

# APPLICATION FOR PERMIT

## To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 31562

PERMIT No. 23787

DISTRICT No.

1. Name of Applicant: DEAN R. BINCHAM

Postoffice address: Weston, R.F.D.

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:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 15 inches or 0.3 cubic feet per second.

3. Source of water supply: tile drains which collect water on applicant's land which is a tributary of

4. Location of point of diversion: One point about 200 ft. North, about 300 feet West of SE cor. NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 7, T. 16 S, R. 39E B.M.; other feet distant from thepoint 560 ft. E. of NW cor. SE $\frac{1}{4}$  NW $\frac{1}{4}$  corner of Section 7, T. 16 S, R. 39 E, B.M., and is in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$ 

of Section 7, T. 16 S, R. 39 E, B.M., County of Franklin

5. Water is to be used for irrigation

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

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

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

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the  
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 1000.00

8. Kind of works: Small catch reservoir, and pump with pipe for sprinkling and flooding

9. Height of dam four feet; length of dam at top 25 feet; length of dam at bottom 15 feet; material used in dam: rock and gravel, silt will fill in.

10. Size of headgate: Width May have headgate in one diversion; now have headgate in North point of diversion, same being feet; height culvert type, six inch diameter. feet.

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

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

Will conduct water through pipe, will probably need 1000 feet of pipe to begin with and may add to if water sufficient.

12. The time required for the completion of such work is 18 months ~~years~~

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

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Twin Lakes Canal Co. water sufficient for 50 acres of the 80 acres. Not sufficient for entire acreage.

16. (a) Is reservoir to be used small catch reservoir. 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.

DEAN R. BINGHAM

*Applicant.*

Bv

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. Feb. 21, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 25787

Recorded in Book 84

Page 23787

Approved Feb. 27, 1953

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 April 27, 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 February 27, 1954

The whole of said work to be completed on or before February 27, 1955

Beneficial use of water appropriated in accordance herewith, to be made on or before February 27, 1955

WITNESS My hand this 27th day of February, 1953

MARK R. KULP

*State Reclamation Engineer.*

IN TESTIMONY WHEREOF, WE, LEN JORDAN

, Governor of the State of Idaho.

and IR. 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 27th

day of February 19 53

STATE OF IDAHO

Countersigned:

(SEAL)

By                    LEN JORDAN

Governor.

By Wm. H. Masters

Secretary of State.

REMARKS: I have used some of this water on my land for several years, but I now want to put in a pump and sprinkling system. Much of this water has been developed by me. There are three drains, all empty on my land.

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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 39 E  | 7    |                                                                        | 5                                                                      | 10                                                                     |                                                                        | 15     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |      |                                                                        |                                                                        |                                                                        | Total Number of Acres to be Irrigated                                  | 15     |
| <p style="text-align: center;">Permit No. 23787<br/>           CERTIFICATE OF COMPLETION OF WORKS</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |       |      |                                                                        |                                                                        |                                                                        |                                                                        |        |
| <p>TO ALL WHOM IT MAY CONCERN:</p> <p>This is to certify that DEAN R. BINGHAM of Weston, County of Franklin, and State of Idaho, the holder of Permit No. 23787, issued upon Application No. 31562 bearing date of priority of February 21, 1953, authorizing the diversion of 0.3 second foot of the waters of an un-named stream (tile drains which collect water on applicant's land) 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 0.3 second foot of the waters of said stream; that the points of diversion of said waters are in the NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math> and the SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math> Section 7, Township 16 South, Range 39 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Fifteen acres in the SE<math>\frac{1}{4}</math>NW<math>\frac{1}{4}</math> and NE<math>\frac{1}{4}</math>SW<math>\frac{1}{4}</math> Section 7, Township 16 South, Range 39 East, B.M.</p> <p style="text-align: center;">Witness my hand this 27th day of January, A. D. 1955.</p> <p style="text-align: right;">MARK R. KULP<br/>State Reclamation Engineer</p> <p>Proof of completion of Works made January 17, 1955<br/>           Certificate of Completion of Works issued January 27, 1955.</p> |       |      |                                                                        |                                                                        |                                                                        |                                                                        |        |

LICENSE ISSUED FOR 0.3  
 Page 5729

NAME OF APPLICANT.....Dean R. Bingham, Weston, Idaho.....

Form No. 0

Sec. 7, Tn. 16 S.

\*

Cross indicates point of diversion

Shaded portions indicate land which may be watered.

\*

Cross indicates point of diversion

Catch reservoir near point of diversion

Range 39 E. B. M.

Permit Map No. 25707

As Approved

FEB 27 1959

W. R. KULP

Registration Engineer

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

R O I S E

Permit No. 23787

Date March 13, 1953

We enclose herewith the above numbered permit. BE SURE AND  
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the  
State Reclamation Engineer, on the fourth page.

Mr. Dean R. Bingham  
C/o Mr. P. M. Condie  
Preston, Idaho

MARK R. KULP  
State Reclamation Engineer

Enc. Departmental receipt No. 25584 for \$5.00 filing fee.

23787

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

December 1, 1954

Mr. Dean R. Bingham  
R.F.D. Weston, Idaho  
Dear Sir:

Under the terms of your permit No. 23787 you are required to complete your diversion works and make proof of beneficial use on or before February 27, 1955.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is February 27, 1955, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer

23787

Permit No. ....

STATE OF IDAHO  
Department of Reclamation

JAN 19 1955  
Department of Reclamation

# Proof of Completion of Works

## AFFIDAVIT OF HOLDER

STATE OF IDAHO

ss.

County of Franklin.Dean R. Bingham

, 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. 23787, and that his postoffice address is Weston, R. F. D. State of Idaho.

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

Tile drains on applicant's land.

Third: That the point of diversion of said water is one at 200 ft. N., 300 ft. W. of SE. cor. NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 7; other point 560 ft. E. of NW. cor. SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 7, Tp. 16 S. R. 39 E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Feb. 27, 1955, 19.....

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

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(incomplete)~~ fully completed and consisted of the following:

I. Kind of works: Dirt and rock dam, concrete headgate, pipe line, sprinkling system.  
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: .....

(a) Height of dam four feet, length of dam at top 25 feet, length of dam at bottom 15 feet. Material used in construction dirt and rock

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir small catch pond 1 1/4 acre feet.

(c) Size of headgate: Width 1 feet, height 4 feet.

(d) Conduit 3 and 2 inch pipe line width at bottom ..... feet, width at water line .....  
(State whether ditch, flume or pipe)

feet, depth of water ..... feet; diameter of pipe 3-2 inches, average grade per mile is 1 1/2 feet. Length of conduit is 880 feet.

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

Eighth: That water appropriated under said permit is available for fifteen acres of land described as follows: 5 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 10 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 7, Tp. 16 South, Range 39 E. B. M.

Ninth: Remarks: That I expect to install some permanent pipe; present line is portable.

Dean R. Bingham  
(Sign Here)

Subscribed and sworn to before me this 17 day of January, 1955.

My commission expires Nov. 29, 1958.

P. M. Keadie  
Notary Public.

23787

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 17th, 1955.

(P. O.) Weston, R. F. D. 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.

Dean R. Burghen

(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.

23787

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

Re: Permit No. 23787

Date: January 27, 1955

Preston Citizen

Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to February 26, 1955 the date set for proof, the expense of the publication to be paid by the applicant, ~~Dean~~ R. Bingham of R. F. D., <sup>Neston</sup> ~~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

23787

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

Notice is hereby given that at ten A. M. on the 26th day of February, 1955,  
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 0.3 cubic feet per second of the waters of Tile drain on  
applicant's land in accordance with the terms and conditions of Permit No. 23787  
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are \_\_\_\_\_

Dean R. Bingham, Weston R. F. D., Idaho.

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 0.3 cubic feet per second

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

fifteen acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  and NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 7, Tp. 16 S.  
R. 39 E. B. M. Franklin County, Idaho.

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

Tile drains which collect water on applicant's land and pipe line

The right to take water from such works is based upon Permit No. 23787

The source of supply from which such water is diverted is From tile drains.

The date of priority which said user is prepared to establish is February 27, 1955 ~~February 27, 1955~~ 21, 1953

MARK R. KULP

State Reclamation Engineer.

23787

January 26, 1955

RE: Permit No. 23787

Mr. Dean R. Bingham  
Rfd.  
Weston, Idaho

Dear Mr. Bingham:

We enclose Certificate of Completion of Work issued on Permit No. 23787 for the diversion of 0.3 second foot of water from tile drains which collect water on your land with points of diversion in the NE 1/4 and the SE 1/4 Section 7 Township 16 South, Range 39 East, B.M. for irrigation of land in the same subdivisions.

We also enclose departmental receipt No. 27161 for the \$5.00 fee paid in connection with this proof.

We have sent to the Preston Citizen notice for Beneficial Use proof to be made on this Permit February 26, 1955, with instructions to publish it once a week for four weeks prior to that date and to send you the Affidavit of Publication together with statement of costs. At the time set you should appear before P. M. Condie, Notary Public, together with two witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

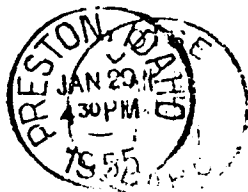
Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:cu  
Enc.

23787



THIS SIDE OF CARD IS FOR ADDRESS

Jeanne L. Anderson  
Department of Reclamation  
Boise, Idaho

RECEIVED  
FEB 1 1955  
Department of Reclamation

*Handwritten signature*

23787

Just A Short Message From *The Preston Citizen* PRESTON, IDAHO

---

Jan. 29, 1955

This is to acknowledge receipt of notice for publication permit No. 23787. It will be published Feb. 3, 10, 17 and 24.

The Preston Citizen

*Clou E. Smith*

23787

February 7, 1955

RE: Permit No. 23787

P  
Preston Citizen  
Preston  
Idaho

Gentlemen:

P We acknowledge receipt of your issue of February 3, 1955,  
containing notice in proof of beneficial use on Permit No. 23787 in the name  
of Jess R. Bingham and find same to be correct with the exception of one  
error.

P The word "Application" is omitted from the first line in the  
heading, between the words Proof and of. This should read, "Notice of proof  
Application of Water To"

Please make this correction in your subsequent issues.

Very truly yours,

MARK R. KULF  
State Reclamation Engineer  
By

Chief Clerk

hll

23787

A. A. MERRILL  
COUNSELOR AND ATTORNEY AT LAW  
EARL BUILDING  
IDAHO FALLS, IDAHO  
PHONE 776

February 21, 1955

RECEIVED  
FEB 23 1955  
Department of Reclamation

Mr. Mark R. Kulp  
State Reclamation Engineer  
State House  
Boise, Idaho

Dear Mr. Kulp:

Mr. W. J. Thompson came into the office this morning with Notice of Publication which he handed me taken from the Preston Citizen, a newspaper published in Franklin County, Idaho, wherein Dean R. Bingham of Weston, R.F.D., Idaho is attempting to file and prove up on certain waters owned by Mr. Thompson.

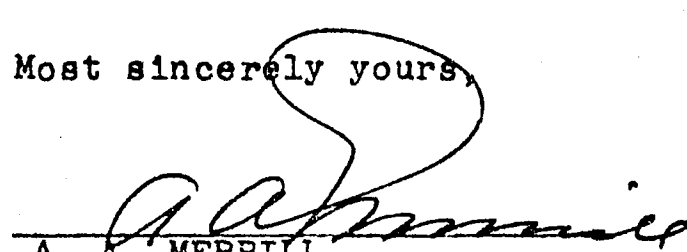
We are today filing a suit to quiet title to the waters.

Notice given is set for the 26th day of February, 1955, at Preston, County of Franklin, State of Idaho, before P. M. Condie, Notary Public.

I give you this notice so that you will know there is definitely a contest now filed in the court pertaining to this water.

If you can give me any advise on the matter I would greatly appreciate it.

Most sincerely yours,

  
A. A. MERRILL

AAM:pm

23787

February 23, 1955

RE: Permit No. 23787  
Dean R. Bingham

Messrs. Merrill & Merrill  
Attorneys at Law  
Pocatello, Idaho

ATTENTION: A. A. Merrill

Dear Mr. Merrill:

I have your letter of February 21, 1955, informing us that you are filing suit to quiet title to the waters claimed by Dean R. Bingham under Permit No. 23787.

We have not yet received the proofs on Permit No. 23787 and the regular procedure will be to make a departmental inspection before license is issued.

Permits and licenses are issued for unappropriated public water only, and no adjudications are made by the Department of Reclamation.

Your course of procedure seems proper as it will make a record of priority, source and amount of whatever rights your client may be able to establish, and any license we may issue pursuant to statute will be subject to rights prior to February 21, 1953.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer

K:cu

23787

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
FEB 28 1955  
Department of Reclamation

Permit No. 23787

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Dean R. Bingham, Weston R. F. D., 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. 23787 dated February 27, 1953, date of priority Feb. 27, 1953

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

Ans. Tile drains which accumulate water on my land. Points of diversion are: 200 ft. N. and 300 ft. W. of SE cor NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 7, and the other is 560 feet E. of NW cor. SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 7, and are in NE $\frac{1}{4}$  SW $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 7, Tp. 16 South, Range 39 E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. 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 catch reservoir at first point of diversion, from which I pump water into a portable pipeline for sprinkling, 945 feet of pipe, 460 feet of 3 in. 420 feet of 2 inch; 65 feet 2 $\frac{1}{2}$  inch plastic pipe which takes water from diversion point to top of hill. At other point of diversion water comes to surface and can be used for flooding or allowed to go to other point of diversion.

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. Use it as follows: five acres in SE $\frac{1}{4}$  of NW $\frac{1}{4}$  and ten acres in NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 7, Tp. 16 South, Range 39 E. B. M. Pasture 1 acre; remaining land is cultivated. Increased production of crops of pasture, beets, hay, grain and potatoes.

23787

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. 0.3 second feet of water is required for irrigation of land.  
Have more in spring.

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. In 1953 and 1954 I used the pump and sprinkling systems and irrigated  
the lands described and applied all of the water mentioned on this land.  
Previous to this I had used water from this source on 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. I have Twin Lakes Canal water which is used on my lands. The water  
applied for is used as a supplemental water supply, my Twin Lakes Canal  
water not being sufficient to irrigate my land. I have eighty acres of  
land with 70 shares of Twin Lakes Canal water.

(Sign) Sam R. Bingham

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 26th day of February, A. D. 1955.

J. M. Candie

My commission expires Nov. 29, 1958.

23787

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

PERMIT NO. 23787

**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. Raymond R. Hobbs, age 43 years, Weston, R. F. D. Idaho, farmer.

Ques. 2. Are you acquainted with Dean R. Bingham, the holder of Permit No. 23787? How long have you known him and where does he reside?

Ans. Yes. For thirty-five years. He resides in Weston R. F. D., Idaho.

Ques. 3. Have you read or heard read said Permit No. 23787, 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. Tile drains which collect water on applicant's land. Place of diversion is 200 feet North and 300 feet West of SE cor. NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 7, Township 16 South, Range 39 E. B. M., also 560 ft. E. of NW cor. SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 7, Tp. 16 South, Range 39 E. B. M. and are in ~~SW~~ NE $\frac{1}{4}$  SW $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 7.

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. 0.3 second foot, and I have seen this amount of water so conveyed.

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, five acres in SE $\frac{1}{4}$  of NW $\frac{1}{4}$  and ten acres in NE $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 7, Tp. 16 South, Range 39 E. B. M.

23787

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. Sandy loam land, and 0.3 second foot of water is necessary for its profitable cultivation.

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. During irrigation seasons of 1953 and 1954, and by means of a pump and sprinkling system, I have seen applicant use the water on the lands above described.

(Signed) \_\_\_\_\_

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 26 day of February,  
A. D. 1955.

A. M. Landee

Notary Public.

My commission expires Nov. 29, 1958.

23787

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

PERMIT NO. 23787

## 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. J. Cecil Adams, age 40 years, Weston, R. F. D. Idaho, farmer.

Ques. 2. Are you acquainted with Dean R. Bingham, the holder of Permit No. 23787? How long have you known him and where does he reside?

Ans. Yes. For ~~minimum~~ Twenty-five years. He resides in Weston, R. F. D. Idaho.

Ques. 3. Have you read or heard read said Permit No. 23787, 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. Tile drains which collect water on applicant's land. Place of diversion is 200 feet North and 300 feet West of SE cor NE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 7, Tp. 16 South, Range 39 E. B. M., also 560 ft. E. of NW cor. SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 7, Tp. 16. South, Range 39 E. B. M.; and are in NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 7, Tp. 16 South, Range 39 E. B. M.

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. 0.3 second foot, and I have seen this amount of water so conveyed.

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, five acres in SE $\frac{1}{4}$  of NW $\frac{1}{4}$  and ten acres in NE $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 7, Tp. 16 South, Range 39 E. B. M.

23787

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. Sandy loam land, and 0.3 second foot of water is necessary for its profitable cultivation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent? none

Ans. ~~During irrigation seasons of 1953 and 1954, by means of a pump and sprinkling system, I have seen applicant use the water on the lands above described.~~

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. During irrigation seasons of 1953 and 1954, by means of a pump and sprinkling system, I have seen applicant use the water on the lands above described.

(Signed) \_\_\_\_\_

J. Cecil Adams

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Preston,  
County of Franklin, State of Idaho, on this \_\_\_\_\_ day of February,  
A. D. 19 55.

A. M. Laurie

Notary Public.

My commission expires Nov. 29, 1958.

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

County of Franklin

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

February 3, 1955, and ending

with the issue of February 24, 1955

Don E. Smith

Fees, \$ 14.79

Subscribed and sworn to before me this 25 day

of February, 1955

P. M. Condie

Notary Public, Residing at Preston, Idaho

My Commission Expires Nov 29, 1958

## NOTICE FOR PUBLICATION

Notice of Proof Application of Water To Beneficial Use

Notice is hereby given that at ten A. M. on the 26th day of February, 1955, 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 0.3 cubic feet per second of the waters of Tile drain on applicant's land in accordance with the terms and conditions of Permit No. 23787 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Dean R. Bingham, Weston R.F.D., Idaho.

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 0.3 cubic feet per second

The place where said water is used fifteen acres in SE¼ NW¼ and NE¼ SW¼ of Section 7, T. 16 S. R. 39 E. B. M. Franklin County, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Tile drains which collect water on applicant's land and pipe line.

The right to take water from such works is based upon Permit No. 23787.

The source of supply from which such water is diverted is From tile drains.

The date of priority which said user is prepared to establish is February 21, 1953.

MARK R. KULP  
State Reclamation  
Engineer.

5-3c

23787

March 1, 1955

RE: Permit No. 23787

Mr. P. M. Condie  
Box 346  
Preston, Idaho

Dear Mr. Condie:

We acknowledge receipt of the depositions of Dean R. Bingham and two witnesses also affidavit of publication in the Preston Citizen all in proof of beneficial use on Permit No. 23787.

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. Bingham 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:hl1

cc Mr. Dean R. Bingham

23787

March 19, 1956

RE: Permit No. 23787

Mr. Dean R. Bingham  
R. F. D.  
Weston, Idaho

Dear Mr. Bingham:

Unless hindered by bad weather, I intend to make inspection in connection with the above numbered permit sometime on Wednesday March 28.

Please be prepared to accompany me on the inspection.

If I am unable to contact you as soon as I arrive in that area, I will drive to the farm where the water is used.

Yours truly,

MARK R. KULP  
State Reclamation Engineer  
By

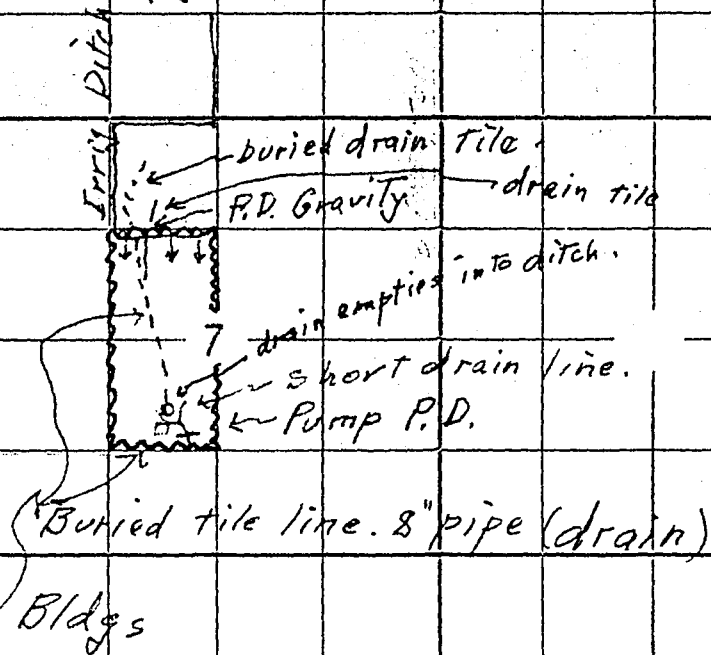
E. N. Humphrey  
Deputy State Reclamation Engineer

H:hll

23787

R-39E.

T.  
16  
S.



Sub divisions = Two

Area = 80 acres

Q = 15 inches.

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

Permit No. 23787This proof is for Beneficial Use In Water District No. \_\_\_\_\_1. Name of applicant Dean R. Bingham, R.F.D., Weston, Idaho2. Source of water supply: Tile drain on applicant's land3. Location of point of diversion: Is in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 7T. 16 S. R. 39 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: There is a buried drainage tile line that comes on to and crosses his place from the NW. emerges into open drain in S. end in corral. Also another emerges at N. P.D. and can be used as gravity irrigation or join the buried line. There is a dam and head gate at S. P.D. also a pump and 3 hp. motor. Sprinkling system 11 nozzles Rainbird #40. Sprinkler system is small pipe and probably delivers 9 inches of water.

5. Water is used for: Irrigation Balance of the water is delivered in regular system by gravity.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):

SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 7, Twp. 16 South, Range 39 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: A Mr. Thompson who lives down stream issuing for 2 cfs. Has lost in Dist. Court and intends to carry case to Supreme Court (Bingham's statement)This examination was made on the 28 day of March, 1956(Signed) E. M. Humphrey Examiner.23787

April 4, 1956

RE: Permit No. 23787

Mr. Dean R. Bingham  
R. F. D.  
Weston, Idaho

Dear Mr. Bingham:

We now have on file the report of our field engineer on inspection for beneficial use proof on Permit No. 23787, which shows that you have diverted and put to beneficial use fifteen inches or 0.3 second feet of water from a tile drain with points of diversion located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 7, Township 16 South, Range 39 East, D.M. for irrigation of land in the same subdivisions.

A License can, therefore, be issued for 0.3 second foot of water upon receipt of the statutory license fee amounting to \$4.00.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

hll

23787

RECEIVED  
MAY 29 1956

Department of Reclamation

Weston, Idaho

May 28, 1956

Mark R. Kulp  
State Reclamation Engineer  
Boise, Idaho

Dear Mr. Kulp:

Enclosed please find my  
check for water permit  
No. 23787.

Yours truly,  
Dean R. Dingham

23787

May 29, 1956

RE: Permit No. 23787

Mr. Dean R. Bingham  
R. F. D.  
Weston, Idaho

Dear Mr. Bingham:

We enclose License and Certificate of Water Right issued under Permit No. 23787 confirming your right to the use of 0.3 second foot of water from an un-named stream with points of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 7, Township 16 South, Range 39 East, B.M., with priority of February 21, 1953, for irrigation of lands in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 7, same Township and Range.

We also enclose departmental receipt No. 27985 for the \$4.00 License fee.

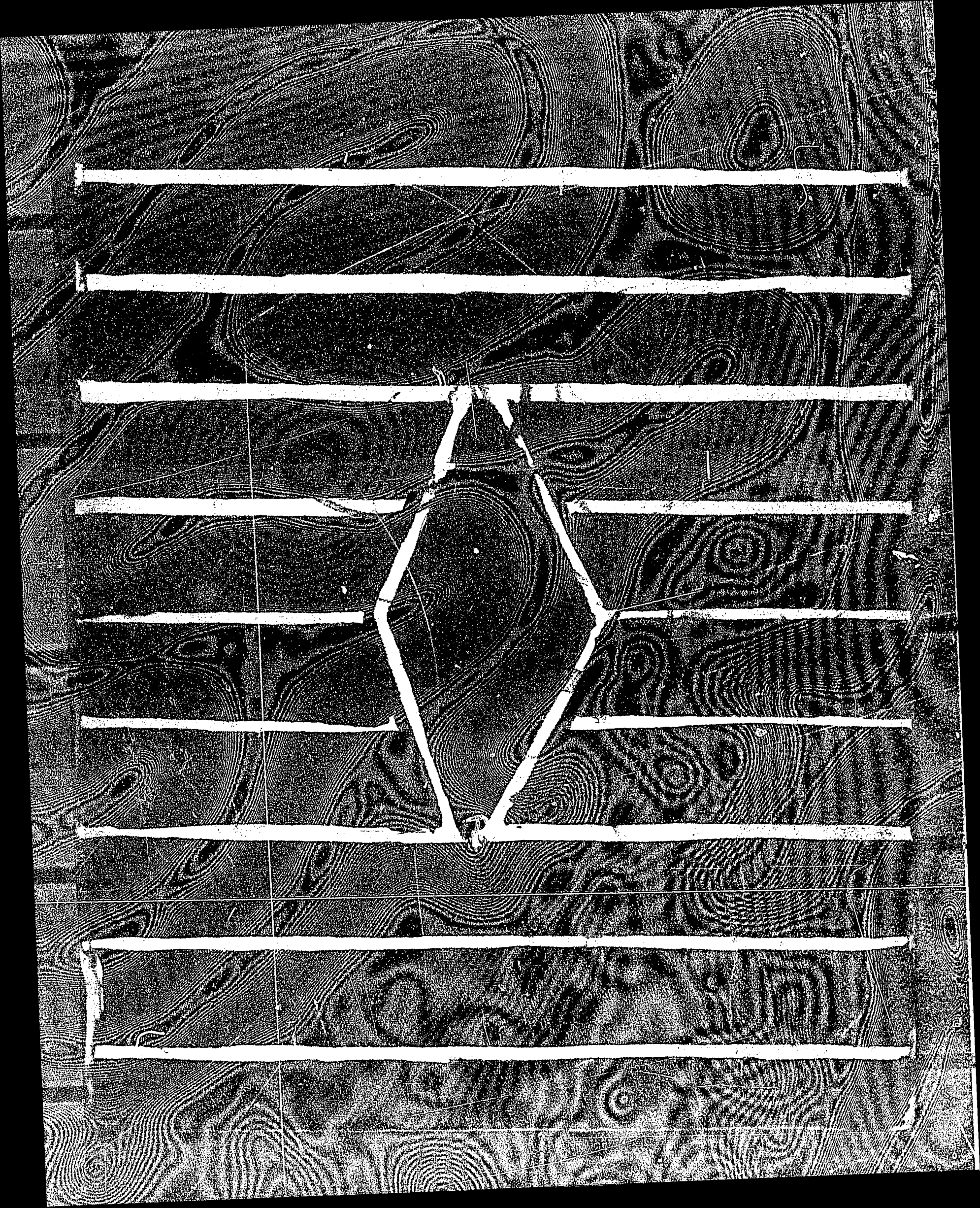
Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

R:cu  
Enc.

23787



# State of Idaho License and Certificate of Water Right

Water License No. 23787

Amount 0.3 second foot

Water District No.

Priority February 21, 1953.

THIS IS TO CERTIFY that DEAN R. BINGHAM

of Weston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 21, 1953; that Permit No. 23787 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.3 second foot, was issued thereunder on January 27, 1955, showing that said works were completed on the 17th day of January, 1955; and that on the 26th day of February, 1955,

DEAN R. BINGHAM

of Weston, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an un-named stream ~~contributing to~~ (Tile drain which collects water on applicant's land.) for the purpose of irrigation

, under Use Permit No. 23787 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5729, on the 29th day of May, 1956;

The right hereby confirmed dates from February 21, 1953;

The Point of Diversion <sup>are</sup> located in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  and in the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Sec. 7, Tp. 16 S., R. 39 E., B. M. Franklin County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.3 cubic foot per second.

Description and location of use:

| Twp.                                     | Range | Sec. | Forty-acre Tract                                                       | No. Acres Described in Permit | No. Acres Actually Irrigated |
|------------------------------------------|-------|------|------------------------------------------------------------------------|-------------------------------|------------------------------|
| 16 S.                                    | 39 E. | 7    | NE $\frac{1}{4}$ SW $\frac{1}{4}$<br>SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 10<br>5                       | 40<br>40                     |
| Total Number of Acres Actually Irrigated |       |      |                                                                        | - - -                         | 80                           |

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 29th day of May, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)