

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 31026
 PERMIT No. 23254
 DISTRICT No.

1. Name of Applicant: DEWEY CAMPBELL

Postoffice address: Weston

County: Franklin

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: One

cubic feet per second.

3. Source of water supply: waste water from Reuben Buttars property
 Un-named stream (drainage and / which is a tributary of

4. Location of point of diversion: About 30 rods South ~~1000 feet~~ distant from the Northwest
 of the SW $\frac{1}{4}$ corner of Section 12, T. 16 S., R. 38 E., B. M., and is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
 of Section 12, T. 16 S., R. 38 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: \$ None- already built and in use

8. Kind of works: Earth dam and ditches.

9. Height of dam 12 feet; length of dam at top 30 feet; length of dam at bottom 14
 feet; material used in dam: Earth

10. Size of headgate: Width 10 inch culvert / feet; height through dam feet.

11. Ditch: Width at bottom 4 feet; width at water line 4 feet; depth of water 8 inches feet;
 dimensions of flume: None

Diameter of pipe inches; length of conduit Quarter mile ditches miles.

Average grade per mile 3 feet.

12. The time required for the completion of such work is None years.

13. The time required for the complete application of the water to the proposed use is None 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: None- Rent some water

16. (a) Is reservoir to be used? Dam acts as a / 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.

DEWEY CAMPBELL

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. November 19, 1952

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 23254

Recorded in Book 83 Page 23254 Approved November 29, 1952

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 Completed 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

The whole of said work to be completed on or before February 28, 1953

Beneficial use of water appropriated in accordance herewith, to be made on or before February 28, 1953

WITNESS My hand this 29th day of November, 1952

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN

, Governor of the State of Idaho,

and IRA H. MASTERS, 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 29th

day of November, 1952

STATE OF IDAHO

Countersigned:

(SEAL)

By

LEN JORDAN

Governor.

By IRA H. MASTERS

Secretary of State.

REMARKS This water comes from springs and waste water and drainage from the land of Reuben Butters. The water has no other outlet but on to my land and has been used on this land for at least thirty-five years. The amount of water varies. I have about 160 acres which can be watered and I make the water go as far as possible. It is my intention to obtain a sprinkling system later so that the water can be used on various parts of the land according to the crops being raised.

14.

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 $\frac{1}{4}$	
16 S.	38 E.	12									40	40	40	40					160

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that DEWEY CAMPBELL of Weston, County of Franklin, and State of Idaho, the holder of Permit No. 23254, issued upon Application No. 31026 bearing date of priority of November 19, 1952, authorizing the diversion of One second foot of the waters of An un-named stream (drainage and waste water from Reuben Butters property) 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 one second foot of the waters of said un-named stream; that the point of diversion of said waters is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, Township 16 South, Range 38 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southwest Quarter Section 12, Township 16 South, Range 38 East, B.M.

Witness my hand this 12th day of January, A.D. 1953.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made January 10, 1953.

Certificate of completion of works issued January 12, 1953.

LICENSE ISSUED FOR 1 SEC. FT.
p- 5206

NAME OF APPLICANT.....

Form No. 0

[illegible]

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

23254

December 12, 1952

RE: Permit No. 23254

Mr. Dewey Campbell
Weston
Idaho

Dear Mr. Campbell:

We enclose Permit No. 23254, together with departmental receipt No. 25143 for the \$5.00 filing fee.

Since your application states that the works are completed and that no additional time is required for making proof of beneficial use, we have allowed 3 months or until February 28, 1953, within which to make these proofs.

Proof of completion of works should be made on Form 6 enclosed, executed before a Notary Public and returned to this department with the statutory fee of \$5.00.

Proof of beneficial use requires publication in a local newspaper once a week for four weeks before proof is made. Notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the Notary Public before whom proof is to be made. Both copies of Form 10 to be returned to this department together with Form 11 which is authorization for us to have the notice published at permit holder's expense in the designated county newspaper. We shall then send a copy of the notice to the newspaper with instructions in regard to publishing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

2 3254

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 31, 1952.

(P. O.) Weston, Idaho.

TO THE STATE RECLAMATION ENGINEER:

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.

Derry Campbell

(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.

23254

✓
January 2, 1953

RE: Permit No. 23254

Mr. Leroy Campbell
Weston
Idaho

Dear Mr. Campbell:

We acknowledge receipt of duplicate notice of proof of beneficial use under Permit No. 23254 to be made February 7, 1953, and authorization to have same published in the Preston Citizen.

However, you have not made your proof of completion of works the form for which was sent you on December 12. This proof is usually made prior to making proof of beneficial use although it can be made at the same time, but we direct your attention to this as such proof must be made before proof of beneficial use can be considered.

In case you have misplaced the form sent you for making proof of completion of works, we enclose another form herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Aifg
Enc.

23254

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 23254

Date: January 5, 1953

Preston Citizen

Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **February 7, 1953** the date set for proof, the expense of the publication to be paid by the applicant, **Dewey Campbell** of **Weston, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

23254

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

Notice is hereby given that at 10 A. M. on the 7th day of February, 1953,
at Preston, County of Franklin, State of Idaho, before
P. M. Condie, Notary Public, proof will be submitted of the
application to beneficial use of One ^{foot}~~xxx~~ cubic feet per second of the waters of unnamed stream
in accordance with the terms and conditions of Permit No. 23254
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Dewey Campbell, Weston, Idaho.

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

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

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
Southwest ^{quarter} of Section ~~16~~ 12, Tp. 16 South, Range 38 East of
Boise Meridian, 160 acres

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

No name

The right to take water from such works is based upon Permit No. 23254

The source of supply from which such water is diverted is unnamed stream (drainage)

The date of priority which said user is prepared to establish is November ~~28~~ 18, 1952.

MARK R. KULP
State Reclamation Engineer.

23254

Permit No. 23254

STATE OF IDAHO
Department of ReclamationRECEIVED
JAN 12 1953
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Franklin

ss.

Dewey Campbell, 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. 23254, and that his postoffice address is Weston, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is un-named stream

Third: That the point of diversion of said water is about 30 rods South from the NE corner of SW $\frac{1}{4}$ Section 12, Tp. 16 South, Range 38 E. B. M., and is in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 12.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 28, 1953.

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: earth dam with ditch leading to land to be irrigated.
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 12 feet, length of dam at top 30 feet, length of dam at bottom 14 feet. Material used in construction earth

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir none acre feet.

(c) Size of headgate: Width 10 inch culvert feet, height feet.

(d) Conduit ditch width at bottom 4 feet, width at water line 4 feet, depth of water 8 inches; diameter of pipe inches, average grade per mile is 3 feet. Length of conduit is 1/4 miles.

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

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: Southwest quarter of Section 12, Tp. 16 S. Range 38 E. B. M.

Ninth: Remarks: That

Dewey Campbell
(Sign Here)

Subscribed and sworn to before me this 10th day of January, 1953.

My commission expires Nov. 29, 1954.

Notary Public.

23254

January 14, 1953

RE: Permit No. 25254

Mr. P. M. Condie
Attorney at Law
Preston, Idaho

Dear Mr. Condie:

We enclose Certificate of Completion of Works issued under Permit No. 23254 in the name of Dorey Campbell for the diversion of one second foot of water from an unnamed stream with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, Township 16 South, Range 38 East, B.M., for the irrigation of land in the SW $\frac{1}{4}$ of said section.

We also enclose departmental receipt No. 25282 for the \$5.00 fee paid in connection with proof of completion of works.

Notice of beneficial use proof to be made under this permit on February 7, 1953, has been sent to the Preston Citizen with instructions to publish it once a week for four weeks prior to that date and to send Mr. Campbell the affidavit of publication together with statement of costs.

We enclose the necessary forms of deposition to be used in making this proof and at the time set Mr. Campbell should appear before you 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 depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

23254

P. O. BOX 44
SUITE 34

RECEIVED
JAN 28 1953

Department of Reclamation

DELL W. SMITH
ATTORNEY-AT-LAW
FIRST SECURITY BANK BUILDING

PHONE 211-W
RESIDENCE 123-W

PRESTON, IDAHO

January 27, 1953.

Department of Reclamation
State House
Boise, Idaho

Dear Sir:

Re: Permit No. 23254
Dewey Campbell, Weston, Idaho.

The following named persons has contacted this office concerning the above permit. They are very much concerned fearing that such a water right would interfere with their own established water rights.

The names of the persons are:

Frank Gilbert (Permit in Danial Gilbert)

Melvin McKay (Permit in A. J. Dawson)

Rueben Butters

Lars Rasmusson All of Weston, with water rights in the Weston Slough, in which the drainage water has long drained and provided a source of water.

Would the Department investigate the condition and determine if such a permit would interfere with the above established water rights?

Very truly yours,

Dell W. Smith

Dell W. Smith

23254

✓
January 18, 1953

RE: Permit No. 23254

Mr. Dell W. Smith
Box 44
Preston, Idaho

Dear Mr. Smith:

We are in receipt of your letter of January 27, 1953, in regard to the above numbered permit.

If the persons named wish to file a formal protest against the issuance of a license under said permit, it should be done either before the date set for proof, or when the proof is made February 7, 1953, before P. M. Condie. This protest should be made in accordance with Section 42-224, Idaho Code.

However, before final action is taken in a matter of this kind, a complete investigation is made by this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg

23254

Weston, Idaho
Jan. 28, 1953

RECEIVED
JAN 29 1953
Department of Reclamation

Mark R. Kulp
State Reclamation Engineer
Boise, Idaho.

Dear Sir:

I saw a notice in the Franklin County Citizen that Dewey Campbell, of Weston, Idaho, is filing on water from a ditch he calls "No Name Ditch" or permit NO. 23254. This permit No. 23254 or so called "No Name Ditch" consists of two water rights or permits which I hold. One permit No. 19271, was issued to me March 23, 1942, on the waters of Weston Village Drain and seepage from blocks No. 1, 2, and 7.

The other right consists of a private reservoir known as Crockett's Pond. This reservoir is fed from springs. The reservoir and the springs are both located on my property. The water from this reservoir has been used on my land ever since it was built, more than twenty years ago. I bought this property in the spring of 1936, together with all water rights. In irrigation season there is very little water that goes down this ditch, except in case of a heavy rain, and it is not needed.

Now, I don't know whether this water has ever been decreed to my property or not. All I have, as I said before, is the contract stating that the land was sold to me together with all water rights.

The people who owned this place before me are now deceased, and I don't know where to find out if they have filed on this water before or not, so I would like you to look it up for me.

It should be listed under some of these names: Walter Crockett and his wife Alice I. Crockett, or Grant Crockett; or before them, Harrison D. Maughan and his wife Mary E. Maughan.

This place is located in South East Quarter of Section Eleven, Township 16 South, Range 38, East of Boise Meridian, Weston, Franklin County, Idaho.

I would like this information and advice on what to do to protect my rights as soon as possible. Thank you.

Very truly yours,

Ruben Butters
Ruben Butters

23254

Q-1 up
I - water from Ruben Butters
Q-2 NW SW, S12, 16S, 38E.
Area 12 h.
V-L 16S, 38E, S12, SW 1/4 16S

✓
January 31, 1953

RE: Permit No. 23254

Mr. Ruben Buttars
Weston
Idaho

Dear Mr. Buttars:

If you wish to file a formal protest against issuance of license, it should be done either before the date set for proof or when the proof is made on February 7, 1953.

Protest should be in accordance with Section 42-224, Idaho Code.

For your information, an inspection is always made before license is issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

2 3254

DELL W. SMITH

ATTORNEY-AT-LAW

FIRST SECURITY BANK BUILDING

P. O. BOX 44
SUITE 34

PHONE 211-W
RESIDENCE 123-W

RECEIVED
FEB 6 1953

PRESTON, IDAHO

Department of Reclamation
Boise, Idaho

Department of Reclamation

Gentlemen:

Re: Water Permit N. 23254
Dewey Campbell
of, Weston, Idaho

Enclosed will find a statement of protest in the
above named matter.

Very truly yours,

Dell W. Smith

Dell W. Smith

23254

RECEIVED
FEB 6 1953

Department of Registration

S T A T E M E N T O F P R O T E S T

The undersigned named person hereby enters his protest to the statements made by the applicant Dewey Campbell of Weston, Idaho, Permit No. 23254 for the beneficial use of water to the following described property: Southwest quarter of Section 12, Tp. 16 South, Range 38 East of Boise Meridian, 160 acres.

On the grounds and for the reasons that the source of water from the unnamed stream as applied for, has already been decreed and used by the following named protestant with others using water from the Weston Slough. The source of water for the Weston Slough comes from, and the source is, the drainage water which the applicant has applied for.

Thus the protestant asks that the permit be refused and denied.

J. M. Rammiser

Subscribed and sworn to before me this 5th day of February 1953

B. B. Johnson
Notary Public
Residing at Preston, Idaho

23254

February 6, 1953

EE: Permit No. 23254

Mr. Dell W. Smith
Box 44
Preston, Idaho

Dear Mr. Smith:

We acknowledge receipt of your letter enclosing protest of L. M. Rasmussen in connection with beneficial use proof to be made on Permit No. 23254 in the name of Dewey Campbell.

Before final action is taken in the matter, an investigation will be made by this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

23254

RECEIVED
FEB 9 1953
Department of Agriculture

S T A T E M E N T O F P R O T E S T

The undersigned named person hereby enters his protest to the statements made by the applicant Dewey Campbell of Weston, Idaho, Permit No. 23254 for the beneficial use of water to the following described property: Southwest quarter of Section 12, Tp. 16 South, Range 38 East of Boise Meridian, 160 acres.

On the grounds and for the reasons that the source of water from the unnamed streas as applied for, has already been decreed and used by the following named protestant with others, using water from the Weston Slough. The source of water for the Weston Slough comes from, and the source is, the drainage water which the applicant has applied for.

Thus the protestant asks that the permit be refused and denied.

Frank J. Gilbert

Subscribed and sworn to before me this 5th day of February 1953

[Signature]
Notary Public
Residing at Preston, Idaho

23254

S T A T E M E N T O F P R O T E S T

The undersigned named person hereby enters his protest to the statements made by the applicant Dewey Campbell of Weston, Idaho, Permit No. 23254 for the beneficial use of water to the following described property: Southwest quarter of Section 12, Tp. 16 South, Range 38 East of Boise Meridian, 160 acres.

On the grounds and for the reasons that the source of water from the unnamed stream as applied for, has already been decreed and used by the following named protestant with others, using water from the Weston Slough. The source of water for the Weston Slough comes from, and the source is, the drainage water which the applicant has applied for.

Thus the protestant asks that the permit be refused and denied.

Walter J. Taylor

Subscribed and sworn to before me this 5th day of February 1953

[Signature]

Notary Public
Residing at Preston, Idaho

23254

S T A T E M E N T O F P R O T E S T

The undersigned named person hereby enters his protest to the statements made by the applicant Dewey Campbell of Weston, Idaho, Permit No. 23254 for the beneficial use of water to the following described property: Southwest quarter of Section 12, Tp. 16 South, Range 38 East of Boise Meridian, 160 acres.

On the grounds and for the reasons that the source of water from the unnamed stream as applied for, has already been decreed and used by the following named protestant with others, using water from the Weston Slough. The source of water for the Weston Slough comes from, and the source is, the drainage water which the applicant has applied for.

This the protestant asks that the permit be refused and denied.

Ruben Butters

Subscribed and sworn to before me this 5th day of February 1953

[Signature]

Notary Public
Residing at Preston, Idaho

23254

RECEIVED
FEB 9 1953
Department of Reclamation

S T A T E M E N T O F P R O T E S T

The undersigned named person hereby enters his protest to the statements made by the applicant Dewey Campbell of Weston, Idaho, Permit No. 23254 for the beneficial use of water to the following described property: Southwest quarter of Section 12, Tp. 16 South, Range 38 East of Boise Meridian, 160 acres.

On the grounds and for the reasons that the source of water from the unnamed stream as applied for, has already been decreed and used by the following named protestant with others using water from the Weston Slough. The source of water for the Weston Slough comes from, and the source is, the drainage water which the applicant has applied for.

Thus the protestant asks that the permit be refused and denied.

L. M. Rasmussen

Subscribed and sworn to before me this 5th day of February 1953

J. B. Johnson
Notary Public
Residing at Preston, Idaho

23254

February 10, 1953

RE: Permit No. 23254

Mr. Dell W. Smith
First Security Bank Building
Preston, Idaho

Dear Mr. Smith:

We acknowledge receipt of the protests of L. M. Rasmussen, Rubin Batters, Melvin W. McKay, and Frank J. Gilbert, against the issuance of a license on Permit No. 23254 in the name of Dewey Campbell.

Before final action is taken in the matter, a complete investigation will be made by this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

23254

P. M. CONDIE
ATTORNEY AT LAW
PRESTON, IDAHO

RECEIVED
FEB 9 1953
Department of Reclamation

Feb. 7, 1953.

Department of Reclamation,
Boise, Idaho.

Gentlemen:

Re: Dewey Campbell

Four protests have been filed with me, but I understand the duplicates have been forwarded to you.

So far as we know Mr. Campbell's rights do not conflict with those of any of the protestants. I assume you will wish to investigate the matter.

Very truly,

P. M. Condie

23254

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 23254

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Dewey Campbell, Weston, Idaho, farmer.

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

Ans.

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

Ans. No. 23254, dated November 29, 1952, date of priority Nov. 19, 1952.

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

Ans. Water source is unnamed stream made up of drainage from land of Reuben Buttars.

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.

Ans. Earth dam and ditches; dam is 12 feet high, 30 feet long at top, 14 feet at bottom. There is 10 inch culvert through dam, and the two ditches are approximately a quarter mile in length, four feet wide at bottom, 4 feet wide at water line; depth of water about 8 inches.

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

Ans. Used for irrigation; have actually used this water on sixty acres of land. I have watered 30 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$; 20 acres in SE $\frac{1}{4}$ of SW $\frac{1}{4}$; and 10 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12; Township 16 South, Range 38 East of Boise Meridian. It is cultivated land, and I have raised principally wheat on said land.

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. One cubic foot per second .

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. I purchased the land 1946 and I have used the water since said time for the irrigation of said land; ~~about~~ during the past three years Reuben Buttars has made some drains through his land and increased the flow of water somewhat from what it was formerly, these drains empty into ditch which flows into my land.

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 is used on the land described.

(Sign)

Dewey Campbell

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 7th day of February, A. D. 1953,

A. M. Landis
Dewey Campbell
Notary Public, Preston, Idaho.

My commission expires Nov. 29, 1954.

23254

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23254

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. Reed Campbell, age 41 years, residence, Dayton, Idaho, post office address, Dayton, Idaho.

Ques. 2. Are you acquainted with Dewey Campbell, the holder of Permit No. 23254? How long have you known him and where does he reside?

Ans. Yes, have known him all my life.

Ques. 3. Have you read or heard read said Permit No. 23254, and are you familiar with its provisions and conditions?

Ans. yes; I 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. Unnamed stream made up of drainage from land of Reuben Butters. Place of diversion: 30 rods South from the Northwest corner of Southwest quarter of Section 12, Tp. 16 South, Range 38 E. B. M. and is in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12.

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. More than one second foot.

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 on following land: 30 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$; 20 acres in SE $\frac{1}{4}$ of SW $\frac{1}{4}$; and 10 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, Tp. 16 South, Range 38 E. B. M. It is cultivated land and crops of grain have been raised as the result of such irrigation.

2 3254

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. Black clay land; more than one cubic foot per second is needed for irrigation of said land.

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

Ans. 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. Every year since 1946 I have seen water used on said land, that is to say on different portions during different periods, to amount of more than one cubic foot per second. Amount varies during season.

(Signed)

Ried Campbell

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 _____

County of Franklin, State of Idaho, on this 7th day of February,

A. D. 1953.

A. M. Gaudin

Notary Public.

My commission expires Nov. 29, 1954.

23254

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23254

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. William Earl Lloyd, age 52 years, residence Dayton, Idaho, post office address, Weston, Idaho, occupation farmer.

Ques. 2. Are you acquainted with Dewey Campbell, the holder of Permit No. 23254? How long have you known him and where does he reside?

Ans. Yes; have known him twenty years; he resides at Weston, Idaho.

Ques. 3. Have you read or heard read said Permit No. 23254, and are you familiar with its provisions and conditions?

Ans. Yes, and I 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. Unnamed stream made up of drainage from land of Reuben Butters.
Place of diversion: 30 rods South from the Northwest corner of Southwest quarter of Section 12, Tp. 16 South, Range 38 E. B. M. and is in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 12.

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. More than one second foot.

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 on following land: 30 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$; & 20 acres in SE $\frac{1}{4}$ of SW $\frac{1}{4}$; and 10 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, Tp. 16 South, Range 38 E. B. M. It is cultivated land and crops of grain have been raised as the result of such irrigation.

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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. Black clay; one cubic foot per second. or more is needed for ~~an~~ irrigation of said land.

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

Ans. 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. At times during each year since 1946 I have seen the water used on this land, to amount of one second foot. The stram varies and at times there is not that much water available, and at times there much more water.

(Signed) William Earl Floyd

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 7th day of February,
A. D. 19 53.

J. M. Hendrix
Notary Public.

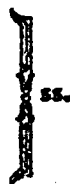
My commission expires Nov. 29, 1954.

23254

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

January 15, 1953, and ending with the issue of February 5, 1953.

Alon E. Smith

Fees \$ 13.05

Subscribed and sworn to before me this 7th day

of February, 1953

T. M. Condu

Notary Public, Residing at Preston, Idaho

My Commission Expires Nov. 29, 1953

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 7th day of February, 1953, at Preston, County of Franklin, State of Idaho, before P. M. Condie, Notary Public, proof will be submitted of the application to beneficial use of One cubic foot per second of the waters of unnamed stream in accordance with the terms and conditions of Permit No. 23254 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Dewey Campbell, Weston, Idaho.

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

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

The place where said water is used: Southwest quarter of Section 12, Tp. 16 South, Range 38 East of Boise Meridian, 160 acres.

The name of the canal or ditch or other works by which said water is conducted to such place of use is No name.

The right to take water from such works is based upon Permit No. 23254.

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

The date of priority which said user is prepared to establish is November 19, 1952.

MARK R. KULP,
State Reclamation Engineer.
3-6c

23254

February 10, 1953

RE: Permit No. 23254

Mr. P. M. Condie
Attorney at Law
Preston, Idaho

Dear Mr. Condie:

We acknowledge receipt of your letter of February 7, 1953, enclosing the depositions of Dewey Campbell and two witnesses, also affidavit of publication in the Preston Citizen, all submitted in proof of beneficial use under Permit No. 23254.

This department has received protests against the issuance of a license under this permit from the following: L. M. Reemissen, Rubin Butters, Melvin W. McKay, and Frank J. Gilbert.

Before final action is taken, a complete investigation will be made by this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact Mr. Campbell at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
cc: Mr. Dewey Campbell

23254

August 19, 1953

RE: Permit No. 23254

Mr. Dewey Campbell
Weston
Idaho

Dear Mr. Campbell:

I intend to make inspection, as required by law, in connection with your Permit No. 23254 some time during the week of August 23rd.

This inspection is required by Idaho State Law.

Please be prepared to accompany me on the inspection, or have some one familiar with your water system do it for you.

I cannot state the exact day, but will try to contact you, probably by telephone, before making any inspection.

Very truly yours,

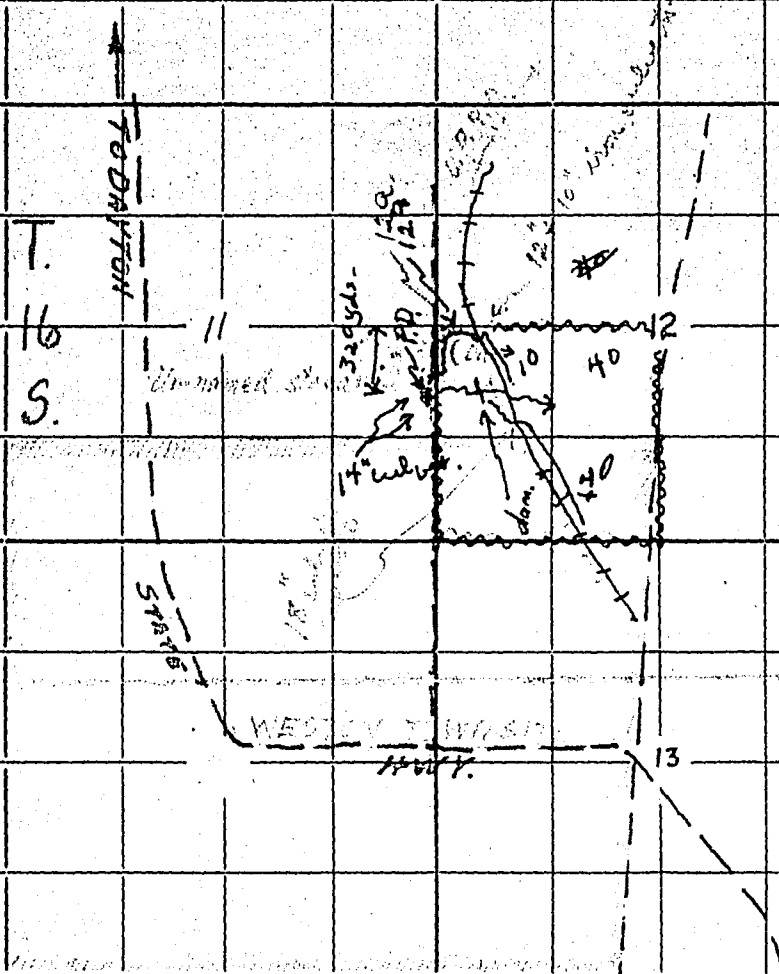
MARK R. KULP
State Reclamation Engineer
By

R.N. HUMPHREY
Deputy State Reclamation Engineer

ENH:pj

23254

R-38E.



NE SW already has 52 inches

allow NW SW = 10a.
NE SW = 8a.
SE SW = 40a
58a.

Charge only 2 Forties

See license 9203.

Q = 50 inches.

Form 23

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

Permit No. 23254

This proof is for Beneficial use In Water District No.

1. Name of applicant Dewey Campbell, Weston, Idaho
2. Source of water supply: An un-named stream (made up of drainage from land of Rubin Buttars)
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12
T. 16 S. R. 38 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same. Mr. Campbell is attempting to develop a water right for his farm from existing water in this area. He claims waste water off of the land above the place belonging to Rueben Buttars. He has a small check in the normal drainage way on the West side of the county road, conducts water a short distance by ditch then through a 14 inch culvert, thence on to his fields. A second point of diversion is a rather high dam across a deep gully which is a natural drainage way. This dam is immediately above the railroad right-of-way and stores a small amount of water several feet in depth. The delivery goes through a ditch 12 to 18 inches wide in the bottom to to a concrete culvert under the railroad tracks, thence onto the fields.

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):

Southwest Quarter Section 12, Twp. 16 South, Range 38 East, B. M.

See 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: This development of a water right is generating considerable heat in this region. Mr. McKay who lives downstream has a water license for 1.4 second feet that dates back to 1924. Mr. Rasmussen who also lives downstream has a decree right on this Weston Slough (of which this is a branch) for an amount of 2 c.f.s. Mr. Campbell doubts Rasmussen having a decree right. He believes there should be an old right for this place that is as valid as Rasmussen's right. In an attempt to prove this, we consulted Irvin Jensen, a son of John Jensen who formerly owned the place, and found a water license dating back to 1913, in the name of Hoopes and Anderson, for an amount of 32 inches. Rasmussen's decree was signed by Robert M. Terrell and was made in the District Court of the 5th Judicial District for Franklin County, Lars M. Rasmussen and Lars M. Rasmussen, Jr., plaintiffs, versus John P. Nielson, defendant, was filed April 12, 1921.

This examination was made on the 26th day of August, 1953.

(Signed) E. M. Humphrey Examiner.

23254

December 18, 1953

RE: Permit No. 23254

Mr. Dell W. Smith
First Security Bank Building
Preston, Idaho

Dear Mr. Smith:

Enclosed herewith, is a copy of the decision rendered in the matter of the protests of L. M. Rasmussen, Reuben Buttars, Melvin A. McKay and Frank J. Gilbert against proof of application of water to Beneficial Use under Permit No. 23254 by Dewey Campbell.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A/re
Enc.

23254

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest Against	)	
Proof of Application of Water to	)	DECISION OF STATE
Beneficial Use under Permit No.	)	
23254, Dewey Campbell	)	RECLAMATION ENGINEER

DEWEY CAMPBELL, of Weston, Idaho, holder of Permit No. 23254, for one cubic feet per second of the waters of an un-named stream formed by waste water from Reuben Buttars Place, made proof of application of water to beneficial use on February 7, 1953.

Protests were filed by L. M. Rasmussen, Reuben Buttars, Melvin A. McKay and Frank J. Gilbert, alleging that the water filed on was tributary to Weston Slough, from which each claimed water rights.

The State Reclamation Engineer finds after inspection, that the water claimed is tributary to Weston Slough and that there are existing decreed or license rights to water from Weston Slough, and that Dewey Campbell has complied with the law and is entitled to a license for one cubic feet per second of the waters of an un-named stream, tributary to Weston Slough, with a priority of November 19, 1952.

Permit No. 23254, therefore, being junior to all existing rights from the same source, with priority as of November 19, 1952, the protests of L. M. Rasmussen, Reuben Buttars, Melvin A. McKay and Frank J. Gilbert are dismissed.

Anyone feeling himself aggrieved by this decision may appeal to the District Court for Franklin County, Idaho, under Section 42-224 Idaho Code.

Given under my hand and the seal of the State Department of Reclamation at Boise, Idaho, December 18, 1953.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

23254

December 18, 1953

RE: Permit No. 23254

Mr. Dewey Campbell
Weston
Idaho

Dear Mr. Campbell:

Herewith is a copy of a decision of the State Reclamation Engineer in connection with the protest filed against proof of application to Beneficial Use under Permit No. 23254.

From this you will note that the protests are dismissed and a license will be issued to you for one second foot of water from an un-named stream, tributary to Weston Slough, for use on 58 acres of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, Township 16 South, Range 38 East, B.M., upon payment of the statutory license fee of \$6.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A/re
Enc.

23254

Weston Idaho
Dec 22 1953

Dear sirs .:

Enclosed will find check
for payment of Statutory
license for permit No 23254

Yours truly
Dewey Campbell

Weston Idaho
Box 53

23254

December 30, 1953

RE: Permit No. 23254

Mr. Dewey Campbell
Box 53
Weston, Idaho

Dear Mr. Campbell:

We enclose License and Certificate of Water Right issued under Permit No. 23254 confirming your right to the use of one second foot of water from an un-named stream, tributary to Weston Slough, with priority of November 19, 1952 and point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12, Township 16 South, Range 38 East, B.M., for irrigation of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 12.

We also enclose departmental receipt No. 26408 for the \$6.00 fee paid in connection with Beneficial Use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/re
Encls.

23254

