

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 33499
 PERMIT No. 25637
 DISTRICT No.

Cluff M. Kendall
 Oxford, Idaho.

1. Name of Applicant: CLUFF M. KENDALL

Postoffice address: Oxford

County: Franklin

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: sixty-hundredths (0.60) cubic feet per second.

3. Source of water supply: Swan Lake, situated in Bannock / which is a tributary of
 County, Idaho.

4. Location of point of diversion: 50 feet West and 750 feet North from
 of SE¹/₄ of corner of Section 14, T. 15 S., R. 38 E., B.M., and is in the SE¹/₄ of SE¹/₄
 of Section 14, T. 15 S., R. 38 E., B.M., County of Bannock

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: \$ 3500.00

8. Kind of works: Pump, pipe, motor, outlet from lake

9. Height of dam none feet; length of dam at top feet; length of dam at bottom
 feet; material used in dam:

10. Size of headgate: Width none feet; height feet.
 Water is pumped directly from lake into five inch pipe for 400 feet into three inch laterals:
 two laterals one-eighth mile long; this may be extended. Have M International Tractor in use now; also
 11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;
 use Allis Chalmers motor 26 HP to do pumping. Pipe delivers water to sprinklers and onto land
 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 complete now years.

13. The time required for the complete application of the water to the proposed use is already applied 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: No other water available for this land.

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.

CLUFF M. KENDALL
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. April 25, 1955

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 25637
Recorded in Book 91 Page 25637 Approved May 3, 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 Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before
The whole of said work to be completed on or before November 3, 1955
Beneficial use of water appropriated in accordance herewith, to be made on or before November 3, 1955

WITNESS My hand this 3rd day of May, 1955

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, J. BERKELEY LARSEN, Acting, 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 3rd day of May, 1955.
COUNTERSIGNED: STATE OF IDAHO
(SEAL) By IRA H. MASTERS, Secretary of State. By J. BERKELEY LARSEN, Acting Governor.

REMARKS: I am already using the water applied for. The lake is partly on my own 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 $\frac{1}{4}$	
13S	38E	14	APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. 25637.												10	20	30		

Comes now CLUFF M. KENDALL, 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. 25637. That the point of diversion is described in said permit as being located in the SE $\frac{1}{4}$ Section 14, Township 13 South, Range 38 East, B. M. That the lands to be irrigated are described as being located in the SE $\frac{1}{4}$ Section 14, Township 13 South, Range 38 East, B. M. That he now requests that the point of diversion be changed to a point located 50 feet west and 750 feet north from the SE corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 13 South, Range 38 East, B. M., and in Lot 1 of said Section. Also that the land to be irrigated be described as located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Township 13 South, Range 38 East, B. M. That his reasons for desiring to make such change are as follows: An error was made in the application for a permit. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk. Signed at Oxford, Idaho, this 9th day of June, 1955.

CLUFF M. KENDALL

Date of receipt at Department of Reclamation June 13, 1955.

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. 25637. 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

Permit No. 25637

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CLUFF M. KENDALL of Oxford, County of Franklin, and State of Idaho, the holder of Permit No. 25637, issued upon Application No. 33499 bearing date of priority of April 25, 1955, authorizing the diversion of 0.60 second foot of the waters of Swan Lake, County of Bannock, 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 0.60 second foot of the waters of Swan Lake; that the point of diversion of said waters is in Lot 1, Section 14, Township 13 South, Range 38 East, B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; Township 13 South, Range 38 East, B. M.

Witness my hand this 8th day of July, A. D. 1955.

MARK R. KULP
State Reclamation EngineerProof of Completion of Works made July 6, 1955.
Certificate of Completion of Works issued July 8, 1955.LICENSE ISSUED FOR 0.5 SEC. FL.
Page 6606

Cluff M. Kendall, Oxford, Idaho.

Form No. 0

~~Section 14~~

Swan
Lake

Red shading represents land
being irrigated

Circle represents
Lake.

- -Point of Diversion

Portrait Map No. 25637

As Approved

MAY 3 1955

WALTER R. KULP
Cost Reclamation Engineer

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

25637

May 6, 1955

RE: Permit No. 25637

Mr. Cluff M. Kendall
Oxford
Idaho

Dear Mr. Kendall:

We enclose Permit No. 25637 together with departmental receipt No. 27306 for the \$5.00 filing fee.

This application states that the works are completed and the water already in use so we have allowed six months or until November 3, 1955, within which to make the statutory proofs required to complete your water right.

The proof of Completion of Works should be made on Form 6 enclosed executed before a Notary Public and returned to this Department with the \$5.00 fee.

Before proof of Beneficial Use is made notice must be published once a week for four weeks in a county newspaper. This notice should be made in duplicate on Form 10 enclosed setting the time and place and naming the Notary Public before whom the proof is to be made.

The proof may be made at Oxford or at any place convenient for you and your two witnesses and the time must be set far enough ahead to allow for four weeks publication.

Both copies of Form 10 to be returned to this Department together with Form 11 which is your authorization for us to have the notice published in the designated county newspaper at your expense.

25637

Mr. C. M. Kendall

-2-

May 6, 1955

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

Very truly yours,

MARK R. KULB
State Reclamation Engineer
By

Chief Clerk

A:ou
Enc.

25637

P. M. CONDIE
ATTORNEY AT LAW
PRESTON, IDAHO

LICENSED ABSTRACTER

RECEIVED
JUN 2 1955
JUN 6 1955
Department of Reclamation

Department of Reclamation,
Boise, Idaho.

Gentlemen:

I enclose an amended application for permit. When we got around to making proof, we ascertained that the description given us was wrong of the land irrigated and the point of diversion.

Please send us further blanks for making proof as I spoiled the ones your sent for proof of completion of works and the notice to be published as to proof of beneficial use.

Very truly yours,

P. M. Condie

25637

25637

(Form No. 1)

Address all communications to

Cluff M. Kendall

P. O. Oxford, Idaho.

AMENDED

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. _____

Permit No. _____

District No. _____

1. Name of applicant: Cluff M. Kendall

Post office address Oxford County Franklin State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: _____

(b) Amount of capital stock: \$ _____ (c) Amount paid in: \$ _____

(d) Names and addresses of directors: _____

II. The financial resources of the applicant are: (a) Cash on hand: \$ _____

(b) Treasury stock: _____ (c) Bonds to be issued: _____

(d) Other resources: _____

2. Quantity of water claimed: 0.60 cubic feet per second

3. Source of water supply: Swan Lake, situated in Bannock County, Idaho.

which is tributary of none

4. Location of point of diversion: 50 feet West and 750 feet North from SE corner

of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14, T. 13 S R. 38 E., B. M., and is in the Lot 1,

of Section 14, T. 13 S. R. 38 E., B. M., County of Bannock.

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: \$ 2500.00

8. Kind of works: Pump, pipe, sator, outlet from lake

(Reservoir, dam, ditch, flume, pipe, etc.)

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

(If height of dam will exceed 12 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

feet; material used in dam _____

Water is pumped directly from lake into five inch pipe for 400 feet into

10. Size of headgate: Width _____ feet; Height _____ feet.

three inch x laterals; two laterals one-eighth mile long; this may be extended

11. Ditch: Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;

ed. Have 11 International Tractor in use now; also use Allis Chalmers motor

Dimensions of flume _____; Diameter of pipe _____ inches;

26 HP to do pumping. Pipe delivers water to sprinklers and onto land.

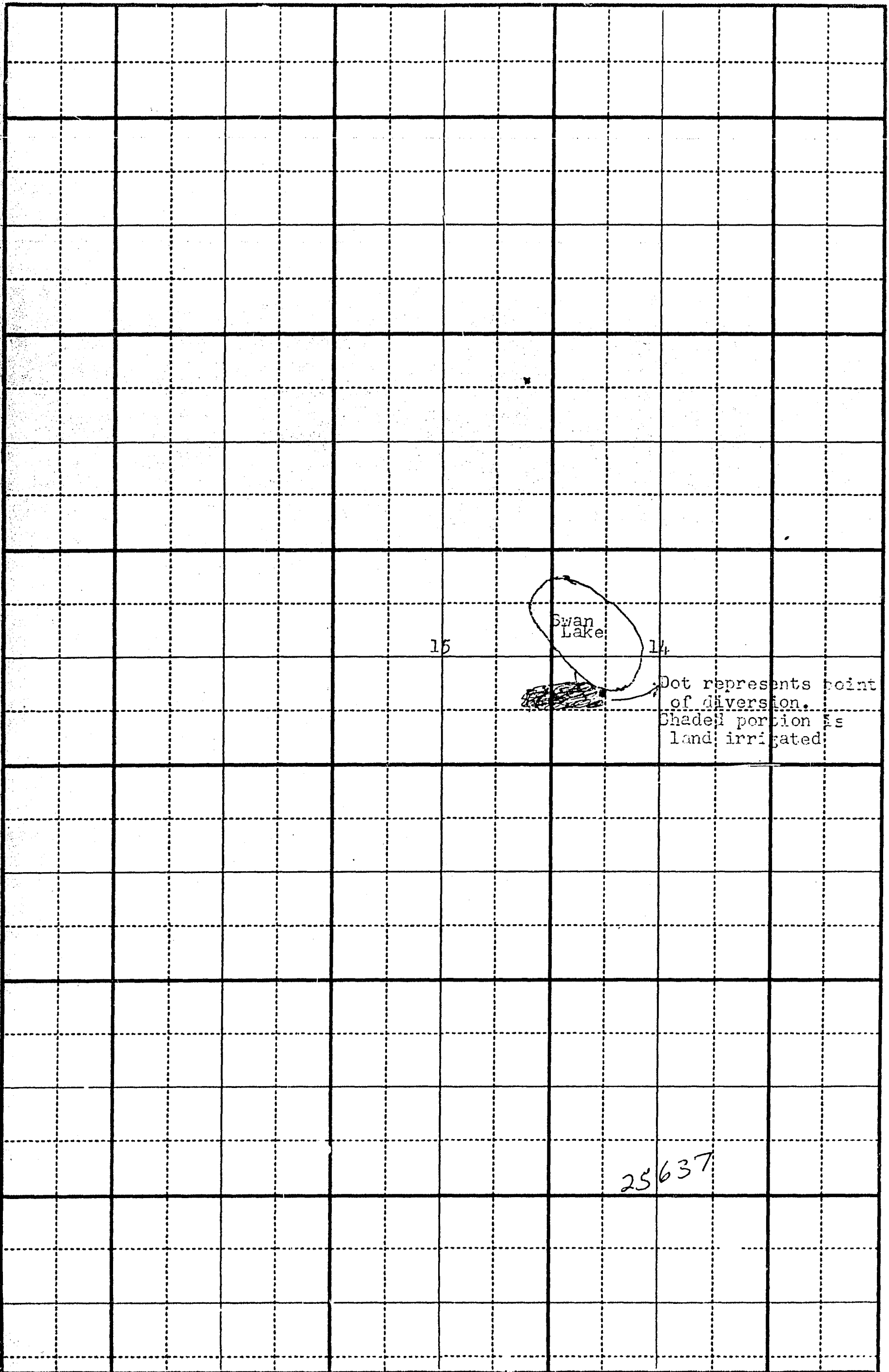
Length of conduit _____ miles. Average grade per mile _____ feet.

25637

25637

NAME OF APPLICANT Cliff E. Randall, Oxford, Idaho.

Form No. 0



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

June 6, 1955

RE: Permit No. 25637

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

Dear Mr. Condie:

We have your letter of June 2 enclosing Amended Application in the name of Cluff M. Kendall.

We assume this is to be an Amendment to his Permit No. 25637, which would not require an Amended Application for Permit but an Application for Amendment to the original Permit.

We enclose a Form of Application for such an Amendment herewith which should be executed by Mr. Kendall and returned to this Department for Approval and record.

Meanwhile, we enclose other forms for making proof of Completion of Works and Beneficial Use on this Permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
BY

Chief Clerk

A:cu
Enc.

25637

June 14, 1955

RE: Permit No. 25637

Mr. Cluff M. Kendall
Oxford
Idaho

Dear Mr. Kendall:

We return your Application for Amendment to Permit No. 25637 which has been Approved by the State Reclamation Engineer and recorded in this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:ou
Enc.

25637

P. M. CONDIE
ATTORNEY AT LAW
PRESTON, IDAHO

Box 346

LICENSED ABTRACTER

RECEIVED
JUL 7 1955
Department of Reclamation

July 6, 1955.

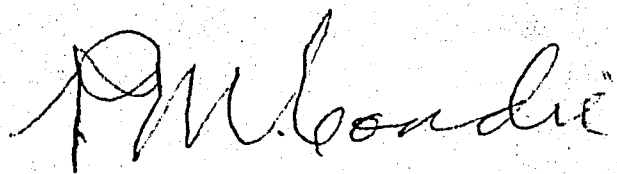
Department of Reclamation,
Boise, Idaho.

GEntlemen: Re: Cluff M. Kendall

I hand you herewith proof of completion of works and return to you the check heretofore sent you.

I also hand you notice for publication, and request that you send me the necessary forms to make this proof of beneficial use of said water.

Very truly,



P. S. Please forward to me two or three forms for application for permit to appropriate waters.

P. M. C.

25637

Permit No. 25637

STATE OF IDAHO

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Franklin.

ss.

Cluff M. Kendall, 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. 25637, and that his postoffice address is Oxford, Idaho.

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

Swan Lake, in Bannock County, Idaho.

Third: That the point of diversion of said water is 50 feet West and 750 feet North SE corner of ^{NW 1/4 SW 1/4} of Sec. 14, Tp. 13 S., R. 38 E. B. M. in Lot 1 of said Section.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by November 3rd, 1955.

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: Consist of a pump which pumps water directly from lake into 400 feet of 5 inch pipe, (Reservoir, dam, ditch, flume, pipe or otherwise) with two three inch laterals 1/8 mile long

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 0.60 second feet of water.

Eighth: That water appropriated under said permit is available for 30 acres of land described as follows: 10 acres in NE 1/4 of SE 1/4 of Section 15, NW 1/4 of SW 1/4 of Section 14, Tp. 13 S. R. 38 E. B. M.

Ninth: Remarks: That

Cluff M. Kendall
(Sign Here)

Subscribed and sworn to before me this sixth day of July, 1955

My commission expires Nov. 29, 1958

Notary Public.

25637

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 6th, 1955.

(P. O.) Orford, 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.

Shuff M. Fendall

(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.

25637

July 8, 1955

RE: Permit No. 25637

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

Dear Mr. Condie:

We enclose Certificate of Completion of Works issued on Permit No. 25637 in the name of Cluff M. Kendall for the diversion of 0.60 second foot of water from Swan Lake with point of diversion in Lot 1, Section 14, Township 15 South, Range 38 East, B. M., for irrigation of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, same Township and Range.

We also enclose departmental receipt No. 27426 for the \$5.00 fee paid in connection with Completion of Works proof.

We shall send to the Preston Citizen notice for proof of Beneficial Use to be made on this Permit August 12, 1955, with instructions to publish it once a week for four weeks prior to that date and to send Mr. Kendall the Affidavit of Publication together with statement of costs.

We enclose the forms of deposition to be executed by Mr. Kendall and his two disinterested witnesses in making this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

25637

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 25637

Date: July 8, 1955

Preston Citizen

Preston, Idaho
Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 12, 1955 the date set for proof, the expense of the publication to be paid by the applicant Cluff M. Kendall of Oxford, 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

25637

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

Notice is hereby given that at 10 A. M. on the 12th day of August, 1955,
at Praston, County of Franklin, State of Idaho, before
P. M. Condie, notary public, proof will be submitted of the
application to beneficial use of 0.60 cubic feet per second of the waters of Swan Lake, in
Bannock County, Idaho, in accordance with the terms and conditions of Permit No. 25637
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
Cliff M. Kendall, Oxford, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 0.60 cubic feet per second

The place where said water is used (~~if for irrigation, give full and accurate description of the lands irrigated~~)
of Section 15,
10 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, and 20 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14,
Tp. 13 S., R. 38 E. B. M.

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

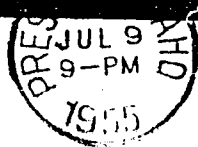
The right to take water from such works is based upon Permit No. 25637

The source of supply from which such water is diverted is Swan Lake

The date of priority which said user is prepared to establish is April 25
March 13, 1955

MARK R. KULP
State Reclamation Engineer.

25637



THIS SIDE OF CARD IS FOR ADDRESS

Jeanne L. Anderson, Chief Clerk
Dept. of Reclamation, State Idaho
Boise, Idaho



RECEIVED
JUL 12 1955

Department of Reclamation

25637

Just A Short Message From The Preston Citizen PRESTON, IDAHO

July 9, 1955

Acknowledging receipt of two publications--
Franklin Cub River Pumping Co. and Cluff M.
Kendall. Both will be printed four times as
ordered.

The Preston Citizen

25637

July 18, 1955

RE: Permits Nos. C-24972 and 25637

Preston Citizen
Preston
Idaho

Gentlemen:

We have checked the tear sheet received this morning which contained the notice on the above numbered Permit in the name of the Franklin Cub River Pumping Company and find that the last paragraph of the notice has been omitted.

Please refer to the copy and note that there is a Paragraph 5 as follows:

"5. The date of priority which said user is prepared to establish is June 1, 1954."

Please make this correction in your subsequent issues and send us a copy of the corrected notice.

Your postcard of July 9th acknowledged receipt of two notices one of the Franklin Cub River Pumping Company as above and the other on Permit No. 25637 of Cluff M. Kendall. The tear sheet which you sent did not include a copy of notice on Permit No. 25637.

Please advise if this is being published and if so send us a copy at once.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1

25637

25637

P. M. CONDIE
ATTORNEY AT LAW
PRESTON, IDAHO

LICENSED ABSTRACTER

August 12, 1955.

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

Dear Mr. Kulp:

Please change the enclosed Certificate of Completion
of Works. Wherever the Township is shown the same should be
"Township 13 South" instead of "Township 15 South."

Very truly,

P. M. Condie

RECEIVED
AUG 15 1955
Department of Reclamation

25637

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Alon E. Smith

, being duly sworn,

deposes and says:

That he is the *Publisher* of

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

Such notice was published in the issue beginning with

July 21, 19*55*, and ending with the issue of *Aug 11*, 19*55*

Alon E. Smith

Fees, \$ *20.64*

Subscribed and sworn to before me this *12* day

of *Aug*, 19*55*.

P. M. Condle

Notary Public, Residing at Preston, Idaho

My Commission Expires *Nov 29 -*, 19*58*

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10 A. M. on the 12th day of August, 1955, at Preston, County of Franklin, State of Idaho, before P. M. Condle, notary public, proof will be submitted of the application to beneficial use of 0.60 cubic feet per second of the waters of Swan Lake, in Bannock County, Idaho, in accordance with the terms and conditions of Permit No. 25637 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 Cluff M. Kendall, Oxford, Idaho.

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

The amount applied to beneficial use is 0.60 cubic feet per second.

The place where said water is used 10 acres in NE¼ of SE¼ of Section 15, and 20 acres in NW¼ of SW¼ of Section 14, Tp. 13 S., R. 38 E. B. M.

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

The right to take water from such works is based upon Permit No. 25637.

The source of supply from which such water is diverted is Swan Lake.

The date of priority which said user is prepared to establish is April 25, 1955.

MARK R. KULP
State Reclamation Engineer.
29-32c

25637

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 25637

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Cluff M. Kendall, residence and post office address: Oxford, Idaho, farmer.

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

Ans.

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

Ans. No. 25637, dated May 3rd, 1955, date of priority Apr. 25, 1955.

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

Ans. Swan Lake, diversion point is in Lot 1, Section 14, Township 15 South, Range 38 E. B. M. 50 feet west and 750 feet North from SE corner of NE 1/4, Sec. 14, T. 15 S. R. 38 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. Consist of a pump, motor, outlet from lake and 400 feet of five inch pipe, with three inch laterals (2 of them) one-eighth mile long. Motor is Allis Chalmers 26 HP. Pipe delivers water to sprinklers and onto land. There are 33 sprinkler outlets. Operate pump at 45 lbs. pressure; nozzles put out 8 gal. per minute. As I compute it I get 264 gal. per minute.

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. I irrigate 20 acres in the NE 1/4 of SE 1/4 of Section 14, and 10 acres in NE 1/4 SE 1/4 of Section 15, Tp. 15 South, R. 38 E. B. M. The land has been dry farm land but by sprinkling it the crops are greatly increased.

25637

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. I need all of the water applied for- .60 Cfs.

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

Ans.

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

Ans. I have operated the pump at full capacity during 1953, 1954, and 1955, and I irrigate the land about every 12 days during months of from May 15 to July 15th each year.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. No other water whatever.

(Sign)

Cliff M. Penhall

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 12th day of August, A. D. 1955.

W. M. L. andie

My commission expires Nov. 29, 1958.

25637

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 25637

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. W. Merl Kendall, age 39 years, residence and post office address
Oxford, Idaho. Farmer.

Ques. 2. Are you acquainted with Cluff M. Kendall, the
holder of Permit No. 25637? How long have you known him and where does
he reside?

Ans. Yes. All of his life. 29 years.

Ques. 3. Have you read or heard read said Permit No. 25637, 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 con-
veying water from point of diversion to place of use.

Ans. Swan Lake ; diversion point is in Lot 1 of Section 14, Township 13
South, Range 38 E. B. M. There is Allis Chalmers motor 26 HP which pumps
water into 5 inch pipe which conducts water for 400 feet, and then the
water flows through two three-inch laterals for one eighth mile, with
33 sprinkling outlets.

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

Ans. 264 gallons per minute, and I have seen this much water being so
conducted.

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 im-
provements which have been made as a direct result of said use.

Ans. Irrigation. Land irrigated is 20 acres in Northwest quarter of
Southwest quarter of Section 14,
quarter of Section 15, Twp. 13 South, Range 38 E. B. M. and is culti-
vated land, and the crops grown have been increased through sprinkling.

25637

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. No new land has been reclaimed; land already under cultivation and used for dry farm crops is now irrigated . The full .60 cfs is needed for irrigation of this land.

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

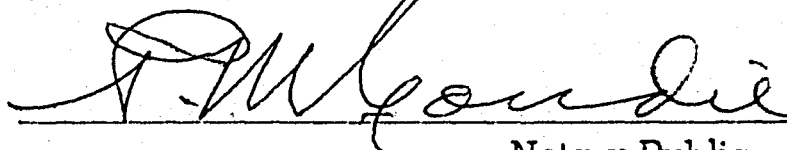
Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I saw during 1954 and 1955 and 1953 the water being pumped into the sprinkling system and used on the lands above described, the pump and system were working at full capacity.

(Signed) W. Merl Kendall.

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 12 day of August,
A. D. 1955.


Notary Public.

My commission expires Nov. 29, 1958.

25637

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 25637

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. D. Lavern . Kendall, age 44 years, residence and post office address:
Oxford, Idaho. I am a farmer.

Ques. 2. Are you acquainted with Cluff M. Kendall, the holder of Permit No. 25637? How long have you known him and where does he reside?

Ans. Yes. His lifetime - 29 years.

Ques. 3. Have you read or heard read said Permit No. 25637, 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. Swan Lake; the diversion point is in Lot 1 of Section 14, Township 13 South, Range 38 E. B. M. There is Allis Chalmers motor 26 HP which pumps water into 5 inch pipe which conducts water for 400 feet and then the water flows through two three-inch laterals for one-eighth mile, with 33 sprinkling outlets.

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. 264 gallons per minute, and I have seen this much water being so conducted.

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. Land irrigated is 20 acres in Northwest quarter of Southwest quarter of Section 14, and 10 acres in the Northeast quarter of Southeast quarter of Section 15, Tp. 13 South, Range 38 E. B. M. Land is cultivated land and the crops grown are increased through sprinkling.

25637

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

S. _____

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

s. No new land has been reclaimed. Cultivated land is irrigated and crops are increased thereby. Land was dry land before.

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

S. _____

es. 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.

s. I have seen the system working to full capacity and the water applied to the irrigation of the lands herein described during the years 1953, 1954, and 1955.

(Signed) D. L. Larkin Kendall

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, _____, city of Franklin _____, State of Idaho, on this 12th day of August, _____, 1955.

A. M. Leland

Notary Public.

My commission expires Nov. 29, 1958.

25637

August 16, 1955

RE: Permit No. 25637

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

Dear Mr. Condie:

We acknowledge receipt of your letter of August 12, 1955, enclosing depositions of Cluff M. Kendall and two witnesses also Affidavit of Publication in the Preston Citizen all in proof of Beneficial Use on Permit No. 25637.

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

We cannot say just when this examination will be made, but our field engineer will contact Mr. Kendall at the time he makes the examination in order that he may arrange to show him over the ground.

We return Certificate of Completion of Works issued under this Permit which we have corrected to show the location in Township 13 South instead of 15 South.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

X: ou
Enc.

CC: Mr. Cluff M. Kendall

25637

✓
August 17, 1955

RE: Permit No. 25637

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

Dear Mr. Condie:

In further reference to Permit No. 25637 in the name of Cluff M. Kendall in which the location has been corrected to Township 13 South, Range 38 East, B.M. instead of Township 15 South, Range 38 East, B.M.

Township 13 South, Range 38 East, B.M. is in Bannock County but Mr. Kendall's authorization to publish designated the Preston Citizen as the newspaper to contain the notice and, as you know, it is in Franklin County.

The Statutes require publication in the County in which the land is located and since the publication was made in Franklin County instead of Bannock County, there is a question as to the legality of the notice. In which case, as a matter of security, we suggest that it might be desirable to republish in a Bannock County paper.

As Mr. Kendall's attorney, we would like your advice in this matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc - Mr. Cluff M. Kendall
Oxford, Idaho

25637

P. M. CONDIE
ATTORNEY AT LAW
PRESTON, IDAHO

RECEIVED
NOV 7 1955
Department of Reclamation

LICENSED ABSTRACTER

Nov. 4, 1955.

Department of Reclamation,
Boise, Idaho.

Gentlemen:

With reference to Permit No. 25637 issued to Cluff M. Kendall
of Oxford, Idaho:

Sometime ago you called our attention to the fact that the publication of the notice in connection with making proof of application of water to a beneficial use was made in Franklin County while it should have been published in Bannock County.

Mr. Kendall has finally authorized that the proper notice be published in Bannock County in the Idaho State Journal at Pocatello, so this matter may be cleared up properly.

Very truly yours,

P. M. Condie

25637

✓
November 7, 1955

RE: Permit No. 25637

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

Dear Mr. Condie:

In accordance with your letter of November 4, we have made a new notice for proof of beneficial use on Permit No. 25637 in the name of Cluff M. Kendall.

We have set the date for making proof at 10:00 A.M., December 10, 1955, and have sent a copy to the Idaho State Journal with instructions to publish it once a week for four weeks prior to that date and to send Mr. Kendall the affidavit of publication together with statement of costs.

Since this proof has already been made under the previous publication it will not be necessary to submit new proofs. All that will be required is for you to furnish an affidavit to the effect that your office was open at the time set in the new publication, that is December 10, 1955, and that no protests were filed, if such is the case, and to return this affidavit together with the affidavit of publication to this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

25637

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 25637

Date: November 8, 1955

Idaho State Journal

Pocatello, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to December 10, 1955 the date set for proof, the expense of the publication to be paid by the applicant, Cluff M. Kendall of Oxford 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

25637

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

Notice is hereby given that at 10:00 A. M. on the 10th day of December, 19 55,
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 0.60 cubic ~~feet~~ per second of the waters of Swan Lake, in
Bannock County, Idaho, in accordance with the terms and conditions of Permit No. 25637
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 _____

Cluff M. Kendall, Oxford, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 0.60 cubic foot per second

The place where said water is used ~~(to be irrigated, grazed, and used for domestic purposes)~~

10 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 15, and 20 acres in NW $\frac{1}{4}$ of

Section 14, Township 13 S., Range 38 East, B.M.

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

pump and sprinkling system

The right to take water from such works is based upon Permit No. 25637

The source of supply from which such water is diverted is Swan Lake

The date of priority which said user is prepared to establish is April 25, 1955.

MARK R. KULP

State Reclamation Engineer.

25637

November 10, 1955

Dear Sir:

Acknowledge receipt of notice "Notice of Proof
Application of Water To Beneficial Use"
Charged to Cluff M. Kendall, Oxford, Idaho

Publish November 11, 18, 25 December 2, 1955

RECEIVED
NOV 14 1955

Department of Reclamation

Idaho State Journal
Legal Clerk
Darlene Rice

Darlene Rice

25637

November 15, 1955

RE: Permit No. 25637

Idaho State Journal
Pocatello,
Idaho

Gentlemen:

On November 10 you acknowledged receipt of notice on the above numbered Permit in the name of Cluff M. Kendall which you stated would start publication in your issue of November 11.

To date we have not received a copy of your paper containing this notice and we would appreciate receiving same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

25637

R-38E.

PD

Swan Lake

15

14

25A

T.
13
S.

Subdivisions 1

Land irrigated 25A.

2 - 2 to 4 laterals 500' long
are used = 26 to 52 sprinkler
heads.

Nozzles are $1\frac{1}{4} \times \frac{3}{32}$ Rainbird #49.
The lines are laid on a 10% up
grade from the main.
Kendall states his sprinklers
operate on 40#/" pressure.

Prior Water Right in Swan
Lake restricts use to
upper levels.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 25637

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Cluff M. Kendall, Oxford, Idaho

2. Source of water supply: Swan Lake

3. Location of point of diversion: Is in the Lot 1 of Section 14

T. 13 S. R. 38 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: Tractor power, Fairbanks-Morse Pumps, Sprinkler system consisting of 1000' portable 5" aluminum pipe main, 1/8 Mile 4" lateral, 3/8 Mi. 3" lateral, 1 1/4 x 3/32 4" 3/16 x 3/32 Nozzles

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE 1/4 SE 1/4 Section 15;

NW 1/4 SW 1/4 Section 14;

Twp. 13 South, Range 38 East, B. M.

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

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

Remarks: Mr. Cluff M. Kendall is working in freston at Palmer Motors + and could not be present at the inspection on Sept 15 '58. The information about the pumping machinery was supplied by him. The inspector saw the land, the source of water, the point of diversion and the sprinkling system. The irrigation system was shut down + the pumping machinery was gone.

This examination was made on the 15 day of Sept, 19 58

(Signed) J. C. Mann Examiner.

by E. N. H.

25637

October 8, 1958

Re: Permit No. 25637
Cluff M. Kendall

Mr. P. M. Condie
Attorney At Law
P. O. Box 346
Preston, Idaho

Dear Mr. Condie:

Our field engineer's report on his inspection of the beneficial use of the water under the terms of Permit No. 25637 shows the works are capable of conveying 25 miners inches (.5 c.f.s.) of water from Swan Lake for irrigation of 25 acres.

Upon receipt of the statutory fee of \$2.00, we will issue the License and Certificate of Water Right confirming the right with priority of April 25, 1955, to the use of .5 second foot of water from Swan Lake, with point of diversion in Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 14, for irrigation of 25 acres in Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 14, Township 13 South, Range 38 East, B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

25637

Feb, 6, 1959

Re: Permit No. 25637
Cluff M. Kendall

Mr. P. M. Condie
Attorney at Law
P. O. Box 346
Preston, Idaho

Dear Sir:

Enclosed is License and Certificate of Water
Right issued on Permit No. 25637.

We also enclose departmental receipt #29476
in the amount of \$2.00.

Very truly yours,

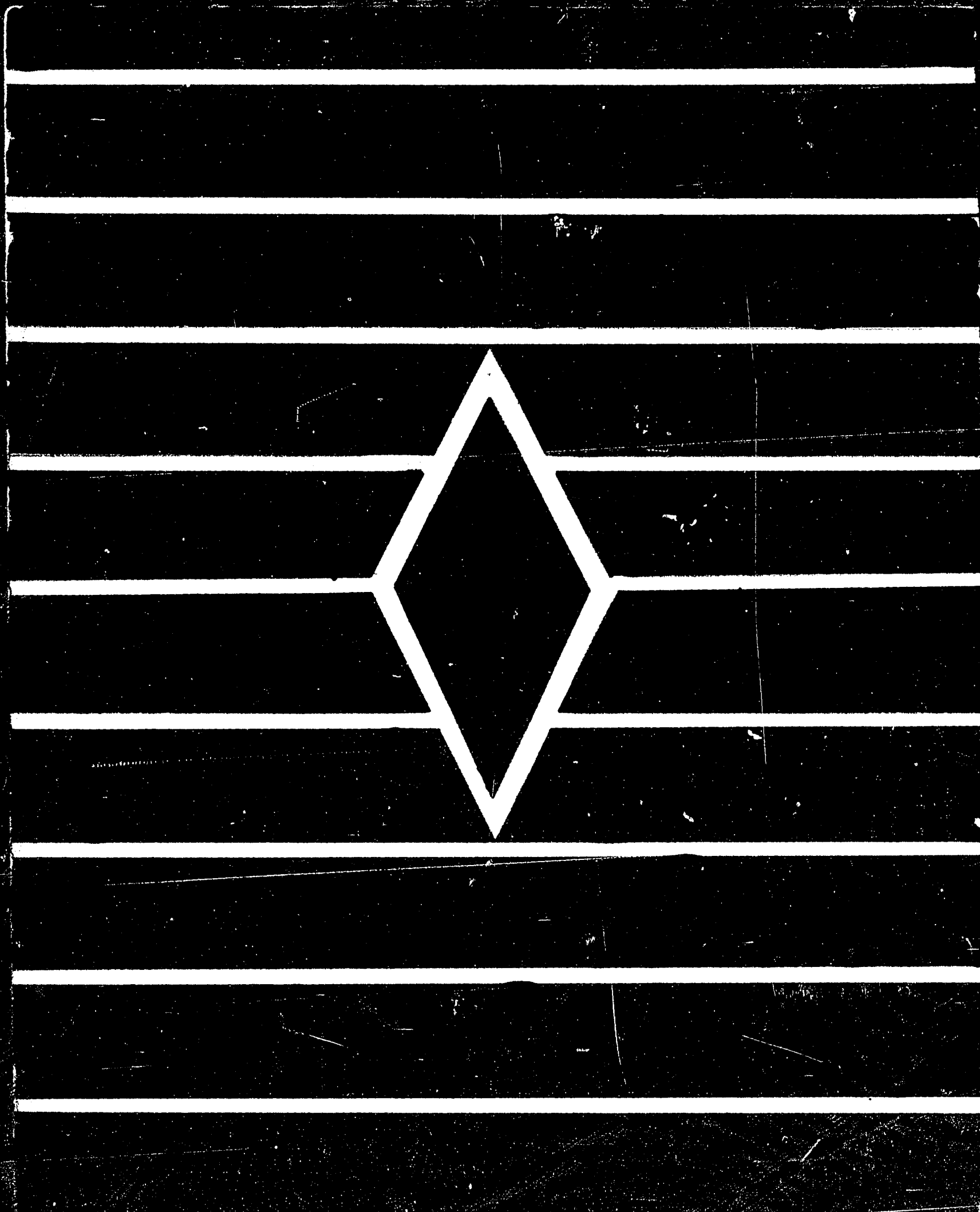
GEO. N. CARTER
State Reclamation Engineer

By:

Chief Clerk

EPR:ew
Enc.

25637



State of Idaho

License and Certificate of Water Right

Water License No. 25637

Amount 0.5 c.f.s.

Water District No.

Priority April 25, 1955

THIS IS TO CERTIFY that

CLUFF M. KENDALL

of Oxford, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 25, 1955; that Permit No. 25637 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.60 second feet, was issued thereunder on July 8, 1955, showing that said works were completed on the 6th day of July, 1955; and that on the 12th day of August, 1955,

CLUFF M. KENDALL

of Oxford, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Swan Lake

, a tributary of , for the purpose of Irrigation

, under Use Permit No. 25637 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

11 of Licenses at page 6606, on the 6 day of February, 1959;

The right hereby confirmed dates from April 25, 1955;

The Point of Diversion is located Lot 1 (NW $\frac{1}{4}$ SW $\frac{1}{4}$)

in the $\frac{1}{4}$ $\frac{1}{4}$, Sec. 14, Tp. 13 S., R. 38 E., B. MBannock 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 0.5 cubic feet per second.

Description and location of use:

Twsp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	38 E	14	NW $\frac{1}{4}$ SW $\frac{1}{4}$		25
			Total number of acres 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

6th day of February, 1959.

s/ Geo. N. Carter

State Reclamation Engineer.

(SEAL)

