

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 33401
 PERMIT No. 25592
 DISTRICT No.

Wendell E. Bosworth
 R.F.D. #2
 Preston, Idaho

1. Name of Applicant: WENDELL E. BOSWORTH

Postoffice address: R.F.D. #2, Preston

County: Franklin

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(b) Treasury stock:

(d) Other resources: Real Property \$20,000.00

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 1 6/10

cubic feet per second.

3. Source of water supply: Viney pond (un-named stream) which is a tributary of Flood, spring flow, natural flow

4. Location of point of diversion: NE corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ feet distant from the
 corner of Section 34, T. 15 S., R. 39 E., B.M., and is in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$
 of Section 34, T. 15 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: \$ 5,000.00

8. Kind of works: pump sprinkling system

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

feet; material used in dam:

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

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

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is none additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none

16. (a) Is reservoir to be used? none 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.

WENDELL E. BOSWORTH

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. March 21, 1955

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 25592

Recorded in Book 90 Page 25592 Approved April 19, 1955

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 June 19, 1955 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 October 19, 1955

The whole of said work to be completed on or before April 19, 1956

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

April 19, 1956

WITNESS My hand this 19th day of April, 1955

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, 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 19th

day of April, 1955.

STATE OF IDAHO

Countersigned:

(SEAL)

By

ROBERT E. SMYLIE

Governor.

By IRA H. MASTERS

Secretary of State.

REMARKS: The pond is located upon the land owned by said applicant. The size being approximately 200 feet in diameter.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
15 S.	39 E	34	x			x												00	
Permit No. 25592 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that WENDELL E. BOSWORTH of Preston, County of Franklin, and State of Idaho, the holder of Permit No. 25592, issued upon Application No. 33401 bearing date of priority of March 21, 1955, authorizing the diversion of 1.6 second feet of the waters of Viney pond (unnamed stream), 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 1.6 second feet of the waters of Viney pond; that the point of diversion of said waters SW¼NE¼ Section 34, Township 15 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: NE¼NE¼ and SE¼NE¼ Section 34, Township 15 South, Range 39 East, B.M. Witness my hand this 16th day of February A. D. 1956. MARK R. KULP State Reclamation Engineer Proof of completion of works made February 6, 1956 Certificate of Completion of Works issued February 16, 1956.																			

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 25592

Come now Wendell E. Bosworth 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. 25592.

That the point of diversion is described in said permit as being located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, Township 15 South, Range 39 East, B.M.

That he now requests that the point of diversion be changed to a point located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, Township 15 South, Range 39 East, B.M.

That his reasons for desiring to make such change are as follows:

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

Signed at Preston, this 24th day of October, 1956.

WENDELL E. BOSWORTH

Date of receipt at Department of Reclamation October 25, 1956.

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. 25592. 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.

MARK R. KULP
State Reclamation Engineer

RECEIVED OCT 25 1956
Page 5840

✓
March 28, 1955

RE: Application No. 33401

Mr. Wendell E. Bosworth
Route 2
Preston, Idaho

Dear Mr. Bosworth:

We acknowledge receipt of your Application for Permit to
Appropriate 1.6 second feet of water from Viney Pond, accompanied
by your check for the \$5.25 filing fee.

We return the application in order that you may state under
"Remarks" the size of the pond and the ownership of the land
upon which the pond is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

2559 2

RECEIVED
APR 2 1955
Department of Reclamation

March 31, 1955

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Application No. 33401

Gentlemen:

In reply to your letter of March 28th, and Application number 33401, I am filling in the information asked for and assume that you have reference to the pond marked 'Pond' and not the Viney Pond.

Very truly yours,

Wendell E. Bosworth

Wendell E. Bosworth

25592



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER
BOISE

April 4, 1955

RE: Application No. 33401

Mr. Wendell E. Bosworth
Route 2
Preston, Idaho

Dear Mr. Bosworth:

Our previous inquiry regarding your application for permit now numbered No. 33401 was prompted by doubt as to the public character of the water supply.

The question on the application form as to the "Source of water Supply" may be confusing especially in your case. Ponds of less than five acres may be private and the water not subject to appropriation.

Apparently from your sketch map there is a drain from the Viney Pond to the pond where you have your point of diversion and on beyond this pond; or the pond is only an enlarged part of a drain.

We still have doubts as to whether there is any public water subject to appropriation at the point specified as the point of diversion, as water in a constructed drain does not become public until it has passed beyond the control of the builder of the drain. Eventually the drain would be tributary to Bear River which is definitely a public stream.

If the outlet to Viney Pond on down through your point of diversion is a natural drainage channel, we would consider the "Source of Supply" as an "Un-named stream" or outlet to Viney Pond.

Please clarify the situation and if the diversion is from a constructed drain you should have the consent of the owner of the drain.

Very truly yours,

A handwritten signature in cursive script that reads "Mark R. Kulp".

MARK R. KULP
State Reclamation Engineer

K:hll

25592

April 11, 1955

APR 12 1955
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Application No. 33401

Att: Mark R. Kulp

Dear Sir:

In answer to your letter of April 4, I am enclosing an Agreement that may help to clarify the question as to whom the water belongs to, and as you can see it belongs to me.

The water from the Viney Pond runs into my ponds, which belong to me.

If there are any further questions, kindly advise.

Very truly yours,

Wendell Bosworth
Wendell E. Bosworth

25592

AGREEMENT

WHEREAS, the undersigned are desirous of having the Viney pond drained and do hereby agree with the city of Preston as follows:

That the said Eugene Beckstead, Lyman Purser and Wendall Bosworth each allege that they have an interest in the Viney pond drain and hereby agree that if the city of Preston will secure the means of draining said pond that they do hereby waive all right, title and interest in and to water in said pond and subsequently hereto and do hereby grant the city of Preston the right to build a drain for said pond, it being understood that said drain is not to be obstructed are permitted to back up but to take the water out as it comes in to said drain. Said parties grants an easement for drain.

It is understood that the pipe is to be put in as low as possible to drain in to the Bosworth property. And the said Bosworths agree to permit said water to be drained into their property.

WITNESS our signatures this 4th day of October, 1948.

/s/ Eugene Beckstead

/s/ Bp. Lyman A. Purser

/s/ Wendell Bosworth

City of Preston by

/s/ Ernest Eberhard Jr.
Mayor

State of Idaho
County of Franklin -- SS

Subscribed and sworn to before me this 4th day of October, 1948

(SEAL)

/s/ Ted Larsen

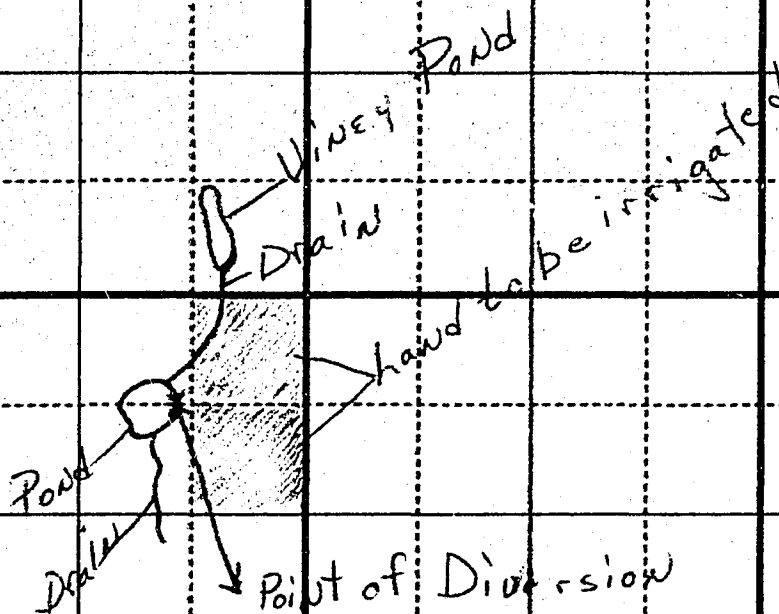
Notary Public, Preston, Idaho

25592

OF APPLICANT

Wendell E. Bosworth

Form No. 0



PROJECT No. 25592

As Approved
APR 16 1955
MARK R. KULP
State Reclamation Engineer

APR 16 1955

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

25592

April 22, 1955

RE: Permit No. 25592

Mr. Wendell E. Bosworth
Route # 2
Preston, Idaho

Dear Mr. Bosworth:

We enclose Permit No. 25592 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. 27251 for the \$5.25 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

25592

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Mr. Wendell E. Bosworth
Route 2
Preston, Idaho

February 1, 1956

Dear Sir:

Under the terms of your permit No. 25592 you are required to complete your diversion works and make proof of beneficial use on or before April 19, 1956.

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 \$8.00, 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 April 19, 1956, 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

25592

Permit No.

STATE OF IDAHO
Department of Reclamation

RECEIVED
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

ss.

County of Franklin

Wendell F. Bosworth

, 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. 25592, and that his postoffice address is Preston

State of Idaho

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

Viney Pond

Third: That the point of diversion of said water is NE Corner of SW 1/4 of NE 1/4 of Section 34, Township 15 South, Range 39 EBM.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 19, 1956.

Fifth: That the use for which said water is intended is Irrigation

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

I. Kind of works: Farm sprinkling system
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

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

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

Seventh: That said works are capable of conducting to the place of intended use 1.6/10 second feet of water.

Eighth: That water appropriated under said permit is available for 80 acres of land described as follows: NE 1/4 and the SE 1/4 of the NE 1/4 of Section 34 Township 15 South, Range 39 EBM.

Ninth: Remarks: That

Wendell E. Bosworth
(Sign Here)

Subscribed and sworn to before me this 6th day of February, 1956

My commission expires 4/3/57

W. W. Smith
Notary Public.

Preston, Idaho

25592



ROBERT E. SMYLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

February 8, 1956

RE: Permit No. 25592

RECEIVED
FEB 13 1956
Department of Reclamation

Mr. Wendell E. Bosworth
R.F.D. # 2
Preston, Idaho

Dear Mr. Bosworth:

We acknowledge receipt of the affidavit in proof of completion of works also duplicate notice for beneficial use proof.

This affidavit is acceptable. However, the statutory fee of \$5.00 should accompany this affidavit and upon receipt of same, a Certificate of Completion of Works will be issued, and sent you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:hll

25592

February 16, 1956

RE: Permit No. 25592

Mr. Wendell E. Bosworth
R. F. D. # 2
Preston, Idaho

Dear Mr. Bosworth:

We enclose Certificate of Completion of Works issued on your Permit No. 25592 authorizing the diversion of 16 second feet of water from Viney pond with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, Township 15 South, Range 39 East B.M., and priority of March 21, 1955, for irrigation of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 34, same Township and Range.

We also enclose departmental receipt No. 27833 for the \$5.00 completion of works fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:hll
Enc.

25592

RECEIVED
FEB 6 1956
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) _____

(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.

Wendell E. Bosworth

(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.

25592

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

0153-11-11
11-11-11
Department of Reclamation

Notice is hereby given that at 10:00 A. M. on the 19th day of April, 1956,
at Preston, County of Franklin, State of Idaho, before
Dell W. Smith, a Notary Public, proof will be submitted of the
application to beneficial use of 1 6/10 cubic feet per second of the waters of Viney Pond
(Un-named stream) in accordance with the terms and conditions of Permit No. 25592
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
Mendell E. Bosworth, Preston, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 1 6/10 Cubic Feet

The place where said water is used (if for irrigation, give full and correct description of the lands irrigated)
East half of the NE Quarter Section 34, Township 15 South, Range 39
East of the Boise Meridian

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

The right to take water from such works is based upon Permit No. 25592

The source of supply from which such water is diverted is Viney Pond

The date of priority which said user is prepared to establish is ~~April 19, 1955~~ March 21, 1955

25592

MARK R. KULP
State Reclamation Engineer.

February , 1956

RE: Permit No. 25592

Mr. Wendell E. Bosworth
R. F. D # 2
Preston, Idaho

Dear Mr. Bosworth:

We shall send to the Preston Citizen notice in proof of beneficial use on Permit No. 25592 to be made April 19, 1956, before Mr. Dell W. Smith, Notary Public, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set you should appear before Mr. Smith 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

Roy W. Thompson
Office Manager

T:hll

Enc.

cc - Mr. Dell W. Smith
Box 44
Preston, Idaho

25592

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: February 8, 1956

RE: Permit No. 25592

Preston Citizen
Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 19, 1956 the date set for proof, the expense of the publication to be paid by the applicant, Wendell E. Bosworth 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

25592

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO.

ss.

County of Franklin

RECEIVED
APR 10 1956

Department of Reclamation

W. 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

March 15

, 1956, and ending

with the issue of

April 5

, 1956

W. E. Smith

Fees, \$ 20.21

Subscribed and sworn to before me this

9th

day

of

April

, 1956

Ed. Larsen

Notary Public, Residing at Preston, Idaho

My Commission Expires

May 5

, 1956

NOTICE FOR PUBLICATION

Notice of Proof Application of Water To Beneficial Use

Notice is hereby given that at 10:00 A. M. on the 19th day of April, 1956, at Preston, County of Franklin, State of Idaho, before Dell W. Smith, a Notary Public, proof will be submitted of the application to beneficial use of 1 6/10 cubic feet per second of waters of Viney Pond (Un-named stream) in accordance with the terms and conditions of Permit No. 25592 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 Wendell E. Bosworth, Preston, Idaho.

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

The amount applied to beneficial use is 1 6/10 Cubic feet.

The place where said water is used East half of the NE quarter Section 34, Township 15 South, Range 39 East of the Boise Meridian.

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

The right to take water from such works is based upon Permit No. 25592.

The source of supply from which such water is diverted is Viney Pond.

The date of priority which said user is prepared to establish is March 21, 1955.

MARK R. KULP
State Reclamation Engineer
11-14c

25592

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 23 1956
Department of Reclamation

RECEIVED
MAY 4 1956
Department of Reclamation

Permit No. 25592

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Wendell E. Bosworth Preston, Idaho, Farmer, Preston

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. Acting on behalf of myself

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

Ans. Number of Permit 25592, Date April 19, 1955, March, -21, 1955

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

Ans. Source: Viney pond. Place of diversion, NE corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$
of Section 34, Township 15 South, Range 39 ERM.

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. Pump and Sprinkling system. 10 Gallon per minute nozzle on a three-quarter
inch pipe with 45 pound pressure.

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. Purpose: Irrigation. Used: on the E $\frac{1}{2}$ of NE $\frac{1}{4}$ Section 34, Township 15
South, Range 39 ERM. Land cultivated and is now raising row crops where
before only dry land crops were being raised.

Acres irrigated under the NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres, and under the SE $\frac{1}{4}$ NE $\frac{1}{4}$
40 acres.

25592

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

Ans. No purpose other than irrigation.

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

Ans. Land is arid and needs 1 6/10 cubic feet per second for profitable cultivation

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. During the past two years I have used 1 6/10 cubic feet per second of water for row crops in the above described property for irrigation.

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. The above described land has no other water right.

(Sign) Wendell E. Bosworth

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 19th day of April, A. D. 1956.

Delbert W. Smith

My commission expires April 8, 1957

25592

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 23 1956

Department of Reclamation

MAY 1 1956
Department of Reclamation

PERMIT NO. 25592

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. Leland Weeks, Age 37, Preston, Idaho, Farmer, Preston

Ques. 2. Are you acquainted with Wendell E. Bosworth, the holder of Permit No. 25592? How long have you known him and where does he reside?

Ans. Yes, 20 years, Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. 25592, 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. Source; Viney Pond. Place of Diversion: NE corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$

Section 34, Township 15 South, Range 39 EBM Works: Pump and Sprinkling System.

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. 1 6/10 cubic feet per second

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. Purpose: Irrigation. Used: For the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 34, Township 15 South, Range 39 EBM. Land cultivated and is now raising row crops where before only dry land crops were being raised. Acres irrigated under NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 Acres and under SW $\frac{1}{4}$ NE $\frac{1}{4}$ 20 acres.

25592

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

Ans. No purpose other than irrigation

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land is arid and needs 1 6/10 cubic feet per second or more
for 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. No interest in works

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. For the past two years, during irrigation season, I have witnessed
Wandel E. Bosworth irrigating row crops on his land above described to the
extent of the water available from viney pond by the use of a pump and
sprinkling system.

(Signed)

Lealand Weeks

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 19 day of April,
A. D. 19 56.

DeW. Smith

Notary Public.

My commission expires April 3, 1956.

25592

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED

Department of Reclamation

RECEIVED
MAY 4 1956

Department of Reclamation

PERMIT NO. 25592

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. James H. Corbridge, age 83, Preston, Idaho, Farmer, Preston, Idaho

Ques. 2. Are you acquainted with Wendell E. Bosworth, the holder of Permit No. 25592? How long have you known him and where does he reside?

Ans. Yes, 40 years Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. 25592, 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. Source: Viney Pond. Place of Diversion: NE corner of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 34, Township 15 South, Range 39, EBM. Works: Pump and Sprinkling System.

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. 1 6/10 cubic feet per second

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. Purpose: Irrigation. Used: For the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 34, Township 15 South, Range 39 EBM. Land Cultivated and is now raising two crops where before only dry land crops were being raised. Acres irrigated under NE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres and under SE $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres.

25592

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

Ans. No pupose other than irrigation.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land is arid and needs 1 6/10 cubic feet per second or more for 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. No interest in workds

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. For the past two years, during irrigation season, I have witnessed Wendel E. Bosworth irrigating row crops on his land above described to the extent of the water available from viney pond by the use of a pump and sprinkling system.

(Signed) *James H. Lashridge*

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 19th day of April,
A. D. 19 56.

Dell W. Smith

Notary Public.

My commission expires April 3, 1957

25592

April 26, 1936

RE: Permit No. 25592

Mr. Wendell E. Bosworth
R.F.D. # 2
Preston, Idaho

Dear Mr. Bosworth:

We are returning your proofs of Application of Water to Beneficial Use in connection with Permit No. 25592 for the following corrections:

Under question 6 of the Holders deposition and also under the same numbered question on the depositions of the two Witnesses, you do not state the land description correctly to conform to the location as given in the original Permit. Providing your land description was given correctly in the permit your answer to question 6 should read; E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 34. If this is the correct assumption, please state under Question 6 as follows:

Acres irrigated under the NE $\frac{1}{4}$ NE $\frac{1}{4}$ _____ acres and under the SE $\frac{1}{4}$ NE $\frac{1}{4}$ _____ acres.

Also show the same information under question 6 on the depositions of the two witnesses.

We also note that under question 4 of the Holders deposition that you give the Point of Diversion in Section 35, instead of Section 34.

Please correct and return.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

T:cu
Enc.

Roy W. Thompson
Supervisor of Water Distribution

25592

May 4, 1956

Re: Permit No. 25592

Mr. Wendell E. Bosworth
R. F. D. #2
Preston, Idaho

Dear Mr. Bosworth:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in the Preston Citizen, all submitted in proof of Beneficial Use on Permit No. G-25592.

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 you 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

25592

August 30, 1956

RE: Permit No. 25592

Mr. Wendell E. Bosworth
R. F. D. 2
Preston, Idaho

Dear Mr. Bosworth:

Inspection is required in connection with any permit, for the use of water, being brought to license in the State of Idaho.

I will make inspection in connection with your Permit on Thursday morning, September 13. In case I do not contact you, I will drive to the place where the irrigation works are located. I will be at the Hotel in Malad the night before in case you wish to contact me.

Please be prepared to accompany me on this inspection or have someone there to represent you.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

25592

R-39E.

27

T. Has bought 4 acres
15 For pond in 40 to
S. West from brother

Small pond.

Constructed
earth pond.

280' x 10"
P. 34' line

Viney Pond

200'

10" conc. pipe.

sand hill

there has been a
ditch here.

Sub-divisions = 2

Area = 25 acres.

Q = 25 inches.

F. L. ...

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 25592

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Wendell E. Bosworth
2. Source of water supply: Viney Pond
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34
T. 15 S R. 39 E., B.M. County of Franklin
4. Describe works as they exist, giving dimensions and capacities of same: This is a gravity system using water from Viney's Pond which is water that has raised in a low spot due to irrigation in the area. An underground drain has been constructed in order to prevent the pond from increasing in size and Mr. Bosworth has been given the water if he will take care of same. It generally has been running into a little pond that lays across the west line between him and his brother and thence to his fields by gravity. At present he is constructing a quite sizeable pond on four acres of ground that he has purchased from his brother and has installed a pipe outlet and is planning to be able to use it by gravity or to put in a sprinkler system to get further utilization of the water and because his ground is quite
5. Water is used for: Irrigation sloping in character.
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 34., Twp. 15 S., Rge. 39 E., B.M. 80 acres

See the Map.

Bosworth is converting over to a sprinkler system at this time. The control pond on the 4 acres is nearly complete now.

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

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

Remarks:

The average flow from Viney's Pond has been approx. 1 to 2 inches. But at times there is considerable more comes down.

The drain from Viney's pond has been dug to protect some of Preston City and the L. D. S. Church from having an excess of water. Dated Oct 4 - 1948.

This examination was made on the 13 day of Sept, 1948

(Signed) E. N. Humphrey Examiner.

25592

October 19, 1956

RE: Permit No. 25592

Mr. Wendell E. Bosworth
R. F. D. # 2
Preston, Idaho

Dear Mr. Bosworth:

We now have on file the report of our field engineer on examination for beneficial use on your Permit No. 25592 which shows that you have irrigated 25 acres of land in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, Township 15 South, Range 39 East, B.M., with the waters of Viney Pond with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, same Township and Range.

However, since your original permit shows that your point of diversion was to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, the enclosed application for amendment to the point of diversion should be completed and returned to this department for record.

A License can then be issued for .5 second foot of water upon receipt of the statutory license fee of \$4.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Rshll
Enc.

*Amend
copy*

25592

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 25592

RECEIVED
OCT 25 1956
Department of Reclamation

Comes now Wendell E. Bosworth 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. 25592.

That the point of diversion is described in said permit as being located in the SW¹/₄ NE¹/₄ Section 30, Township 15 South, Range 39 East, E.M..

That he now requests that the point of diversion be changed to a point located in the SE¹/₄ SE¹/₄ Section 27, Township 15 South, Range 39
East B.M.

That his reasons for desiring to make such change are as follows:

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

Signed at Preston, this 24th day of October 1956

Wendell E. Bosworth

Date of receipt at Department of Reclamation October 25, 1956

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Zulp, 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. 25592. 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.

Mark R. Zulp

State Reclamation Engineer

25592

October 26, 1956

RE: Permit No. 25592

Mr. W. E. Rosworth
Route # 2
Preston, Idaho

Dear Mr. Rosworth:

We enclose your Application for Amendment to the Point of Diversion in Permit No. 25592 which has been approved by the State Reclamation Engineer and recorded in this department. This amendment should be attached to the original permit of which it now forms a part.

We also enclose License and Certificate of Water Right issued under Permit No. 25592 confirming your right to the use of .5 second foot of the waters of Viney Pond with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, Township 15 South, Range 39 East, B.M., with priority of March 21, 1955, for irrigation of land in the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, same Township and Range.

We also enclose departmental receipt No. 28231 for the \$4.00 license fee.

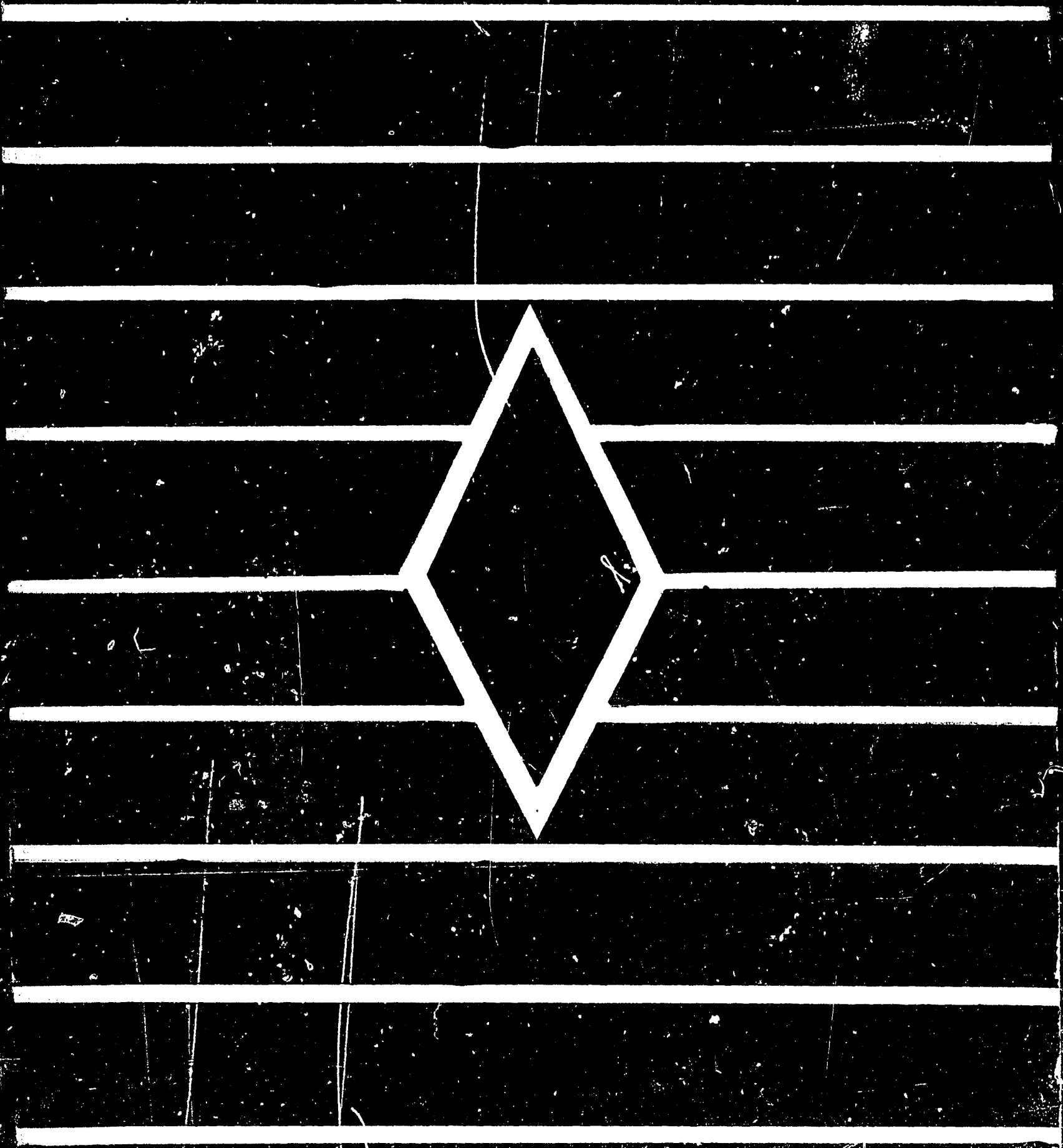
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

25592



April 4, 1955

RE: Application No. 33401

Mr. Wendell E. Bosworth
Route 2
Preston, Idaho

Dear Mr. Bosworth:

Our previous inquiry regarding your application for permit now numbered No. 33401 was prompted by doubt as to the public character of the water supply.

The question on the application form as to the "Source of water Supply" may be confusing especially in your case. Ponds of less than five acres may be private and the water not subject to appropriation.

Apparently from your sketch map there is a drain from the Viney Pond to the pond where you have your point of diversion and on beyond this pond; or the pond is only an enlarged part of a drain.

We still have doubts as to whether there is any public water subject to appropriation at the point specified as the point of diversion as water in a constructed drain does not become public until it has passed beyond the control of the builder of the drain. Eventually the drain would be tributary to Bear River which is definitely a public stream.

If the outlet to Viney Pond on down through your point of diversion is a natural drainage channel, we would consider the "Source of Supply" as an "Un-named stream" or outlet to Viney Pond.

Please clarify the situation and if the diversion is from a constructed drain you should have the consent of the owner of the drain.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:hl

25592
13-2125

State of Idaho

License and Certificate of Water Right

Water License No. 25592

Amount .5 second foot

Water District No.

Priority March 21, 1955

THIS IS TO CERTIFY that WENDELL E. BOSWORTH
 of Preston, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated March 21, 1955; that Permit No. 25592
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 1.6 second feet, was issued thereunder on February 16, 1956, showing that said works
 were completed on the 6th day of February, 1956; and that on the 19th
 day of April, 1956.

WENDELL E. BOSWORTH

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 Viney Pond

~~as a tributary~~ (un-named stream), for the purpose of irrigation

, under Use Permit No. 25592 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 5840, on the 26th day of October, 1956;

The right hereby confirmed dates from March 21, 1955;

The Point of Diversion is located

in the SE 1/4 SE 1/4, Sec. 27, Tp. 15 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 .5 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	39 E.	34	NE 1/4 NE 1/4 SE 1/4 NE 1/4	40 40	5 20
Total Number of Acres Actually Irrigated - - -					25

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
 26th day of October, 1956.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

13 2185

