

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 36068
PERMIT No. 28109
DISTRICT No.

1. Name of Applicant: Gem Valley Swiss Cheese Co. (A Partnership)

Postoffice address: Grace

County: Caribou

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) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 0.2

cubic feet per second.

3. Source of water supply: Springs (2 springs, un-named)

which is a tributary of Bear River

4. Location of point of diversion:

feet distant from the

corner of Section 4, T. 11 S., R. 40 E., B.M., and is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$

of section 4, T. 11 S., R. 40 E., B.M., County of Caribou

5. Water is to be used for Domestic & Manufacturing

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

(a) Point of use of water: feet distant from corner of Section

T. 11 S., R. 40 E., B.M., in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section of 4, T. 11 S., R. 40 E., B.M.

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

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

distant from the corner of Section 4, T. 11 S., R. 40 E., B.M., in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T. 11 S., R. 40 E., B.M.

7. Estimated cost of works: \$ 2,000.

8. Kind of works: Pipe

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 2 $\frac{1}{2}$ " & 2" inches; length of conduit 2443' ~~no text~~

(1603' of 2 $\frac{1}{2}$ " pipe; 840' of 2" pipe)
Average grade per mile 400 feet.

12. The time required for the completion of such work is 2 years.

13. The time required for the complete application of the water to the proposed use is -- 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:

16. (a) Is reservoir to be used? **no** 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.

S / Gem Valley Swiss Cheese Co. Applicant.

By Rex Whitehead

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. August 18, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 28109

Recorded in Book 99 Page 28109 Approved August 28, 1959

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 October 28, 1959 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: **August 28, 1960**

The whole of said work to be completed on or before August 28, 1961

Beneficial use of water appropriated in accordance herewith, to be made on or before **August 28, 1961**

WITNESS My hand this 28th day of August, 1959

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho,
and ARNOLD WILLIAMS, 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 28th
day of August, 1959.
Countersigned: _____ STATE OF IDAHO

(SEAL) By S/ ARNOLD WILLIAMS Secretary of State.

By s/ ROBERT E. SMYLLIE Governor.

BY: Paula L. Fleenor

Deputy Secretary of State

REMARKS: Company is owned by Alvin Whitehead and Rex Whitehead, partners. Water is used for Mfg. of swiss cheese & culinary water for factory and dwelling at plant.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	Totals
			AFFIDAVIT OF PERMISSION TO FILE ON SPRINGS I, Ceylon Hogan, of Grace, County of Caribou, State of Idaho, do hereby certify that I am the owner of the land on which the spring mentioned in the application of Gem Valley Swiss Cheese Co., is located, to-wit: Sec. 4, Twp. 11 S., Rge. 40 E.B.M. and that I do hereby grant unto the said Gem Valley Swiss Cheese Co. permission to file on the said spring as set forth in the foregoing application. s/ CEYLON HOGAN STATE OF IDAHO) County of Caribou)) ss. On this 17 day of Aug. 1959, before me, a Notary Public for the State of Idaho, residing at Grace, Idaho, personally appeared Ceylon Hogan, known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledge to me that he executed the same. Witness my hand and seal, the day and year in this certificate first above written. My commission expires May, 1960. s/ J. Floyd Smart Notary Public Total Number of Acres to be Irrigated None				

Permit No. 28109
 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that GEM VALLEY SWISS CHEESE CO. (A partnership) of Grace, County of Caribou, and State of Idaho, the holder of Permit No. 28109, issued upon Application No. 36068 bearing date of priority of August 18, 1959, authorizing the diversion of 0.2 second feet of the waters of two un-named springs, County of Caribou, State of Idaho, for domestic and manufacturing 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 0.2 second feet of the waters of two un-named springs, a tributary of the Bear River; that the point of diversion of said waters is NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4, T. 11 S., R. 40 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

For domestic and manufacturing use in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, T. 11 S., R. 40 E., B. M.

Witness my hand this 14 day of October, A. D., 1959.

s/ GEO. N. CARTER
 State Reclamation Engineer

Proof of Completion of Works Made: October 6, 1959

PERMIT ISSUED FOR 0.2 SEC. F1.

Page 7023

MEMO FROM:

Gem Valley Swiss Cheese Co.

RECEIVED
AUG 18 1959

Department of Reclamation

GRACE, IDAHO

Dear Sirs:

Enclosed is our application for permit for use of public water with
a check for \$5.00 for permit.

Will you please mail me two more application blanks for my use.

Rex Whitehead
Box E
Grace, Idaho

*Blanks sent 8-18-59
R.T.*

28109

NAME OF APPLICANT

GRACE, IDAHO

Form No. 0

T. 11. S., R. 40. E.

Sta. 18+03
12°45' Lt. or Rt.

Sta. 24+43
P.A. of Diversion

Ph. of Use
0+00

Found N
Sec. Cor.

Found
1/4 C.

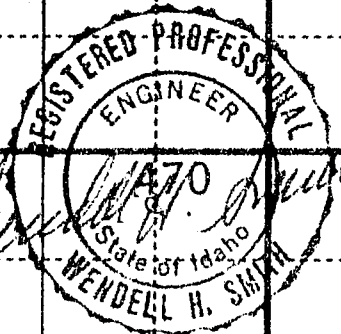
Sta. 5+50
28°20' Rt. or Lt.

Permit Map No. 28109

As Approved

GEO. N. CARTER
State Reclamation Engineer

25/1953



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

28/09

September 4, 1959

Re: Permit No. 28109

Gey Valley Swiss Cheese Co.
Grace, Idaho.

Gentlemen:

We enclose Permit No. 28109 in which we 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. 29710 which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit.

You will note, under Question 12, that we have changed the required time for completion of works to two years. However, you may make the required proofs at any time you are prepared to do so within that time.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR:pmk

Permit No. 28109 ✓

STATE OF IDAHO
Department of ReclamationRECEIVED
OCT 8 1959

Proof of Completion of Works

Department of Reclamation

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of CARIBOU } ss.

Rex Whitehead, d/b/a

✓ Gem Valley Swiss Cheese Co., 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. 28109, and that his postoffice address is Grace State of Idaho.

Second: That the name of the stream from which said water is to be diverted is un-named spring, tributary of the Bear River.

Third: That the point of diversion of said water is NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 14, Twp 11S Range 40EB.M., Caribou County, Idaho

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 28, 1961, 19.

Fifth: That the use for which said water is intended is domestic and manufacturing

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: steel pipe

(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 pipe width at bottom _____ feet, width at water line _____

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water _____ feet; diameter of pipe $2\frac{1}{2}$ inches, average grade per mile is 400 feet. Length of conduit is $\frac{1}{2}$ miles. (2443 ft)

Seventh: That said works are capable of conducting to the place of intended use _____

0.2 second feet of water.

Eighth: That water appropriated under said permit is available for _____ acres of land described as follows: _____

none

Ninth: Remarks:—That _____

Rex Whitehead

(SIGN HERE)

Subscribed and sworn to before me this 6 day of October, 19 59

John Whitehead

NOTARY PUBLIC

My commission expires 9-22-63

28/07

RECEIVED
OCT 8 1959
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 6, 1959

(P. O.) _____

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Grace, Idaho and McCammon, Idaho

~~Soderstroms Sun~~ Grace Herald of ~~Soderstroms Sun~~ published in
the county in which the works are situated.

Carbon Co.

Rex Whitehead

(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.

RECEIVED
OCT 8 1959

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Department of Reclamation

Notice is hereby given that at 10 A. M. on the 16th day of November, 1959
at Grace, County of Caribou, State of Idaho, before
Melvin Whitehead, First Nat'l Bank Bldg, Grace, Idaho, proof will be submitted of the
application to beneficial use of 0.2 cubic feet per second of the waters of un-named spring,
tributary of Bear River in accordance with the terms and conditions of Permit No. 28109
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 _____

GEM VALLEY SWISS CHEESE CO., GRACE, IDAHO

The use to which said water has been applied is DOMESTIC AND MANUFACTURING

The amount applied to beneficial use is 0.2

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

Cheese plant, Sec 4, Twp 11 S, Rge 40 E, B.M. Caribou County, Idaho

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

steel pipe

The right to take water from such works is based upon Permit No. 28109

The source of supply from which such water is diverted is ~~xxx~~ un-named spring, tributary
of the Bear River

The date of priority which said user is prepared to establish is 1959 Aug. 28, 1959

Geo. H. Carter

State Reclamation Engineer.

28109

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

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 20109

Date: Oct, 9, 1959

Grace Herald,
Grace, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to November 16, 1959 the date set for proof;

the expense of the publication is to be paid by the applicant

Gem Valley Swiss Cheese Co. of Grace, 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 or tear-sheet of the first publication.**

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

October 9, 1959

Re: Permit No. 28109

Gen Valley Swiss Cheese Co.,
Grace, Idaho.

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 28109. The proofs are to be made at 10:00 o'clock A.M., on the 16th day of November, 1959, before Malvin Whitehead, First National Bank Bldg., Notary Public.
Grace, Idaho

As of this date we have mailed the Notice to the Grace Herald, Grace, Idaho with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.

EPR: pak

cc: Notary

28109

October 9, 1959

Re: Permit No. 28109

Gow Valley Swiss Cheese Co.,
Grace, Idaho.

Gentlemen:

With reference to your authorization of "Notice of Publication" dated October 6, 1959, we note that you have authorized us to publish the notice in the Grace Herald of Grace, Idaho, and McCammon, Idaho.

Since the land is in Caribou County, we are forwarding the notice to the Grace Herald at Grace, Idaho. The statutes require the publication to be made in the county in which the land is located. However, if you wish the publication to also be made in the McCammon News, we will be glad, upon your authorization, to forward same to that paper. However, it only means additional expense to you. Please advise.

We are enclosing our Form 11 in duplicate for your use in the above matter.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
RPR:pnk

October 9, 1959

Re: Permit No. 28109

Gen Valley Swiss Cheese Co.
Grac, Idaho

Attn: Rex Whitehead

Dear Mr. Whitehead:

We acknowledge receipt of the Proof of Completion of Works
and notice of intention to make proof of beneficial use of the
water.

We will issue the Certificate of Completion of Works upon
payment of the \$5.00 fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna F. Rutledge
Chief Clerk

EPH:ew

October 14, 1959

Re: Permit No. 28109

Gen Valley Swiss Cheese Co.
Grace, Idaho

Attn: Rex Whitehead

Dear Mr. Whitehead:

We enclose the Certificate of Completion of Works issued
on Permit No. 28109.

We also enclose departmental receipt No. 29826 in the
amount of \$5.00, covering fees.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:ew
Enc. certificate
receipt

28109

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 28109

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Rex Whitehead, Grace, Idaho, cheese mfg, Box E, Grace, Idaho

(partner, Germ Valley Swiss Cheese Co.)

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. # 28109, Aug 28, 1959, 8-18-59

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

Ans. 2 un-named springs, tributary of Bear River, Point of Diversion: 2400' from NE corner of Sec 4, Twp 11S, Rge 40 E B M and in the NW 1/4, NE 1/4 of Sec 4, Twp 11S, Rge 40 E B M County of Caribou.

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. conduit, 1603' of 2 1/2" pipe, 840' of 20" pipe
0.2 cubic ft water per sec

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. water is for manufacturing and domestic use. To be used in dwelling and
in Swiss Cheese Factory, in NW 1/4 SW 1/4, Sec 4, T. 11 S. - R. 40 E.

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

Ans. culinary and mfg. in cheese plant.

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

Ans. 0.2 ft per sec

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. full amount has been used for mfg and domestic use since permit was issued

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. Waters from same springs have been used through years for same purposes now used.

(Sign) Rex Whitehead

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 Grace, County of Caribou, State of Idaho, on this 16th day of November, A. D. 1959.

My commission expires 9-22-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 2 1933
Department of Reclamation

PERMIT NO. 28109

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. Chadwick Mathews, 37, Grace, Idaho, State of Idaho Auditor, Grace, Idaho

Ques. 2. Are you acquainted with Rex Whitehead, the holder of Permit No. 28109? How long have you known him and where does he reside?

Ans. life Grace, Idaho

Ques. 3. Have you read or heard read said Permit No. 28109, 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. spring^{NW 1/4} Sec 4, Twp 11S, Rge 40 EBM, 2" & 2 1/2" steel pipe for conduit, from cement sistrn

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

Ans. 0.2

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. cheese plant near spring for domestic and Mfg purpos s

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

Ans. used in cheese plant and dwelling

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. _____

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

Ans. no

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

Ans. have seen spring and water works, watched cheese plant in operation.
in last few weeks.

(Signed) _____

Charles Wickert Notkew

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in _____
County of Caribou, State of Idaho, on this 16 day of November,
A. D. 19 59.

John Whittem

Notary Public.

My commission expires 9-22-63

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 2 5 1953
Department of Reclamation

PERMIT NO. 28109

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. Jack Gibbs, 44, Grace, Idaho farming

Ques. 2. Are you acquainted with Rex Whitenead, partner
Gem Valley Swiss Cheese Co., a partnership, the
holder of Permit No. 28109? How long have you known him and where does
he reside?

Ans. Yes, 20 years, Grace, Idaho

Ques. 3. Have you read or heard read said Permit No. 28109, and are you
familiar with its provisions and conditions?

Ans. EX 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. 2 springs, tributaries of Bear River, Caribou County, diverted in Sec 4,
Twp 11S Rge 40 EBM, 2" & 2½" steel pipe.

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. 0.2 Cu ft sec

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. domestic and mfg at cheese plant

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

Ans. water is used in cheese plant for domestic & mfg use.

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. _____

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

Ans. no

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

Ans. have inspected facilities of cheese plant and saw water-using equipment
in operation this year.

(Signed) Jack Abbott

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 Grace,

County of Caribou, State of Idaho, on this 16 day of Nov,
A. D. 19 59.

John Whittemore

Notary Public.

My commission expires 9-22-63

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 16th day of November, 1959 at Grace, County of Caribou, State of Idaho, before Melvin Whitehead, First National Bank Bldg. Grace, Idaho, proof will be submitted of the application to beneficial use of 0.2 cubic feet per second of the waters of an unnamed spring tributary of Bear River in accordance with the terms and conditions of Permit No. 28109 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 Gem Valley Sales Cheese Co., Grace, Idaho.

The use to which said water has been applied is domestic and manufacturing.

The amount applied to beneficial use is 0.2.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Cheese plant, Sec. 4, Twp. 11 S Rge. 40 E, B.M. Caribou County, Idaho.

The right to take water from such works is based upon Permit No. 28109.

The source of supply from which such water is diverted is unnamed spring, tributary of the Bear River.

The date of priority which said user is prepared to establish is August 28, 1958.

Geo. N. Carter,
State Reclamation Engineer
11-5-4G

RECEIVED
NOV 25 1959
Department of Reclamation

PROOF OF PUBLICATION

STATE OF IDAHO,)
CARIBOU) ss.
County of ~~Bannock~~)

OTIS HUGHES

being first duly sworn, on his oath, deposes and says:

That he is a citizen of the United States of America, over the age of 21 years; that he was at all times herein mentioned the principal Clerk of the GRACE HERALD

_____, a weekly newspaper published at GRACE, County of CARIBOU, State of Idaho, and having a general circulation therein.

That said deponent, during all times mentioned in this affidavit, has had and still has charge of all the advertisements in said newspaper; that the NOTICE OF PROOF

_____, of which the annexed is a true printed copy, was published in the said GRACE HERALD

_____ on the following dates, to wit:

OCT 15, 22, 29 & NOV 5, 1959

That said newspaper has been consecutively, continuously and uninterruptedly published in said county for a period of 78 weeks prior to publication of said notice, and is a "newspaper" within the meaning of the laws of Idaho.

SUBSCRIBED and sworn to before me this _____ day of NOV 2, 1959.

Notary Public, Pocatello, Idaho

My commission expires: 9-22-63

November 27, 1959

RE: Permit No. 28109

Rex Whitehead
Gem Valley Swiss Cheese Co.
Box E
Grace, Idaho

Dear Mr. Whitehead:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Grace Herald, all submitted in proof of beneficial use on Permit No. 28109.

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,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:mr

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 28109

REPORT ON PROOF OF Beneficial Use
Rex Whitehead, Gem Valley Swiss Cheese Co.
Box E
Grace, Idaho

R-40E.

Main Source of water.

PD

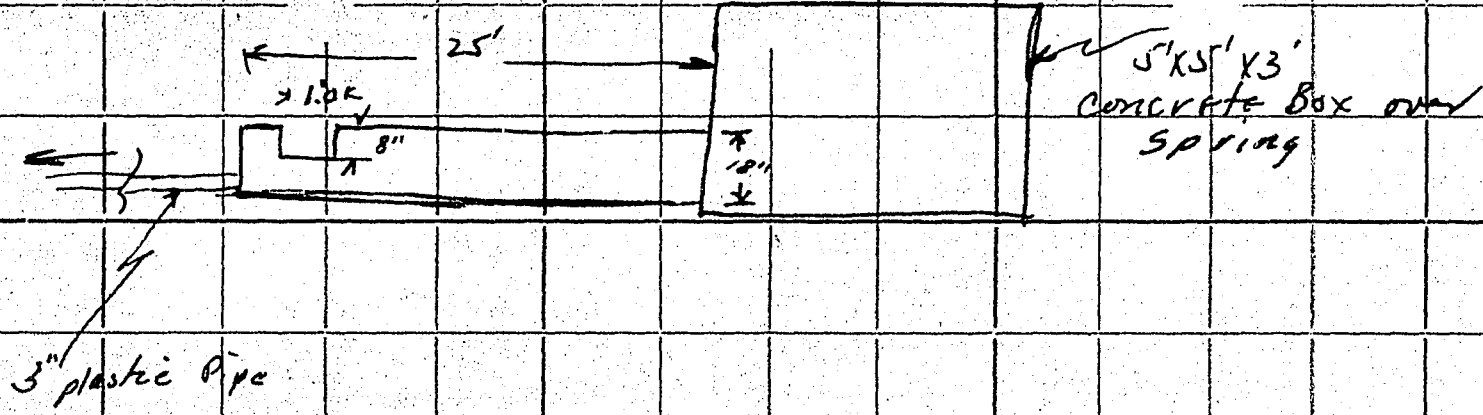
TO GRACE

This PD reduced by 10% at this time, but is used by neighbor

T.
H.
S.

Place of Use

BEAR RIVER



Subdivision
Domestic &
Manufacturing

Q. 0.2 cfs at 10 inches

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 28109

This proof is for Beneficial Use In Water District No. 1. Name of applicant Rex Whitehead, Gem Valley Swiss Cheese Co.2. Source of water supply: 2 unnamed springs, tributary of Bear River3. Location of point of diversion: Is in the NW¹NE¹ of Section 4T. 11 S. R. 40 E. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: (SE.) This spring not used at time of Examination, C/W is done and the water is being used by neighboring ranch while ranch is repairing works at their spring. 3" x 100' steel pipe from spring to 6' x 8' x 8' concrete tank. 3" x 75' galv coated steel pipe 75' SW to join line leading to plant. Enclosed concrete box 5' x 5' x 3' at head of spring with 18" x 28" steel N.W. culvert with end welded closed, and a 1' x 8" notch cut in top to act as overflow control. 3" x 300' plastic pipe reduced to 2 1/2" x 1402' reduced to 2" x 840' to place of use. water is distributed through out plant from this pipe. The unused and waste water is discharged into Bear River (There is a 217' h. from spring to plant.

5. Water is used for: Domestic and Manufacturing

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

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):

For domestic and manufacturing use in the NE¹SW¹, Sec. 4, T. 11 S., R. 40 E., 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 Earl Whitehead along (Uncle to Rex)

The exact description of P.O. and place of use is not listed in Publication

This examination was made on the 14 day of October, 1960.(Signed) Larry Johnson Examiner.

**Rex Whitehead
Grace, Idaho**

Permit No. 28109

Examination for Beneficial Use

County.....Caribou.....

704-18-11-7

$\Phi = 0.2 \text{ c.f.s.}$

S = Savings (2) 200 - 100 = 100

Q.D. 2-ANW.NE, Sec. 4, T.11 S. - R. 10 E.

Me - Domestic & Managerial

Filed Aug 2, 1957

Ms. A. 9. 28. 19. 1

10-12-58
C/W

[illegible]

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
NOV 2 1960

Department of Reclamation

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March 28 1883
Cincinnati with 31
New York 29

2

1950

1886. 1887. 1888. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 2525. 2526. 2527. 2528. 2529. 2530. 2531. 2532. 2533. 2534. 2535. 2536. 2537. 2538. 2539. 2540. 2541. 2542. 2543. 2544. 2545. 2546. 2547. 2548. 2549. 2550. 2551. 2552. 2553. 2554. 2555. 2556. 2557. 2558. 2559. 2560. 2561. 2562. 2563. 2564. 2565. 2566. 2567. 25

Chas. J. Smith

1

31. 10. 1947

3" x 300 plates per volume 3 to

2 1/2" x 1403' width to 2:20'

L. D. Thompson - volume 1

0-9768-012

[illegible]

1950

November 4, 1960

RE: Permit No. 28109

Rex Whitehead
Gem Valley Swiss Cheese Co.
Box E
Grace, Idaho

Dear Mr. Whitehead:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 28109 shows the northerly spring is capable of conveying 10 miner's inches, or 0.2 c.f.s. of water for domestic and manufacturing purposes.

Upon receipt of the statutory fee of \$5.00 we will issue the License and Certificate of Water Right, confirming the right with priority of August 18, 1959 to the use of 0.2 second foot of surface water with the point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4 for domestic and manufacturing purposes in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 11 South, Range 40 East, B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Gem Valley Swiss Cheese Co.

RECEIVED
NOV 18 1960

Department of Reclamation

GRACE, IDAHO

November 17, 1960

State of Idaho
Dept of Reclamation
Boise, Idaho

RE: Permit No 28109

Dear Sirs:

I have your letter of November 4 regarding our water permit where you requested our check for \$5.00 so that you could issue the License for Water Right. I have a question regarding your statement that it will be issued with priority of August 18, 1959.

I beleive that Aug 18, 1959 is about the time that we first applied for the permit, but I have been told that it is possible that the priority date can be changed to the time that beneficial use was first made of the water. In our case, we have been using water from these springs since 1935, but until last year, the company had never filed on it.

Is it possible that the priority date can be changed on the License to read 1935 or does it have to stand as stated- Aug 18, 1959? I will forward our check upon hearing from you in this matter.

Very truly yours,

Rex Whitehead

Rex Whitehead

November 18, 1960

RE: Permit No. 28109
Gem Valley Swiss Cheese Company

Rex Whitehead
Grace, Idaho

Dear Mr. Whitehead:

The State Statutes provide that the date of priority of a water right obtained through the "Permit Method" is the date of receipt of an acceptable application in this office, provided the terms of the permit are completed on time.

The only method to obtain a water right with earlier priority is by action in the District Court. You should consult your attorney.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

November 22, 1960

Re: Permit No. 28109

Mr. Rex Whitehead
Sun Valley Sides Cheese Co.
Box E, Grace, Idaho

Dear Mr. Whitehead:

We enclose License and Certificate of Water Right
issued on Permit No. 28109.

We also enclose departmental receipt No. 30354 in
the amount of \$5.00 covering fees.

Very truly yours,

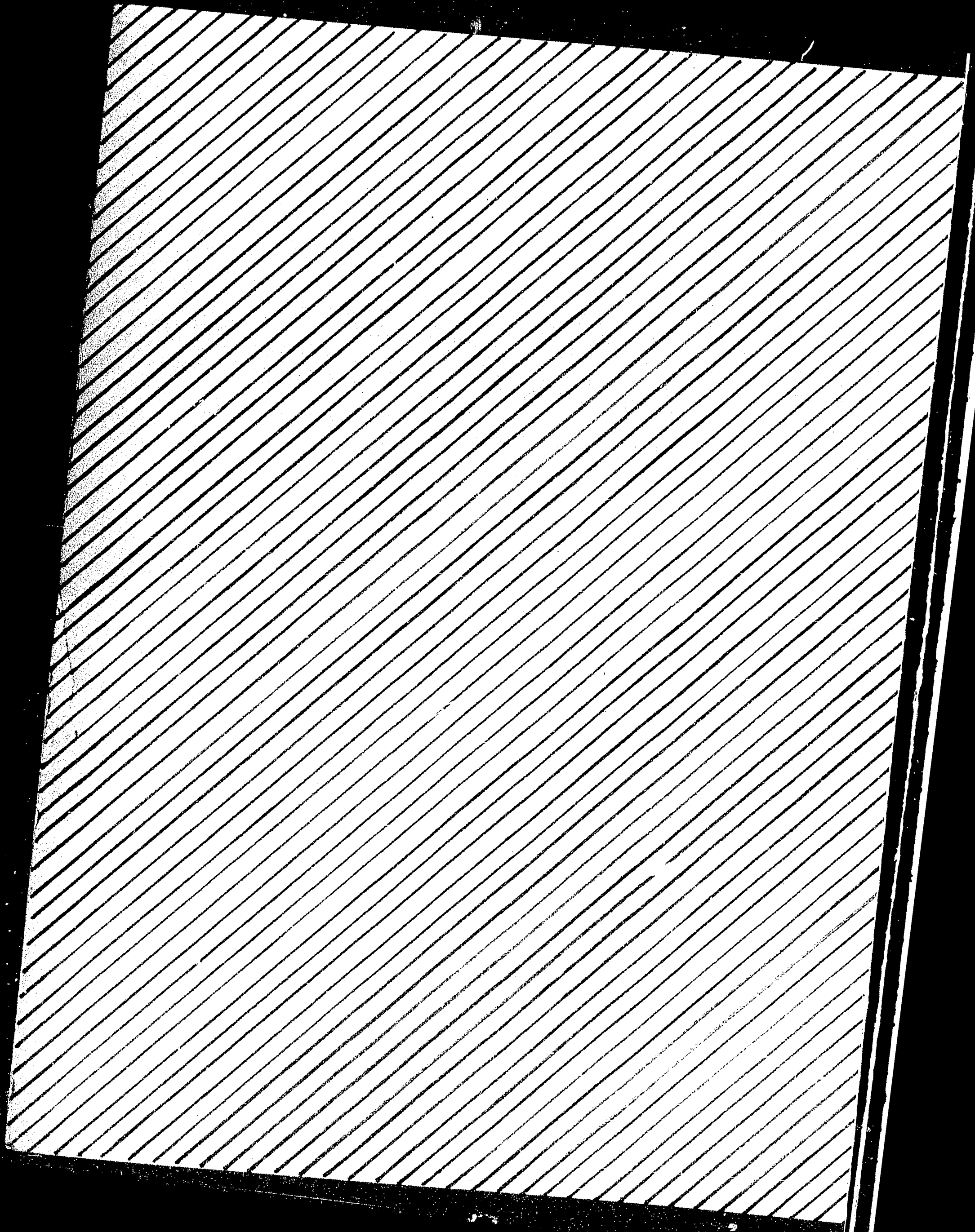
GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Fife
Chief Clerk

EPR:ew

Enc. license
receipt



State of Idaho
License and Certificate of Water Right

Water License No. 28109 Amount 0.2 c.f.s.
Water District No. Priority August 18, 1959

THIS IS TO CERTIFY that GEM VALLEY SWISS CHEESE COMPANY
of Grace, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 18, 1959; that Permit No. 28109
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.2 second feet, was issued thereunder on October 14, 1959, showing that said works
were completed on the 6th day of October, 1959; and that on the 16th
day of November, 1959,

GEM VALLEY SWISS CHEESE COMPANY
of Grace, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a spring
, a tributary of Bear River, for the purpose of domestic &
manufacturing, under Use Permit No. 28109 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 7023, on the 22 day of November, 1960;
The right hereby confirmed dates from August 18, 1959;

The Point of Diversion is located
in the NW 1/4 NE 1/4, Sec. 4, Tp. 11S, R. 40 E., B. M. Caribou 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 0.2 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres
Described in Permit | No. Acres
Actually Irrigated |
|------|-------|------|-------------------|----------------------------------|---------------------------------|
| 11 S | 40 E | 4 | NE 1/4 SW 1/4 for | MANUFACTURING AND DOMESTIC USE | |

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
22nd day of November, 1960.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

