

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

Application No. 26884
Permit No. 19387
District No.

1. Name of Applicant: FRANK J. GAMBLE

Postoffice address: Preston

County: Franklin

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

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

(a) Cash on hand:

(c) Bonds to be issued:

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

3. Source of water supply: (An open drain) Unnamed stream which is a tributary of

4. Location of point of diversion: 100 feet distant from the Southwest corner of Section 9, T. 16 S., R. 39 E., B. M., and is in the Southeast Quarter of Section 8, T. 16 S., R. 39 E. B. M., County of Franklin

5. Water is to be used for Irrigation

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

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

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B. M., in the of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 60.00

8. Kind of works: Dam and ditch

9. Height of dam 3 feet; length of dam at top 4 feet; length of dam at bottom 0 feet; material used in dam: Earth

10. Size of headgate: Width None feet; width at water line feet; depth of water

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

Diameter of pipe inches; length of conduit 100 rods miles.

Average grade per mile 1 % feet.

12. The time required for the completion of such work is 6 months years.

13. The time required for the complete application of the water to the proposed use is no 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.

FRANK J. GAMBLE

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 4:00 P. M. March 9, 1943

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19387

Recorded in Book 70 Page 19387 Approved March 23, 1943

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 May 23, 1943 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 23, 1943

The whole of said work to be completed on or before September 23, 1943

Beneficial use of water appropriated in accordance herewith, to be made on or before September 23, 1943

Witness my hand this 23rd day of March, 1943

JAMES SPOFFORD

Commissioner of Reclamation.

State Reclamation Engineer

Remarks: Water is from an open drain used to drain land northerly from the point of diversion and easterly from the point of diversion. Water will be used in irrigation of land. The water desired to be filed on is from natural drain water. However, a ditch or open drain has been constructed to assist in the natural draining of the land, and it is from this ditch 14. or open drain that the water is to be diverted.

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.	8													40 40				80
											Total Number of Acres to be Irrigated								80

* IN TESTIMONY WHEREOF, We, C. A. BOTTOLFSEN, 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 caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd day of March, 1943.

(S E A L)

Countersigned:
By Geo. H. Curtis
Secretary of State

STATE OF IDAHO
By C. A. Bottolfesen
Governor

PERMIT NO. 19387
Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that FRANK J. GAMBLE, of Preston, County of Franklin, and State of Idaho, the holder of Permit No. 19387, issued upon Application No. 26884, bearing date of priority of March 9, 1943, authorizing the diversion of Two (2) second feet of the waters of an unnamed stream (an open drain), County of Franklin, State of Idaho, for irrigation 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 Two (2) second feet of the waters of said unnamed stream; that the point of diversion of said waters is 100 feet distant from the Southwest corner of Section 9, Township 16 South, Range 39 East, E. M., and in the Southeast quarter of Section 8, Township 16 South, Range 39 East, E. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: East Half of the Southeast Quarter of Section 8, Township 16 South, Range 39 East, E. M.

Witness my hand this 25th day of May, A. D. 1943.

Proof of completion of works made May 21, 1943
Certificate of Completion of Works issued May 25, 1943.

JAMES SPOFFORD
State Reclamation Engineer

C. L. SWENSON
PRESTON, IDAHO

Postage due 3 cents

86

PRESTON IDAHO
FEB 24
4-PM
1943



Idaho State Commissioner of Reclamation
Boise, Idaho

11:04 AM

RECEIVED
MAR 3 1943
Department of Reclamation

19387



XXXXXXXXXXXX

C. A. Bottolfson
XXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX
James Spofford, State Reclamation Engineer

March 3, 1943

Mr. Frank J. Gamble
Preston, Idaho

Dear Mr. Gamble:

Your application for permit to appropriate two second feet of water from an open drain, together with your check for \$5.00, reached us this morning. It seems to have been mailed on February 24th, but was held up in the post-office on account of insufficient postage and we have just received it.

We are returning the application and check for the following corrections.

1. The point of diversion is described as 100 feet distant from the Southwest corner of Section 9, and in the Southeast quarter of Section 8; as shown on the map it is about 1100 feet East of the Southwest corner of Section 9, and in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of the same section. Either the description or the map must be in error.
2. The place of use is described as the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, which would be the subdivisions we have checked in red on the map. As these 40's do not join, we wonder if this is the correct description. The 40's to be irrigated should be cross-hatched or colored on the map.
3. Under Remarks please describe the open drain more fully. Is it a natural drain or a privately constructed drain? According to the statutes, this department is not allowed to accept a filing on private water. Therefore, this question should be answered fully.
4. The statutory fees for filing an application to appropriate water are \$5.00 for the first second foot, and 25 cents additional for each additional second foot. Therefore, the correct fee would be \$5.25.

Only one application is necessary, but two maps- so we are only returning one, and upon return of this application, with the proper corrections, we shall file same with a number and starting date, and upon approval a permit will be issued.

We enclose a pamphlet giving rules and regulations in regard to the filing of applications for permits.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

By

Chief Clerk

A
Encls.

19387

(Form No. 1)

Address all communications to

Frank J. Gamble

P. O. Preston, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. _____

Permit No. _____

District No. _____

1. Name of applicant: **Frank J. Gamble**

Post office address **Preston** County **Franklin** State **Idaho**

I. If applicant is a corporation, give:

(a) Date and place of incorporation: _____

(b) Amount of capital stock: \$ _____ (c) Amount paid in: \$ _____

(d) Names and addresses of directors: _____

II. The financial resources of the applicant are: (a) Cash on hand: \$ _____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

2. Quantity of water claimed: **two** cubic feet per second.

3. Source of water supply: **From an open drain**

which is tributary of _____

4. Location of point of diversion: **100** feet distant from the **Southwest** corner of Section **9**, T **16 S.**, R **39 E.**, B. M., and is in the **Southeast quarter** of Section **8**, T **16 S.**, R **39 E.**, B. M., County of **Franklin**

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

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

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

(b) Amount of power generated: _____ H. P., under _____ feet head

(c) Water is to be returned to _____ at a point _____ feet distant from the _____ corner of Section _____, T _____, R _____, B. M., in the _____ of Section _____, T _____, R _____, B. M.

7. Estimated cost of works: \$ **60.00**

8. Kinds of works: **Dam and ditch**
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam **3 ft.** feet; length of dam at top **4 ft.** feet; length of dam at bottom **0**
(If height of dam will exceed 10 feet, send to Department of Reclamation for Regulations)

feet; material used in dam **Earth**

10. Size of headgate: Width **None** feet; Height _____ feet.

11. Ditch. Width at bottom **2** feet; Width at water line **2 1/2** feet; Depth of water **1** feet;

Dimensions of flume _____ Diameter of pipe _____ inches;

Length of conduit **100 rods.** miles. Average grade per mile **2 1/2** feet.

19387

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

(Give irrigable acreage in each 40-acre subdivision.)

[illegible]

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: _____

Remarks: Water is from an open drain used to drain land northerly from the point of diversion and easterly of the point of diversion. Water will be used in irrigation of land.

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.

By Frank E. Sample Applicant

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____, State of _____, do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of _____ is located, to-wit: _____

and that I do hereby grant unto the said..... permission to file on the said spring
as set forth in the foregoing application.

STATE OF IDAHO

County of _____ } \$5.

On this _____ day of _____, 193____, before me a Notary Public for the State of Idaho, residing
at _____, personally appeared _____

known to me to be the person..... whose name..... subscribed to the foregoing certificate, and acknowledged to me that..... he..... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public

My commission expires

Approval of Commissioner of Reclamation

The number of this permit is.....

Recorded in Book..... Page..... Approved.....

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....., and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before.....

The whole of said work to be completed on or before.....

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

Witness my hand this..... day of....., 193.....

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We, _____ Governor of the State of Idaho,
and _____ Secretary of State of the State of Idaho, have 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..... day of....., 19.....

Countersigned:

STATE OF IDAHO

By.....
Secretary of State

By.....
Governor

No.....	
PERMIT	
Date of first receipt at office of Commissioner of Reclamation	
Returned to applicant for correction	
Corrected application received	
Fees, \$.....	
FILING FEES FOR USE PERMIT:	
For the first Sec. Ft.....	\$5.00
For each additional Sec. Ft. or fraction thereof	.25

19387

Ditch

Drain

Point of Diversion

Township 16 South, Range 39 East of
the Boise Meridian, in Idaho

Permit Map No. 19387

As Approved

MAR 23 1943

JAMES SPOFFORD

State Reclamation Engineer

C. L. SWENSON, C. P. A.

CLERK OF THE DISTRICT COURT

EX-OFFICIO AUDITOR AND RECORDER

CLERK OF BOARD OF COMMISSIONERS

SPENCER CONDIE, SENIOR DEPUTY

JOAN JENSEN, JUNIOR DEPUTY

Franklin County

State Of Idaho

BOARD OF COMMISSIONERS

HENRY H. RAWLINGS, CHAIRMAN

PRESTON, IDAHO, R.F.D. 1

ANDREW B. NASH, COMMISSIONER

PRESTON, IDAHO

FRANK SHRIVES, COMMISSIONER

WESTON, IDAHO

PRESTON, IDAHO

March 22, 1943

RECEIVED
MAR 23 1943
Department of Reclamation

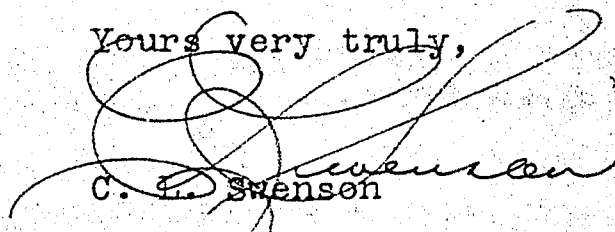
Dept. of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

Mr. Frank Gamble of Preston, Idaho, has requested that I write you and ascertain the present status of his recently made claim for drainage water.

Will you kindly advise me so that I may let Mr. Gamble know the status of his claim.

Yours very truly,


C. L. Swenson

CLS:s

19387

19387

March 13, 1943

Mr. C. L. Swenson
Box No. 22
Preston, Idaho

Dear Mr. Swenson:

In reply to yours of March 8th, will advise that the application of Mr. Frank Gable for permit to appropriate two second feet of water from an unnamed stream has been approved, and the permit will be sent him within a few days.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer
By

Chief Clerk

19387

March 20, 1945

Re: Permit No. 19387
Frank J. Gamble

Mr. C. L. Swenson
Box No. 23
Preston, Idaho

Dear Mr. Swenson:

We are enclosing herewith the above numbered permit, in the name of Frank J. Gamble. **BE SURE AND NOTE THE LIABILITIES AND CONDITIONS OF SAME** as given under approval of the State Reclamation Engineer on the fourth page.

The application calls for ninety days, within which to make the proofs required by the statutes in order to complete the water right, but we have allowed six months time, in order to be sure and have plenty of time within which to make three proofs.

Proof of Completion of Works is made by executing the enclosed Affidavit Form No. 6, and returning to this office with the statutory fee of \$10.00 and upon its receipt and approval, Certificate of Completion of Works will be issued.

In order to make the beneficial use proof, or final proof, it is necessary to publish a notice of intention to make such proof for four consecutive weeks prior to the date set for proof, in some newspaper published in the county where the water is diverted.

Form No. 10 is to be filled out in duplicate, giving time and place for making the proof, and also naming the Notary Public before whom the proof will be made. Form No. 11 should also be filled out with the name of the newspaper in which you wish the notice to appear, said notice to be at the expense of the permit holder.

Both copies of Form No. 10, and Form No. 11, should be returned to this office, at least forty days before the date set for proof, so as to allow ample time for the four weeks publication.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19387

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 3, 1943

(P. O.) Preston, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

Frank J. Gault

(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.

19387

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **April 6, 1943**

**Preston Citizen
Preston, Idaho**

Gentlemen:-

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 22, 1943** the date set for proof, the expense of the publication to be paid by the applicant, **Frank J. Gamble, Preston, Idaho** to whom you should furnish proof of publication on or prior to date for proof.

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

Very truly yours,

JAMES SPOFFORD

~~Commissioner of Reclamation~~
State Reclamation Engineer

By

Chief Clerk

19387

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

Notice is hereby given that at... **10** ...A. M. on the... **22nd** day of... **May** 19... **43**
 at..... **Preston**, County of... **Franklin**, State of Idaho. before
 **C. L. Swenson, a Notary Public**, proof will be submitted of the
 application to beneficial use of... **two** cubic feet per second of the waters of.....
 . **Unnamed stream** in accordance with the terms and conditions of Permit No. **19387**
 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.....
 **Frank J. Gamble, Preston, Idaho**

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

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

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) ^{of the SE $\frac{1}{4}$} **The NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 8, Tp. 16 S. R**
39 E. B. M., in Idaho

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

The right to take water from such works is based upon Permit No. **19387**

The source of supply from which such water is diverted is ... **unnamed stream**

The date of priority which said user is prepared to establish is... **March 10, 1943**

JAMES SPOFFORD

.....
~~Commissioner of Reclamation~~
 State Reclamation Engineer

19387

April 6, 1945

Re: Permit No. 19387
Frank J. Gault

Mr. C. L. Swenson
Box No. 25
Preston, Idaho

Dear Mr. Swenson:

This will acknowledge receipt of notice in duplicate for publication in connection with proof of beneficial use, and also authorization to have the notice published in the Preston Citizen, at Preston, Idaho, all in connection with Permit No. 19387.

A copy of the notice has been sent to the newspaper with instructions to publish it once a week for four consecutive weeks prior to May 22nd, the date set for proof.

About ten days prior to this date, we shall send you depositions, one for the holder and one for each of two witnesses, so that you may have them in ample time for the proof.

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

Meanwhile, the affidavit of completion of works, enclosed in our former letter, may be executed and returned to this office, with the statutory fee of \$5.00 upon receipt of which Certificate of Completion of works will be issued.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

19387

April 20, 1943

Re: Permit No. 19387

Preston Citizen
Preston, Idaho

Gentlemen:

Under date of April 6, we sent you notice for publication in connection with beneficial use proof under the above numbered permit in the name of Frank J. Gamble, of Preston.

To date we have not received an acknowledgment of this notice, nor have we received a copy of your paper containing same, as requested.

Please advise if this notice is being published, and send us a copy of same.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

By

Chief Clerk

19387

THE PRESTON CITIZEN

Official Newspaper
City of Preston, County of Franklin

Established 1892

WILLIAM MACKNIGHT, PUBLISHER

PRESTON, IDAHO

April 22, 1943

Dept. of Reclamation
Boise, Idaho

Attention: Jeanne Anderson, Clerk

Dear Madame:

Enclosed is a copy of the first issue containing the Frank J. Gamble permit. We are sorry for the delay in acknowledging receipt of order for same, but trust that this will answer for the record.

Very truly,

W. Macknight
Publisher

bh/wm

RECEIVED

APR 23 1943

Department of Reclamation

19387

✓
April 23, 1943

Re: Permit No. 19387

Mr. Wm. MacKnight, Publisher,
The Preston Citizen
Preston, Idaho

Dear Mr. MacKnight:

We thank you for your letter of April 22nd, enclosing copy of your issue of April 15th, containing notice of beneficial use proof under the above numbered permit, in the name of Frank J. Gamble.

We find two errors in this, namely:

1. The name of the Mortuary before whom this proof is to be made should be C. L. Svenson, and not C. L. Greaves, as you will note by referring to the copy sent.
2. The State Reclamation Engineer's name is Spofford and not Spoffard.

Please make these corrections in your subsequent issues.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

By

Chief Clerk

A

19387

State of Idaho

DEPARTMENT OF RECLAMATION BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, May 12, 1943

Re: Permit No. 19387

Mr. C. L. Swenson,
Notary Public
Box 26- 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. 19387, Frank J. Gamble

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 May 22, 1943, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Preston, Idaho before C. L. Swenson, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

JAMES SPOTFORD

Commissioner of Reclamation
State Reclamation Engineer

19387

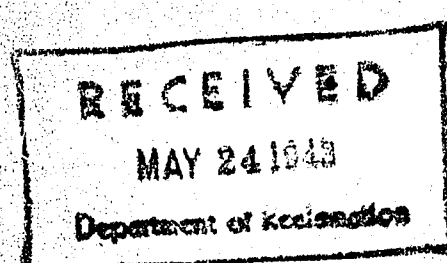


C. L. Swenson

Certified Public Accountant

PRESTON, IDAHO

May 22, 1943



Department of Reclamation,
State of Idaho,
Boise, Idaho.

Gentlemen:

I am inclosing "Proof of Completion of Works", "Affidavit of Publication", and check for \$5.00 in connection with Permit No. 19387 - Frank J. Gamble.

Also inclosed in the Depositions of Witness', Deposition of Holder, on the same Permit. Will you kindly acknowledge receipt.

Yours very truly,

19387

Permit No. 19387

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Franklin

} ss.

Frank J. Gamble

, 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. 19387, and that his postoffice address is Preston, Idaho.
State of Idaho.

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

From an open drain (Unnamed stream)

Third: That the point of diversion of said water is 100 feet distant from the Southwest corner of Section 9, T. 16 S.R. 39 E.B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by September 23, 1943, 19.

Fifth: That the use for which said water is intended is irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

1. Kind of works: Dam and ditch

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 3 ft. feet, length of dam at top 4 ft. feet, length of dam at bottom 0 feet. Material used in construction Earth

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

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width None feet, height feet.

(d) Conduit Ditch width at bottom 2 feet, width at water line 2 1/2 feet, depth of water 1 feet; diameter of pipe 0 inches, average grade per mile is feet. Length of conduit is 100 rods. rods.

(State whether ditch, flume or pipe.)

Seventh: That said works are capable of conducting to the place of intended use two second feet of water.

Eighth: That water appropriated under said permit is available for eighty acres of land described as follows: The Northeast quarter, and the Southeast quarter, of the Southeast quarter of Section 8, Township 16 South, Range 39 East of the Boise Meridian.

Ninth: Remarks: That

Frank J. Gamble
(Sign here)

Subscribed and sworn to before me this 21 day of May, 1943.

My commission expires 1-21-45

Notary Public.

19387

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19387

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Frank J. Gamble

Preston, Idaho.

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

Ans.

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

Ans. Permit No. 19387 November 1941. November, 1941.

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

Ans. From an open drain (Unnamed stream) 100 feet distant from the southwest corner of Section 9, Township 16 South, Range 39 E. B. M.

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

Ans. Works of diversion is a dam and ditch; the dam is 3 ft. high, 4 ft. wide at top, narrowing to 0 at bottom, and is constructed of earth. The ditch is 2 feet wide at bottom, $2\frac{1}{2}$ feet wide at water line, and water will be about one foot in depth in the ditch, and is about 100 rods long.

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 to be used for irrigation in the northeast quarter of the southeast quarter and the southeast quarter of the southeast quarter of Section 8, Tp. 16 South, Range 39 East of the Boise Meridian.

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

Ans.

19387

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

Ans. Two second feet.

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 to capacity in irrigation of lands described, since drain was constructed. All water running from drain has been used on the lands described.

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

Ans. No other water available for use.

(Sign)

Frank J. Gault

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 22 day of May, A. D. 19 43.

[Signature]
Notary Public

My commission expires 1-21-45

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19387

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. Glen Gamble, age 25, Farmer,
Preston, Idaho. R. #2

Ques. 2. Are you acquainted with Frank J. Gamble, the holder of Permit No. 19387? How long have you known him and where does he reside?

Ans. I have known him for twenty years, residing at
Preston, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19387, 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. Water obtained from open drain (unnamed stream); diverted about 100 feet distant from the southwest corner of Section 9, Tp. 16 S. R. 39 E. B.M.
Diversion works consist of earth dam and ditch about 100 rods long.

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. Two second feet.

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 used for irrigation. Has been used in northeast quarter of the southeast quarter and the southeast quarter of the southeast quarter of Section 8, Tp. 16 South, Range 39 East of the Boise Meridian.

19387

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. Land has been dryland, and all of water available will be used on the land described, and land will be used for pasture and all water available will be used to its utmost capacity. Land will be materially increased in productiveness.

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

Ans. None.

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

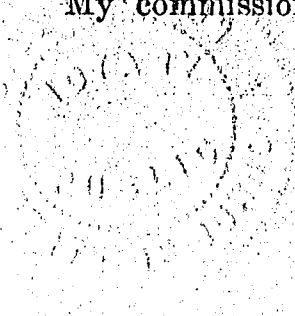
Ans. Water has been used on this land during 1942 and 1943 since drain was opened.

(Signed) Glen Gamble

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 May 22, 1943.

[Signature]
Notary Public.

My commission expires 1-21-43



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19387

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. John William Gamble, Age 51, Farmer,
Preston, Ida. R. #2

Ques. 2. Are you acquainted with Frank J. Gamble, the holder of Permit No. 19387? How long have you known him and where does he reside?

Ans. Have known him all his life, residing at Preston, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19387, 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. Water obtained from open drain (unnamed stream); diverted about 100 feet distant from the southwest corner of the Section 9, T. 16 S. R. 39 E. B. M. Diversion works consist of earthen dam and ditch.

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

Ans. Two second feet.

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 to be and is used for irrigation in the northeast quarter of the southeast quarter and the southeast quarter of the southeast quarter of Section 8, Township 16 South, Range 39 East of the Boise Meridian, consisting of 80 acres.

19387

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. Land has been dryland, is being converted to meadow pasture. All water available will be required to keep land in condition for pasture.

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

Ans. None.

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

Ans. Water has been used to capacity on lands described since construction of drain and diversion works.

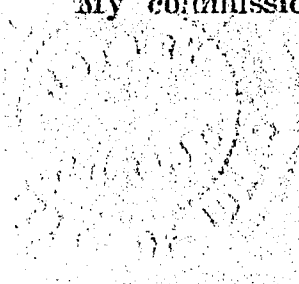
(Signed) John William Hamble

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 May 22, A. D. 19 43.

[Signature]

Notary Public.

My commission expires 1-21-45



May 25, 1943

Re: Permit No. 19387
Frank J. Gamble

Mr. C. L. Swenson
Preston, Idaho

Dear Mr. Swenson:

We acknowledge receipt of your letter of May 23rd, enclosing affidavit of Frank J. Gamble on completion of work under the above numbered permit, together with his check for \$6.00 in payment of the fee; and also enclosing depositions of the holder and two witnesses in connection with beneficial use proof, and the affidavit of publication from the Preston Citizen.

We are returning the affidavit of publication, however, as you will note that it names C. L. Groves as the Notary Public before whom these proofs are to be made.

On April 23rd we received a clipping from the Preston Citizen, to which we replied on the same date, calling attention to this error, and requesting that correction be made in subsequent issues.

If this correction was made, the notice should have appeared with your name as Notary Public in the last two issues in which the notice appeared.

Please have the paper furnish you with an affidavit of publication showing the correct name of the Notary Public before whom the proofs were made. This is necessary to complete the proper record of the proof.

Certificate of Completion of Work will be issued and sent you within a few days.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer
By

Chief Clerk

A
Encl.

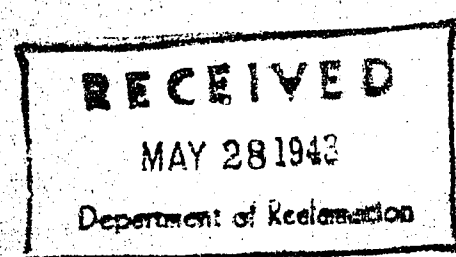
19387



C. L. Swenson
Certified Public Accountant

PRESTON, IDAHO

May 26, 1943.



Re: Permit No. 19387
Frank J. Gamble

Mr. James Spofford,
State Reclamation Engineer,
Boise, Idaho.

Attn: Jeanne L. Anderson

Dear Madam:

In response to your letter of May 25, 1943, I am inclosing
corrected affidavit of publication of the Preston Citizen
in re the above Permit.

Yours very truly,

AFFIDAVIT OF PUBLICATION

I, W. J. MacTight
Printer of The Preston
Citizen, a newspaper pub-
lished weekly at Preston,
Franklin County, Idaho,
do solemnly swear that
the notice as per clipping
attached was published in
the regular and entire
issue of said newspaper,
and not in any supple-
ment thereof for four
consecutive weeks, com-
mencing with the issue
dated Apr. 15 1943
and ending with the issue
dated, May 6, 1943

W. J. MacTight
Signature

Subscribed and sworn
to before me this 7 day
of May 1943.

(SEAL) [Signature]
Notary Public

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that
at 10 A.M. on the 22nd day of
May, 1943, at Preston County of
Franklin, State of Idaho, before
C. L. Swenson, a Notary Public,
proof will be submitted of the
application to beneficial use of
two cubic feet per second of the
waters of Unnamed stream in ac-
cordance with the terms and con-
ditions of Permit No. 19387 here-
tofore issued by the Department
of Reclamation of the State of
Idaho.

The name and postoffice ad-
dress of the person or corpora-
tion holding said permit are
Frank J. Gamble, Preston, Idaho.

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

The amount applied to bene-
ficial use is two cubic feet per
second.

The place where said water is
used. The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$
and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec.
8, Tp. 16 S. R. 39 E.B.M., in
Idaho.

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

The right to take water from
such works is based upon Permit
No. 19387.

The source of supply from which
such water is diverted is unnamed
stream.

The date of priority which said
user is prepared to establish is
March 9, 1943.

JAMES SPOFFORD,
State Reclamation
Engineer
1518
19387

✓
May 28, 1943

Re: Permit No. 19387
Frank J. Gamble

Mr. C. L. Swenson
Preston, Idaho

B-26

Dear Mr. Swenson:

We are in receipt of your letter of May 26th, enclosing corrected affidavit of publication from the Preston Citizen, in connection with beneficial use proof under the above numbered permit.

We are enclosing herewith Certificate of Completion of Works issued on this permit to appropriate Two (2) second feet of water from an unnamed stream (an open drain) in the SE $\frac{1}{4}$ Section 8, Township 16 South, Range 28 East, B. M., Franklin County, for irrigation purposes.

The depositions in connection with beneficial use proof have been placed on file, but 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 are unable to 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 or Mr. Gamble at the time he makes the examination, so that you may arrange to show him over the grounds.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer

By

Chief Clerk

A
Encl. R. 19095

19387

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

SARAH SANT, Senior Deputy

PRESTON, IDAHO
December 11, 1943

Board Of Commissioners
FRANK SHRIVES, Chairman
Weston, Idaho
HARLEY GREAVES, Commissioner
Preston, Idaho
WALLACE B. OLSEN, Commissioner
Franklin, Idaho

RECEIVED

DEC 15 1943

Department of Reclamation

JAMES SPOFFORD
State Reclamation Exhibit
Boise, Idaho

Dear Mr. Spofford:

Will you kindly advise me
of the status at the present time of
Permit Number 19387.

Yours very truly,


C. L. SWENSON
Ex-Officio Recorder

CLS:mlw

Frank J. Gable

CV 1 5-25-43

19387

✓
December 15, 1943

Re: Permit No. 19387

Mr. C. L. Swenson
Preston, Idaho

Dear Mr. Swenson:

In reply to your letter of December 11th, 1943,
inquiring as to the present status of Permit No.
19387, in the name of Frank J. Gamble.

Proofs of completion of works and beneficial use
have been made as required, and certificate of
completion of works was issued on May 5, 1943.

When our Field Engineer examined the project some
time ago, the conditions were such that he felt he
could not make a complete report at that time.

For that reason it was thought best to defer final
action on this permit until a further examination
could be made next summer, when certain conditions
which he recommended to Mr. Gamble could have been
complied with.

We trust this is the information you desire, and that
the action taken will meet with your approval.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

19387

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
April 24, 1944

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

Permit No. 19387

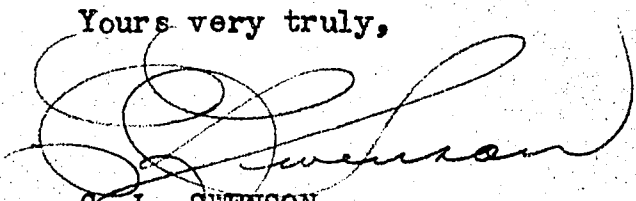
COMMISSIONER OF RECLAMATION
Boise, Idaho

Dear Sir:

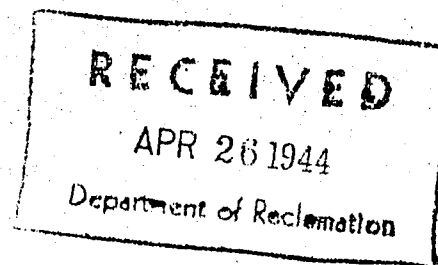
Mr. Frank J. Gamble called at my office Saturday in regard to the above-numbered permit. He has completed the work and would like to know about what time the inspection necessary on this permit can be made.

If you will advise me about what time your inspector will be here, I will be pleased to show him the property affected.

Yours very truly,


C. L. SWENSON
Ex-Officio Recorder

CLS:mlw



19387

Mark R. Kulp

April 28, 1944

Re: Permit No. 19387

Mr. C. L. Swenson
Preston, Idaho

Dear Mr. Swenson:

Reference is made to your letter of April 24, 1944, in which you inquire as to when the field examination will be made in connection with the above numbered permit, in the name of Frank J. Gamble.

We are unable to say just when this examination will be made, as it is the custom of this Department to combine as many examinations in one district as possible, in order to save time and expense in making the examinations.

It is likely that our Field Engineer will visit your locality some time during the early summer, and when he does he will call on you in order that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

19387

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

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

PRESTON, IDAHO

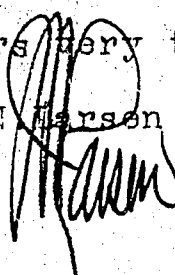
May 11, 1944.

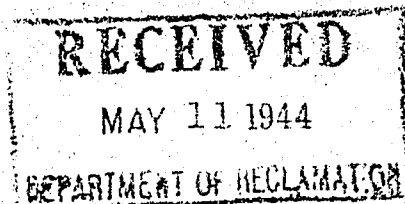
Department of Reclamation
Boise Idaho.

Would you please advise us as to whether or not Frank J. Gamble, Clyde Gamble and Blain J. Gamble have filed on any waters arising from springs or drains located in Sections 8, 9, 16 or 17 in township 16 South, Range 39 East of the Boise Meridian, and if either or all of the above named parties have filed would you please send us a copy of their filings together with a statement of costs and we will remit.

Yours very truly

J. N. Larsen Co.,

by 



19387

19387

Mark R. Kulp

May 15, 1944

J. N. Larsen Co.
Preston, Idaho

Gentlemen:

Replying to your letter of May 11th, in regard to water filings by Frank J. Gamble, Clyde Gamble and Elmer J. Gamble, in Sections 8, 9, 16 or 17, Township 16 South, Range 39 East, B. M.

The only filing on record in this Department is Permit No. 19387, made by Frank J. Gamble on March 9, 1943. This is for two (2) cubic feet per second from an unnamed stream, in Franklin County, with point of diversion in the SE $\frac{1}{4}$ Section 8, Twp. 16 South, Range 39 East, B. M.

Both proofs have been made in connection with this filing; Certificate of Completion was issued May 25, 1943, for two (2) second feet; and as soon as we have had a field examination and report made, a license will be issued in accordance with such report.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

19387

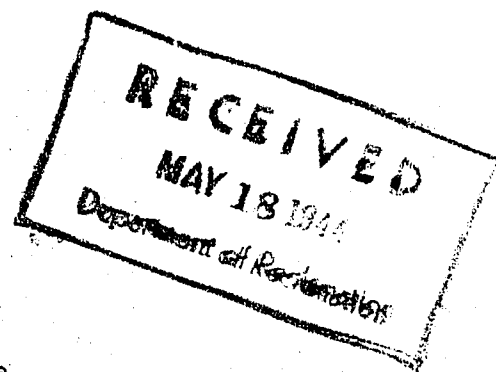
J. N. LARSEN COMPANY

BONDED REAL ESTATE BROKERS AND ABSTRACTERS
FIRE INSURANCE, FARM AND CITY LOANS

PRESTON, IDAHO

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

May 16, 1944.



Mark R. Kulp
State Reclamation Engineer
Boise, Idaho.

Re: Frank J. Gamble

Dear Sir:

This will acknowledge receipt of yours of the 15th.
Inst. in answer to ours of the 11th. Inst.

There is a peculiar condition about this application as Mr. Gamble knew at the time that he made his filing that the water he is filing on came from a drain ditch, which was built and paid for by Mrs J.W. Stoddard, Trustee for the heirs of R.M. Taylor, and that before she had the drains constructed she got the consent to drain certain lands, and placed her written consents from the owners of the land she drained on record, said written consents were procured Nov. 13, 1942, the one consent she received from the owner of the land upon which, was later sold by Thos. Thompson to Frank J. Gamble, Clyde J. Gamble, and Blain J. Gamble date of sale by contract was Feb. 23, 1943, and that Thomas Thompson is still the record owner, presumably this is the tract of land that Mr. Gamble basis his claim to take water out of the drain constructed by Mrs Stoddard, it must be remembered however that the drain continues through this land and through the neighbors land, which said drain drains, Mr. Gamble now he claims under the authority that he has received from you, that he has the right to cut this drain and apply to his use the waters from this drain which he has already done, and has thus deprived the rightfull owner of the drain water the use of the water which she has acquired by purchase and the cost of the constructing of the drain and is compelling the owner of the R.M. Taylor Estate to go into court to protect his rights, at the request of the owner we are advising you of these facts.

We think that you do not understand conditions, if you did we can not understand why you would entertain an application to appropriate the property of another without his consent.

Awaiting a reply

Yours very truly

J. N. Larsen Co.

by

May 19, 1944

Re: Permit No. 19387

J. N. Larsen Company
Preston, Idaho

Attention- Mr. J. N. Larsen

Gentlemen:

Reference is made to your letter of May 16th, in regard to the above numbered permit in the name of Frank J. Gamble.

The records of this Department show that upon receiving Mr. Gamble's application for permit to appropriate the public waters of the State of Idaho, and before same was approved, the applicant was asked whether it was from a natural drain or a privately constructed drain, because according to the statutes this Department could not accept a filing on private water.

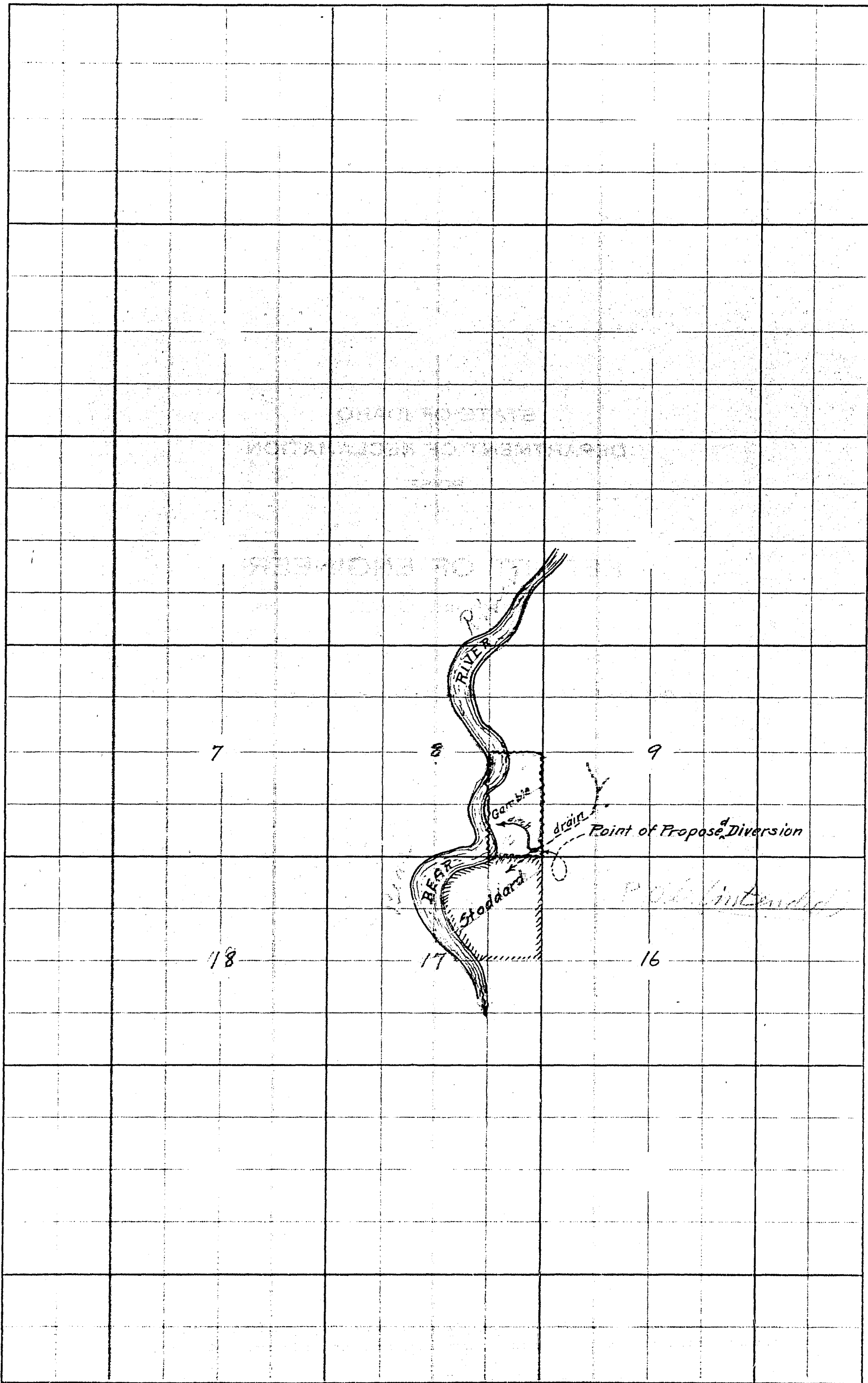
In reply it was stated that "the water desired to be filed on is from natural drain water. However, a ditch or open drain has been constructed to assist in the natural draining of the land, and it is from this ditch or open drain that the water is to be diverted."

When our Field Engineer makes his examination of this project, he will thoroughly investigate the conditions and report on same, and the matter will be given careful consideration by this Department before final action is taken.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

19387



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19387

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Frank J. Gamble Preston, Idaho
2. Source of water supply: Unnamed stream (an open drain)
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ of Section 8
T. 16 South R. 39 East County of Franklin
4. Describe works as they exist, giving dimensions and capacities of same: Ditch is built to within a short distance of proposed point of diversion, but not connected with the stream; no control works built as yet, and no land irrigated. Ditch as built is two feet wide X one foot deep.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: No

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

NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, Township 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: Present stream flow (Est) 15 Miners Inches.

This examination was made on the 12th day of August 1943
Re- " " " " " 5 th. May 1944
(Signed) [Signature] Examiner
19387



C. A. BOTTOLFGSEN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

December 27, 1944

Clerk of the District Court
Preston, Idaho

Dear Sir:

We have been informed that an injunction has been filed by the J. N. Larsen Company, Mrs. J. W. Stoddard, or some other party interested in what is known as the R. M. Taylor estate, against the use of certain waters by Frank J. Gamble.

If you have a record of any such, or similar instrument, we would appreciate having you send us a certified copy of same.

We have been informed that such an action has been taken, but we have nothing in our records regarding same.

Thanking you, we are

Very truly yours,

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

A

19387

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF FRANKLIN.

WILLIAM D. GILBERT,
DEMAR H. GILBERT,

and

VS.

PLAINTIFFS

WRIT OF INJUNCTION

FRANK J. GAMBLE, and
CLYDE J. GAMBLE,

DEFENDANTS

The People of the State of Idaho to Frank J. Gamble and Clyde J. Gamble, send greeting:

The above named plaintiffs having filed their complaint, duly verified, in the above named court herein, against the above named defendants, praying for an injunction against said defendants, requiring them to refrain from certain acts in said complaint and hereinafter more particularly mentioned. On reading the complaint in said action, duly verified, the within court determined that it was a proper case for an injunction and that sufficient grounds exist therefor, and made and entered its order that an injunction be issued out of the within court as prayed in said complaint, upon the said plaintiffs their undertaking to said defendants filing herein in the sum of \$500.00, according to law, and the necessary and proper undertaking having been filed herein:

We therefore, in consideration thereof, and of the particular matters in the said complaint set forth, do strictly command that you, and each and every of you the said defendants, that until the further order of this court, you and each of you, your and each of your servants, agents, attorneys, employees, and all persons acting under the control, authority, or direction of your or either of you do absolutely refrain from and desist from interfering in any way from the flow of water in the drainage ditch running to the Northeast Quarter of Section 17, in Township 16 South, Range 39 East of the Boise Meridian, from the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, or from the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section

9, all in Township 16 South, Range 39 East of the Boise Meridian, and

From interfering in any way with plaintiffs going upon or along the whole length of said drainage ditch for the purpose of cleaning out, repairing, maintaining and operating said drainage ditch for the carriage of said drainage water as aforesaid.

Witness, Hon. Isaac McDougall, Judge of the Fifth Judicial District of the State of Idaho, in and for the County of Franklin, at the courthouse in the County of Franklin, Idaho this 20th day of May, 1944.

Attest my hand and the seal of the said court the day and year last above written.

(SEAL)

C. L. Swenson

Clerk of the District Court.

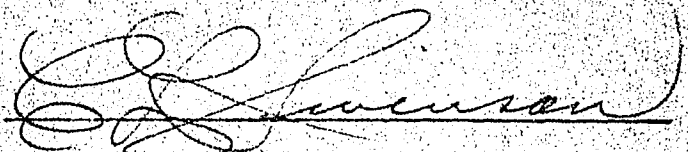
STATE OF IDAHO,

ss.

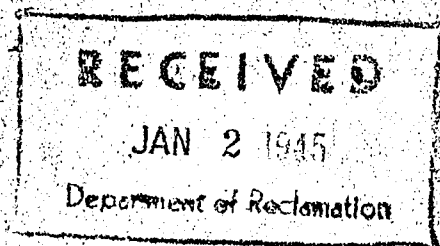
County of Franklin.

I, C. L. Swenson, Clerk of the District Court of the Fifth Judicial District of the State of Idaho in and for the above county and state, hereby certify that the foregoing Writ of Injunction is a true and correct copy of the original as it is now recorded in my office in Preston, Idaho.

Witness my hand and seal of said court this 30th day of December, 1944.



C. L. Swenson, Clerk



19387

DELL W. SMITH

ATTORNEY AT LAW

PRESTON, IDAHO

May 15, 1956

RECEIVED
MAY 17 1956

Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

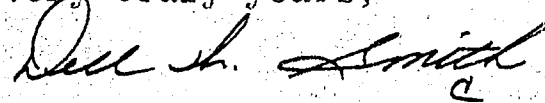
Gentlemen:

Do you have a water right upon the following
described real property in Franklin County,
State of Idaho, which source is from a drain;
property described as follows:

The Northeast quarter of the Northeast quarter,
Section 17, and the Southeast quarter of the
Southeast quarter of Section 8, all in Range 16
South, Township 39 East of the Boise Meridian.

Said water right would be with Clyde Gamble or
William Gilbert.

Very truly yours,



Dell W. Smith
Attorney at Law

DWS/c

19387

May 22, 1956

Mr. Dell W. Smith
Attorney At Law
Preston, Idaho

Dear Mr. Smith:

In reply to your letter of May 15, 1956, in which you request to know if we have record of a water filing from a drain appurtenant to the NE¹/₄NE¹/₄, Section 17, Township 16 South, Range 39 East; SE¹/₄SE¹/₄, Section 8, same township and range.

The following is taken from our records:

Permit No. 19387 in the name of Frank J. Gamble
Source: Un-named stream
Amount Filed On: 2.0 cubic feet per second.
Filing Date: March 9, 1943
Point of Diversion: SE¹/₄ Sec. 8, Twp. 16 S., Rge. 39 E.
Place of Use: E¹/₂SE¹/₄, Sec. 8, Twp. 16 S., Rge. 39 E.
(Completion of works and Certificate issued for 2.0 cubic feet per second, however Beneficial Use Proof not made.)

Permit No. 18329 in the name of William D. Gilbert
Source: Un-named stream
Amount Filed On: 3.0 cubic feet per second.
Filing Date: July 21, 1939
Point of Diversion: NW¹/₄SE¹/₄, Sec. 23, Twp. 16 S., Rge. 39 E.
Place of Use: W¹/₂SE¹/₄, Sec. 23, Twp. 16 S., Rge. 39 E.
(Cancelled for lack of proofs November 13, 1941.)

The above are all the filings of record for the lands above described as requested.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:cu

19387

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR FRANKLIN COUNTY.

RECEIVED
NOV 23 1962

Department of Reclamation

William D. Gilbert and
Demar H. Gilbert,

Plaintiffs,

vs.

Order of Dismissal.

Frank J. Gamble and
Clyde J. Gamble,

Defendants.

The plaintiffs and the defendants having entered into a stipulation to the effect that they have made a satisfactory settlement of their differences and that there are now no matters left for the Court to decide between the parties hereto, and that the said action shall be dismissed with prejudice to both the plaintiffs and the defendants:

It is hereby Ordered that the said action be dismissed with prejudice to all parties to said action.

Dated November 8th 1946.

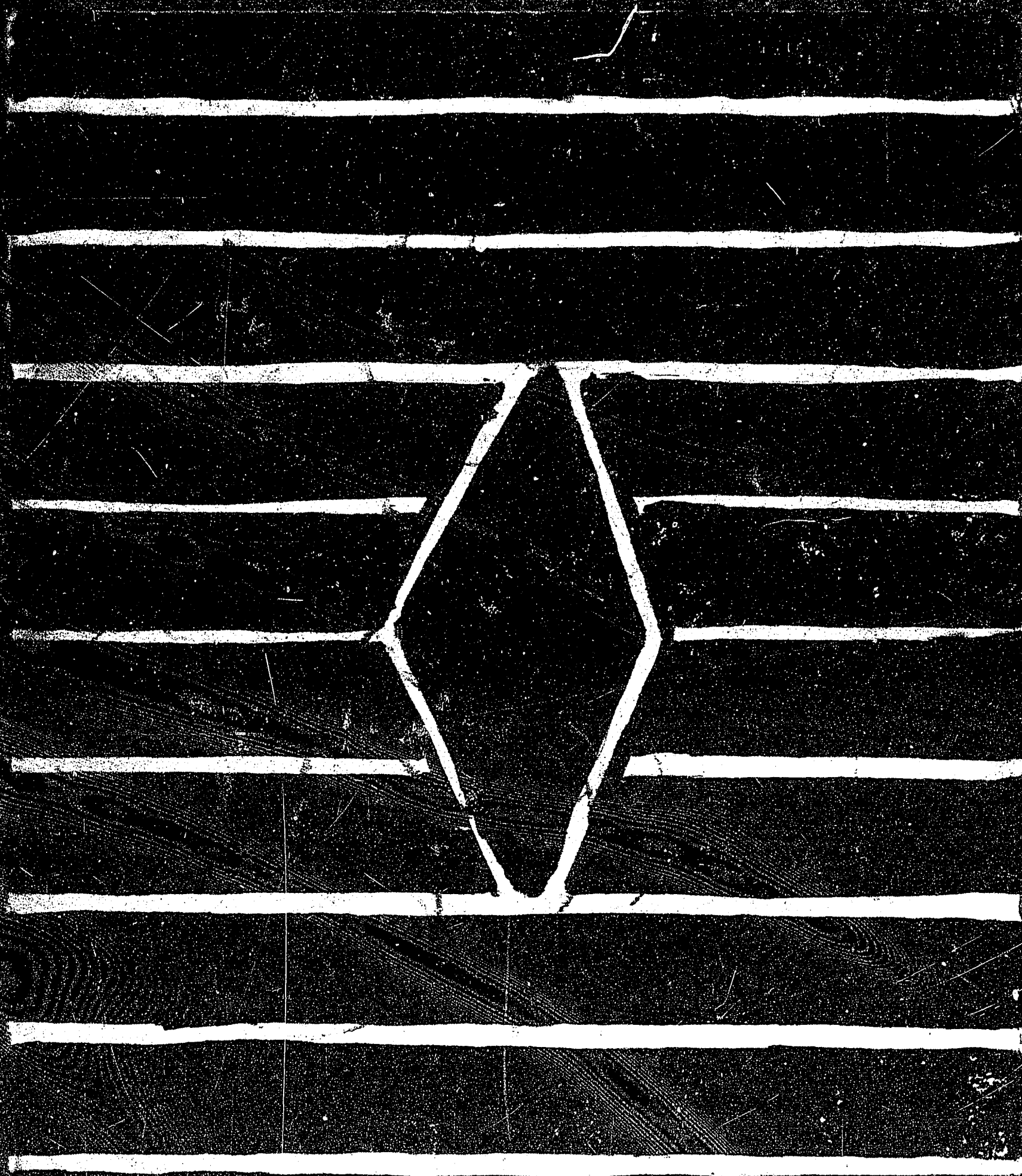
L. E. Hennon
District Judge.

The Document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office, same having been filed November 9, 1946

Attest November 21 1946

C. L. Swenson, Clerk of the District Court, of
the Thirteenth Judicial District in and for
Franklin County, Idaho.

By Ann P. Davis Deputy



March 23, 1943

Mr. C. L. Swenson
Box No. 26
Preston, Idaho

Dear Mr. Swenson:

In reply to yours of March 22nd, will advise that the application of Mr. Frank Gamble for permit to appropriate two second feet of water from an unnamed stream has been approved, and the permit will be sent him within a few days.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By
Chief Clerk

A

19387

March 29, 1943

Re: Permit No. 19387
Frank J. Gamble

Mr. C. L. Swenson
Box No. 26
Preston, Idaho

Dear Mr. Swenson:

We are enclosing herewith the above numbered permit, in the name of Frank J. Gamble. BE SURE AND NOTE THE LIABILITIES AND CONDITIONS OF SAME as given under approval of the State Reclamation Engineer on the fourth page.

The application calls for ninety days, within which to make the proofs required by the statutes in order to complete the water right, but we have allowed six months time, in order to be sure and have plenty of time within which to make these proofs.

Proof of Completion of Works is made by executing the enclosed Affidavit-Form No. 6- and returning to this office with the statutory fee of \$5.00; and upon its receipt and approval, Certificate of Completion of Works will be issued.

In order to make the beneficial use proof, or final proof, it is necessary to publish a notice of intention to make such proof for four consecutive weeks prior to the date set for proof, in some newspaper published in the county where the water is diverted.

Form No. 10 is to be filled out in duplicate, giving time and place for making the proof, and also naming the Notary Public before whom the proof will be made. Form No. 11 should also be filled out with the name of the newspaper in which you wish the notice to appear- said notice to be at the expense of the permit holder.

Both copies of Form No. 10, and Form No. 11, should be returned to this office, at least forty days before the date set for proof, so as to allow ample time for the four weeks publication.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

By
Chief Clerk

A
Encls.

19387

April 6, 1943

Re: Permit No. 19387
Frank J. Gamble

Mr. C. L. Swenson
Box No. 26
Preston, Idaho

Dear Mr. Swenson:

This will acknowledge receipt of notice in duplicate for publication in connection with proof of beneficial use, and also authorization to have the notice published in the Preston Citizen, at Preston, Idaho. all in connection with Permit No. 19387.

A copy of the notice has been sent to the newspaper with instructions to publish it once a week for four consecutive weeks prior to May 22nd, the date set for proof.

About ten days prior to this date, we shall send you depositions- one for the holder and one for each of two witnesses, so that you may have them in ample time for the proof.

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

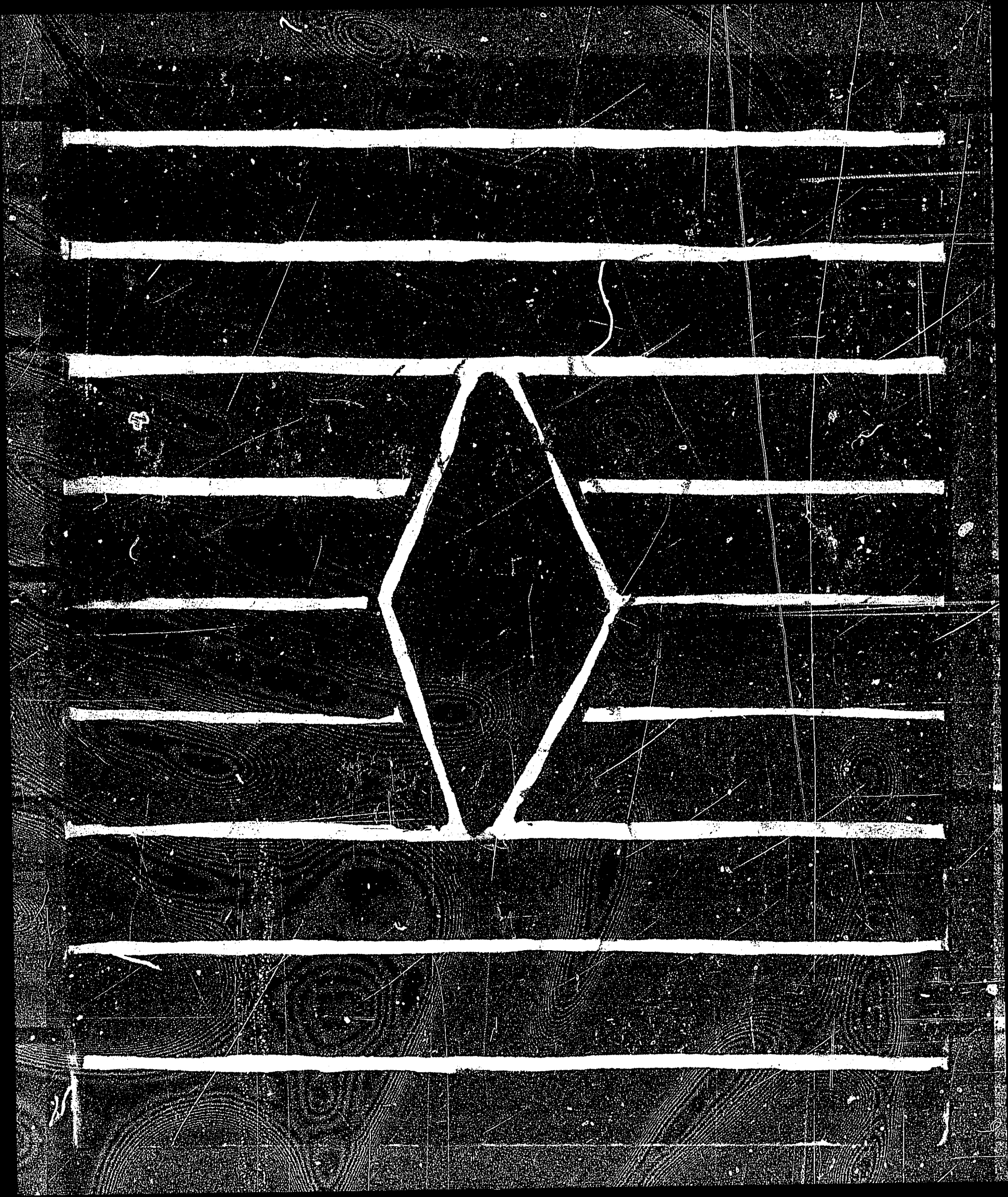
Meanwhile, the affidavit of completion of works, enclosed in our former letter, may be executed and returned to this office, with the statutory fee of \$5.00- upon receipt of which Certificate of completion of Works will be issued.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By
Chief Clerk

A

19387



RECEIVED

MAY 1 1980

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING AMENDMENT
APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Floyd J. Jensenof (address) Route #2, Box 65, Preston, ID 83263, and represents to the
Director of the Idaho Department of Water Resources:That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 13-2148, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SW ¼ SW ¼, Section 9, Township 16S, Range 39E, B.M.,
County of Franklin. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.25 for irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

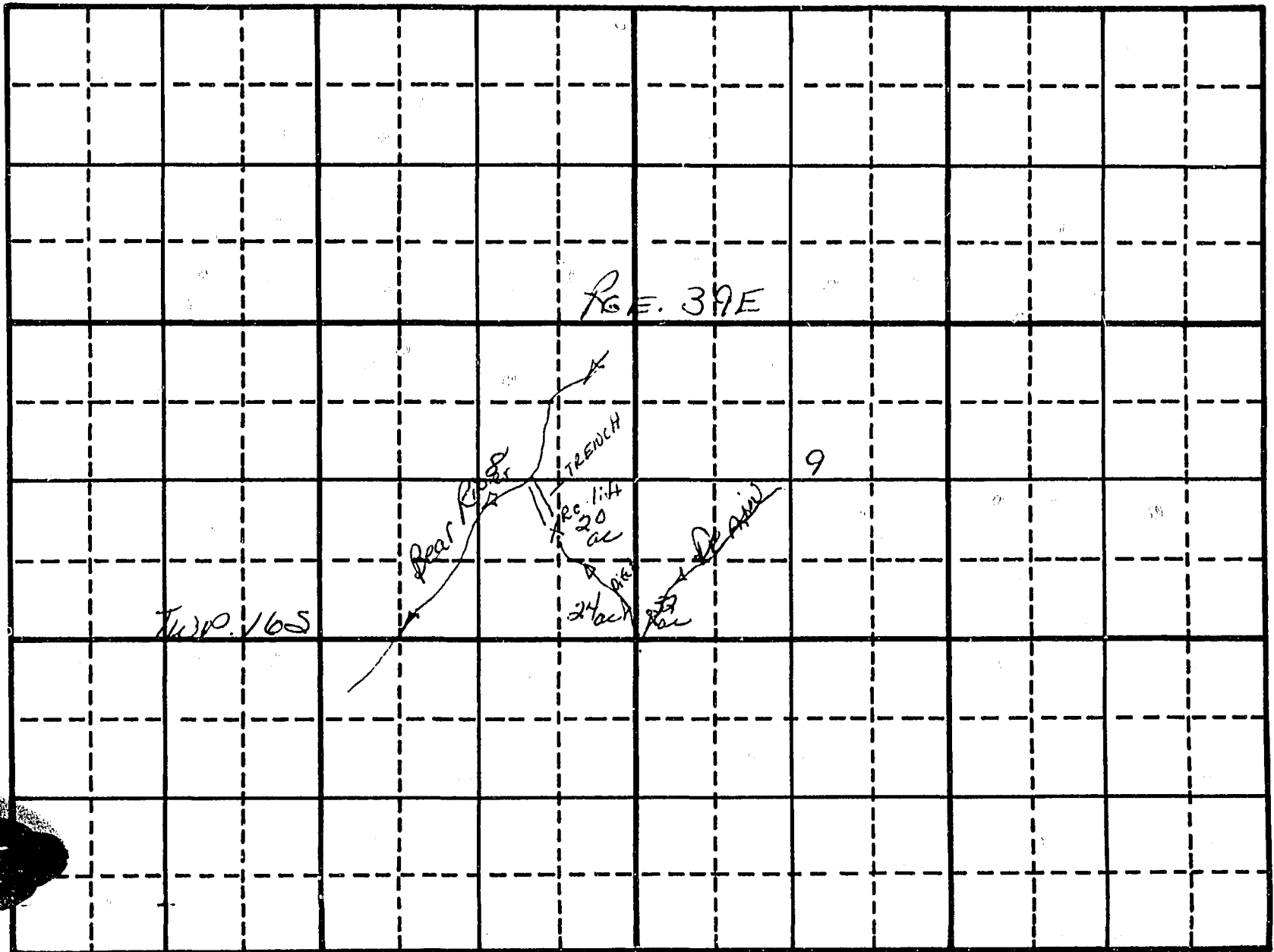
TWP	RGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	39E	8													20			24	44
		9										32							32

Total number of acres to be irrigated = 76

4. a. Who owns the property at the point of diversion? _____
b. Who owns the land to be irrigated or the place of use? _____
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: _____

Complete the following map by showing land and point of diversion as proposed by this amendment.

Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

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

Signed at April 29, this 29 day of April, 19 80.
Fairview Idaho [Signature]
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by JE Fee = \$20.00 Receipted by mf Date 5/9/80
Publication prepared by _____ Date _____ Published in N/A
Publication dates N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby
APPROVE the above referenced Amendment for Permit No. 13-2148.

Witness my hand this 16 day of _____ May _____ 80

[Signature]
Director

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED

APR 11 1980

Department of Water Resources

I, Florence Gamble, hereby assign to Floyd J. Jensen
of Rt#2 Box 165 Preston, Idaho 83263
Address

CHECK ONE



All my right, title, and interest in and to Permit No. 13-2148 (Priority date: Mar. 9, 1943)
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 4 day of April, 19 80.

Frank J. Gamble
Permit Holder

Florence J. Gamble
Spouse of Permit Holder

State of Idaho)
County of Franklin) ss.

On this 4 day of April, 1980, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Dave C. Luccombe
Notary Public residing at

Preston, Idaho

My commission expires:

3-4-82

RECEIVED

APR 8 1980

Department of Water Resources
Eastern District Office

January 17, 1978

Floyd J. Jensen
Fairview,
Idaho 83263

Dear Mr. Jensen:

We have learned from other sources that you have recently acquired 80 acres of land from Frank J. Gamble. There is an old water right Permit No. 13-2148 still pending a field examination. Upon completion of the examination, a license will be issued for the amount of water you are actually putting to a beneficial use. The license will serve as prima facie evidence of a water right.

As this examination has been in our files for many years, we are looking forward to it's completion this coming irrigation season. The permit describes the irrigation of 80 acres of land in the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8, Twp. 16S, Rge. 39E, B.M., Franklin County, using two (2) c.f.s. of water from an unnamed stream.

We would appreciate your cooperation in this matter greatly. If you have any questions, please contact me.

Very truly yours,

ANTHONY R. KOZLOWSKI
Water Resource Agent

ARK:cd

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

6-13

1. Name of permit holder Frank J. Gamble
Post office address Preston, ID
Person to contact Floyd J. Iron
Phone 852-1580

2. Source of water supply: Groundwater ☐ Surface water ☒ Unnamed stream
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 2 c.f.s. for irrigation
AF/Annum (nature of use)

Period of Use: from Apr. 1 to Nov. 1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 2 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 16S N/S, Range 39E E/W, B.M., Section 8, Subdivision SE $\frac{1}{4}$ SE $\frac{1}{4}$, Franklin County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County
Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____ County

Other Points of Diversions: _____

Description of diverting works: Dam & ditch. Earthen dam-3' high, 4' wide at top. Ditch-1' deep, 2' wide at bottom.

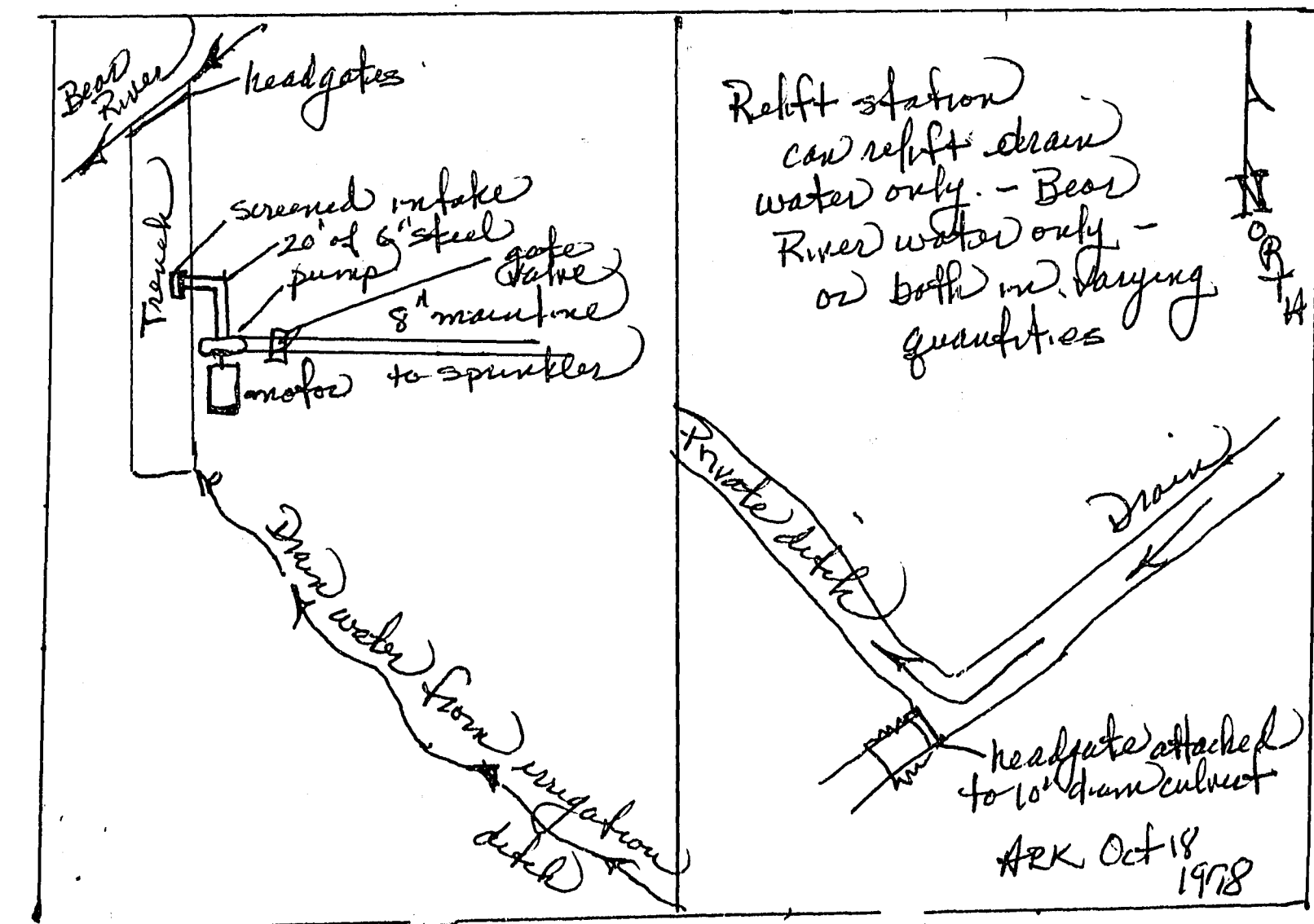
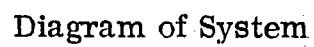
Measuring device required: yes ☐ no ☒

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	39E	8													40			40	80

TOTAL ACREAGE 80

"OLD" Permit No. 19387/13-2148
Examination for b/u



DATE OF EXAM 6/29/78

ACREAGE
Found 76
Recommended 76

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 0.25 c.f.s. V = 106.6 AF/Ann. from April to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 0.25 cfs Method of measurement Dept Pygmy meter

Total Q recommended 0.25 cfs Meter No. n/a Type n/a Condition n/a

Total V recommended 106.6 AF/yr

Recommended Amendments:

P.D. See Rough draft amendment
Place of Use Source should be unnamed drain
Other _____
None _____

MEASUREMENT CALCULATION:
See reverse side for Q calculation

$V = 76 \text{ ac} \times 3.5 \text{ AF/ac} = 266$ $0.25 \times 1.9835 \times 215 = 106.6 \text{ AF/yr}$

SYSTEM DESCRIPTION:
Surface water from an unnamed drain is diverted into a private ditch by means of headgate & check dam. Water is used for flood irrigation and is also relifted into a pressurized sprinkler system at a point located in NE SE sec 8. Water is relifted by a 50 HP General Electric 3ph horizontal motor m/n - 5K14XLP2 S/n - PT206054 and by a Berkeley centrifugal pump. REMARKS: m/n - 4EPBL S/n - 75710065. Furrows irrigated by 2 1/4 in handlines and 1 1/4 in wheel line.

System shown and described by Mr. Jensen's son & wife
No Preexisting rights

Examiner's Signature Anthony R. Kozlowski Date Oct. 18, 1978

Checked by Rodney A. Parker Date Dec 4, 1978

Approved by _____ Date _____

Pygmy current meter measurement

meas.	depth	width	Area	rev.	time	vel.	discharge
RB	—	.125	—	—	—	—	—
1	.18	.250	.045	80	48	1.64	.074
2	.20	.250	.050	80	58	1.36	.068
3	.10	.250	.025	100	56	1.75	.044
4	.10	.250	.025	80	53	1.49	.037
5	.10	.250	.025	80	67	1.19	.030
LB	—	.125	—	—	—	—	—

$$Q_{tot} = .25 \text{ cfs}$$

W.D. Beers

A
116.3

6 5
7 8

212 D

Hal Greene
D-258
273 D

e
24.0

10.4

E
34.5

E
18.5

E 544

371 E

Theron

K
9.1

H
2.1

B
16.2

E 501

29.3 E

Jensen

Bros

G
14.1



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 7, 1980

Frank J. Gamble
Preston,
Idaho 83263

Dear Mr. Gamble,

A representative of this Department made an examination of the works covered by your Permit No. 13-2148 on June 29, 1978, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 0.25 cfs Source: an unnamed drain

The maximum quantity diverted shall not exceed 106.6 acre feet per year.

Point of diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 16S, Rge. 39E, B.M.

Beneficial use: Irrigation of 44 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8, & 32 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 16S, Rge. 39E.

Priority date established: March 9, 1943.

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG:j
Enclosure

April 21, 1980

Floyd J. Jensen
Rt. # 2 Box 165
Preston, Idaho 83263

Dear Mr. Jensen,

RE: Permit No. 13-2148

We have received the assignment submitted conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed accordingly.

We are now in the process of issuing a license for this permit. However, before a license can be issued it is necessary to amend the permit to correspond with the findings of our field examiner. We had forwarded a partially completed amendment form to the Gambles which has not been returned. Therefore, enclosed is another partially completed application for amendment along with a copy of the letter sent on March 7, 1980 concerning the license.

Please sign the amendment and return it with the \$20.00 filing fee within 20 days in order that a license can be issued on this permit.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

JB:mr

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

May 22, 1980

Floyd J. Jensen
Route # 2, Box 65
Preston, Idaho 83263

Dear Mr. Jensen,

RE: License No. 13-2148

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Also enclosed is a copy of the approved Application for Amendment along with Receipt No. 16023 in the amount of \$ 20.00 .

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 13-2148 Priority March 9, 1943 Amount 0.25 cfs

THIS IS TO CERTIFY, that FLOYD J. JENSEN

of Preston, Idaho, has complied with the terms and conditions of Permit No. 13-2148 issued pursuant to Application for Permit dated March 9, 1943, and has submitted proof to the Department of Water Resources on May 22, 1943, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 0.25 cfs of water from an unnamed drain, tributary to Bear River, and that the permit holder has applied to a beneficial use an established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>0.25</u> cfs and	<u>106.6</u> acre feet
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.25 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 106.6 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, Twp. 16S, Rge. 39E, B.M. in the County of Franklin

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	39E	8													20			24	44
		9											32						32

Total number of acres irrigated 76

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of May, 19 80.

Director