

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

APPLICATION No. 36345
PERMIT No. 28370
DISTRICT No.

1. Name of Applicant: HENRY DRURY & ALDEN DRURY

Postoffice address: Rt 1, Preston

County: Franklin

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:

- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 2.5

cubic feet per second.

3. Source of water supply: Franklin County Drainage District which is a tributary of Bear River
No. 1: alternate unnamed slough

4. Location of point of diversion:

feet distant from the

corner of Section 29, T. 16 S., R. 39 E., B.M., and is in the $E\frac{1}{2}NE\frac{1}{4}$
 $W\frac{1}{2}NW\frac{1}{4}$
of section 28, T. 16 S., R. 39 E., B. M., County of Franklin

5. Water is to be used for irrigation

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

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , 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: \$ 2300.00

8. Kind of works: Pipe & ditch (pump) sprinkler 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:

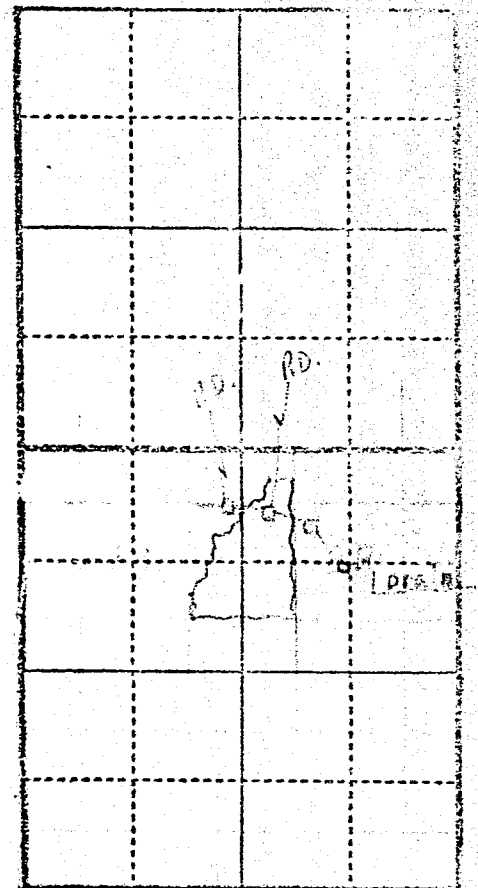
Diameter of pipe 5 inches; length of conduit $\frac{3}{8}$ miles.
Average grade per mile feet.

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 2 additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Cub River Irrigation Co.



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/ Alden Drury
/s/ Henry Drury

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. January 11, 1960

Returned to applicant for correction: January 12, 1960

Corrected application received: January 18, 1960

Approval of State Reclamation Engineer

The number of this permit is 28370

Recorded in Book 100 Page 28370 Approved January 20, 1960

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 **March 20, 1960** 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 January 20, 1961

The whole of said work to be completed on or before January 20, 1962

Beneficial use of water appropriated in accordance herewith, to be made on or before January 20, 1964

WITNESS My hand this 20th day of January, 1960 /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 20th.....

day of January, 1960.
Countersigned:

STATE OF IDAHO

(SEAL)

By /s/ ROBERT E. SMYLIE

Governor.

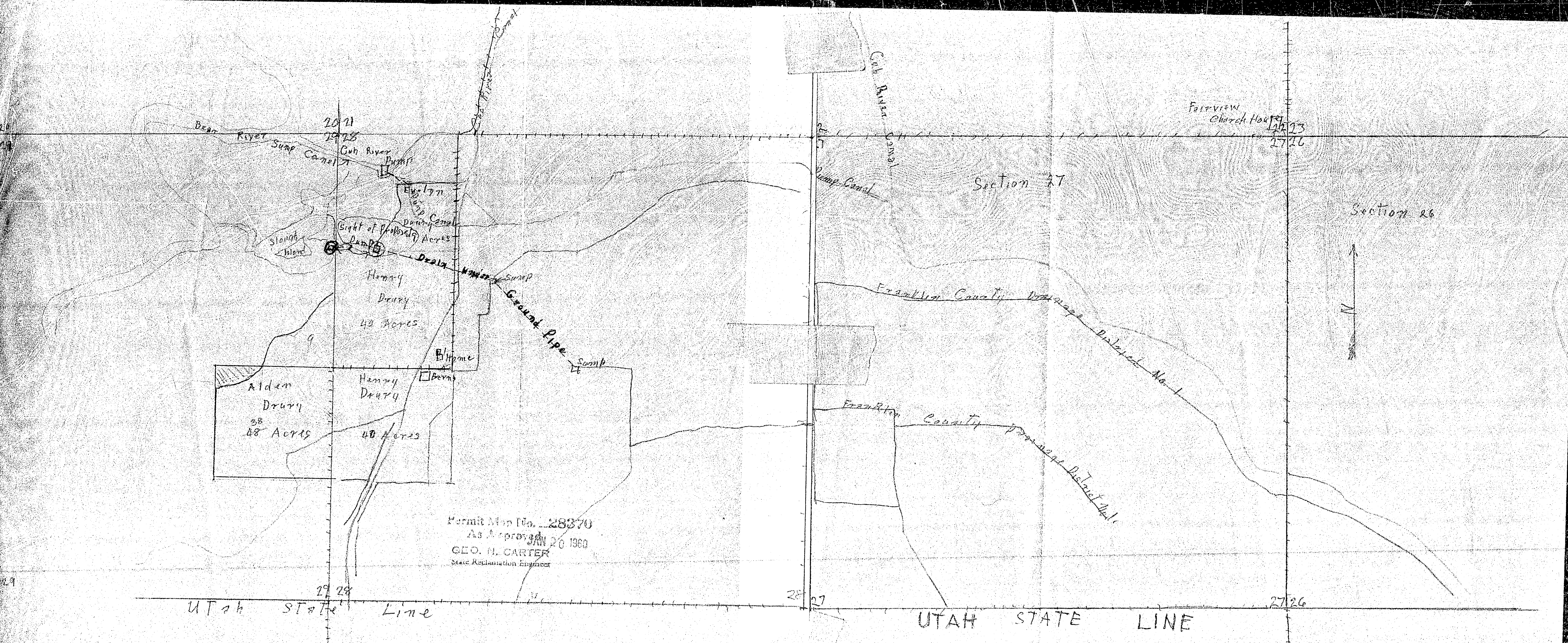
By.../s/...ARNOLD WILLIAMS.

.....
Secretary of State.

REMARKS: Diversion from unnamed slough only when there is not sufficient water in drain ditch

14.

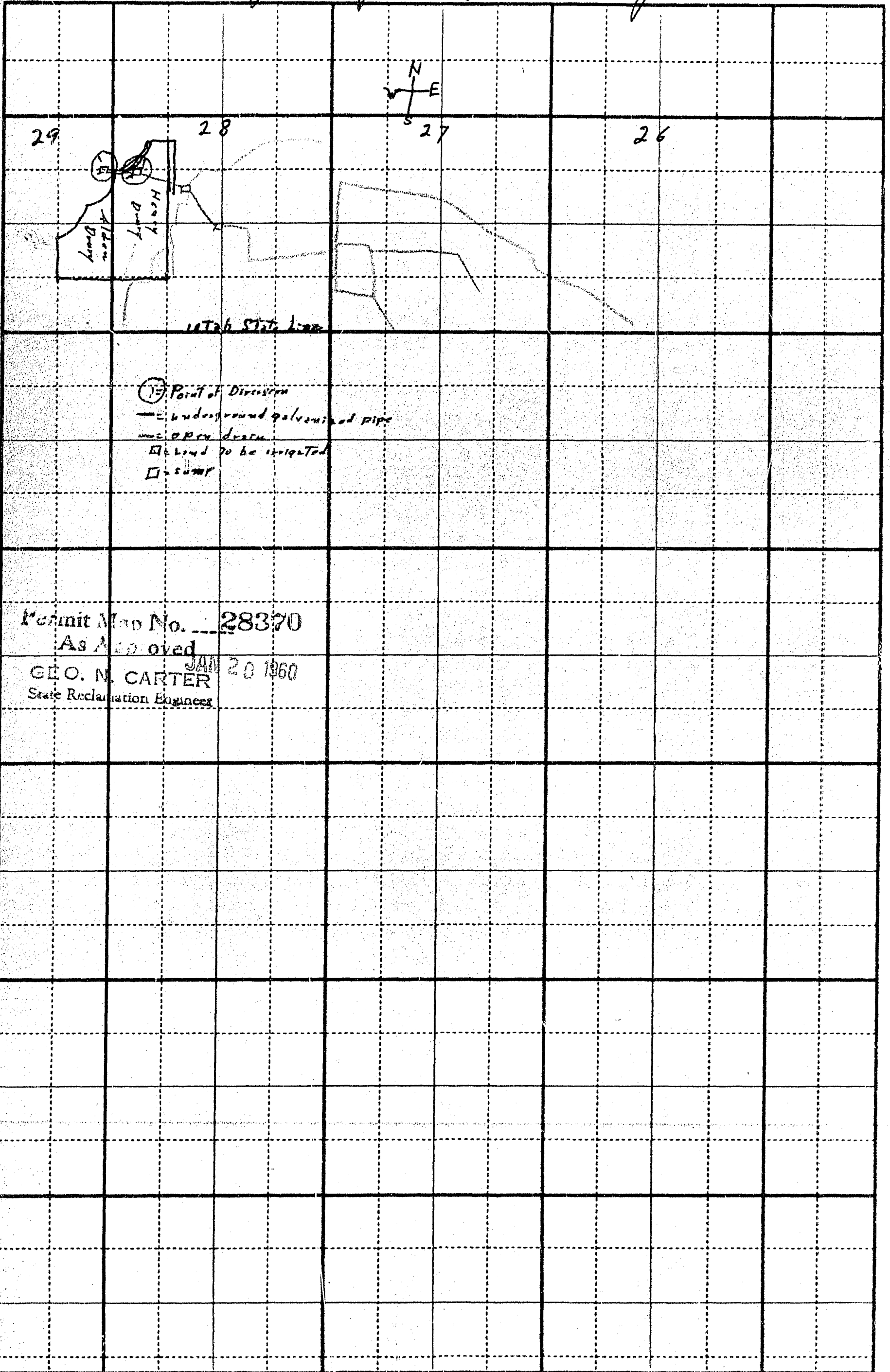
Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16 S	39 E	28 29				11		9	40				40				37	89 48 137	
Total number of acres to be irrigated:																			
Permit No. 28370																			
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that HENRY DRURY & ALDEN DRURY of Preston, County of Franklin, and State of Idaho, the holder of Permit No. 28370, issued upon Application No. 36345, bearing date of priority of January 11, 1960, authorizing the diversion of 2.5 second feet of waters of Franklin County Drainage District No. 1, 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 2.5 second feet of the waters of Franklin County Drainage District No. 1; alternate unnamed slough, which is a tributary of Bear River; that the point of diversion of said waters is W 1/2 NW 1/4, Sec. 28; E 1/2 NE 1/4, Sec. 29, T. 16 S., R. 39 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 129 acres in SW 1/4 NW 1/4, NW 1/4 SW 1/4, Sec. 28; SE 1/4 NE 1/4, NE 1/4 SE 1/4, Sec. 29, T. 16 S., R. 39 E., B. M.																			
Witness my hand this 6th day of December, A. D., 1961																			
s/ RALPH W. THOMAS Deputy State Reclamation Engineer																			
Proof of Completion of Works Made: November 13, 1961																			



Permit Map No. 28370
As Approved JAN 20 1960
GEO. M. CARTER
State Reclamation Engineer

NAME OF APPLICANT Henry Drury and Alden Drury

Form No. 0



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

28370

June 26, 1930

Re: Application for Permit

Alden Drury & Henry Drury
Route #1
Preston, Idaho

Dear Mr. Drury:

Enclosed is Form No. 1, application for permit to appropriate water from Franklin County Drainage District No. 1 with attached check for \$5.00 and blank sketch forms.

The check for filing fee is for the maximum amount shown so assume you intend to claim 2.5 cubic feet per second. Complete checked points under 4; length of conduit under 11; Under 12 we have changed 12 to 2 years, however that proof can be made at any time after the permit is approved; complete answer under 13; show land to be irrigated including acres under 14; complete answer under 15; complete two sketches on the blanks enclosed, showing location of drain ditch, location of point or points of diversion and land to be irrigated.

The maximum amount of water allowable is one miner's inch per acre or 2.5 cubic feet per second, 125 miner's inches for 125 or more acres.

You should also submit written permission from the Drainage District for your use of the water.

Very truly yours,

GEO. H. CARP
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:RPR:ow
Enc. Form 1
check
sketch forms

28370

June 26, 1959

Re: Application for Permit

Alden Drury & Henry Drury
Route #1
Preston, Idaho

Dear Mr. Drury:

Enclosed is Form No. 1, application for permit to appropriate water from Franklin County Drainage District No. 1 with attached check for \$5.50 and blank sketch forms.

The check for filing fee is for the maximum amount shown so assume you intend to claim 2.5 cubic feet per second. Complete checked points under 4; length of conduit under 11; Under 12 we have changed 1 1/2 to 2 years, however that proof can be made at any time after the permit is approved; complete answer under 13; show land to be irrigated including acres under 14; complete answer under 15; complete two sketches on the blanks enclosed, showing location of drain ditch, location of point or points of diversion and land to be irrigated.

The maximum amount of water allowable is one miners inch per acre or 2.5 cubic feet per second, 125 miners inches for 125 or more acres.

You should also submit written permission from the Drainage District for your use of the water.

Very truly yours,

GEO. W. CANNON
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:EPH:ew
Enc. Form 1
check
sketch forms

28370 RT

Preston Idaho
January 9, 1960

Dept of Reclamation
Room 107 State House
Boise, Idaho.

att Mr George N. Carter.

Dear Mr Carter:

Enclosed is application for filing on
the waters of Franklin Co Drainage District #1.
check of \$5.50 filing fee - and two (2) sketches
showing location of land and drain, and
letter from officers of Drainage District,
giving their permission of use of drain
and water.

Thanking you, I am,

Enclosure
application
check

Yours very truly
Henry Drury
and
Alden Drury

RECEIVED
JAN 11 1960
Department of Reclamation

FRANKLIN COUNTY DRAINAGE DISTRICT # 1
Preston, Idaho
January 6, 1960

RECEIVED
JAN 12 1960
Department of Reclamation

Department of Reclamation
Geo. N. Carter
State Reclamation Engineer
Boise, Idaho

Dear Mr. Carter:

We the directors of the Franklin County Drainage District #1 do hereby give our consent to Henry Drury and Alden Drury to use the waters of said drainage district for irrigation and to permit them to make whatever installation is necessary for use of said waters, providing it does not interfere with the regular usefulness of the drain.

Very Truly Yours,

Henry Drury
President

Henry Drury

O.E. Bowles
Director

O.E. Bowles

Royal G. Wilson
Director

Royal G. Wilson
O.E. Bowles

Preston Idaho
January 10, 1960

Dept of Reclamation
George N. Carter
Boise, Idaho

RECEIVED
JAN 12 1960
Department of Reclamation

Dear Mr Carter:

Enclosed please find letter authorizing
use of waters of Franklin County Drainage
District #1.

I sent other material in yesterday's
letter and should also have sent this.
After mail left I found I had not included
this.

Sincerely
Henry Drury
and
Alden Drury

January 12, 1960

Application No. 36305
Henry A. Alden Drury

Mr. Alden Drury
Route #1
Preston, Idaho

Dear Mr. Drury:

Enclosed is Receipt No. 29958 for the \$5.50 filing
fee.

The application is acceptable except the point of diversion is not entirely clear. On the application you show one point of diversion as in the center of west side of NW1/4, Sec. 28; the two standard maps show an additional point in the center of the east side of E1/4, Sec. 29 and the large map you sent shows one pump in the NW1/4, Sec. 28 near the south line. If the pump is not located on the line between the NW1/4 and SW1/4 it would be best to show the one where it is actually located as the point of diversion. Both points should be shown on the application in case there will be two points as shown on the maps.

Kindly advise as to location of the diversion or diversions and return promptly.

Very truly yours,

GEO. H. CAMER
State Reclamation Engineer

By:

(Mrs.) Edna F. Rutledge
Chief Clerk

HT:EPR:cw
Enc. application

28370RT

January 12, 1960

Application No. 36345
Henry & Alden Drury

Mr. Alden Drury
Route #1
Preston, Idaho

Dear Mr. Drury:

Enclosed is Receipt No. 29958 for the \$5.50 filing fee.

The application is acceptable except the point of diversion is not entirely clear. On the application you show one point of diversion as in the center of west side of $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28; the two standard maps show an additional point in the center of the east side of E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 29 and the large map you sent shows one pump in the NW $\frac{1}{4}$ Sec. 28 near the south line. If the pump is not located on the line between the NW $\frac{1}{4}$ and SW $\frac{1}{4}$ it would be best to show the one where it is actually located as the point of diversion. Both points should be shown on the application in case there will be two points as shown on the maps.

Kindly advise as to location of the diversion or diversions and return promptly.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

RT:EPR:cw
Enc. application

28370RT

Preston Idaho
January 15, 1960

Department of Reclamation
Mr. Geo N. Carter
Room 107,
State House
Boise, Idaho

RECEIVED
JAN 18 1960
Department of Reclamation

Dear Mr. Carter:

Thank you for your letter of Jan. 12, 1960 regarding the filing for water permit no. 36345.

The large map enclosed is a copy traced from the Franklin County air maps which shows Cub River Irrigation pumps which pump water from Bear River, up an 87 ft. lift and dumps into a gravity canal which is taken from Cub River. This is a supplementary water for late irrigation in Cub River Irrigation Co.

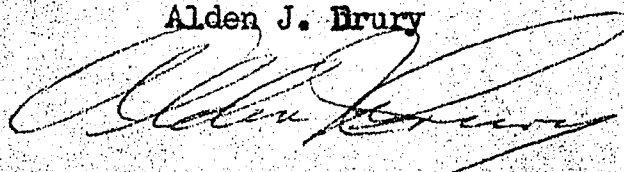
The East point of diversion in the west side of sec. 28 is well at the top of the hill and will save about a 60 ft. lift.

The west point of diversion in sec. 29 would be used only in case the drain flow became so low that it would not supply water enough to operate. This west diversion would be at the outlet of the drain where it dumps into a slough and in case of low water could be operated on a part time basis.

It is very seldom that this drain flow drops below 1 sec. ft. but as drainage water is a little unpredictable this second point of diversion would insure a successful water system.

Very truly yours,

Alden J. Brury



February 4, 1960

Re: Permit No. 28370

Mr. Henry and Alden Drury
Preston, Idaho

Gentlemen:

We enclose Permit No. 28370 in which we direct your attention to the limitations and conditions as given on the fourth page under the approval of the State Reclamation Engineer.

We enclose departmental receipt No. 29956 in our letter to you of January 12, 1960 which was issued in the amount of \$5.50 for filing fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rahn
Chief Clerk

EP:rew

Enc. permit
receipt enclosed
January 12, 1960

28370

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

RECEIVED
SEP 7 1961

Preston, Idaho

Department of Reclamation

September 6, 1961

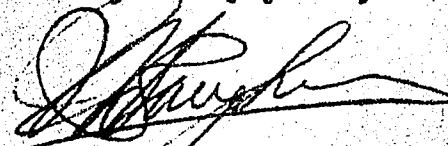
Department of Reclamation
State House
Boise, Idaho

Dear Sir:

We have taken a real estate mortgage on the property of Henry Drury to secure a Soil and Water Conservation loan. As additional security he has pledged his rights under Permit No. G 28370 and has agreed that he will not assign or amend the permit without prior consent of the Farmers Home Administration.

Will you mark your records accordingly and acknowledge receipt of this letter on the attached copy.

Very truly yours,



W. C. Maughan
County Supervisor

Receipt of this letter was acknowledged by copy 9-7-61

✓
28370

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho

Nov. 1, 1961

Re: Permit No. 28370

Henry & Alden Drury
Route #1
Preston, Idaho

Dear Sir:

Under the terms of your permit No. 28370 you are required to complete your diversion works on or before January 20, 1962. I enclose blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

GEO. N. CARTER

STATE RECLAMATION ENGINEER

Enc. Form 6

28370

Permit No. _____

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

RECEIVED
DEC 4 1961
Department of Reclamation

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Franklin

SS.

Henry Drury Alden Drury 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. 28370, and that his postoffice address is Prerton
State of IdahoSecond: That the name of the stream from which said water is to be diverted is FranklinCounty Drainage District No. 1Third: That the point of diversion of said water is near the lower endof pipe carrying water to unnamed slough in sections 8.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by January 20th, 1962Fifth: 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: Concrete dam reinforced with steel

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work: 5'-6" X 6" 6" 8' deep

(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 _____

2 1/2 second feet of water.Eighth: That water appropriated under said permit is available for 129 acres of land described as follows: SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 of Section 29, T 1/2 N R 39 E B.M. Henry Drury used NE 1/4 SE 1/4 Section 29, T 1/2 N R 39 E B.M. Alden Drury
Description of land attachedNinth: Remarks:—That We have this system all completed and in use 60 days in 1961. 1840' 3" steel culvert and 600' 6" pipe installed and repaired. 65 HP Case Diesel Engine with pump attached 1300' feet 6" 4" portable pump Henry Drury Alden Drury
2 lines sprinklers with
2 gates for flooding
Henry Drury
(SIGN HERE)Subscribed and sworn to before me this 13 day of Nov, 1961

NOTARY PUBLIC

My commission expires 30 Aug 64

28370

Alden J. Drury

Beg. at the SE Cor. of the $NE\frac{1}{4}SE\frac{1}{4}$ of Sec. 29, Tp. 16 S. R. 39 EBM, and running thence North 12 rods; thence West $13\frac{1}{2}$ rods; thence North 28 rods; thence East $13\frac{1}{2}$ rods; thence North 40 rods; thence West 1 rod; thence North 48 rods; thence Southwesterly 27 rods along established fence on top of hill; thence West 16 rods along said fence; thence Southwest along said fence 58 rods to ~~the~~ a point approximately 12 rods South of the NW Cor. of the $NE\frac{1}{4}SE\frac{1}{4}$ of said Sec. thence South 68 rods; thence East 80 rods to the place of Beg. 49X acres

Beg. at a point 12 rods North of the SE Cor of the $NE\frac{1}{4}SE\frac{1}{4}$ of Sec. 29, Tp. 16 S. R. 39 EBM, and running thence West $13\frac{1}{2}$ rods; thence North 28 rods; thence East $13\frac{1}{2}$ rods; thence South 28 rods to place of Beg.

Henry Drury

The $SW\frac{1}{4}NW\frac{1}{4}$, and the $NW\frac{1}{4}SW\frac{1}{4}$ of Sec. 28, T $1\frac{1}{2}$. 16 S. R. 39 EBM. 80 acres

December 6, 1961

Re: Permit No. 28370

Henry & Alden Drury
Route #1
Preston, Idaho

Gentlemen:

Enclosed is the Certificate of Completion of Works issued on
Permit No. 28370.

Also enclosed is departmental receipt No. 30859, in the
amount of \$5.00 covering fees.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Hule
Chief Clerk

KPR:cw

Enc. certificate
receipt

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Re: Permit No. 28370

Date:
Nov. 1, 1963Henry & Allen Drury
Preston, Idaho

Dear Sirs:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 28370 is due not later than January 20, 1964. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated - by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published.

Also enclosed is Form 11, which is the authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,

[Signature]
 CARL E. TAPPAN
 State Reclamation Engineer

Enc. Form 10 and 11
 Attorney General's ruling

28370

RECEIVED
DEC 5 1963
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 4, 1963

(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

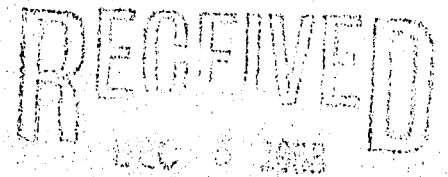
the county in which the works are situated.

x Henry D. Dwyer
Aldeh Dwyer

(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.



NOTICE FOR PUBLICATION

Department of Reclamation

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 9:00 A.M. on the 15th day of January, 1964,
at Preston, County of Franklin, State of Idaho, before
Ted B. Larsen, proof will be submitted of the
application to beneficial use of 2.5 cubic feet per second of the waters of
Franklin County Drainage District No. 1: alternate unnamed slough which is tributary of
Bear River in accordance with the terms and conditions of
Permit No. 28370 heretofore issued by the Department of Reclamation of the State of
Idaho.

The name and post office address of the person or corporation holding said permit
Henry & Alden Drury Preston, Idaho RT. 1

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 2.5 second feet

The point of diversion of said water is W1/2NW1/4 Sec 28: E1/2NE1/4 Sec 29, Twp
16 South, Range 39 East, Boise Meridian.

The place where said water is used (LEGAL DESCRIPTION)
129 acres located in SW1/4NW1/4, NW1/4SW1/4, Sec 28, SE1/4NE1/4, NE1/4SE1/4 Section
29, Twp 16 South, Range 39 East, Boise Meridian.

The date of priority which said user is prepared to establish is January 11, 1960

State Reclamation Engineer

28370

December 5, 1963

Re: Permit No. 28370
Henry & Alden Drury

Preston Citizen
Preston, Idaho

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to January 15, 1964, the date set for proof; the expense of the publication is to be paid by the applicants, Henry & Alden Drury 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 or tear sheet of the first publication.**

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

** 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.

CET:vj
Enclosure

28370

Re: Permit No. 28370

Henry & Alden Drury
Route #1
Preston, Idaho

Dear Sirs:

This acknowledges the Notice of Proof ^{of} ~~of Completion of Work and~~ Application
of Water to Beneficial Use under Permit No. 28370. The proofs are to be
made at 9:00 o'clock A.M. on the 15th day of January, 1964, before
Ted B. Larsen, Notary Public.

As of this date we have mailed the Notice to the Preston Citizen,
with instructions to publish it once a week for four consecutive
weeks prior to the date set for final proof 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 dis-
interested 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,

~~GEORGE N. CARTER~~ **CARL E. TAPPAN**
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

Preston, Idaho
December 31, 1963

Department of Reclamation
Boise, Idaho

Re: Proof of water usage
Henry Drury and Alden Drury
Permit #28370

Gentlemen:

In reference to the above referred permit being advertised under the names of Henry Drury and Alden Drury in the county of Franklin.

We have a notice given to us by Drainage District #1 of Franklin County, that the water being requested under this permit is being pumped out of their drainage district. A drainage they constructed, in the district they created.

Their question was, "can the state give a permit to water in a drain where the drain is in a drainage district, and where said district developed the water?"

They refer to "Idaho Law of Water Rights, page 42 paragraph 5
Nampa and Meridian Irrigation District v. Barclay
56 Idaho 13, 18-19 47 Pac (2d) 916 (1935)

This letter is to be taken as an objection to the proof of use in the above referred to Permit unless the above question can be answered to the satisfaction of the Drainage District #1 Franklin County.

Yours very truly,


Ted B. Larsen
Notary Public
Preston, Idaho

January 2, 1964

Re: Permit No. 28370
Henry & Alden Drury

Ted B. Larsen
Notary Public
Preston, Idaho

Dear Mr. Larsen:

We received your letter of December 31st in regard to use of water from Drainage District No. 1 of Franklin County.

Enclosed is photo copy of ~~letter~~ in the permit file.

Water developed by drain ditches is generally considered to be private water and permission is required from the owner of the drain before a permit is issued, or the permit is issued subject to conditions that upon examination, this department decides that the water is public water.

A protest must be signed by the protestant before a Notary Public and must show cause for the protest.

This office does not have a record of Drainage Districts over the state.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. photo copy of letter

28370

RECEIVED
JAN 16 1964

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 28370

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

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

Henry Drury and Alden Drury, Route 1, Preston, Idaho Occupation is farming

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:

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; 28370 January 11, 1960 January 11, 1960

Ques. 4. State source of water supply: Alternate unnamed slough, which is a tributary of Bear River Franklin County Drainage District No. 1;
Give location of point of diversion, showing subdivision, section, township and range:

W1/2NW1/4, Sec, 28, E1/2NE1/4, Sec 29, T 16 S., R 39 E.B.M.,

Ques. 5. Describe your works of diversion: Case Deisel 900 series with 6 by 1. 6 x 5 pump
sprinkle and flood from this system; state amount of water they are capable of conveying from point of diversion to place of use 2 1/2 C.F.S.; Give name of canal or ditch by applicant
or other works by which water is conducted to such place of use: underground mainline owned/
_____; if a well, state depth of well - -; depth and size of casing: - - - - -; depth to water - - -; if pump is used, state discharge of pump: 5 inch; tell how it was measured or determined: ASC office engineer; if sprinkler irrigation, give number and size of nozzles and operating pressure: 60 lbs pressure 90 nozzles 3/16 inch

Ques. 6. State for what purpose water is used: irrigation
If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water :
129 acres in SW1/4NW1/4, NW1/4SW1/4, Sec 28; SE1/4NE1/4; NE1/4SE1/4 Sec 29, T. 16 S., R 39 E.B.M.

State nature of all improvements which have been made as a direct result of said use:

Additional water for 129 acres which was inadequately irrigated, buried main line one-half mile, pump and sump and three concrete structures.

28370

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, state purpose and how used: _____

Ques. 8. What is the minimum amount of water required for the purpose specified above:
2 1/2 S.C.F.

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: _____

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: January 11, 1960 Time used since first use: _____

water used from April to October 1

Ques. 11. Describe all other water rights appurtenant to same place of use:
22 shares Cub River Irrigation

(sign) Henry D. Jensen

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 15th day of January, A.D. 19 64.

Red B. Larsen

My Commission expires: May 12, 1966

RECEIVED
JAN 16 1964

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. _____

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 D. Allred age 36, Preston, Idaho estimator Utah Power Company

Ques. 2. Are you acquainted with Henry Drury, the holder of Permit No. 28370? How long have you known him and where does he reside?

Ans. I have known Mr. Drury about 20 years, His residence is

Route 1 Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. 28370, and are you familiar with its provisions and conditions?

Ans. yes I am also familiar with it.

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. NW1/2NW1/4 Sec 28, E1/2NE1/4 Sec 29, T 16 S., R 39 E.B.M.

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

Ans. 2 1/2 C.F.S.

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 approx 129 acres in SW1/4NW1/4, NW1/4SE1/4 Sec 28; SE1/4 NE1/4; NE1/4SE1/4 Sec 29, T. 16 S., R 39 E.B.M.

283X

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. water has been used for addition water for 129 acres which was inadequately irrigated prior to this this is sandy loamsoil and requires more water than ordinary soil. I would estimate that this soil should use approximately 3 1/2 Acre feet

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 have noted continuous irrigation of said water usage from irrigation season from 1960 and since present time.

(Signed)

Jack D. Allred

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 15th day of January, A. D. 1964.

Red B. Larsen

Notary Public.

My commission expires May 12, 1966.

RECEIVED
JAN 16 1964STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. _____

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. Paul Ranson 38 age Preston, Idaho farmerQues. 2. Are you acquainted with Henry DRURY, the holder of Permit No. 28370? How long have you known him and where does he reside?Ans. I have known Mr. Drury about 20 years. His residence is Route 1
Preston, IdahoQues. 3. Have you read or heard read said Permit No. 28370, and are you familiar with its provisions and conditions?Ans. yes I am also familiar with it.

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. W1/2NW1/4, Sec 28, E1/2NE1/4 Sec 29, T. 16 S., R. 39 E.B.M.

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

Ans. 2 1/2 C.F.S.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. irrigation of approx. 129 acres in SW1/4NW1/4, NW1/4SW1/4 Section
28: SE1/4NE1/4; NE1/4SE1/4 Sec. 29, T. 16 S., R. 39 E.B.M.

28370

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. this water has been used for addition water supply for approx 129 acres which prior to this time was very inadequately irrigated. this is sandy loam soil and requires approximately 3 1/2 acre feet

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 have noted continuous irrigation of said water usage from this water source since the irriagtion season of 1960.

Paul Benson

(Signed)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Preston,
County of Franklin, State of Idaho, on this 15th day of January,
A. D. 1964.

Red Larson

Notary Public.

My commission expires May 12, 1966.

No 625

RECEIVED
JAN 16 1964

AFFIDAVIT OF PUBLICATION

Department of Reclamation

STATE OF IDAHO,

ss.

County of Franklin

Wayne D Bell
being duly sworn,

deposes and says:

That he is the *Co-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

Two 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

Dec 12, 19 *63*, and ending with the issue of *Jan 2*, 19 *64*.

Fees, \$ *19.78*

Subscribed and sworn to before me this *16th* day

of *January*, 19 *64*.

William J. Ross
Notary Public, Residing at Preston, Idaho

My Commission Expires

December, 19 *66*.

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

Notice is hereby given that at 9:00 a.m. on the 15th day of January, 1964, at Preston, Idaho, before Ted B. Larsen, proof will be submitted of the application to beneficial use of 2.5 cubic feet per second of the waters of Franklin County Drainage District No. 1: alternate unnamed slough which is tributary of Bear River, in accordance with the terms and conditions of Permit No. 28370 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit is Henry and Allen Drury,

Route 1, Preston, Idaho.

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

The amount applied to beneficial use is 2.5 second feet.

The point of diversion of said water is W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 28; E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 29, Twp. 16 South, Range 39 East, Boise Meridian.

The place where said water is used (Legal description) is 129 acres located in SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW, Sec. 28, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Twp. 16 South, Range 39 East, Boise Meridian.

The date of priority which said user is prepared to establish is January *1*, 1960.

Carl E. Tappan
State Reclamation Eng.

No. 625
Pub. December/2, 1963-Jan. 2, 1964.

283X

Dial 852-0546

Box 466

J. N. Larsen Company

Preston, Idaho

To: Bureau of Reclamation

Re: Protest

MEMO

Date: 1-17-64

From: Ted B. Larsen

We are enclosing herewith Protest of Water Filing which was to be sent to your office with the other papers in connection with the filing of Henry Drury but, was somehow omitted.

RECEIVED

JAN 20 1964

Department of Reclamation

28370

RECEIVED
JAN 14 1964

Department of Reclamation

PROTEST ON WATER FILING

STATE OF IDAHO
COUNTY OF FRANKLIN--SS

We the undersigned members of Drainage District #1 Franklin County, do hereby protest proof of filing under permit No. 28370 Henry Drury and Alden Drury.

Our protest is based on the chance that the permit if issued would jeopardize our positions in said drainage district as to our prior water rights established from usage by pumping water from said drain for irrigation purposes.

Our prior water right by usage dates from June 1, 1955, and since that date we have pumped and beneficially used water from said drainage.

We also protest on the grounds that water created in a drainage district belongs to that district provided that it is beneficially used.

A. W. Throckmole
Judd Bowles
Orval L. Hyde

Subscribed and sworn to before me this 14th day of January, 1964.

Red B. Larsen
Notary Public, Preston, Idaho

28370

September 20, 1964

Re: Permit No. 28370

Henry & Alden Drury
Route #1
Preston, Idaho

Dear Sirs:

Enclosed is copy of protest we received in regard to your proof of beneficial use of water under above noted permit, also, copy of statement from the paper.

No further action will be taken by this office until after the field examination of your use of the water.

Copy of this letter is being sent to Mr. Ted Larsen, for the protestants as their address is not given.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. copy of protest

cc: Ted B. Larsen
Box 466
Preston, Idaho

28370

1M April 1962

January 22, 1964

Re: Permit N~~28~~370

Henry and Alden Drury
Route #1
Preston, Idaho

Gentlemen:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the PRESTON CITIZEN, all submitted in proof of ~~completion of work~~ ²⁸³⁷⁰ and beneficial use on Permit No.

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. Rule
Chief Clerk

EPR:

28370

March 22, 1966

RE: Permit No. 28370

Henry and Alden Drury
Rt 1
Preston, Idaho

Gentlemen:

Mr. Tappan informed me you were in the office last week inquiring about your license on the above permit.

Before a license can be issued an inspection of the works and land to be irrigated is necessary. I have tried to make the necessary inspection on two occasions, once in May, 1964 and again in May, 1965. In 1964 Mr. Henry Drury accompanied me over the works, but the works have to be in operation so the capacity of the works can be determined by making a discharge measurement of the pump in a manner in which the water is applied to the land.

Please inform me as to what date you will be pumping so we can schedule a trip to that vicinity and complete this inspection.

If you recall a protest was filed against the issuance of a license to you by A. Vern Hinckley, Judd Bowles and Ornal L. Hyde through Ted B. Larsen of J. N. Larsen Company, Preston, Idaho. I would like to suggest you contact the protestants and get them to withdraw their protest. It is better to resolve any disputes or conflicts on the local level.

Very truly yours,

Loy H. Johnson
Field Engineer

LHJ:mr

28370

HENRY DRURY & SON

REGISTERED HOLSTEINS

HOME OF THE COLAS

DAIRY FARM EQUIPMENT

PRESTON, IDAHO

June 22, 1966

RECEIVED
JUN 27 1966

Department of Reclamation

Permit # 28370

Log, W. Johnson
Field Engineer
Dept of Reclamation
Boise, Idaho 83701

Dear Mr. Johnson:

Regarding your letter of March 22, 1966 concerning permit no. 28370. I am sorry when you called here in May 64 and May 65 that we were not operating the pump. We usually start from the middle of May to first part of June according to the season and the need for irrigation. This year we have been operating since about the middle of May.

If you would let me know where you could be here I would manage to be here and see that you was taken over the entire system. This system has worked very well every since it was installed. Saw Roberts our County Agent, Cub Riner irrigation co. manager, and water master along with many others would verify this.

I am breeding registered Holsteins cattle and handle sales that take me away from home part of the time. It might be much better if you would let me know when or about the time you could call, then I would plan my affairs at your convenience and be at home.

Thanking you for your letter and hoping to hear from you in the near future.

Yours truly

Henry Drury

28370

June 28, 1966

Re: Permit No. 28370

Messrs. Henry & Alden Doury,
Rt. #1,
Preston, Idaho.

Gentlemen:

Thank you for your letter of June 22, 1966.

I shall try and be in your area the week of
July 11th. I will phone you when I arrive to set up
a date.

I wish to refer you to the last paragraph of
my letter of March 22, 1966., requesting you to resolve
the protest of the issuance of your license on the local
level. It should be in writing and signed by the pro-
testant.

Very truly yours,

LOY H. JOHNSON
Field Examiner

LHJ:pmk

28370

HENRY DRURY & SON
REGISTERED HOLSTEINS
HOME OF THE COLAS
DAIRY FARM EQUIPMENT
PRESTON, IDAHO

Oct. 4, 1966

RECEIVED

OCT 6 1966

Department of Reclamation

Department of Reclamation
Room 107, State House
Boise, Idaho 83701

Dear Mrs. Johnson:

Thanks for calling at my place and
measuring the waters we filed on
permit no. 28370.

Enclosed is a letter signed by
Gene Hinkley releasing his protest
on the filing on these waters.

As I remember this was the request
you asked for, so our filing on this
water could be completed. Thanking you
I am.

Yours very truly
Henry Drury

28370

28370

Preston, Idaho
October, 4, 1966

RECEIVED
OCT 6 1966

Department of Reclamation

Department of Reclamation
Room 107, State House
Boise, Idaho 83701

Gentlemen please restate my
protest on file in your Office on
Franklin County drainage district
no 1, ^{permitted} 8370 against. Henry & Allen Drury
filing on the waters of said drain

Yours truly
Vern Hinchley

28370

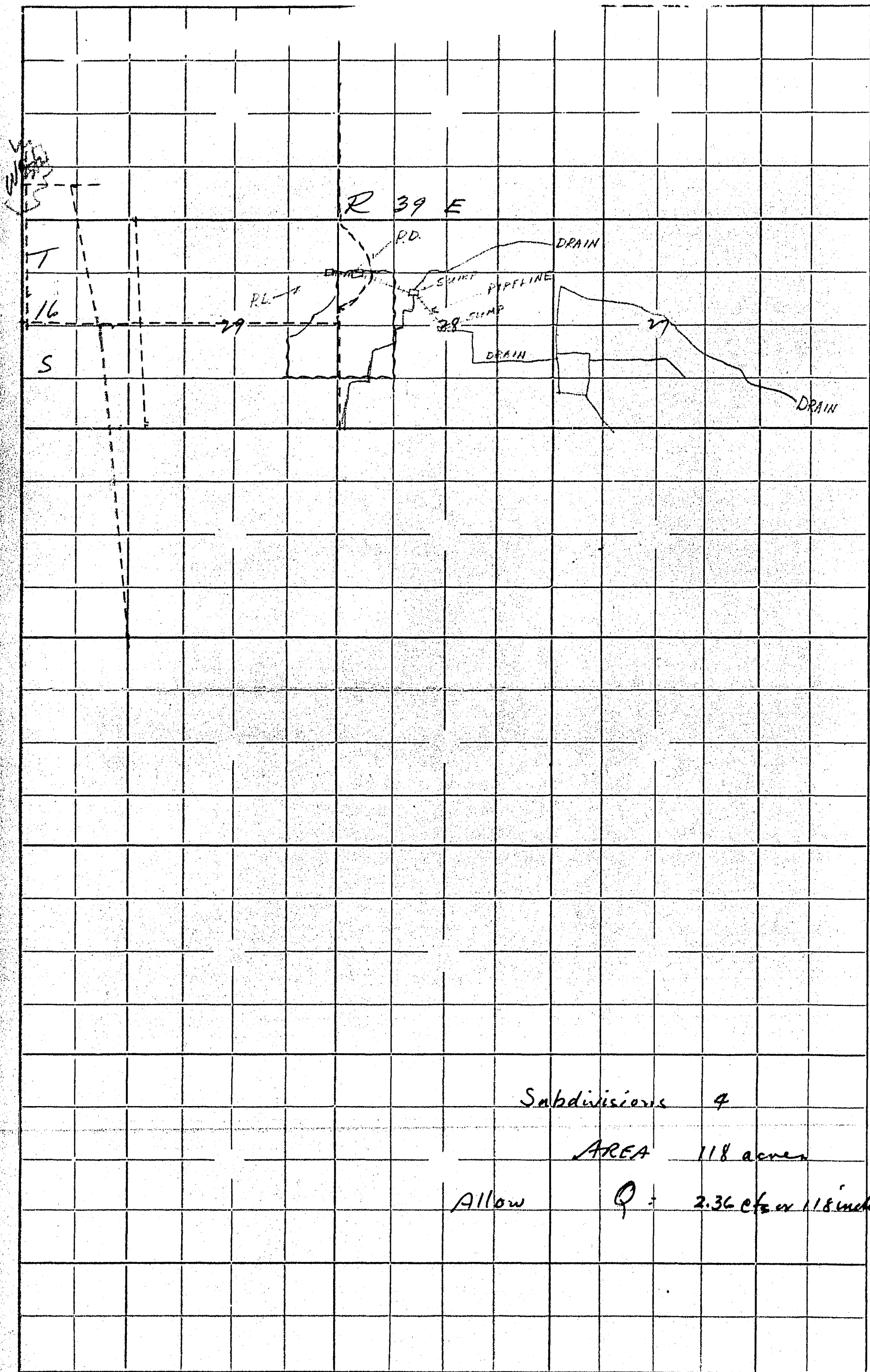
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 28370

REPORT ON PROOF OF Beneficial Use

Henry and Alden Drury, Rt. #1, Preston, Idaho



Subdivisions 4

AREA 118 acres

Allow Q: 2.36 cfs or 118 inches

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

Permit No. 28370

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Henry and Alden Drury
2. Source of water supply: Franklin County Drainage Dist. No. 1., Alternate unnamed slough
3. Location of point of diversion: Is in the $E\frac{1}{2}NE\frac{1}{4}$ of Section 28
 $W\frac{1}{2}NW\frac{1}{4}$ of Section 28
- T. 16S R. 39 E.B.M. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: 65 HP JI Case 6 cyl. Stationary Diesel Motor #8125606 Model 909; Carter Centrifugal Pump #76410 Model 55 H HP $6\frac{1}{2}$ " inlet x 4" outlet to 8" buried Main line. 8' x 6' x 8' concrete sumps with 18" gate with a 15" trickle tube 4' high to maintain depth of water for pumping - used both as Sprinkler or Gravity irrigation ($7/32 \times 1/8$ nozzle used)
5. Water is used for: irrigation
6. State whether or not water has been turned into works of diversion: yes

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

$SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$ Sec. 28., $SE\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$ Sec. 29., Twp. 16 S., R. 39 E.B.M.

Approx. ¹²⁹ 137 acres.

Talked to Mr. Hinkley - he said he had no objection as long as he could pump what he needed for a 5 or 6 acre field he was irrigating near ditch. - I suggest the protests be dismissed as no one has been injured so far. The Protesters are assuming they might be injured by the issuance of the license.

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

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

Remarks: Mr. Henry Drury along

(Seen from Franklin County Drainage Dist. #1 dated 11/6/60) (They had no objection to permit)

Mr. Drury submitted permit from drainage district and this is on the tail end of Drain Ditch before entering Bear River. No one can be injured.

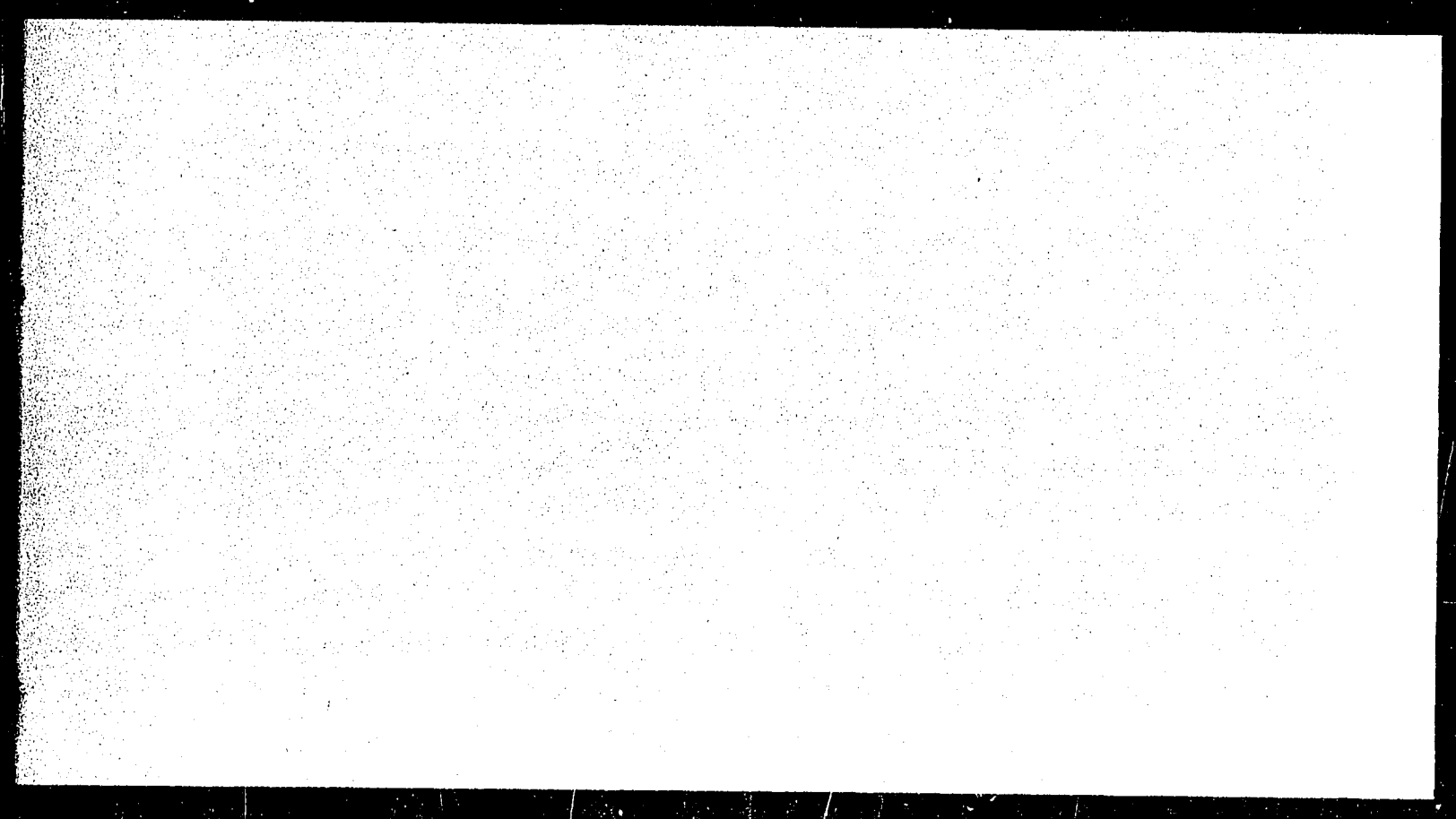
(Could only find Judd Bowles to talk to. They (Hinkley, Bowles and Hyde) are afraid they might be stopped from using the water in a short year. (Box Flow Meter $7\frac{1}{2}$: $47.94 \times 2.17 \times 1.09 = 2.54$ cfs.)

This examination was made on the 22 day of May, 1964
(Signed) *Layne Johnson* Examiner.

28370

Note the following notation should be inserted in the
free letter and also shown on the license

As the application states, the right to the water
would be only to the water that comes in the natural drain
or drain ditch and does not obligate, in any way, the Irri-
gation District or Drainage District to supply water to the
point from which the water is diverted.





Henry and Alden Drury
Route #1
Preston, Idaho
Permit No. 28390
Examination for Beneficial Use

County Franklin
28 16S
Sec. 22 T. 16S R. 39 E

Quantity: 2.5 CFS.

Source: Franklin Co. Damaged
No. 1, alternate unnamed storage.
P.D.: E 1/4 NE, Sec. 29 }
W 1/4 NW Sec. 28 } 16S-30E

Use: Irrigation

Filed: 1-11-60

Due: 1-20-64
Made 1-15-64
Priority - Jan 11, 1960
Extension:

Completion of Works: 11-13-61

Other Rights:
Chas. Lewis Drury, Co.

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
AUG 8 1966

Department of Reclamation

October 11, 1966

Re: Permit No. 28370

Henry and Alden Drury
Route #1
Preston, Idaho

Dear Mr. Drury:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 28370 shows the pump & pipeline ~~are~~ capable of conveying 118 miner's inches, or 2.36 c.f.s. of water for the irrigation of 118 acres.

Upon receipt of the statutory fee of \$ 13.00 -based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of January 11, 1960 to the use of 2.36 second feet of surface water with the point of diversion in W~~1~~NW~~1~~, Sec. 28; E~~1~~NE~~1~~, Sec. 29, for irrigation of 118 acres in SW~~1~~NW~~1~~, NW~~1~~SW~~1~~, Sec. 28; SE~~1~~NE~~1~~, NE~~1~~SE~~1~~, Sec. 29, T. 16 S, R. 39 E, B.M.

As the application states, the right to the water would be only to the water that comes in the natural drain or drain ditch and does not obligate, in any way, the irrigation district or drainage district to supply water to the point from which the water is diverted.

Very truly yours,

M. Russell Bosch
Office Manager

MRE:nw

28370

HENRY DRURY & SON

REGISTERED HOLSTEINS

HOME OF THE COLAS

DAIRY FARM EQUIPMENT

PRESTON, IDAHO

Oct. 13, 1966

RECEIVED

OCT 17 1966

Department of Reclamation

Department of Reclamation
Boise, Idaho.

Gentlemen.

Thanks for your letter of Oct 11, 1966
regarding permit no. 28370.

Enclosed find check of \$13.00 to
Cover License & Certificate of Water-
Right.

Yours Very Truly

Henry Drury

28370 *CH*

State of Idaho

License and Certificate of Water Right

Water License No. 28370 Priority January 11, 1960 Amount 2.36 c.f.s.

THIS IS TO CERTIFY that

HENRY DRURY & ALDEN DRURY

of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 11, 1960; that Permit No. 28370 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.5 second feet, was issued thereunder on December 6, 1961, showing that said works were completed on the 13th day of November, 1961; and that on the 15th day of January, 1964

HENRY DRURY & ALDEN DRURY

of Preston, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Franklin County Drainage District No. 1; alterante unnamed slough a tributary of Bear River for the purpose of irrigation under Use Permit No. 28370 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 14 of Licenses, at Page 8604, on the 29th day of November, 1966.

The right hereby confirmed dates from January 11, 1960.

The Point of Diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 16 S, R. 39 E, B.M. Franklin County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.36 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S	39 E	28	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	33
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
		29	SE $\frac{1}{4}$ NE $\frac{1}{4}$	11	8
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	37	<u>37</u>
		Total number of acres to be irrigated:			118

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 29th day of November, 1966.

R. Keith Higgins
State Reclamation Engineer.

28370

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. 28370

To Henry Drury & Alden Drury
Preston, Idaho

Source of Supply unnamed slough

Franklin County

Amount 2.36 Sec. Ft.

Point of Diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28,
T. 16 S, R. 39 E, B.M.

Place of Use SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28;
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 29,
T. 16 S, R. 39 E, B.M.

Purpose irrigation

Date of Priority January 11, 1960

Recorded November 29, 1966

in Book 14 of Licenses, Page 8604

November 29, 1966

Re: Permit No. 28370

Henry and Alden Drury
Route #1
Preston, Idaho

Dear Mr. Drury:

Enclosed is the License and Certificate of Water Right on the
above numbered permit.

Also enclosed is departmental receipt No. 33469 in the amount
of \$13.00 covering the fees.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:rw

Enclosure

28370

January 17, 1967

RE: Permit No. 28370

Henry & Alden Drury
Rt 1
Preston, Idaho

Gentlemen:

Enclosed is the corrected license on the above numbered
permit.

Very truly yours,

Donald J. Watts
Engineer

DJW:mr

Enc. license, receipt, letter

Public Notices

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLI- CATION OF WATER TO BE- NEFICIAL USE

Notice is hereby given that at 9:00 a.m. on the 15th day of January, 1964, at Preston, Idaho, before Ted B. Larsen, proof will be submitted of the application to beneficial use of 2.5 cubic feet per second of the waters of Franklin County Drainage District No. 1: alternate unnamed slough which is tributary of Bear River, in accordance with the terms and conditions of Permit No. 28370 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit is Henry and Allen Drury, Route 1, Preston, Idaho.

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

The amount applied to beneficial use is 2.5 second feet.

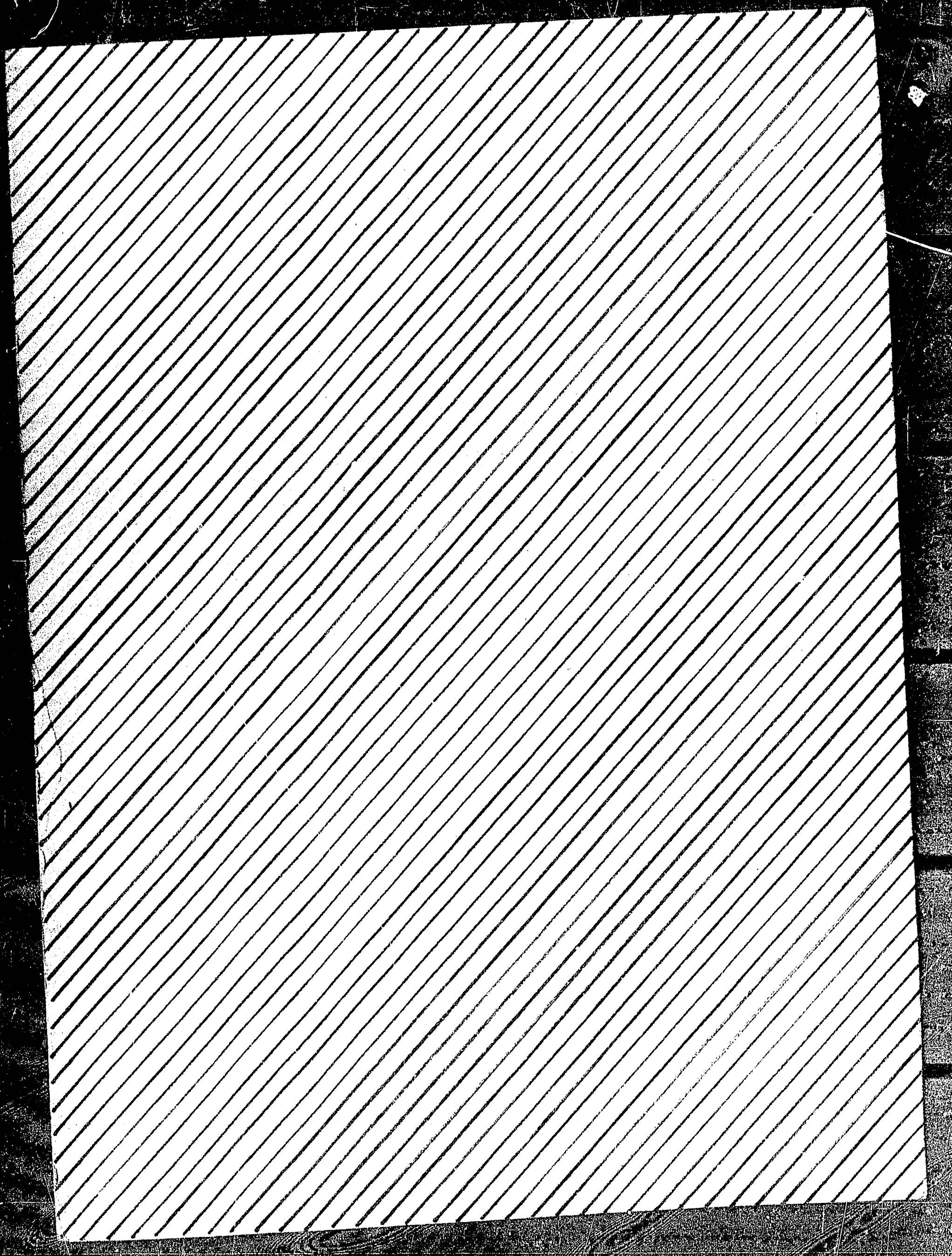
The point of diversion of said water is $W\frac{1}{2}$ $NW\frac{1}{4}$ Sec. 28, $E\frac{1}{2}$ $NE\frac{1}{4}$ Sec. 29, Twp. 16 South, Range 39 East, Boise Meridian.

The place where said water is used (Legal description) is 129 acres located in $SW\frac{1}{4}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$ Sec. 28, $SE\frac{1}{4}$ $NE\frac{1}{4}$, $NE\frac{1}{4}$ $SE\frac{1}{4}$ Section 29, Twp. 16 South, Range 39 East, Boise Meridian.

The date of priority which said user is prepared to establish is January 1, 1960.

Carl E. Tappan
State Reclamation Eng.

No. 625 **28370**
Pub. December 2, 1963-Jan.
2, 1964.



May 18, 1970

Re: Permit No. 28370/ (new number 13-2205)

Mr. W. C. Maughan
U. S. Dept. of Agriculture
Farmers Home Administration
Preston, Idaho 83263

Dear Mr. Maughan:

We are in receipt of the letter of May 11, 1970 concerning water license 28370/13-2205. We are enclosing a copy of the water license for your use in connection with the loan referenced in your letter.

We do not have a procedure to record the change in ownership of licensed or perfected water rights. We have been advised by the Attorney General's office that once a permit is perfected into a license that any real property characteristics are vested in the real estate benefitted under the license. In effect, whoever owns the real property owns the water right referenced. In order for the state to be able to record changes of ownership of a perfected right, we would need to maintain a complete up-dated abstract of title system.

We will file your letter of May 11, 1970 as an indication of the transaction that has taken place.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG
Enclosure

28370

13-2205

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

Preston, Idaho

11 May 1970

State of Idaho
Bureau of Reclamation
Boise, Idaho 83702

Department of Reclamation

13-2205

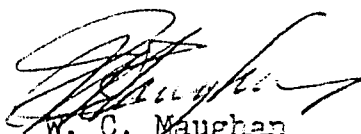
Gentlemen:

We wish to advise that Alden J. Drury has purchased the farm of Henry J. Drury. Henry Drury and Alden Drury secured a License and Certificate of Water Right, No. 28370, on November 29, 1966, from your department.

Please send us the necessary papers to have this transferred to Alden Drury. The Farmers Home Administration has made a loan to Alden Drury for the purchase of the farm and water rights. Please note on your records the existence of this mortgage recorded 17 April 1970.

If you have any questions on the above, please let us hear from you.

Very truly yours,


W. C. Maughan
County Supervisor

28370

13-2205

State of Idaho

License and Certificate of Water Right

Water License No. 28370 Priority January 11, 1960 Amount 2.36 c.f.s.

THIS IS TO CERTIFY that

HENRY DRURY & ALDEN DRURY

of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 11, 1960; that Permit No. 28370 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 2.5 second feet, was issued thereunder on December 6, 1961, showing that said works were completed on the 13th day of November, 1961; and that on the 15th day of January, 1964

HENRY DRURY & ALDEN DRURY

of Preston, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Franklin County Drainage District No. 1; alterante unnamed slough a tributary of Bear River for the purpose of irrigation under Use Permit No. 28370 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 14 of Licenses, at Page 8604, on the 29th day of November, 1966.

The right hereby confirmed dates from January 11, 1960.

The Point of Diversion is located

in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 16 S, R. 39 E, B.M. Franklin County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.36 cubic feet per second.

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		Total number of acres to be irrigated:			118

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 29th day of November, 1966.

R. Keith Higgins
State Reclamation Engineer.

13 2205

28370