoir as used principally for a diversion point and to raise the water to higher level so as to be available for use on land.

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.	16											40			20			60

Total Number of Acres to be Irrigated - - - - 60

IN TESTIMONY WHEREOF, We, C. A. DOTTOLFSEN, 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 20th day of July, 1939.

(SEAL)

Countersigned:
By GEO. H. CURTIS
Secretary of State

Permit No. 18823

STATE OF IDAHO
By C. A. DOTTOLFSEN
Governor

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that MERLIN T. WHITTLE & ROYAL G. WILSON of R#1, Preston, County of Franklin, and state of Idaho, the holders of Permit No. 18823, issued upon application No. 26199 bearing date of priority of July 15, 1939, authorizing the diversion of three second feet of the waters of an unnamed stream (drainage water from fields above), County of Franklin, State of Idaho, for irrigation purposes, have 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 three second feet of the waters of an unnamed stream, that the point of diversion of said waters is in the SW¼SE¼ of Sec. 16, Twp. 16 S., Rge. 39 E., and that the lands proposed to be irrigated by the use of said water are described as follows, to wit: SE¼SW¼, SW¼SE¼, Sec. 16, 16 S., 39 E., B. M.

Witness my hand this 8th day of July, 1941.

Completion of works made: June 27, 1941
Certificate issued: July 8, 1941.

E. V. BERG.
COMMISSIONER OF RECLAMATION

PERMIT ISSUED FOR 0.72 SEC. FT.
P. 4252

LAW OFFICES
BEN B. JOHNSON
GREAVES BUILDING
PRESTON, IDAHO

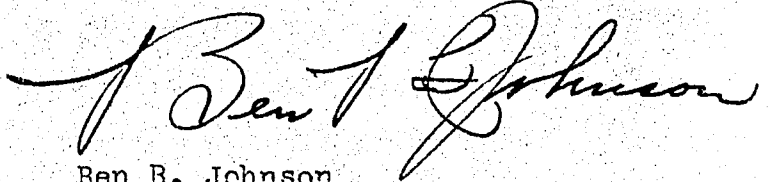
July 14, 1939

Commissioner of Reclamation,
Boise, Idaho

Dear Sir:

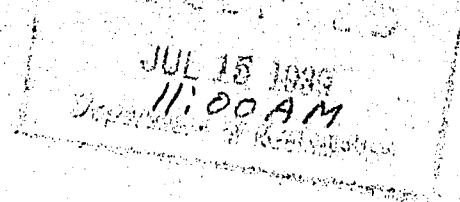
Enclosed herewith is application for permit to appropriate the public waters of the State of Idaho, which application is made by Merlin T. Whittle and Royal G. Wilson, and enclosed herewith also is \$5.50 to pay for the permit.

Yours very truly,

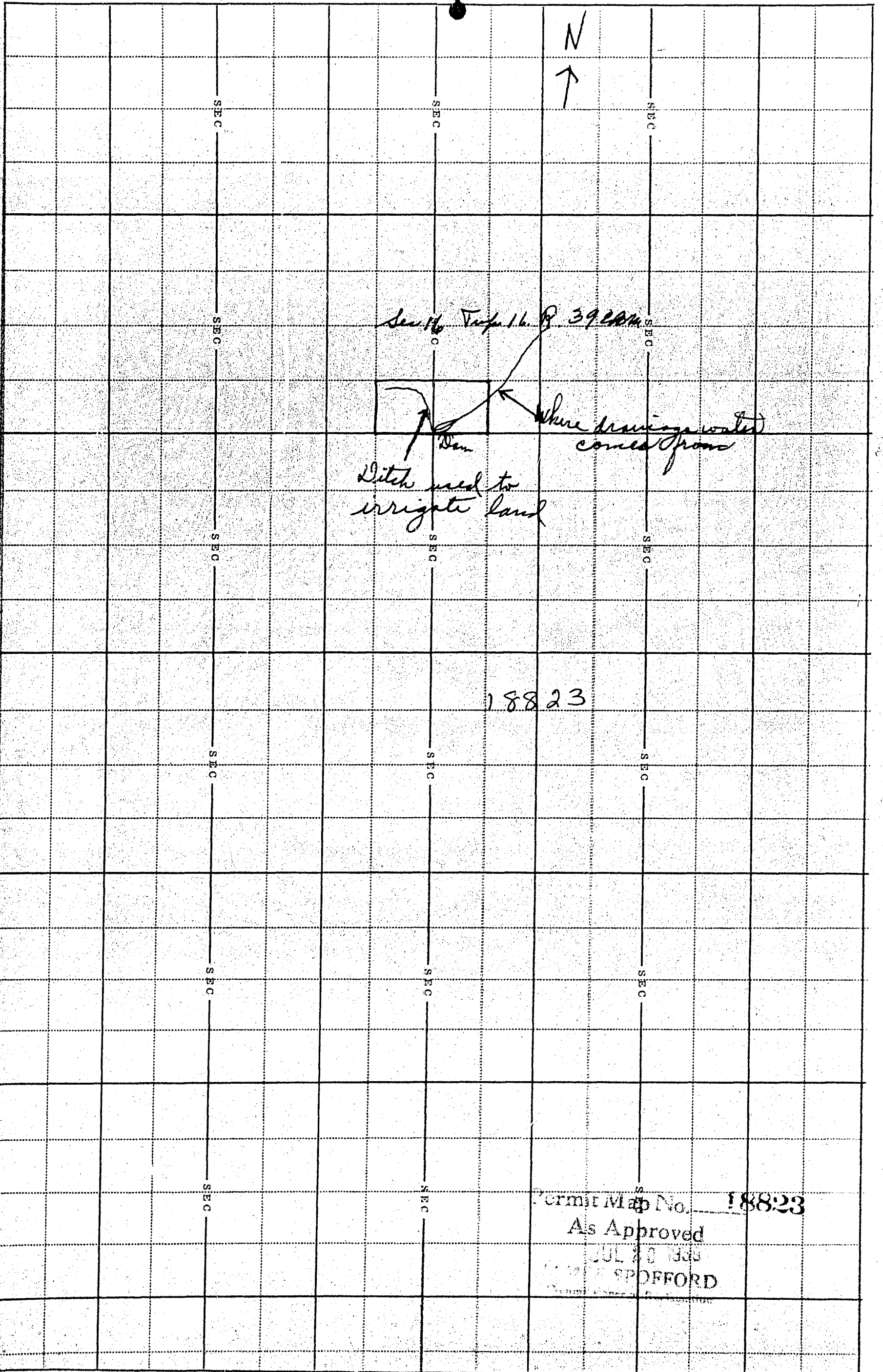

Ben B. Johnson

BBJ:WH
Encl. 2

18823



Merlin T. Whittle
Royal G. Wilson



State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18823

Boise, Idaho, July 21, 1939

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.

Merlin T. Whittle
&
Royal C. Wilson
Route 1- Preston, Idaho
Enc. Receipt # 17051

JAMES SPOFFORD

Commissioner of Reclamation.

18823

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

May 10, 1941

18823

Merlin T. Whittle
& Royal G. Wilson
Preston, Idaho

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho,

Dear Sir:—

Under the terms of your permit No. 18823 you are required to complete your diversion works on or before July 20, 1941. 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,

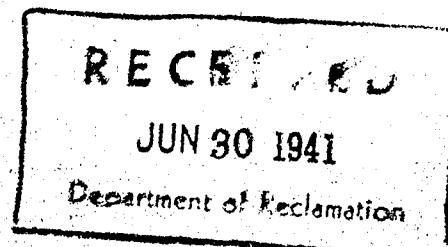
E. V. BERG.

Commissioner of Reclamation.

18823

BEN B. JOHNSON

ATTORNEY AT LAW
PRESTON, IDAHO



June 27, 1941

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Merlin T. Whittle & Royal G. Wilson

Gentlemen:

Enclosed herewith is Proof of Completion of Works
together with a \$5.00 fee.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ben B. Johnson".

Ben B. Johnson

BBJ/h
enclosures

18823

Permit No. 18823STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Franklin } ss.Merlin T. WhittleRoyal E. Wilson

, 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. 18823, and that his postoffice address is Preston, Idaho
State of IdahoSecond: That the name of the stream from which said water is to be directed is Unnamed streamThird: That the point of diversion of said water is about 1500 feet NW of SE corner of Sec. 16 - Twp. 16 So. R. 39 E. BmFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 20, 1940Fifth: 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: Dam - & reservoir
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 9 feet, length of dam at top 140 feet, length of dam at bottom 100 feet. Material used in construction earth

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

(b) Capacity of reservoir 5 acre feet.(c) Size of headgate: Width 2 feet, height 2 feet.(d) Conduit ditch width at bottom 2 feet, width at water line 3 feet, depth of water 1 feet; diameter of pipe — inches, average grade per mile is 3 feet. Length of conduit is 1/2 miles.
(State whether ditch, flume or pipe.)Seventh: That said works are capable of conducting to the place of intended use 3 C.F.S. second feet of water.Eighth: That water appropriated under said permit is available for 80 acres of land described as follows: SE 1/4 SW 1/4, SW 1/4 SE 1/4, 7 sec 16 - Twp 16 So R 39 E Bm

Ninth: Remarks: That

Merlin T. Whittle -
Royal E. Wilson
(Sign here)Subscribed and sworn to before me this 27 day of June, 1941My commission expires 9-1-44

Notary Public.

18823

July 8, 1941

Per 18823

Mr. Ben B. Johnson
Preston, Idaho

Dear Mr. Johnson:

We are enclosing a Certificate of Completion of
works issued upon permit number 18823 to Merlin T. Whittle
and Royal G. Wilson for the use of drainage waters in the
amount of 3 second feet with a point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
and to be used on the SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16, 16 S., 39 E.

The department's receipt in the amount of \$5.00 is
also enclosed.

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

BY: Chief Clerk.

ml.
encl.

18823

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Merlin T. Whittle
and
Royal G. Wilson
Route 1
Preston, Idaho
Dear Sirs;

April 29, 1944

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 18823, 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 20, 1944, 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,

MARK R. KULP

commissioner of Reclamation
State Reclamation Engineer

18823

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

June 16- 1944

(P. O.)

Preston, Idaho

STATE RECLAMATION ENGINEER
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

, published in

the county in which the works are situated.

Royal J. Wilson

(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.

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

Notice is hereby given that at 10 A. M. on the 5 day of August, 1944,
 at Preston, County of Franklin, State of Idaho, before
 C. D. Swenson, County Auditor, proof will be submitted of the
 application to beneficial use of 3 cubic feet per second of the waters of Unnamed
 stream (Drainage Waters) in accordance with the terms and conditions of Permit No. 18823
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
 Merlin T. Whittle and Royal G. Wilson, Preston, Idaho

The use to which said water has been applied is irrigation of land

The amount applied to beneficial use is 3 Cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16 Township 16 So. Range 39,
 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 Smith and Kerr Drain

The right to take water from such works is based upon Permit No. 18823

The source of supply from which such water is diverted is Smith and Kerr Drain

The date of priority which said user is prepared to establish is July 31, 1939

MARK R. KULP

Commissioner of Reclamation
 State Reclamation Engineer

18823

June 21, 1944

Re: Permit No. 18823

Mr. Royal C. Wilson
Route 1
Preston, Idaho

Dear Mr. Wilson:

We acknowledge receipt of notice in duplicate, and also your authorization to publish same in the Preston Citizen, all in connection with beneficial use proof under the above numbered permit.

This notice has been sent to the newspaper, with instructions to publish same once a week for four consecutive weeks prior to August 5th, the date set for proof.

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

18823

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date: June 21, 1944

Re: Permit No. 18823

Preston Citizen

Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 5, 1944, the date set for proof, the expense of the publication to be paid by the applicants, Merlin T. Whittle and Royal G. Wilson of Preston, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP

State Reclamation Engineer

18823

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, July 26, 1944

Re: Permit No. 18823
Merlin T. Whittle and
Royal G. Wilson

Mr. C. L. Swenson
County Recorder
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. 18823.

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 August 5, 1944, 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 C. L. Swenson, County Recorder.

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,

.....MARK B. KILP.....
.....Commissioner of Reclamation......
State Reclamation Engineer

18823

August 15, 1944

Re: Permit No. 18823

Mr. C. L. Swenson
County Recorder
Preston, Idaho

Dear Mr. Swenson:

On July 26, 1944, you were sent the forms of deposition to be used in taking proof of beneficial use under the above numbered permit, in the names of Merlin T. Whittle and Royal G. Wilson.

These depositions were to be taken on August 5th, but to date we have not received same.

Please advise if the proofs were made at that time- and if so, kindly send the depositions to this Department.

Very truly yours,

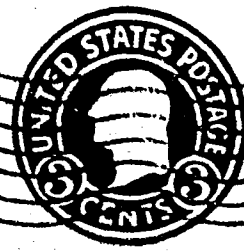
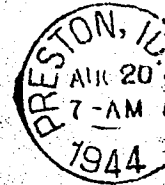
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

18823

C. L. SWENSON

~~PRESTON, IDAHO~~



Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

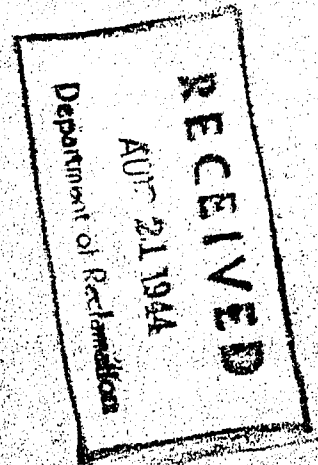
18823

FRANKLIN COUNTY STATE OF IDAHO

C. L. SWENSON, C. P. A.
CLERK OF THE DISTRICT COURT
EX-OFFICIO AUDITOR AND RECORDER
CLERK OF BOARD OF COMMISSIONERS

PRESTON, IDAHO
August 10, 1944

BOARD OF COMMISSIONERS
FRANK SHREFFES, CHAIRMAN
WESTON, IDAHO
HARLEY GREAVES, COMMISSIONER
PRESTON, IDAHO
WALLACE B. OLSEN, COMMISSIONER
FRANKLIN, IDAHO



Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Sir:

I am enclosing depositions in connection with permit No. 18823, also affidavit of publication for notices.

Will you kindly advise me as to the usual charge for the notary public who fills in and acknowledges the depositions of the holder and witnesses.

Very truly yours,

rp

Encl.

18823

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18823

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Merlin T. Whittle, Preston, Idaho. R. #1, Farmer,

Royal G. Wilson, Preston, Idaho. R. #1, farmer.

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

Ans. _____

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

Ans. 18823

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

Ans. 1500 feet distant from the SE corner of Sec. 16, T. 16 S.R. 39 EBM, and is in the SW-SE of Sec. 16, T. 16 S.R. 39 EBM, Water is from an unnamed stream. (Drainage water.)

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. Works of diversion are composed of small earth filled dam and ditches for conveyance of water. Ditches are capable of carrying all water available. Ditches will convey all of water requested. (3 cu. ft. per sec.) Works are unnamed.

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 used for irrigation, on practically all of SE $\frac{1}{4}$ SW $\frac{1}{4}$; and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16, T. 16 S. R. 39 E. E. W. About half cultivated land and half meadow land. Increase of crops and improvement of meadow lands have materially increased and natural forage on balance of land has been increased materially because of the use of water.

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

Ans. _____

18823

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

Ans. _____

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

Ans. _____

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

Ans. Water has been used for five years for irrigation purposes to fullest extent possible; all water available has been used, which amounts at maximum to 3 cu. ft. per sec.

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. _____

(Sign) Mervin J. Whittle
Royal D. Wilson

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 5 day of August, A. D. 19 44.

My commission expires 1-21-45

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18823

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. Frank J. Gilbert; 50 yrs. of age; Farmer; Preston, Ida. R. #1

Ques. 2. Are you acquainted with Merlin T. Whittle and Royal G. Wilson, the holder of Permit No. 18823? How long have you known him and where does he reside?

Ans. Over ten years; both reside at Preston, Idaho, R. #1

Ques. 3. Have you read or heard read said Permit No. 18823, 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. Smith and Kerr drain; an unnamed stream, the point of diversion is in the SW¹/₄SE¹/₄ of Sec. 16, Twp. 16 S. Rge. 39 E.B.M., the works for conveying water is composed of a small dam and ditches.

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. Three cu. ft. per sec.

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

Ans. Water is used for irrigation of the SE¹/₄ of the SW¹/₄ and the SW¹/₄ of the SE¹/₄ of Section 16, Twp. 16 S. R. 39 E.B.M., water is used during the season on practically all of the 80 acres. About half is cultivated and about half is meadowland. Water is materially of benefit in increasing productivity of land, in increase of crops and of meadow.

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. 30 acres meadow lands; 30 acres of sandy ground being reclaimed for feed crops, pasture, All of water available will be required and additional water could be used if available. The other 20 acres has been improved in natural forage because of the use of the water.

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

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen the water used several times and all of the water available was being used beneficially.

(Signed) Frank J. Gilbert

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 5 day of August, A. D. 19 44.

[Signature]

Notary Public.

My commission expires 1-21-44

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18823

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 J. Harris; age 35; Preston, Idaho, R. #1; Farmer.

Ques. 2. Are you acquainted with Merlin T. Whittle and Royal G. Wilson, the holder of Permit No. 18823? How long have you known him and where does he reside?

Ans. Have known them for at least ten years. Both reside at Preston, Idaho, R. #1; (Fairview, Idaho.)

Ques. 3. Have you read or heard read said Permit No. 18823, 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. an unnamed stream, the point of diversion is in the SW $\frac{1}{4}$ Sec. 16, Twp. 16 S. Rge. 39 E.B.M., the works for conveying water is composed of a small dam and ditches.

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. Three cu. ft. per second.

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

Ans. 30 acres of meadowland, 30 acres of sandy ground being built up and of reclaimed, by use of water. B.M., water is used during the season on practically all of the 60 acres. About half is cultivated and about half is meadowland. Water is materially of benefit in increasing productivity of land, in increase of crops and of meadow.

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. 30 acres of meadow land being improved and 30 acres of sandy soil
being reclaimed and put to beneficial use for pasture and for
farming. The other 20 acres has been improved in natural forage because of water.

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

Ans. No.

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 the water being used many times, to full extent,
water has been used in improvement and in benefitting land
upon which this permit describes.

(Signed) Vernon J. Harris

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 5 day of August, A. D. 19 44

My commission expires 1-21-45

[Signature]
Notary Public.

AFFIDAVIT OF PUBLICATION

I, Wm MacKnight

Printer of The Preston Citizen,
a newspaper published weekly at
Preston, Franklin County, Idaho,
do solemnly swear that the notice
as per clipping attached was pub-
lished in the regular and entire
issue of said newspaper, and not
in any supplement thereof for

4 consecutive weeks,
commencing with the issue dated

July 6, 1944

and ending with the issue dated,

July 27, 1944

W. J. MacKnight
Signature.

Subscribed and sworn to be-
fore me this 5 day of

August, 1944

(SEAL) Notary Public.

Preston, Idaho

My commission expires:

1/21, 1945

NOTICE FOR PUBLICATION

Notice Of Proof Application Of Water To Beneficial Use

Notice is hereby given that at
10 A. M. on the 5th day of August,
1944, at Preston, County of Frank-
lin, State of Idaho, before C. L.
Swenson, County Auditor, proof
will be submitted of the applica-
tion to beneficial use of 3 cubic
feet per second of the waters of
Unnamed stream (Drainage Wa-
ters) in accordance with the terms
and conditions of Permit No.
18823 heretofore issued by the
Commissioner of Reclamation of
the State of Idaho.

The name and postoffice address
of the person or corporation hold-
ing said permit are Merlin T.
Whittle and Royal G. Wilson,
Preston, Idaho.

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

The amount applied to benefi-
cial use is 3 cubic feet per second.

The place where said water is
used (if for irrigation, give full
and accurate description of the
lands irrigated) SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$
SE $\frac{1}{4}$, Sec. 16 Township 16 So.
Range 39, East of the Boise Mer-
idian.

The name of the canal or ditch
or other works by which said wa-
ter is conducted to such place of
use is Smith and Kerr Drain.

The right to take water from
such works is based upon Permit
No. 18823.

The source of supply from
which such water is diverted is
Smith & Kerr Drain.

The date of priority which said
user is prepared to establish is
July 31, 1939.

Mark R. Kulp
State Reclamation Engineer
26-29

18823

✓
August 21, 1944

Re: Permit No. 18923
Merlin T. Whittle
and
Royal G. Wilson

Mr. C. L. Swenson
County Recorder
Preston, Idaho

Dear Mr. Swenson:

We acknowledge receipt of your letter dated August 10th, but postmarked August 20th, enclosing depositions of the holder and two witnesses- also affidavit of publication from the Preston Citizen, all in connection with beneficial use proof under the above numbered permit.

In reply to your request for information as to the usual charge of the Notary Public for taking such proofs, we wish to state that this is a matter between the Notary Public and the permit holders, and you have the right to charge whatever fees are reasonable for such services, plus the usual statutory fee for acknowledging the signatures.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

lv

Chief Clerk

A

18823

August 21, 1944

Re: Permit No. 18823

Merlin T. Whittle
and
Royal G. Wilson
C/o Royal G. Wilson
Route 1
Preston, Idaho

Dear Mr. Wilson:

We have received from Mr. C. L. Swenson, County Recorder, the depositions of yourselves and your two witnesses- also affidavit of publication from the Preston Citizen- all in connection with beneficial use proof under the above numbered permit.

Before final action can be taken in the 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 you at the time he makes the examination, so that you may arrange to show him over the grounds.

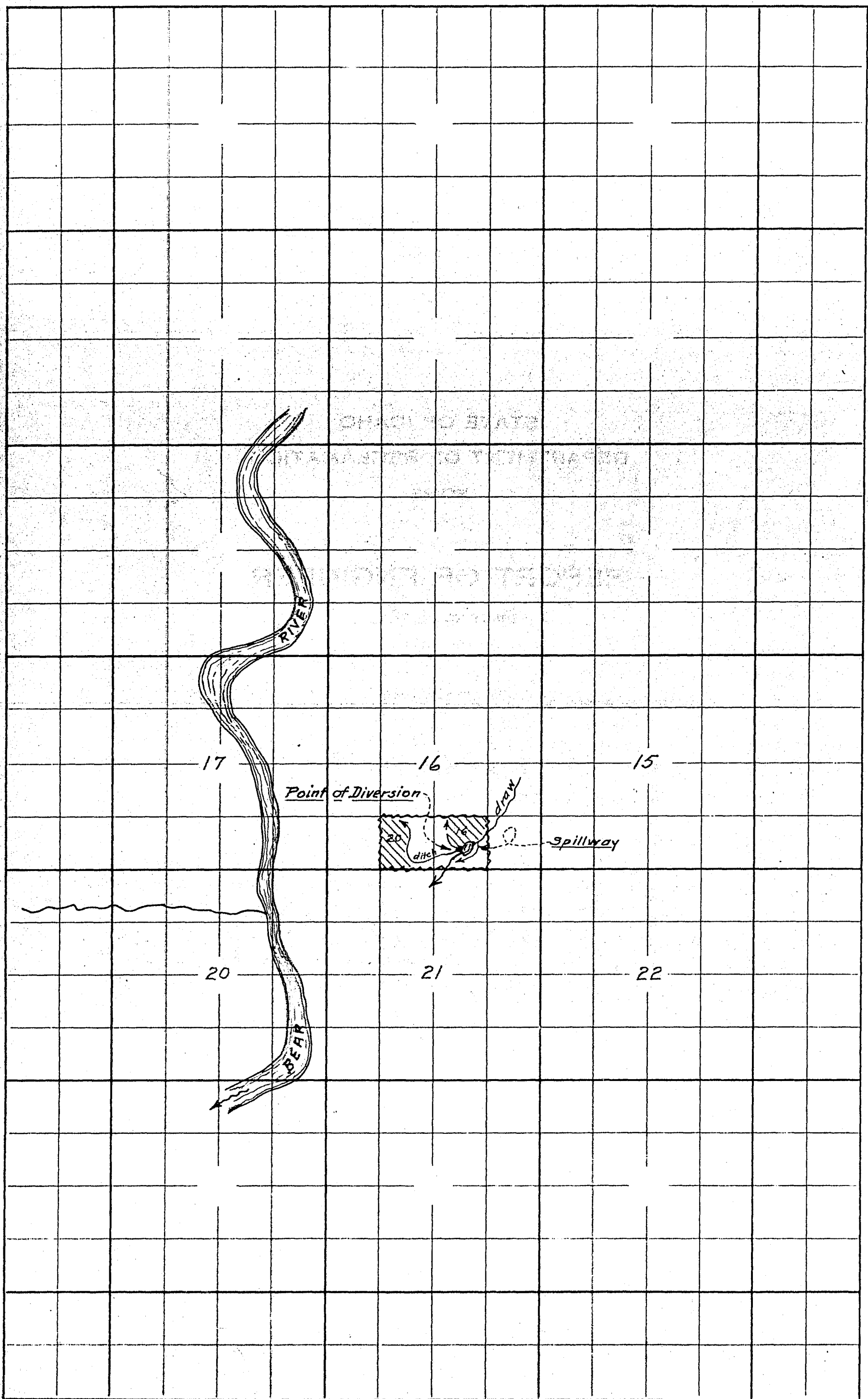
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

18823



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18823

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Merlin T. Whittle & Royal G. Wilson, Route 1, Preston, Idaho
2. Source of water supply: Unnamed stream (Drainage water)
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16
T. 16 S. R. 39 E. County of Franklin
4. Describe works as they exist, giving dimensions and capacities of same: Diversion works consist of an earth dam 120 Ft. long X 8 Ft. high X 16 Ft. top width.
A vertical type centrifugal pump, driven by a "Plymouth" motor, and
type belts. Pump discharges through an 8 inch pipe to ditch 2 Ft.
wide X 1 Ft. deep; total lift 12 Ft.
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): SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, 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 27th. day of October, 19 44.

18823

(Signed) _____

Examiner.

December 18, 1944

Re: Permit No. 18823

Messrs. Merlin T. Whittle and
Royal C. Wilson
Route 1
Preston, Idaho

Dear Sirs:

We have received the report of our Field Engineer on examination for beneficial use under your Permit no. 18823.

This report shows that you are irrigating 36 acres of land, in two 40-acre subdivisions, namely the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Twp. 15 South, Range 39 East, B. M.

Therefore, upon receipt of the statutory fee of \$4.00, a License will be issued for 0.72 second foot of water from an unnamed stream (drainage water).

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

18823

Preston Idaho

Mar. 25, 1945

Department of Reclamation
Boise Idaho;

Dear Sirs;

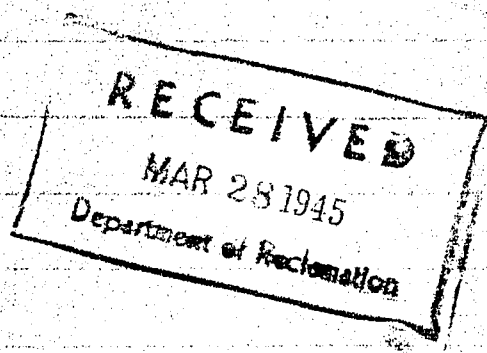
Inclosed \$4.00 your
Department requested by
letter - for purpose of
finishing water pump
18823. Merkin &
Whittle and Royal Wilson

Thanking you

Sincerely Yours

Merkin Whittle

18823



Charles C. Gossett

April 4, 1945

Re: Permit No. 13823

Mr. Marlin T. Whittle,
Route 1
Preston, Idaho

Dear Mr. Whittle:

We enclose herewith License and Certificate of Water Right issued under the above numbered permit, confirming the right of yourself and Royal G. Wilson, to the use of 0.72 of a second foot of water from an unnamed stream (drainage water), with priority of July 31, 1939, for the irrigation of 36 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Township 16 South, Range 9 East, B.M.

We also enclose Departmental Receipt No. 13823 for the \$4.00 fee paid by you in connection with this final proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

15823

Preston Idaho.

February 26 1947—

Mark R. Kemp;

State Reclamation Engineer
Boise Idaho.

Dear Sir;

Having certificate
of Water Right No. 18823
Part of land for which
usage was granted no
longer needs water having
become sufficiently wet.
Desiring to use this
water on land further
up stream some 2000 ft
which point it will
be necessary to make
a new 350 ft ditch
to foot hill and pump.
Would you please
give me instructions

18823

As to What I must
do to obtain usage
further up stream for
for Irrigation on new
land.

There is use being
made of this water beyond
point where we made
proof - Aug. 1944 - - The
flow of this water down
stream is increasing and
I feel there is ample for
this additional usage.

Located Franklin Co.

Twp 16 - Range 39E - Sec. 16

Thanking you

Sincerely yours

Merlin L. Whittle

✓
18823
C. A. Robins

February 27, 1947

Mr. Merlin T. Whittle,
Preston, Idaho

Dear Mr. Whittle:

In acknowledgment of your letter of February 26th, will state that if you wish to change the point of diversion and place of use of your water right, under License No. 18823, it will be necessary for you to make application for transfer on form enclosed herewith.

In filling out the form, answer all questions as completely as possible, drawing a sketch map on the on the plat on the back page, showing the source of water supply, your present diversion and place of use, and also the point of diversion and place of use to which the water is to be transferred,

Also, if you are in a water district, it is a statutory requirement to have the watermaster of said district approve or disapprove the transfer in the space provided on the third page.

It will also be necessary to publish a notice of the proposed transfer in your county paper, once a week for two consecutive issues. This department will prepare the notice for publication from the application submitted, and send same to the newspaper with instructions in regard to publication- the cost of publication to be paid by you.

There is also a fee of \$1.00 due this department for recording purposes, which should accompany the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

I:A
Encl.

18823

C. A. Robins

April 22, 1947

Mr. Merlin T. Whittle
Route 1
Preston, Idaho

Dear Mr. Whittle:

We are returning herewith your application for transfer of water right, for further information, and for correction, as follows- as from the application we are not able to determine just what the picture is.

1. You state that you wish to transfer the full amount of the licensed water right, 0.72 cubic foot per second, which was dedicated by License No. 18823 to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, Township 16 South, Range 39 East, B.M., and transfer same to the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, but you also state that you wish to transfer only the amount appurtenant to the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, which would be approximately 0.40 cubic foot per second, and leave the balance of said water, or 0.32 cubic foot per second, to remain appurtenant to the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16.

2. You state at the top of page 2 that you wish to transfer 0.72 cubic foot per second and convey same to the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15 by pump. We are unable to determine from the sketch map which accompanied your application whether the unnamed stream from which the source of your water is diverted continues on up to the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 16 to a diversion point located in that subdivision, as shown and marked "pump" on your sketch map.

We enclose a copy of the sketch map on file in connection with Permit and License No. 18823, which shows the location of the unnamed stream from which the water is diverted. If you intend to divert water from this same stream and transfer it to the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, please state and show on this sketch map the location of said stream through said forty.

3. On page 2, in the fifth line under "Applicant will answer the following questions", you have given the description of the wrong forty- as the land from which the water is to be transferred, i. e. the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, whereas on page 1 you state it is the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of this section.

4. You have overlooked signing on the line indicated at the bottom of page 2.

5. The affidavit at the top of page 3 should be signed by two disinterested witnesses, instead of being signed by yourself.

6. The affidavit of the watermaster at the bottom of page 3 is of no value as signed by Royal G. Wilson. It should be signed by the watermaster of the district, or Bear River, who is Mr. E. J. Baird, of Soda Springs.

18823

Merlin T. Whittle
April 22, 1947
Page 2

7. Since the license is jointly in the name of yourself and Royal G. Wilson, the application for transfer should be in both names, or else you should show, by affidavit or otherwise, that you are now the sole owner, through purchase or other conveyance from Mr. Wilson.

In view of the above stated corrections, it might be well for you to fill out a new application, and we enclose a form herewith for your use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:A
Encls.

18823

✓
18823
July 6, 1949

Mr. Merlin T. Whittle
Route 1
Preston, Idaho

Dear Mr. Whittle:

Since we have had no reply to several letters addressed you, in regard to your request for change of point of diversion and place of use of your water right under License No. 18823, we assume that you are no longer interested in the matter and we return your check for the \$1.00 recording fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:bh

18823

J. N. LARSEN COMPANY

RECEIVED
FARM AND CITY LOANS
JAN 14 1960
Department of Reclamation

REAL ESTATE-TITLE INSURANCE-ABSTRACTS-FIRE INSURANCE

PRESTON, IDAHO
PHONE 62 BOX 466

January 12, 1960

Department of Reclamation
State Building
Boise, Idaho

Gentlemen:

The property belonging to Mr. Royal G. Wilson has been sold to J. Virgil Jensen, and on this land belonging to Mr. Wilson there was a Water Permit No. 18823. Would you please send us the necessary papers in order to have this Permit transferred to the new owner.

The Permit is filed in Book 68 at page 18823 approved July 20, 1939.

Yours very truly,

J. N. LARSEN COMPANY

By

Ted B. Larsen
Ted B. Larsen

TBL/s

18823

January 14, 1960

Re: License 18823

J. M. Larsen Company
Ted D. Larsen
Box 466, Preston, Idaho

Dear Mr. Larsen:

Water License No. 18823 was issued April 14, 1945 for 0.72 c.f.s., priority July 31, 1939, to irrigate 36 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 16 S., R. 39 E., B. M. The water right is appurtenant to the land and passes with ownership of the land unless it has been transferred to other land by proper procedure through this office.

This office does not keep any record of the transfer of land ownership except some record is kept of ownership irrigated by water from some streams.

Very truly yours,

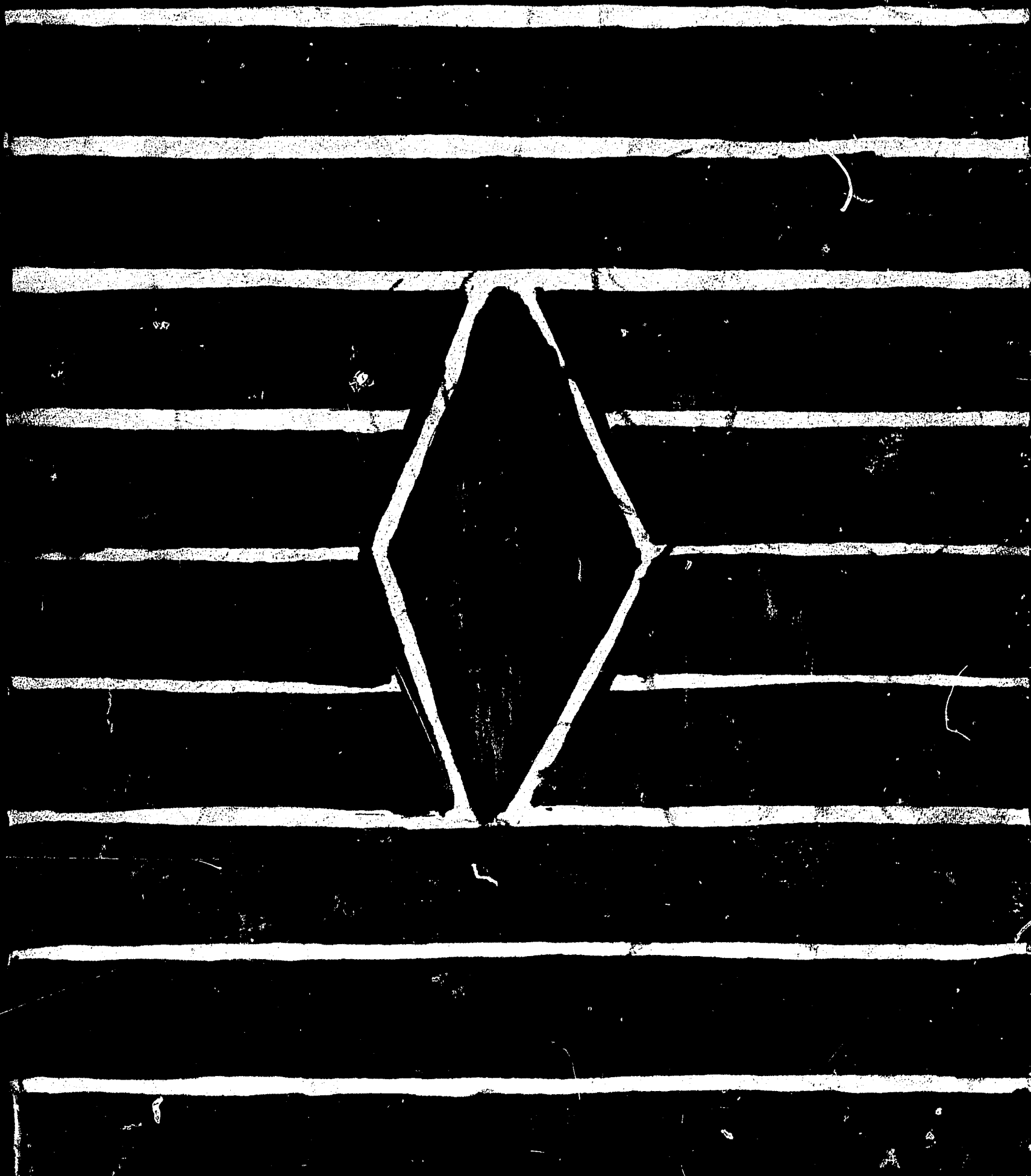
GEO. W. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS
Office Engineer

RT:ow

18823



State of Idaho

Licenses and Certificate of Water Right

Water License No. 18823

Amount 0.72 sec. ft.

Water District No.

Priority 7-31-39

THIS IS TO CERTIFY that MERLIN T. WHITTLE and ROYAL G. WILSON of Route 1, Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 15, 1939; that Permit No. 18823 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3 second feet, was issued thereunder on July 8, 1941, showing that said works were completed on the 27th day of June, 1941; and that on the 5th day of August, 1944,

MERLIN T. WHITTLE and ROYAL G. WILSON

of Preston, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed stream (drainage water), for the purpose of irrigation, under Permit No. 18823 of the Department of Reclamation and that said right to use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 7 of Licenses, at page 425, this 4th day of April, 1945;

The right hereby confirmed is from July 31, 1939;

The Point of Diversion is located in the SW 1/4 SE 1/4 S. 16, T. 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 used and beneficially used for said purposes, and shall not exceed 0.72 cubic feet per second.

Description and location

Twp.	Range	Section	Quarter-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S.	39 E.	16	SE 1/4 SW 1/4	40	20
			SW 1/4 SE 1/4	20	16
Number of Acres Actually Irrigated				-	36

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.

State Reclamation Engineer

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 4th day of April, 1945.

MARK R. KULP

Commissioner of Reclamation
State Reclamation Engineer

(SEAL)

133 2144

