

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 31162
 PERMIT No. 23389
 DISTRICT No.

1. Name of Applicant: A. G. CONDIE
 Postoffice address: Preston County: Franklin State: Idaho
 I. If applicant is a corporation, give:
 (a) Date and place of incorporation:
 (b) Amount of capital stock:
 (c) Amount paid in:
 (d) Names and addresses of directors:
 II. The financial resources of the applicant are:
 (a) Cash on hand:
 (b) Treasury stock:
 (c) Bonds to be issued:
 (d) Other resources:
2. Quantity of water claimed: Eight (8) cubic feet per second.
3. Source of water supply: Recently developed springs and water seepage along un-named streams and hollows
 Tributary of School section hollow and Battle Creek- all along un-named springs and streams and seepage at small dams and sump holes
4. Location of point of diversion: feet distant from the
 corner of Section , T. , R. , B. M., and is in the
 of Section 14, 15, 16 T. 14 S. , R. 39 E. , B. M., County of Franklin - Also sections 11 and 12, T. 14 S., R. 39 E., B. M.
5. Water is to be used for Irrigation and sprinkler 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: \$ 5,000.00
8. Kind of works: Small dams(not over 8 ft. high) also sump holes to catch seepage, and enlarge springs
9. Height of dams 8 feet; length of dam at top 50 feet; length of dam at bottom 10 feet; material used in dam: Earth
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom 2 feet; width at water line 3 feet; depth of water 2 feet;
 dimensions of flume:
 Diameter of pipe inches; length of conduit one miles.
 Average grade per mile 10 feet.
 Intend to also make use of water by applying it through sprinkler irrigation systems.
12. The time required for the completion of such work is Three (3) years.
13. The time required for the complete application of the water to the proposed use is Two (2) 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: Permit # R-628(150 acre feet storage right for about 150 acres in Sec. 16, Twp. 14 S., R. 39 E., B. M.
 Have been developing springs, seepage and percolating waters for use on above lands and intend to use all these waters. A sprinkler system will assist in use.

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.

A. G. CONDIE

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. December 12, 1952

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 23389

Recorded in Book 63 Page 23389 Approved December 17, 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 **February 17, 1953**

and to continue diligently and uninterruptedly to completion,

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

One-fifth of the work above specified to be completed on or before June 17, 1954

The whole of said work to be completed on or before **December 17, 1955**

Beneficial use of water appropriated in accordance herewith, to be made on or before **December 17, 1957**

WITNESS My hand this 17th day of December, 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 17th

day of December 1952

STATE OF IDAHO

Countersigned:

(SEAL)

By LEN JORDAN

Governor.

By IRA H. MASTERS

Secretary of State.

REMARKS: All these springs and creeks are on lands of applicant and have never prior to this time been running water or ran off property; that since development of these springs water has passed beyond control of applicant when not being used by him. B.J. (Ben Johnson)

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 $\frac{1}{4}$		
14	S.	39 E.	16										x	x	x	x	x	x	x	320
			15										x	x	x	x	x	x	x	160
			14										x	x	x	x	x	x	x	320
			11										x	x	x	x	x	x	x	320
			12										x	x	x	x				160
Total Number of Acres to be Irrigated -																			1280	
APPROVAL OF STATE RECLAMATION ENGINEER																				
I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 23389 to December 1, 1957.																				
Witness my hand this 28th day of November, 1955.																				
MARK R. KULP State Reclamation Engineer																				

Application for Amendment
To Permit to Appropriate the Public Waters
of the State of Idaho, No. 23389

Comes now A. G. Condie, 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. 23389, and requests that the list of lands to be irrigated, as described in said permit be changed to read as follows: also to include + West half of Northeast 1/4, and SE 1/4 NE 1/4 of Section 15, Township 14 South, Range 39 E., B.M., making a total of 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 Preston, Idaho, this 1 day of May, 1957

Date of receipt at office of Department of
Reclamation May 3, 1957.

/s/ A. G. Condie

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, 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. 23389. 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.

/s/ Mark R. Kulp
State Reclamation Engineer

Recorded: May 1, 1957.

Permit No. 23389
Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that A. G. CONDIE of Preston, County of Franklin, and State of Idaho, the holder of Permit No. 23389, issued upon Application No. 31162 bearing date of priority of December 12, 1952. authorizing the diversion of 8.0 second feet of the waters of Recently developed springs and water seepage along un-named streams and hollows County of Franklin, State of Idaho, for Irrigation - sprinkler system 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 3.5 second feet of the waters of springs - seepage drainage off of own land and that points of diversion of said waters NE 1/4 SW 1/4, SE 1/4 SW 1/4 of Section 14; SW 1/4 NE 1/4, NE 1/4 SE 1/4 of Section 15; NE 1/4 SW 1/4, SW 1/4 SW 1/4 Section 16; all in Township 14 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: SW 1/4 Section 14; W 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 15; SW 1/4, SW 1/4 SE 1/4 Section 16, all in Township 14 South, Range 39 East, B.M., a total of 335 acres. Proof of Completion of Works made: December 28, 1956

Witness my hand this 5th day of June, A.D. 1957

/s/ Mark R. Kulp
State Reclamation Engineer

Proof of Completion of Works made: December 28, 1956
Certificate of Completion of Works issued: June 5, 1957.

COPIES ISSUED FOR 8 - SEC. 17.

7.6007

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

December 9, 1952

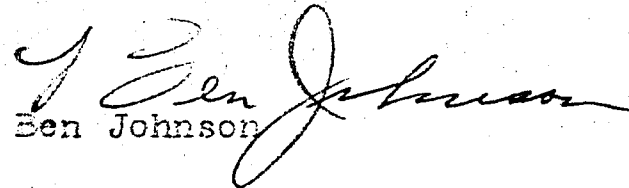
RECEIVED
DEC 12 1952
a am
Department of Reclamation

Dept. of Reclamation
State House
Boise, Idaho

Gentlemen:

Enclosed here-with is an Application for Permit for A.
G. Condie for a water permit. Also enclosed is check in the
amount of \$7.00.

Sincerely,


Ben Johnson

BJ:mmm
Encl. (1)

P. S. Please don't file until I see you, I expect to be there
on Saturday, December 13, 1952.

23389

A. G. Cordie

16

15

14

○ Represents
Sump holes
or Springs

Permit Map No. 1555
As Approved
by the
State Engineer
The Department of Geology

23360

December 30, 1952

RE: Permit No. 23389

Mr. A. G. Condie
Preston
Idaho

Dear Mr. Condie:

We enclose Permit No. 23389 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 25274 for the \$6.75 filing fee.

Since your check was for \$7.00, there is a refund of 25 cents due you which we enclose herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

fg
Enc.
cc: Mr. Ben Johnson

23389

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

October 1, 1955

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. A. G. Condie
Preston,
Idaho

Boise, Idaho,

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 23389.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before December 17, 1955. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

23389

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

RECEIVED
NOV 18 1955
Department of Reclamation

November 16, 1955

Mark R. Kulp
State Reclamation Engineer
Capitol Building
Boise, Idaho

RE: A. G. Condie,
Preston, Idaho
Permit No. 23389

Dear Mr. Kulp:

Mr. Condie came in this morning and advised that the nature of the work that had to be done to complete the works in connection with the above numbered permit has to be done with a dragline, and because of the weather conditions this fall the dragline was detained on other work and was unable to complete the work done on the permit as Mr. Condie would like to have it completed. The dragline was not available on the dates as arranged for by Mr. Condie. Mr. Condie would therefore appreciate a one year extension of time within which to file notice of completion of works under the above numbered permit, 23389.

If an extension of time cannot be permitted, Mr. Condie is in a position to furnish proof of completion of over 95 per cent of the work.

Thanking you for your courtesies.

Very sincerely yours,

Ben B. Johnson

Ben B. Johnson
Attorney at Law

BBJ/cc

23389

November 18, 1955

RE: Permit No. 23389

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

Dear Mr. Johnson:

We have your letter of November 16, 1955, requesting Extension of Time for Completion of Works on Permit No. 23389 in the name of A. G. Condie.

Our records show that Mr. Condie would be entitled to an Extension inasmuch as the original application only asked for three years time for Completion of Works.

We enclose a form of application for such Extension which Mr. Condie should execute before a Notary Public and return to this Department for approval and record.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:ou
Enc.

23389

Permit No. 23389

Application for Extension of Time FOR COMPLETION OF WORKS

A. G. Condie, of Preston

State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 23389

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by Dec., 1955

That he has heretofore performed the following work described under said permit:

Constructed a tile drain, and an open
drain more than 1 1/2 miles long -
also a series of Dams and Culverts

costing \$5000.00

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

Adverse weather

WHEREFORE, He asks that the ~~Commissioner of~~ State Engineer/Reclamation extend the time for the completion of works under said permit to Dec 1 - 1957.

Subscribed and sworn to before me this 25 day of Nov., 1955

My commission expires 9-1-56

Date of receipt at office of Department of Reclamation Nov. 28 - 1955

APPROVAL OF ~~COMMISSIONER OF~~ STATE ENGINEER/RECLAMATION. /
I, Mark R. Kulp, ~~Commissioner of~~ State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 23389 to

December 1 1957

Witness my hand this 28th day of November

23389

Mark R. Kulp
State Reclamation Engineer

November 28, 1955

RE: Permit No. 23389

Mr. A. G. Condie
Preston
Idaho

Dear Mr. Condie:

We enclose approval of the State Reclamation Engineer
of your application for extension of time for completion of construction
work under Permit No. 23389 to December 1, 1957.

This should be attached to the original permit of which
it now forms a part.

Very truly yours,

MARK B. WULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

23389

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

RECEIVED
NOV 5 1956

November 1, 1956

Department of Reclamation

23389

State Engineers Office
Attention: Mrs. Anderson
Department of Reclamation
State Capital Building
Boise, Idaho

Re: A. G. Condie

Dear Mrs. Anderson:

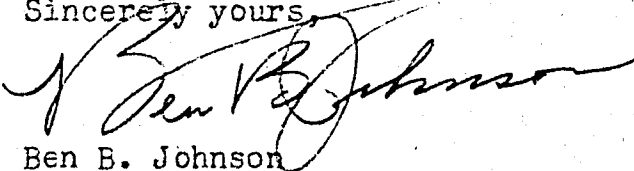
Mr. A. G. Condie of Preston, Idaho, filed an application for water permit, but his copy of the application has been misplaced or lost.

Would you mail me a copy of his application for Mr. Condie, as he believes the time for presenting Proof for completion of works and beneficial use is near at hand.

I wrote on this matter about a year ago, and an extension was granted.

I will be very glad to pay you for the copy of his application. Would you send the necessary papers for presenting proof of completion of works and beneficial use in connection with this permit.

Sincerely yours,


Ben B. Johnson

BBJ/jc

23389

November 5, 1956

RE: Permit No. 23389
A. G. Condie

Mr. Ben B. Johnson
First Security Bank Building
Preston, Idaho

Dear Mr. Johnson:

In reply to your request of November 1st, we are enclosing a copy of Permit No. 23389. The cost for copy work will be \$1.00, which you may remit.

We are enclosing two sets of Forms for making proof, Form # 8 for making proof of completion of works only. However, if completion of works and application of water to beneficial use proofs are to be made and can be made at once, Form # 36, publication of notice, can be used by crossing out "underground waters from a well" and substituting therefore "un-named springs and streams".

The statutes require publication of a notice once a week for four weeks in a county newspaper. This notice should be made in duplicate on either Form 8 or Form 36, whichever applies as mentioned above, setting the time and place and naming the notary public before whom the proofs are to be made.

The proofs may be made at any place convenient for Mr. Condie and his two witnesses but the date must be set far enough ahead to allow for four weeks publication.

Both copies of Form 36 or 8 to be returned to this department together with Form 11 which is your authorization for us to have the notice published in the designated county newspaper at Mr. Condie's expense.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing and shall send you the forms of deposition to be executed by Mr. Condie and his two disinterested witnesses in making these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:hl1
Enc.

23389

November 13, 1956

RE: Permit No. 23389

Mr. Ben B. Johnson
First Security Bank Building
Preston, Idaho

Dear Mr. Johnson:

We enclose departmental receipt No. 28262 for the \$1.00
fee for copy of Permit No. 23389 in the name of A. G. Condie.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hl1
Enc.

23389

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

RECEIVED
NOV 19 1956
Department of Reclamation

November 16, 1956

Miss Jeanne L. Anderson
Chief Clerk
Department of Reclamation
Boise, Idaho

Dear Miss Anderson:

Enclosed will find Notice for Publication and
Form 36 for use with Permit No. 23389.

Sincerely yours,

Ben B. Johnson
Attorney and Counselor at Law
By

Jan B. Cutler
Jan B. Cutler
Stenographer

Incls.

23389

RECEIVED
NOV 19 1956

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Nov-14-1956 -

(P. O.) PRESTON, 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.

A. S. Condie

(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.

23389

RECEIVED
NOV 19 1956

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 10 A.M., on the seventeenth day of December, 19 56, at Preston, County of Franklin, State of Idaho, before Dell W. Smith, proof will be submitted of the completion of works for the diversion of 3.5 cubic feet per second of Spring ~~water~~ ^{See page water}, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 23389 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are A. G. Condie, Preston, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 3.5 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 3.4 cubic feet per second.

4. The point of diversion of said water is various points.

5. The place where said water is used is S $\frac{1}{2}$ Section 16, NE $\frac{1}{4}$, and N $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 15, and SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 14, Twp 14 S. R. 39 EBM.

6. The date of priority which said user is prepared to establish is December 17, 1952.

23389

State Reclamation Engineer

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

November 17, 1956

RECEIVED
NOV 19 1956
Department of Reclamation

Department of Reclamation
Jeanne L. Anderson
Chief Clerk
Boise, Idaho

Dear Mrs. Anderson:

Please use Form 36 in Notice for Publication in connection with permit no. 23389 as Mr. Condie has completed construction of works, and has applied the water to beneficial use. You will notice that the amount of water applied to beneficial use is 3.5 second feet.

Please disregard Form No. 8, and use Form No. 36. I am enclosing Form No. 11. I am also enclosing additional copy of Form No. 36.

Sincerely yours,



Ben B. Johnson
Attorney and Counselor at Law

BBJ/jc

23389

November 20, 1956

RE: Permit No. 23389
A. G. Condie

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

Dear Mr. Johnson:

We have your letter of November 17, 1956, enclosing Notice for Completion of Works and Beneficial Use proof on Permit No. 23389, in the name of A. G. Condie, to be made December 28th, 1956, before Dell W. Smith, Notary Public.

We shall send a copy of the Notice to the Preston Citizen 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 cost.

At the time set, you should contact Mr. Condie, the Permit holder, to appear before Dell W. Smith, 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

R:vm
Enc.
cc. Dell W. Smith
Preston, Idaho

P.S. It will be necessary for you and two witnesses to fill out and sign all enclosed depositions, before a Notary Public.

23389

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. 23389

Preston: Citizen
Preston
Idaho

Date: November 20, 1956

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to December 28, 1956 the date set for proof, the expense of the publication to be paid by the applicant; Att'y, Ben B. Johnson, First Security / Bank Building of Preston Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

23389

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 28th
day of December, 1956, at Preston, County
of Franklin, State of Idaho, before Dell W. Smith
Notary Public, proof will be submitted of the completion
of works for the diversion of 8.0 cubic feet per second of Spring and
Seepage water in Secs. 14, 15, 16, T. 14 S., R. 39 E.
Waters from a well, and of the application to beneficial use of said water, in
accordance with the terms and conditions of Permit No. 23389 hereto-
fore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding
said permit are A.G. Condie, Preston, Idaho

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of
conveying to the place of use is 3.5 cubic feet per second.

3. The use to which said water has been applied is Irrigation
purposes, and the amount applied to beneficial use is
3.5 cubic feet per second.

4. The point of diversion of said water is various points

5. The place where said water is used is S₂ Section 16, N₁SE₁ Sec. 15,
SW₁ and W₁SE₁ Sec. 14, Twp. 14 S., Rgs. 39 E.B.M.

6. The date of priority which said user is prepared to establish is
December 12, 1952.

23389

MARK R. KULP
State Reclamation Engineer

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. 23389

RECEIVED
JAN 4 - 1957

Proof of Completion of Works

Department of Reclamation

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. ... DeVerl Baxter, Preston, Idaho, a farmer, Address: Preston, Idaho

Ques. 2. Are you acquainted with ... A. G. Condie ..., the holder of Permit No. 23389 ... authorizing the diversion of ... 3.5 ... second-feet of the waters of ... Springs, seepage and drainage ..., at ... own farm ... for irrigation ... purposes? How long have you known him, and where does he reside?

Ans. ... Known 7 years, and resides at Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. 23389 ..., and are you familiar with its terms and conditions?

Ans. ... Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes, the land is clay dry farm and produces a great deal more grain when irrigated. Amount required: one inch per acre or less.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. ... Yes, 1956

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. ... 4 inch pump and sprinkler system, the system has 72 nozzles and about 65 lbs of pressure. capable of delivering to land where used more than 3.5 cfs.

(Sign here.) ... DeVerl Baxter

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, at my office in ... Preston ..., County of

... Franklin ..., State of Idaho, on this ... 28th ... day of ... December ... A. D. 1956.

My Commission expires April 4, 1957.

... DeW. Smith ...
Notary Public.
Residing at Preston, Idaho

23389

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 23389.

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. D. L. Baxter, Preston, Idaho, address: Preston, Idaho.....
a Farmer.....

Ques. 2. Are you acquainted with..... A. G. Condie....., the
holder of Permit No. 23389.....authorizing the diversion of... 3.5.....second-feet of the waters
of springs, seepage and drainage....., at own farm.....
for irrigation... purposes? How long have you known him, and where does he reside?

Ans. Known 20 years and resides at Preston, Idaho.....

Ques. 3. Have you read or heard read said Permit No. 23389....., and are you familiar with
its terms and conditions?

Ans. yes.....

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated
under said permit? If so, describe same, state its character, and give your estimate of the amount of
water required for its profitable cultivation.

Ans. Yes, the land is clay dry farm and produces a great deal more grain
when irrigated... Amount required 1 inch per acre or less.....

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the
entire amount of water set out in the permit from point of diversion to place of use? If so, when
were they so completed?

Ans. Yes, 1956.....

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question
5, and give your estimate of their capacity on that date.

Ans. 4 inch pump and sprinkler system, the system has 72 nozzles..
and about 65 lbs. of pressure, capable of delivering to land where..
used more than 3.5 cfs.....

(Sign here.)

D. L. Baxter

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, at my office in Preston....., County of
..... Franklin....., State of Idaho, on this 28th..... day of
December..... A. D. 1956.

My Commission expires April 4th, 1957...

Will Smith

Notary Public.

Residing at: Preston, Idaho

23389

PERMIT NO. 23389

Proof of Completion of Works

Department of Reclamation

DEPOSITION OF HOLDER

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

Ans. A. G. Condie, Preston, Idaho. Address: Preston, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. self

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. December 17th, 1952, 3.5 cfs, springs - seepage drainage off his own lands. diverted in sec. 14, 15, 16, T 14 S. R 39 E.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation, 340 acres, 130 sec. 16, 105 sec. 15, 115 sec. 14. T 14 S. R 39 EBM.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. yes, 1954, 1955, 1956, 3.5 cfs.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. Diversion complete, total of 3.5 cfs, out of seven points of diversion, and conveyed by sprinkler system for irrigation of cultivated crops, 8 cfs was originally applied for.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Sprinkler system, 4 inch pump, pressure 60 to 65 lbs, 72 noozles, 3/32 to 5/32 noozles, \$6,600.00 costs of works, sprinklers, extra.

Small dams head gates, dams under 5 feet high.

drainage works for development of water included in cost.

(Sign here.)

A. G. Condie

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 28th day of December, A. D. 1956.

W. L. Smith

Notary Public.

Residing at.
Preston, Idaho

My Commission expires April 4th, 1956

23389

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JAN 4 - 1957

Department of Reclamation

Ben R. Johnson
Freston

Permit No. 23389

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. A. G. Condie, Freston, Idaho, occupation-farmer - address - same.

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. self

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

Ans. 23389 December 17th, 1952, 23389, December 17th, 1952.

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

Ans. Springs - seepage - drainage off own land. Diverted at:
sw $\frac{1}{4}$ sw $\frac{1}{4}$, ne $\frac{1}{4}$ sw $\frac{1}{4}$, se $\frac{1}{4}$ sw $\frac{1}{4}$, sec. 16, sw $\frac{1}{4}$ ne $\frac{1}{4}$, se $\frac{1}{4}$ ne $\frac{1}{4}$, Sec. 15, nw $\frac{1}{4}$ sw $\frac{1}{4}$, ne $\frac{1}{4}$ sw $\frac{1}{4}$, Sec. 14
All in Township 14 south range 33 East of Boise Meridian.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. 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. Small dams and head gates, sprinkler system.
4 inch pumps, pressure 60 to 65 lbs, 72 noozles, 3/32 and 5/32 inch
noozles for each sprinkler system, from each point of diversion.
1/2 cfs of water from each point of diversion, seven points of
diversion total of three and 1/2 cfs, water used in 1954, 1955, 1956.

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. Irrigation of cultivated crops. land irrigated by sprinkler system.

	<u>nw$\frac{1}{4}$sw$\frac{1}{4}$, sw$\frac{1}{4}$sw$\frac{1}{4}$, ne$\frac{1}{4}$sw$\frac{1}{4}$, se$\frac{1}{4}$sw$\frac{1}{4}$, sw$\frac{1}{4}$se$\frac{1}{4}$, sec. 16,</u>
acres	<u>40 40 20 20 10</u>

	<u>sw$\frac{1}{4}$ne$\frac{1}{4}$, se$\frac{1}{4}$ne$\frac{1}{4}$, nw$\frac{1}{4}$ne$\frac{1}{4}$, ne$\frac{1}{4}$ne$\frac{1}{4}$, ne$\frac{1}{4}$se$\frac{1}{4}$, sec. 15,</u>
acres	<u>30 30 20 5 20</u>

	<u>nw$\frac{1}{4}$sw$\frac{1}{4}$, sw$\frac{1}{4}$sw$\frac{1}{4}$, ne$\frac{1}{4}$sw$\frac{1}{4}$, se$\frac{1}{4}$sw$\frac{1}{4}$, sec. 14 all in T14s, R39EBM.</u>
acres	<u>30 25 20 30</u>

	<u>nw$\frac{1}{4}$ne$\frac{1}{4}$</u>
	<u>10</u>

23389

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

Ans. none other

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

Ans. 1 inch to acres, or less.

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

Ans. same person

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

Ans. 1954, 1955, 1956. by sprinkler system. 3.5 cfs, out of seven points of diversion conveyed by sprinkler system.

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 each other appropriations and rights claimed thereunder.

Ans. no other source of water.

(Sign)

A. B. Condie

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 28th day of December, A. D. 1956.

DeW. Smith
Notary Public for Idaho
residing at Preston, Idaho

My commission expires April 4th, 1957

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
Department of Reclamation

PERMIT NO. 23389

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. D. L. Baxter age 42, Residence Preston, Idaho
Farmer, Address, Preston, Idaho

Ques. 2. Are you acquainted with A. G. Condie, the holder of Permit No. 23389? How long have you known him and where does he reside?

Ans. Known 20 years, resides, Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. 23389, 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. Springs - seepage - drainage off from own lands. Seven points.
sw $\frac{1}{4}$ sw $\frac{1}{4}$, ne $\frac{1}{4}$ sw $\frac{1}{4}$, se $\frac{1}{4}$ sw $\frac{1}{4}$ sec. 16. sw $\frac{1}{4}$ ne $\frac{1}{4}$, se $\frac{1}{4}$ ne $\frac{1}{4}$ sec. 15,
sw $\frac{1}{4}$ sw $\frac{1}{4}$, ne $\frac{1}{4}$ sw $\frac{1}{4}$, Sec. 14, T 14 S. R 39 EBM.
small dams, heargates, sprinkler system.
conveyed by sprinkler system and pump.

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. 3.5 cfs out of seven points of diversion.

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 of cultivated crops. land irrigated by sprinkler system.

	<u>nw$\frac{1}{4}$sw$\frac{1}{4}$,</u>	<u>sw$\frac{1}{4}$sw$\frac{1}{4}$,</u>	<u>ne$\frac{1}{4}$sw$\frac{1}{4}$,</u>	<u>se$\frac{1}{4}$sw$\frac{1}{4}$,</u>	<u>sw$\frac{1}{4}$se$\frac{1}{4}$,</u>	<u>sec. 16,</u>
acres	<u>40</u>	<u>10</u>	<u>20</u>	<u>20</u>	<u>10</u>	

	<u>sw$\frac{1}{4}$ne$\frac{1}{4}$,</u>	<u>se$\frac{1}{4}$ne$\frac{1}{4}$,</u>	<u>nw$\frac{1}{4}$ne$\frac{1}{4}$,</u>	<u>ne$\frac{1}{4}$ne$\frac{1}{4}$,</u>	<u>ne$\frac{1}{4}$se$\frac{1}{4}$,</u>	<u>sec. 15,</u>
acres	<u>30</u>	<u>30</u>	<u>20</u>	<u>5</u>	<u>20</u>	

	<u>nw$\frac{1}{4}$sw$\frac{1}{4}$,</u>	<u>sw$\frac{1}{4}$sw$\frac{1}{4}$,</u>	<u>ne$\frac{1}{4}$sw$\frac{1}{4}$,</u>	<u>se$\frac{1}{4}$sw$\frac{1}{4}$,</u>	<u>sec. 14 all in T14s, R39EEM</u>
acres	<u>30</u>	<u>25</u>	<u>20</u>	<u>30</u>	

	<u>nw$\frac{1}{4}$ne$\frac{1}{4}$</u>
	<u>10</u>

23389

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

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 land is clay dry farm and produces a great deal more grain when irrigated. Amount required: one inch per acre or less.

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. 1954, 1955, 1956. by sprinkler system. 3.5 cfs, out of seven points of diversion conveyed by sprinkler system to land.

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 28th day of December A. D. 19 56.

My commission expires April 4, 1957

Della W. Smith
Notary Public.
Residing at Preston, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
Department of Reclamation

PERMIT NO. 23389

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. DeVerl Baxter. Age 19, Residence, Preston, Idaho,
Farmer, Address, Preston, Idaho.

Ques. 2. Are you acquainted with A. G. Condie, the holder of Permit No. 23389? How long have you known him and where does he reside?

Ans. Known 7 years, resides, Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. 23389, 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. Springs - seepage - drainage off from own lands. Seven points.
sw $\frac{1}{4}$ sw $\frac{1}{4}$, ne $\frac{1}{4}$ sw $\frac{1}{4}$, se $\frac{1}{4}$ sw $\frac{1}{4}$, sec. 16. sw $\frac{1}{4}$ ne $\frac{1}{4}$, se $\frac{1}{4}$ ne $\frac{1}{4}$, sec. 15,
sw $\frac{1}{4}$ sw $\frac{1}{4}$, ne $\frac{1}{4}$ sw $\frac{1}{4}$, Sec. 14, T 14 S. R 39 EBM.
small dams, headgates, sprinkler system.
conveyed by sprinkler system and pump.

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. 3.5 cfs out of seven points of diversion.

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 of cultivated crops. land irrigated by sprinkler system.

	nw $\frac{1}{4}$ sw $\frac{1}{4}$,	sw $\frac{1}{4}$ sw $\frac{1}{4}$,	ne $\frac{1}{4}$ sw $\frac{1}{4}$,	se $\frac{1}{4}$ sw $\frac{1}{4}$,	sw $\frac{1}{4}$ se $\frac{1}{4}$,	sec. 16,
acres	40	40	20	20	10	

	sw $\frac{1}{4}$ ne $\frac{1}{4}$,	se $\frac{1}{4}$ ne $\frac{1}{4}$,	nw $\frac{1}{4}$ ne $\frac{1}{4}$,	ne $\frac{1}{4}$ ne $\frac{1}{4}$,	ne $\frac{1}{4}$ se $\frac{1}{4}$,	sec. 15,
acres	30	30	20	5	20	

	nw $\frac{1}{4}$ sw $\frac{1}{4}$,	sw $\frac{1}{4}$ sw $\frac{1}{4}$,	ne $\frac{1}{4}$ sw $\frac{1}{4}$,	se $\frac{1}{4}$ sw $\frac{1}{4}$,	sec. 14	all in T14s, R39EBM
acres	30	25	20	30		

	nw $\frac{1}{4}$ ne $\frac{1}{4}$
	10

23389

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

Ans. Irrigation only.

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 land is clay dry farm and produces a great deal more grain when irrigated. Amount required: one inch per acre or less.

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. 1954, 1955, 1956. by sprinkler system. 3.5 cfs, out of seven points of diversion conveyed by sprinkler system to land.

(Signed) DeVest Baxter

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 28th day of December,
A. D. 19 56

DeW. Smith

My commission expires April 4, 1957

Notary Public.
Residing at Preston, Idaho

23389

January 15, 1957

RE: Permit No. 23389

Mr. A. G. Condie
Preston, Idaho

Dear Mr. Condie:

We acknowledge receipt of the depositions of yourself the holder of the Permit and also the two witnesses, but to date we have not received the affidavit of publication from the Preston Citizen. If you have not already received it will you please get it and forward to us as we need it to complete this file.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

23389

January 23, 1957

RE: Permit No. 23389

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

Dear Mr. Johnson:

We acknowledge receipt of the depositions of Mr. Condie the holder of the Permit and two witnesses, also affidavit of publication in the Preston Citizen, all submitted in proof of Completion of Works and Beneficial Use on Permit No. 23389.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made, but our field engineer will try and contact Mr. Condie 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

EPR
cc: A. G. Condie
Preston, Idaho

23389

No 64

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

RECEIVED
JAN 22 1957

Department of Reclamation

Don 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

November 29, 1956, and ending with the issue of December 20, 1956

Don E. Smith

Fees, \$ 21.07

Subscribed and sworn to before me this 21 day of January, 1957.

Don E. Smith

Notary Public, Residing at Preston, Idaho

My Commission Expires April 3, 1957.

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M., on the 28th day of December, 1956, at Preston, County of Franklin, State of Idaho, before Dell W. Smith, Notary Public, proof will be submitted of the completion of works for the diversion of 8.0 cubic feet per second of springs and seepage water and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 23389 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are A. G. Condie, Preston, Idaho.
2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 3.5 cubic feet per second.
3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 3.5 cubic feet per second.
4. The point of diversion of said water is various points.
5. The place where said water is used is S½ Section 16, N½-SE¼ Sec. 15, SW¼ and W½-SE¼ Sec. 14, Twp. 14S., Rge 39 E.B.M.
6. The date of priority which said user is prepared to establish is December 12, 1952.

MARK R. KULP

State Reclamation Engineer
48-51c

23389

March 29, 1957

Re: Permit No. 23389

Mr. A. G. Condie
Preston, Idaho

Dear Mr. Condie:

An inspection is required by law on any permit being brought to license in the State of Idaho.

I intend to make inspection in connection with your above captioned permit on Thursday morning, April 11.

If possible, I will contact you in Preston the evening before or perhaps you can contact me at the Johnson Hotel where I will be staying.

Please be prepared to accompany me on the inspection. I will drive to the farm where the water is used in case we are unable to contact each other before then.

Very truly yours,

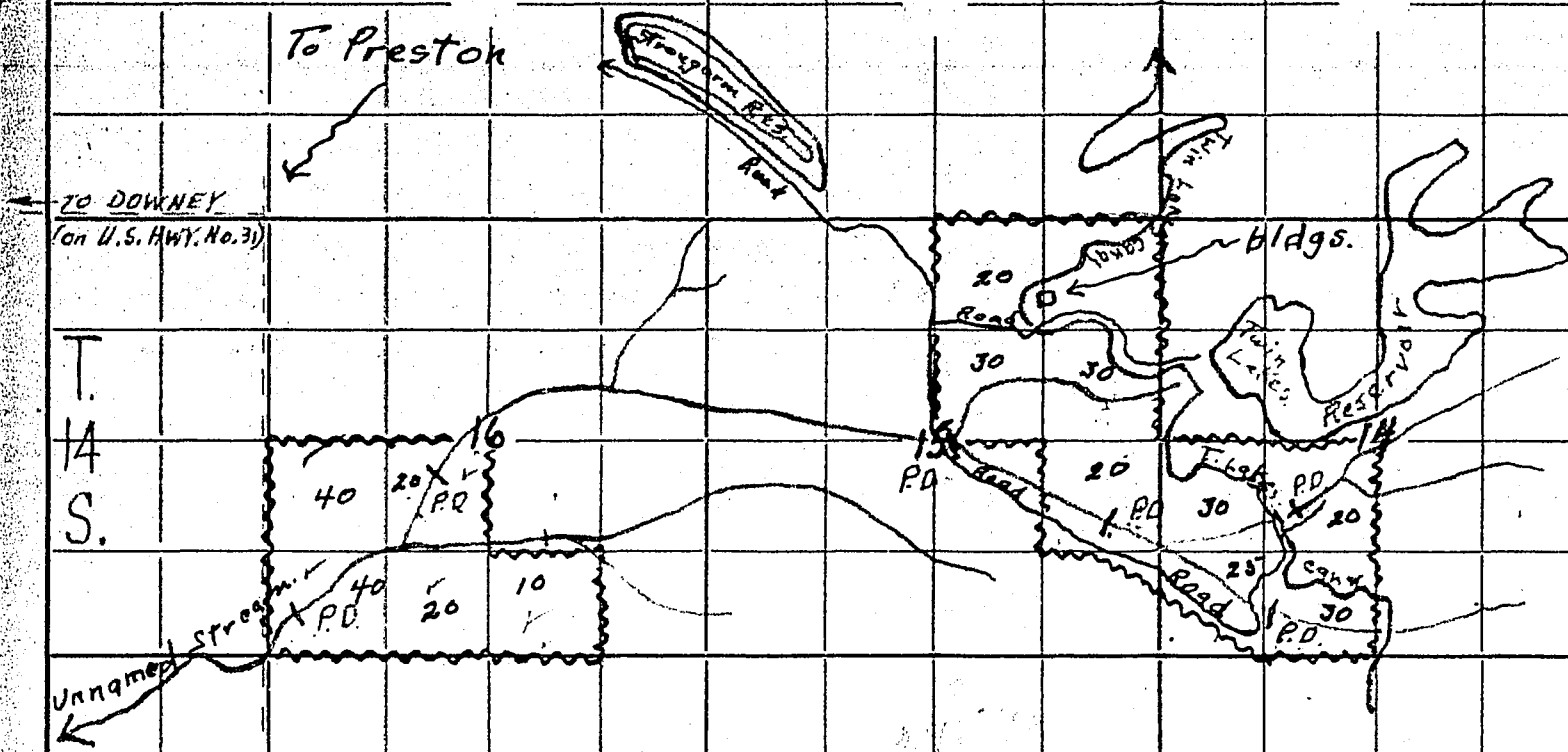
MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey, Deputy
State Reclamation Engineer

ENH:ab

23389

R-39E.



130
205
335

Sub-divisions = 13

Area = 335 acres.

Q = 40 inches.

Points of diversion are changed any time he desires any where along the stream, though the present points are quite well established.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 23389

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant A. G. Condie

2. Source of water supply: Springs & seepage - drainage off own land.
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15., NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 14 all in

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ / of Section 14

T. 14 S R. 39 E., B.M. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: Application by means of
a portable sprinkler system. Power = Case tractor. 4" x 3" centrifugal
pump. Main line = 4" al. lateral = 3" x 4" al. Sprinklers
Rainbird #40 $\frac{3}{32}$ " x $\frac{3}{16}$ " 5-3 heads. Says he operates 42.
He has dug deep drains 6' to 8' deep for long stretches
also installed 4" tile drains to drain wet land.

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):

SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16., NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15., SW $\frac{1}{4}$ of Sec. 14., all in

NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 14., Twp. 14 S., Rge. 39 E., B.M.) Twp. 14 S., Rge. 39 E., 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: There are a number of road and machinery
crossings. 12" or larger culvert pipe. When he wants to
irrigate he closes a culvert and stores water over night
then sprinkles the next day. Sprinkling alternates over
the farm along with the crops. The summer fallow
part of the place each year.
He makes an especial point that the water is
mostly developed water. This is true so far as his
usage
is concerned.

This examination was made on the Apr. 11 day of 1957

(Signed) E. N. Humphrey Examiner.

23389

April 18, 1957

Re: Permit No. 23389
A. G. Condie

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

Dear Mr. Johnson:

We have the Report of our Field Engineer of Proof of Completion of Works and Beneficial Use on Permit No. 23389, in the name of A. G. Condie. To correspond with the report, the permit needs an amendment to the land list to include the $W\frac{1}{2}NE\frac{1}{4}$ and the $SE\frac{1}{4}NE\frac{1}{4}$ of Section 15, Township 14 South, Range 39 E.B.M. Herewith is "Application for Amendment".

Upon receipt of the amendment and a check for the statutory fee of \$10.00 we can issue a Certificate of Completion of Works (\$5.00) and a License and Certificate of Water Right (5.00) with priority of December 12, 1952, for the right to use .8 second feet of water from un-named springs and streams with points of diversion in the $NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$ of Section 14; $SW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ of Section 15; and the $NE\frac{1}{4}SW\frac{1}{4}$, $SW\frac{1}{4}SW\frac{1}{4}$ of Section 16, all in Township 14 South Range 39 East B.M., for sprinkler irrigation of land located in the $SW\frac{1}{4}$ of Section 14; $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ of Section 15; and the $SW\frac{1}{4}$, $SW\frac{1}{4}SE\frac{1}{4}$ of Section 16, all in Township 14 South, Range 39 E.B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Enc:

23389

BEN B. JOHNSON
ATTORNEY AND COUNSELOR AT LAW
FIRST SECURITY BANK BUILDING
PRESTON, IDAHO
April 26, 1957

RECEIVED
APR 29 1957
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

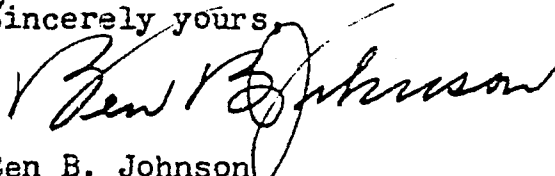
Dear Sirs:

Re: Permit No. 23389
A. G. Condie

You failed to enclose the application for amendment in your letter of April 18, 1957, addressed to me, in connection with permit No. 23389, A. G. Condie, Preston, Idaho.

Upon receipt of the application for amendment, the amendment will be prepared and filed with you.

Sincerely yours,


Ben B. Johnson

BBJ/jc

23381

April 29, 1957

RE: Permit No. 23389
A. G. Condie

Mr. Ben B. Johnson
Attorney and Counselor at Law
First Security Bank Building
Preston, Idaho

Dear Mr. Johnson:

We acknowledge receipt of your letter of April 26, and sincerely regret our failure to enclose the necessary application for the amendment to the land list which is required before the Certificate of Completion of Works can be issued in connection with the Permit above captioned.

We are herewith enclosing the application for amendment to the land list which the applicant should fill in, sign and return to this Department for recording.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR
Encl.

23389

May 22, 1957

Re: Permit No. 23389
A. G. Condie

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

Dear Mr. Johnson:

We were in error in our letter of April 18, 1957, in which we stated a License on Permit No. 23389 could be issued upon receipt of \$10.00 (\$5.00 for the Certificate of Completion of Works and \$5.00 for the License fee). The fee for a License is based at the rate of \$2.00 for each 40-acre subdivision or fraction thereof to which such water has been applied. In the Report made by the Field Engineer the examination showed that Mr. Condie is irrigating 335 acres of 13 subdivisions. Therefore, the License fee is \$26.00.

We are therefore, returning your check in the amount of \$10.00 and ask that you substitute it with one for \$31.00 (\$5.00 for the Certificate of Completion of Works and \$26.00 for the License).

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

Enc. (Check \$10.00)
cc: Mr. A. G. Condie
Preston, Idaho

23389

To Permit to appropriate the Public Waters

Department of Reclamation

of the State of Idaho, No. 23389

Comes now

A. G. Condie

, 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. 23389, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

also to include -:

West half of Northeast 1/4, and SE 1/4 NE 1/4
of section 15, Township 14 South,
Range 39 E. B. M.

making a total of _____ 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

Preston, Idaho

this

day of

May19 57x A. G. Condie

Date of receipt at office of Department of Reclamation

May 3, 1957

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP

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. 23389. 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.

23389Mark R. Kulp

State Reclamation Engineer

May 23, 1957

Re: Permit No. 23389
A. G. Condie

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

Dear Mr. Johnson:

Enclosed is "Application for Amendment" to Permit No. 23389 which has changed the land list as described in the original permit to include: $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{2}NE\frac{1}{4}$ of Section 15, Township 14 South, Range 39 East, B.M.

This amendment has been approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 83 of Permits at Page 23389. It should now be attached to the original permit to which it refers and of which it becomes a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR/nls
Enc:

23389

BEN B. JOHNSON
ATTORNEY AND COUNSELOR AT LAW
FIRST SECURITY BANK BUILDING

PRESTON, IDAHO

May 27, 1957

RECEIVED
JUN 3 1957

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Re: A. G. Condie
Permit No. 23389

Dear Sirs;

Enclosed herewith is Mr. A. G. Condie's check for
\$31.00 in answer to your letter of May, 22, 1957.

Sincerely yours,

Ben B. Johnson
Ben B. Johnson *jc*

BBJ/jc

23389

June 5, 1957

Re: Permit No. 23389
A. G. Cordie

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

Dear Mr. Johnson:

Enclosed is Certificate of Completion of Works and License and Certificate of Water Right confirming the right with a priority of December 12, 1952, for the diversion and use of .8 second feet of the water un-named springs and streams with the points of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14; SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15; NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, all in Township 14 South, Range 39 East, B.M., for irrigation of 335 acres in the SW $\frac{1}{4}$ Section 14; W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, all in Township 14 South, Range 39 East, B.M.

Also enclosed is departmental receipt No. 28626 for \$31.00 issued as receipt of payment of the \$5.00 fee for the Certificate of Completion of Works and \$26.00 fee for the License.

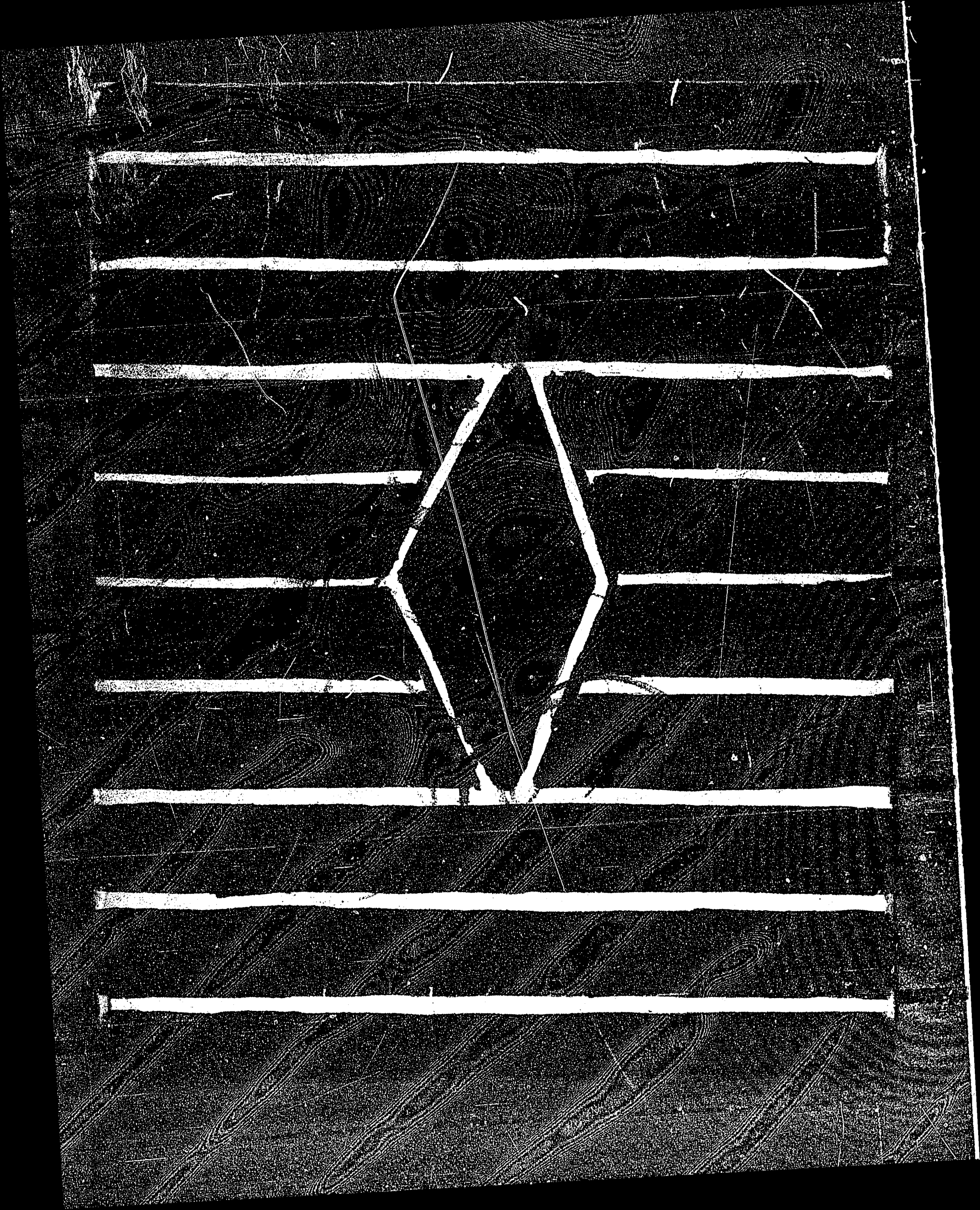
Very truly yours,

PARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR/nls
Enc:

23389



State of Idaho

License and Certificate of Water Right

Water License No. 23389

Amount .8 c.f.s.

Water District No.

Priority December 12, 1952

THIS IS TO CERTIFY that A.G. CONDIE of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 12, 1952; that Permit No. 23389 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .8 second feet, was issued thereunder on June 5, 1957, showing that said works were completed on the 28th day of December, 1956; and that on the 28th day of December, 1956, A. G. CONDIE

of Preston, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of unnamed springs and ~~tributary~~ streams, for the purpose of Irrigation - sprinkler/system, under Use Permit No. 23389 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 10 of Licenses at page 6007, on the 5th day of June, 1957;

The right hereby confirmed dates from December 12, 1952;

The Point of Diversion is located NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 14; SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 14; SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 15; NE $\frac{1}{4}$ SW $\frac{1}{4}$ and in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Tp. 14 S.R. 39 E., B. M. County Franklin

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 .8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 S.	39 E.	14	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	20
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	30
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	25
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	30
		15	NW $\frac{1}{4}$ NE $\frac{1}{4}$	--	20
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	--	30
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	--	30
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	20
		16	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	20
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	20
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	40	10
			Total number of acres irrigated - - - 335		

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

5th day of June, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)