

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29436
 PERMIT No. 21728
 DISTRICT No.

1. Name of Applicant: L. D. BODILY

Postoffice address: Lewiston

County:

State: Utah

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: 160 inches or 3.20

cubic feet per second.

3. Source of water supply: Waste water and overflow

which is a tributary of Worm Creek

4. Location of point of diversion: 600

feet distant from the Northeast

of NW $\frac{1}{4}$

corner of Section 24, T. 16 S., R. 39 E., B.M., and is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 24, 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: \$

8. Kind of works: Ditch and pump from drainage flow

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

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is Three (3) additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Is now using some of this water

16. (a) Is reservoir to be used? 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 water of the State of Idaho as herein set forth.

L. D. BODILY Applicant.

By Ben Johnson Agent.

Date of first receipt at Department of Reclamation: p:00 A. M. September 13, 1950

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21728

Recorded in Book 78 Page 21728 Approved September 29, 1950

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 November 29, 1950 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 September 29, 1951

The whole of said work to be completed on or before September 29, 1952

Beneficial use of water appropriated in accordance herewith, to be made on or before September 29, 1955

WITNESS My hand this 29th day of September, 1950

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, 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 27th.....

day of September 1950

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

REMARKS: Applicant has been using the water for years, but intends to cover more ground by putting in a pump and raising it to a higher elevation.

14 This application is for surplus water that drains down through applicant's property. Applicant intends to pond this water and lift it out of the pond with a pump.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
16 S.	39 E.	24					40	40	40	40								160	
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 21728 Nov. 19, 1952 Comes now L. D. Bodily and represents to the State Reclamation Engineer of the State of Idaho. That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21728, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows: The south 80 acres of the E¹/₂ of SW¹/₄ and the south 80 acres of the W¹/₂ of SE¹/₄ of Sec. 13, township 16 39 S.E. B.M. The NW¹/₄ of Sec. 24, township 16 39 S.E. B.M., making a total of 280 acres. That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change. Signed at Lewiston, Utah, this 19 day of Nov. 1952. L. D. BODILY Date of receipt at Office of Department of Reclamation Nov. 20, 1952. APPROVAL OF STATE RECLAMATION ENGINEER I, E. N. Humphrey, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21728. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby. E. N. Humphrey Deputy State Reclamation Engineer																			

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21728.

Nov. 19, 1952

Comes now L. D. Bodily and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21728.

That the point of diversion is described in said permit as being located No. of the North line of the NW $\frac{1}{4}$ of Sec. 24.

That he now requests that the point of diversion be changed to a point 400 feet South of the north line of the West $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 13, Township 16 S. Range 39 E.B.M.

That his reasons for desiring to make such change are as follows: A much better site and location for dam and pump. Also puts a few more acres under irrigation.

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

Signed at Lewiston, Utah, this 19th day of Nov. 1952.

L. D. BODILY

Date of receipt at Department of Reclamation Nov. 20, 1952.

APPROVAL OF STATE RECLAMATION ENGINEER

I, E. N. Humphrey, Deputy State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21728. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

E. N. HUMPHREY
Deputy State Reclamation Engineer

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that L. D. BODILY of Lewiston, County of - - and State of Utah, the holder of Permit No. 21728, issued upon Application No. 29436 bearing date of priority of September 13, 1950, authorizing the diversion of 3.2 second feet of the waters of An un-named stream (waste water and overflow) tributary to Worm Creek, 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 Three (3) second feet of the waters of said un-named stream; that the point of diversion of said waters is 400 feet South of the North line of the West Half of the Southeast Quarter of Section 13, Township 16 South, Range 39 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: The South 60 acres of the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the South 60 acres of the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13; NW $\frac{1}{4}$ Section 24; All in Township 16 South, Range 39 East, B.M.

Witness my hand this 25th day of November, A.D. 1952.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made November 22, 1952.
Certificate of completion of works issued November 25, 1952.

~~PERMIT NO. 21728~~

Page 5685

September 13, 1950

Mr. Ben Johnson
First Security Bank Bldg.
Preston, Idaho

Dear Mr. Johnson:

We are in receipt of the application of
L. D. Bodily to appropriate 3.20 second feet of water
from a well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, Township 16
South, Range 39 East, B.M., accompanied by your check
for \$5.00.

The correct filing fee on this amount is
\$5.75, and we return your check with the request that
you substitute one for \$5.75.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21728

BEN JOHNSON
ATTORNEY AND COUNSELOR AT LAW
FIRST SECURITY BANK BUILDING
PRESTON, IDAHO
September 15, 1950

RECEIVED
SEP 18 1950
Department of Reclamation

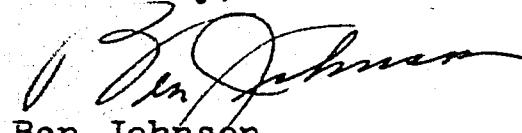
Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mrs. Anderson:

Perhaps you have mistaken Mr. Bodily's application as being for a well. Mr. Bodily is applying for a permit to use the surplus water that drains down through his place. He intends to pond this water and lift it out of the pond with a pump. If you prefer I will be very glad to show this information in the application. Perhaps it is better to do so. He does not intend to drill a well, he intends to use the pump purely for raising the water from the pond.

Best personal regards.

Sincerely,


Ben Johnson

BJ:mg
Encl.

21725

September 18, 1950

Mr. Ben Johnson
First Security Bank Building
Preston, Idaho

Dear Mr. Johnson:

We acknowledge receipt of your letter of September 15, 1950, enclosing your check for \$5.75 to pay the filing fee on the application of L. D. Eccily of Lewiston, Utah.

Evidently our letter of September 13 was in error when we described the source of this water as being from a well, as the application definitely states that it is waste water and overflow.

However, we think it might be well to include under "Remarks" the explanation given in your letter, and we return the application for that purpose.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21725

BEN JOHNSON
ATTORNEY AND COUNSELOR AT LAW
FIRST SECURITY BANK BUILDING
PRESTON, IDAHO

September 23, 1950

Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

Thank you for returning the application of Mr.
Bodily to me.

Sincerely yours,

Ben Johnson
Ben Johnson *by mg*

BJ:mg
Encl.

21728

NAME OF APPLICANT

L. H. Bodely

Form No. 0

Point of Diversion

24 Drainage channel

21728

Permit Map No. 21728

As Approved
SEP 29 1950
MARK R. KULP
State Reclamation Engineer

October 5, 1950

Mr. Ben Johnson
First Security Bank Bldg.
Preston, Idaho

Dear Mr. Johnson:

We enclose Permit No. 21728 in the name of
L. D. Bodily, of Lewiston, Utah, and direct his
attention to the limitations and conditions as given
on the fourth page under approval of the State Reclama-
tion Engineer.

We also enclose Departmental Receipt
No. 22664 for the \$5.75 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

21728

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. L. D. Bodliy

Boise, Idaho

July 1, 1952

Lewiston, Utah

Dear Sir:-

Under the terms of your Permit No. 21728.....you are required to complete your diversion works on or before September 29, 1952. 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,

MARK R. KULP

State Reclamation Engineer

21728

October 21, 1958

RE: Permit No. 21728

Mr. L. D. Bodily
Lewiston
Utah

Dear Mr. Bodily:

We acknowledge receipt of your affidavit submitted in proof of completion of works on Permit No. 21728, accompanied by your check for the \$5.00 fee. However, this proof is incomplete in various particulars and we suggest that you withdraw same and make a new proof on the form enclosed.

1. Under Question 3 you state that the point of diversion is "400 feet south of the north line of the west $\frac{1}{2}$ of SE $\frac{1}{2}$ of Sec. 13, Township 16," which puts it in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13. If this is correct you must amend your permit before proof of completion of works can be made.

2. Under Question 6, you state that the works consist of a dirt dam and reservoir. On the application you stated you would pump, and if you are pumping you should list the pump with information as to size, make, etc., as it is definitely part of your works.

3. Under Question 9, you list twice as much land as in the original. If you are using it on the larger acreage, your filing should also be amended to include it. Your original application and permit describes only the NW $\frac{1}{4}$ of Section 24, and does not include any land in Section 13.

If amendments are to be made as outlined above, we shall furnish you the necessary forms of application for amendment upon request. Otherwise the new affidavit, on Form 6 enclosed, should conform to the original application and permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

A:fg
Enc.

21728

Lewiston, Utah,
Oct. 30, 1952.

RECEIVED
NOV 3 1952
Department of Reclamation

E. N. Humphrey,
% Dept. of Reclamation
Boise, Idaho.

Dear Sir:

I received your letter of Oct. 21st, and in investigating find that all the information wasn't given in the first application for Permit No. 21728.

Mr. Johnson, a lawyer, who submitted the application for the permit, must not have understood the details.

After reading your letter in my opinion I should apply for the necessary forms of application for amendment. Will you please send same to me?

I'd appreciate it if you would mail back to me "Proof of Completion of Works," as I didn't keep a record of the figures, and without them it would necessitate measuring the project again.

Hoping to hear from you in the near future in regard to this matter, I remain

Yours truly,

L. D. Bodily

21728

November 3, 1952

RE: Permit No. 21728

Mr. L. D. Bodily
Lowiston
Utah

Dear Mr. Bodily:

In reply to your letter of October 30, 1952, we enclose the necessary forms of application for amendment to the point of diversion and land list as described in your Permit No. 21728.

We also return your affidavit submitted in proof of completion of works under this permit, in order that you may send in a corrected affidavit, form for which was enclosed in our letter of October 21, 1952.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

A:fg
Enc.

21728

November 20, 1952

RE: Permit No. 21728

Mr. L. E. Bodily
Lowiston
Utah

Dear Mr. Bodily:

We acknowledge receipt of your applications for amendment to the point of diversion and land list described in Permit No. 21728, which will be approved and recorded.

However, we regret that your proof of completion of work must be returned in order that your signature may be acknowledged before a Notary Public, as called for at the bottom of the page.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21728

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Franklin

ss.

R. D. Bodily, 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. 21728 and that his postoffice address is Lewiston State of Utah

Second: That the name of the stream which said water is to be ~~directed~~ is a tributary of Warm Creek

Third: That the point of diversion of said water is 400 feet south of the north line of the West 1/2 of S.E. 1/4 of Sec 13 Township 16

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Sept. 29, 1952

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:

I. Kind of works: Dirt Dam and Pump 8"
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 15 feet, length of dam at top 100 feet, length of dam at bottom 30 feet. Material used in construction earth

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir 20 acre feet.

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

(d) Conduit _____ width at bottom _____ feet, width at water line _____
(State whether ditch, flume or pipe)

feet, depth of water _____ feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is _____ miles.

Seventh: That said works are capable of conducting to the place of intended use 2 1/2 to 3 second feet of water.

Eighth: That water appropriated under said permit is available for 280 acres of land described as follows: South 60 acres of the E 1/2 of S.W. 1/4 and South 60 acres of the W 1/2 of S.E. 1/4 of Sec 13 township 16 and N.W. 1/4 of Sec 24 township 16 39 S.E. B.M.

Ninth: Remarks: That an 8-inch pump is used to pump the water from reservoir. It is a Burbank-Morris pump, propeller type. Engineer estimated it to pump 2 1/2 to 3 second feet. It has a lift of about 10 feet. R. D. Bodily

(Sign Here)

Subscribed and sworn to before me this 22 day of November, 1952

My commission expires 6/21/56

Notary Public.

Lewiston, Utah

21728

December 1, 1952

RE: Permit No. 21728

Mr. L. D. Bodily
Lewiston
Utah

Dear Mr. Bodily:

We enclose amendments to your Permit No. 21728 which have been approved by the State Reclamation Engineer and recorded in this department.

We also enclose Certificate of Completion of Works issued under this permit, for the diversion of 3 second feet of water from an unnamed stream, for irrigation of land in the E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13, and the NW $\frac{1}{4}$ Section 24, Township 16 South, Range 39 East, B.M.

We also enclose departmental receipt No. 25163 for the \$5.00 fee in connection with proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21728

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho
July 1, 1955

Mr. L. D. Bodily
Lewiston
Utah

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 21728. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This 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 not later than September 29, 1955, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

21728

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 2, 1955.

(P. O.) Lewiston, Utah.

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Franklin County Citizen of Preston, Idaho, published in

the county in which the works are situated.

L D Bodily

(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.

W. H. Brown
Notary Public
Lewiston, Utah
My Commission Expires 6/21/56

21725

L. D. Bodily (Feb 7 '56) 9 - 13 - 56

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

Notice is hereby given that at 10 A. M. on the second day of August, 1955,
at Lewiston, County of Cache, State of Utah, before
Rex G. Plowman, a Notary Public, proof will be submitted of the
application to beneficial use of 2 1/2 to 3 cubic feet per second of the waters of Worm Creek
in accordance with the terms and conditions of Permit No. 21728
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 L. D. Bodily,
Lewiston, Cache County, Utah.

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

The amount applied to beneficial use is 2 1/2 to 3 cubic second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
East half of southwest quarter and west half of southeast quarter of Section
13, Township 16, thirty nine southeast Base Meridian.
Northwest quarter of Section 24, Township 16, thirty ninth Southeast Base
Meridian.

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

The right to take water from such works is based upon Permit No. 21728

The source of supply from which such water is diverted is accumulated waste water.

The date of priority which said user is prepared to establish is May 1951

Rex G. Plowman
Notary Public

Lewiston, Utah

My Commission Expires 6/21/56

21728

August 4, 1955

RE: Permit No. 21728

Mr. L. D. Bodily
Lewiston
Utah

Dear Mr. Bodily:

We are in receipt of duplicate notice for publication in connection with your proof of Beneficial Use on Permit No. 21728.

This notice which reached us yesterday sets the date for making proof as August 2. This is obviously an error as the notice must be published once a week for four weeks before the date set for proof. If you will advise us of a later date far enough ahead to allow for four weeks publication we can complete the notice and send a copy to the Franklin County Citizen for publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu

21728

Lewiston, Utah,
August 11, 1955.

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

Gentlemen:

In regard to your letter of August 4th, will say that I am sorry for the error made, and would like to set September 23, 1955, as the date of proof of Beneficial Use on Permit No. 21728.

Thanking you for your attention to this matter, I am

Yours truly,

L. D. Bodily

RECEIVED
AUG 12 1955

Department of Reclamation

21728

✓
August 16, 1955

RE: Permit No. 21728

Mr. L. D. Bodily
Lewiston
Utah

Dear Mr. Bodily:

We shall send to the Preston Citizen notice for proof of Beneficial Use to be made on permit No. 21728 September 23, 1955, with instructions to publish it once a week for four weeks prior to that date and to send you the Affidavit of Publication together with statement of costs.

At the time set you should appear before Mr. Rex C. Plowman, Notary Public, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

21728

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21728

Date: August 18, 1955

Preston Citizen

Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 23, 1955 the date set for proof, the expense of the publication to be paid by the applicant, L. D. Bodily of Lewiston

Utah, 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, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

21728

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

Notice is hereby given that at 10:00 A. M. on the 23rd day of September, 1955,
at Lewiston, County of Cache, State of Idaho, before
Rex G. Plowman, Notary Public, proof will be submitted of the
application to beneficial use of three cubic feet per second of the waters of an un-named stream
(waste water & overflow) in accordance with the terms and conditions of Permit No. 21728
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

L. D. Bodily, Lewiston, Utah.

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

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

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

E₁SW₁ and W₂SE₁ Section 13; NW₁ Section 24; Twp. 16 South, Range 39 East, B. M.

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

Un-named stream tributary to Worm Creek.

The right to take water from such works is based upon Permit No. 21728.

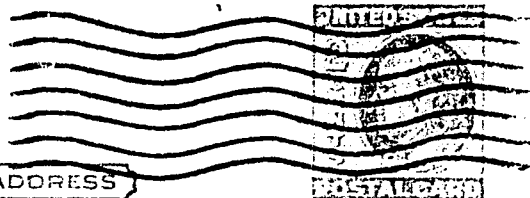
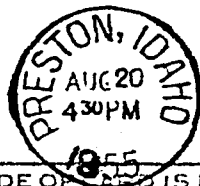
The source of supply from which such water is diverted is An un-named stream (waste water
and overflow)

The date of priority which said user is prepared to establish is September 13, 1950

MARK R. KULP

State Reclamation Engineer.

21728



THIS SIDE OF CARD IS FOR ADDRESS

Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

*Just A Short Message From
Don Smith of*

The Preston Citizen

PRESTON, IDAHO

Aug. 20

This is to acknowledge receipt of NOTICE FOR
PUBLICATION for L. D. Bodily of Lewiston, Utah.

RECEIVED
AUG 22 1955

Department of Reclamation

The Preston Citizen

21725

October 5, 1955

RE: Permit No. 21728

Mr. L. D. Bodily
Lewiston
Utah

Dear Mr. Bodily:

According to the notice published in the Preston Citizen, proof for beneficial use was to be made September 23, 1955, on your Permit No. 21728 before Mr. Rex G. Plowman, Notary Public.

To date, we have not received these proofs and if they were taken at that time, they should be promptly transmitted to this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc - Mr. Rex G. Plowman

21728

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

Alon E. Smith

, being duly sworn,

deposes and says:

That he is the Publisher of

THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for four consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 25, 1955, and ending

with the issue of September 15, 1955.

Alon E. Smith

Fees, \$ 20.64

Subscribed and sworn to before me this 24 day

of September, 1955.

Paul E. Greaves

Notary Public, Residing at Preston, Idaho

My Commission Expires April 25, 1958.

Notice for Publication

Notice of Proof Application of Water To Beneficial Use

Notice is hereby given that at 10:00 a. m. on the 23rd day of September, 1955, at Lewiston, County of Cache, State of Utah, before Rex G. Flowman, Notary Public, proof will be submitted of the application to beneficial use of three cubic feet per second of the waters of an un-named stream (waste water & Overflow) in accordance with the terms and conditions of Permit No. 21728 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 L. D. Bodily, Lewiston, Utah.

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

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

The place where said water is used E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13; NW $\frac{1}{4}$ Section 24; Twp. 16 South, Range 39 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Un-named stream tributary to Worm Creek.

The right to take water from such works is based upon Permit No. 21728.

The source of supply from which such water is diverted is An un-named stream (waste water and overflow).

The date of priority which said user is prepared to establish is September 13, 1950.

MARK R. KULP

State Reclamation Engineer.
34-37c

RECEIVED
SEP 26 1955

Department of Reclamation

21728

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 14 1955
Department of Reclamation

Permit No. 21728

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. L. D. Eccily; Lewiston, Utah; farmer; Lewiston, Utah.

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. 21728- Sept. 26, 1952- May 1951

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

Ans. Accumulated waste water diverted from a tributary of Worm Creek. 400 feet south of the north line of the west half of the southeast quarter of Section 13, Township 16.

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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. A dirt dam with a pump which will pump 2 1/2 to 3 second feet of water. This is measured by the size of the pipe. The ressevoir will hold approximately 20 acre feet.

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. The water is used for irrigation. There are 160 acres in each of the two farms irrigated, with the exception of about 40 acres of creek bottom land that can't be irrigated, (20 acres in each farm).

Point of beginning: E 1/2 of S. W. 1/4 and W. 1/2 of S.E. 1/4 of Sec. 13, Township 16, 39 S.E. B. M.

N.W. 1/4 of Sec. 24, Township 16, 39 S.E. B. M., Franklin County, Idaho.

The water has changed this land from dry farm wheat land to irrigated crops, such as barley, hay, corn and beets.

21728

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

Ans. --

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

Ans. 2 acre feet per acre. The maximum amount would be $3\frac{1}{2}$ acre feet per acre.

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. From May to September since 1951. For irrigation - pumped. The amount - 500 acre feet, approximately. I have used all available water during June, July, and August.

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. 4 shares of Cub River Irrigation water has been used by gravity during the period covered in question 10.

(Sign)

L D Bodily

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 Lewiston, County of Cache,

Utah, State of Idaho, on this 13th day of October, A. D. 1955.

[Signature]
Lewiston, Utah

My commission expires June 21, 1956

October 14, 1955

RE: Permit No. 21728

Mr. L. D. Bodily
Lewiston
Utah

Dear Mr. Bodily:

We acknowledge receipt of the depositions of yourself and two witnesses in proof of Beneficial Use on Permit No. 21728.

However, the depositions of neither of the witnesses are complete and we return them in order that Question 4 may be answered giving the place of diversion and describing the works.

Also Question 6 should give the legal description of the land upon which the water has been applied.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

21728

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21728

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. E. M. Van Orden, Engineer, Lewiston, Utah Age 66

Ques. 2. Are you acquainted with L. D. Bodily, the holder of Permit No. 21728? How long have you known him and where does he reside?

Ans. yes. About 20 years. Lives in Lewiston, Utah

Ques. 3. Have you read or heard read said Permit No. 21728, 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. Accumulated waste water which comes from a tributary of Worm Creek.
The place of diversion is 400 feet south of the north line of the west half of southeast quarter of Section 13, Township 16, Range 39 East of the Boise Meridian and the other is in Section 24, of Township 16, Range 39 East of the Boise Meridian. There is about 20 acres in each of the 160-acre parcels that is not irrigated under the program. The other 140 acres in each farm is now irrigated and has been taken out of a dry farm wheat program and put into hay, barley, corn, beets and other crops grown in this area where water is available.

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

Ans. About 2½ to 3 second feet of water can be and is being used.

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. Irrigation purposes. There is about 160 acres in each of two farms used under the system. One is in Section 13, of Township 16, Range 39 East of the Boise Meridian and the other is in Section 24, of Township 16, Range 39 East of the Boise Meridian. There is about 20 acres in each of the 160-acre parcels that is not irrigated under the program. The other 140 acres in each farm is now irrigated and has been taken out of a dry farm wheat program and put into hay, barley, corn, beets and other crops grown in this area where water is available.
East half of Southwest quarter and west half of Southeast quarter of Section 13, Township 16, 39 East Base Meridian.
Northwest quarter of Section 24, Township 16, 39 East Base Meridian.

21728

Ans. None None

Ans. The soil is a heavy clay type. The water utilized in this system is not enough to fully irrigate the acreage upon which it is being used. It would be difficult to determine just how much would be required. However, the use of this much water has added greatly to the productivity of the land.

no.

Ans. I have formed no right to the property of the said company and observed the constitution of the said company in accordance with the provisions of the said act since its incorporation.

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.

I have been engineer for Cub River Irrigation Company and have known ~~XXXXXXXXXXXXXXXXXXXX~~ Mr. Bodily for many years and have observed

Ans. the construction of the system and its operation on many occasions each year since it has been in operation.

(Signed) E. M. Van Orden

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 Lewiston,
County of Cache, State of Utah, on this 13th day of October,
A. D. 1955.

[Signature]
Notary Public.

My commission expires June 21, 1956. Lewiston, Utah

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21728

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. Ervin Van Orden, age 50, Farmer, Lewiston, Utah

Ques. 2. Are you acquainted with L.D. Bodily, the holder of Permit No. 21728? How long have you known him and where does he reside?

Ans. Yes. Twenty years. He lives in Lewiston, Utah

Ques. 3. Have you read or heard read said Permit No. 21728, and are you familiar with its provisions and conditions?

Ans. Yes, I have read permit No. 21728 and am familiar with its provisions

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. Accumulated waste water diverted from a tributary of worm creek.
The place of diversion is 400 feet south of the north line of the west half of southeast quarter of Section 13, Township 16. An earth dam in the creek and a pump to lift it out pumps it into the irrigation 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. About 2½ to 3 second feet in both instances.

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. Used for irrigation purposes. About 160 acres in each of two farms.
All but about 20 acres of each farm can be irrigated with this system.
All but these two 20 acres parcels of each farm can be irrigated with the system and are under cultivation. This has enabled the operator to switch his crop program from dryland wheat to Hay, barley, corn, beets and other irrigated crops grown in this area.
There is 160 acres in each of the two following Sections: Section 13 of Township 16, Range 39 East of the Boise Meridian and also Section 24 of Township 16, Range 39 East of the Boise Meridian.
East half of Southwest quarter and west half of Southeast quarter of Section 13, Township 16, 39 East Base Meridian.
Northwest quarter of Section 24, Township 16, 39 East Base Meridian.

21728

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. The ground is clay type soil. It would be difficult to determine exactly the amount of water required to fully irrigate this land. The amount utilized by this permit is not nearly enough but does add considerably to the productivity of the land upon which it is used.

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 been farming in the neighborhood for several years and have observed the system in operation since 1951 several times each summer.

(Signed) *Ervin Saw Order*

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 Lewiston,
County of Cache, State of Utah on this 13th day of October,
A. D. 1955.

My commission expires June 21, 1956

[Signature]
Lewiston, Utah

Notary Public.

October 20, 1955

RE: Permit No. 21728

Mr. L. D. Bodily
Lewiston
Utah

Dear Mr. Bodily:

We now have the corrected depositions in proof of Beneficial Use on your Permit No. 21728.

This completes the proof but before final action is taken 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, but our field engineer will contact you at the time he makes the examination in order that you may arrange to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu

21728

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

W. P. MARSHALL, PRESIDENT

SYMBOLS

DL=Day Letter

NL=Night Letter

LT=Int'l Letter Telegram

VLT=Int'l Victory Ltr.

FX-1201

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination.

PRA409 LB476

1955 OCT 24 PM 8 55

L LNA032 NL PD=LOGAN UTAH 24=

MARK R KULP STATE RECLAMATION=

ENGINEER STATE CAPITOL BOISE IDA=

AT REQUEST L D BODILY LEWISTON UTAH RE PERMIT NO 21728 FOR
BENEFICIAL USE OF WATER WOULD LIKE TO KNOW IF INSPECTION
CAN BE MADE SOON AND HOW LONG BEFORE PERMIT CAN BE ISSUED.
APPLYING FOR A LOAN ON PROPERTY AND NEED TO PLEGDE THIS
WATER RIGHT. PLEASE WIRE ANSWER=

J E WATKINS JR 56 SOUTH 4TH EAST=

21728

DOMESTIC SERVICE	
Check the class of service desired; otherwise this message will be sent as a full rate telegram	
FULL RATE TELEGRAM	SERIAL
DAY LETTER	NIGHT LETTER

WESTERN UNION

1206

INTERNATIONAL SERVICE	
Check the class of service desired; otherwise this message will be sent at the full rate	
FULL RATE	LETTER TELEGRAM
VICTORY LETTER	SHIP RADIOGRAM

W. P. MARSHALL, PRESIDENT

NO. WDS.-CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	TIME FILED
	Collect			

Send the following message, subject to the terms on back hereof, which are hereby agreed to

October 25, 1955

21728

J. H. WATKINS, Jr.
58 South 4th East
Logan, Utah.

License cannot issue until field inspection and report^{STOP}./ Inspections
finished this year in that area so probably not until next year.^{STOP}
Will inspect earlier if possible and advise you.

MARK R. KULP

State Reclamation Engineer

21728

March 19, 1956

RE: Permit No. 21728

Mr. L. E. Bodily
Lewiston
Utah

Dear Mr. Bodily:

Inspection is required by law in connection with any permit being brought to license within the State of Idaho. Unless hindered by bad weather, I intend to make inspection in connection with your Permit on Friday, March 30.

Please be prepared to accompany me on the inspection.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

21728

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

Permit No. 21728

This proof is for Beneficial use

In Water District No.

1. Name of applicant L. D. Bodily, Lewiston, Utah
2. Source of water supply: Un-named stream (waste water and overflow)
line of the West Half of the Southeast Quarter
3. Location of point of diversion: about 400 ft. South of the North/ of Section 13
T. 16 S. R. 39 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: A dam has been constructed across a natural draw creating a small reservoir that impounds any waters flowing through. The greater portion of water that is captured is waste and drainage from irrigation upstream. All water used is lifted by means of a Fairbanks Morse Motor 5 hp, single phase, serial No. F 71216 and a Fairbanks Morse Turbine pump, serial No. PM 2382. There is an 8" delivery to the West 30' into the regular irrigation system by gravity. There are direct flow rights for these lands.

Lift is 4' to 8'

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 other than irrigation):

E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13;

NW $\frac{1}{4}$ Section 24;

Twp. 16 South, Range 39 East, B. M.

See the map

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

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

Remarks: water is all applied by use of a pump
A small amount on north end is covered by exchange
water is to be divided equally over all of place
This is actually two differently owned farms
Some of land on Bodily farm is also covered by exchange
of water

This examination was made on the

29

day of

March, 19 56

(Signed)

E. N. Humphrey

Examiner.

21728

April 4, 1956

RE: Permit No. 21728

Mr. L. D. Bodily
Lewiston
Utah

Dear Mr. Bodily:

We now have on file the report of our field engineer on examination for beneficial use on Permit No. 21728, which shows that 280 acres of land have been irrigated in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13 and the NW $\frac{1}{4}$ Section 24, Township 16 South, Range 39 East, B.M., with water from an un-named stream (waste water and overflow), point of diversion being in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 13.

A License, can therefore be issued upon receipt of the statutory fee of \$16.00. This is at the rate of \$2.00 for each 40 acre subdivision irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

hll

21728

April 10, 1956

RE: Permit No. 21728

Mr. L. D. Bodily
Lewiston
Utah

Dear Mr. Bodily:

We enclose license and certificate of Water Right issued under Permit No. 21728 confirming your right to the use of 2.75 second feet of water from an un-named stream, (waste water & overflow), with point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 16 South, Range 39 East, B.M. and priority of September 27, 1950, for irrigation of land in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13, and the NW $\frac{1}{4}$ Section 24, same Township and Range.

We also enclose departmental receipt No. 27903 for the \$16.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

hll
Enc.

21728

August 28, 1963

Re: Application for Permit
Permit No. 21728

Stanton M. Hawkes
Route #3
Preston, Idaho

Dear Mr. Hawkes:

After reviewing Permit No. 21728, which shows 2.75 c.f.s. of water on the same land for waste water, we do not feel that a greater amount has been substantiated.

We are, therefore, returning your application for permit, together with your check in the amount of \$5.50 for filing fee.

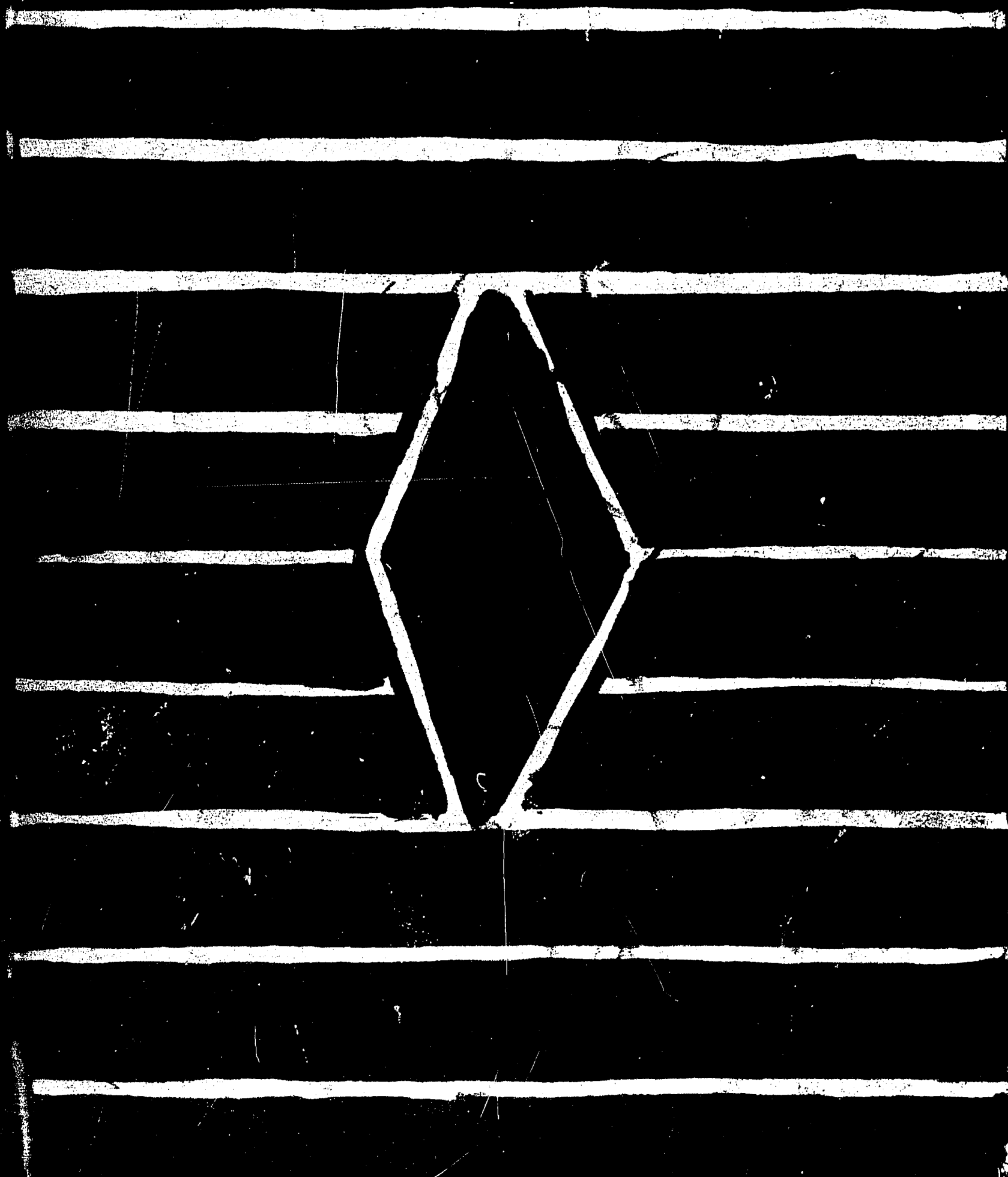
Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CEP:cw

Enc. application
with check

21728



State of Idaho

License and Certificate of Water Right

Water License No. 21728

Amount 2.75 second feet

Water District No.

Priority September 27, 1950

THIS IS TO CERTIFY that L. D. BODILY

of Lewiston, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated September 12, 1950; that Permit No. 21728 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3 second feet, was issued thereunder on November 25, 1952, showing that said works were completed on the 22nd day of November, 1952; and that on the 13th day of October, 1955,

L. D. BODILY

of Lewiston, State of Utah, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an un-named stream (waste/, a tributary of Worm Creek, for the purpose of irrigation, under Use Permit No. 21728 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5685, on the 9th day of April, 1956;

The right hereby confirmed dates from September 27, 1950;

The Point of Diversion is located

in the NW 1/4 SE 1/4, Sec. 13, Tp. 16 S., R. 32 E., B. M. Franklin County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.75 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated			
16 S.	39 E.	13	NW 1/4 SE 1/4	40	40			
			SW 1/4 SE 1/4	40	40			
			NE 1/4 SW 1/4	40	40			
			SE 1/4 SW 1/4	40	40			
		24	NE 1/4 NW 1/4	--	40			
			NW 1/4 NW 1/4	--	40			
			SW 1/4 NW 1/4	--	40			
			SE 1/4 NW 1/4	--	40			
			Number of Acres Actually Irrigated				-	320

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

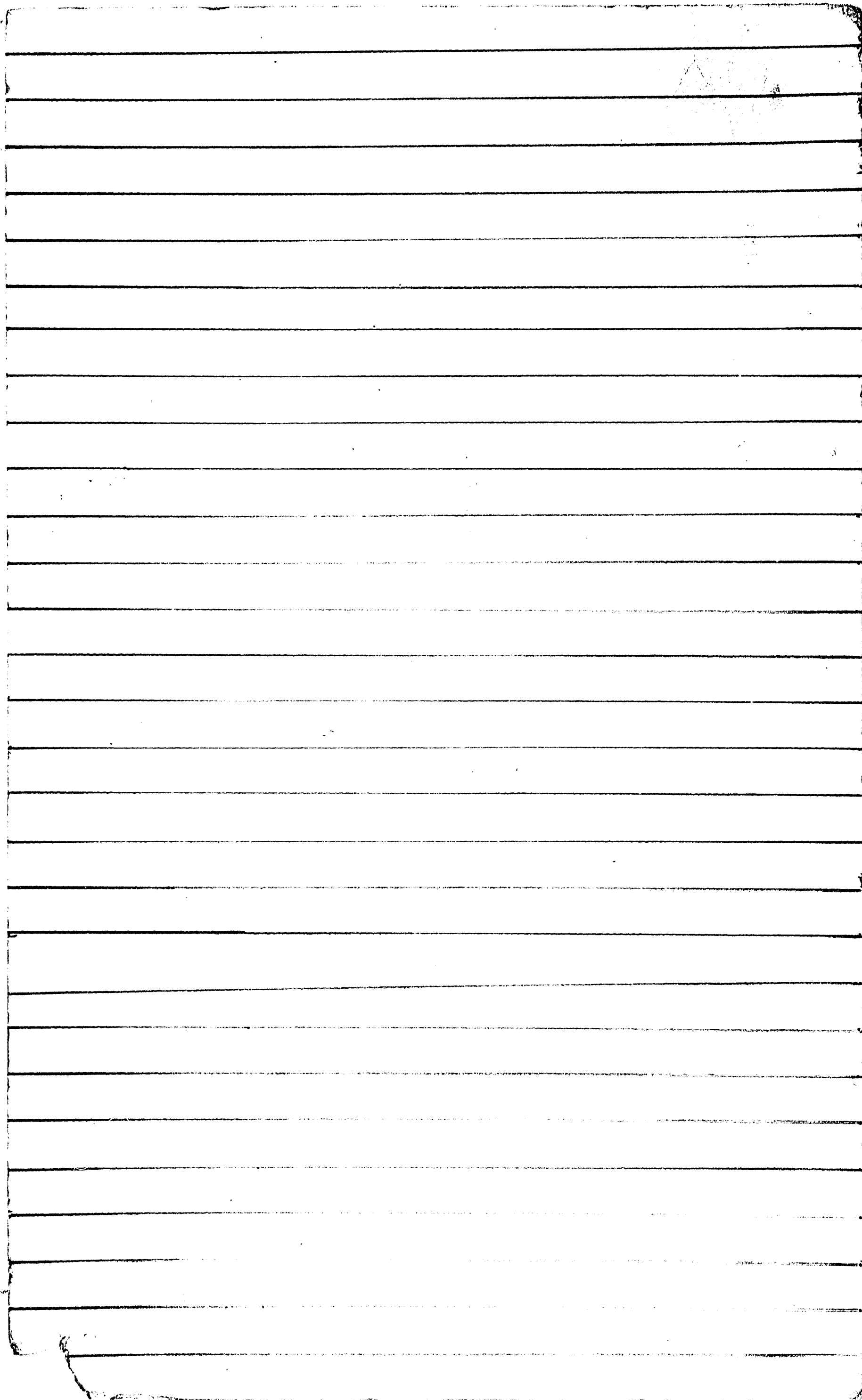
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 9th day of April, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

13 2160



PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

13-2160
 Unnamed Streams in
 SOURCE: Kirby Pond Drainage

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To					
13-0220	ALDER, George E. Rt. #1 Preston, Idaho	4-01-1872	Irrigation	4-1	11-1	210.0	1.20	Lot 4, S.7 T16S, R40E	Sec. 18 Lot 1 Lot 2 T16S, R40E	Beneficial Use 60.0
13-0330	BODILY, L.D. Lewiston, Utah	9-13-1950	Storage for irrigation	4-15	10-1	25.0	---	NW $\frac{1}{4}$ SE $\frac{1}{4}$, S.13 T16S, R39E	Sec. 13 NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24 NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ T16S, R39E	Beneficial Use 40.0 35.0 35.0 35.0 39.0 37.0 36.0 40.0 297.0
13-2160	BODILY, L.D. Lewiston, Utah	9-27-1950	Irrigation	4-1	11-1	1040.0	2.75	NW $\frac{1}{4}$ SE $\frac{1}{4}$, S.13 T16S, R39E	Sec. 13 NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24 NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ T16S, R39E	License 40.0 35.0 35.0 35.0 39.0 37.0 36.0 40.0 297.0