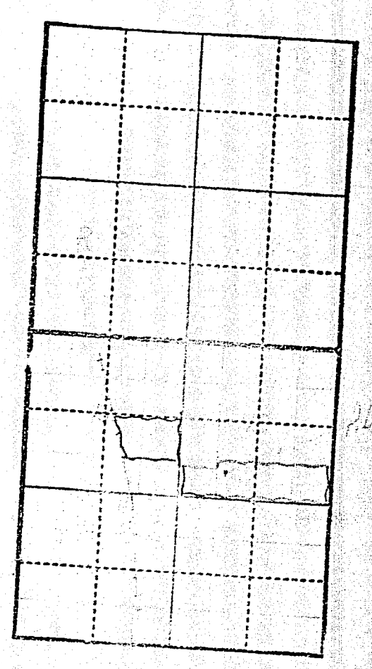
G-28844

# APPLICATION FOR PERMIT
## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36827
Permit No. G- 28844
District No.

1. Name of Applicant: Owen Maughan
   Postoffice address: Weston County: Franklin State: Idaho



2. Quantity of water claimed: 4 second feet
   (a) Rate of withdrawal in cubic feet per second well to be drilled or Idaho Miners' inches or gallons per minute
   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Deep well

4. Location of point of diversion or well is in the SE ¼ of the SW ¼ of Section 18 Twp. 16 S , Rge. 39 E , B.M., County of Franklin

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:
   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B. M.
   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B. M.

7. Kind of works:

8. Estimated cost of works: $12,000

9. (a) Is reservoir to be used?
   (b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:
   I. (a) Date and place of incorporation:
   (b) Amount of capital stock: $ (c) Amount paid in: $
   (d) Names and addresses of directors:
   II. The financial resources of the applicant are (a) Cash on hand: $
   (b) Treasury stock: (c) Bonds to be issued:
   (d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

   (a) 4.0 (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplemental to the existing water rights.

   (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as hereun set forth.

s/ Owen Maughan *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 3:00 P.M. July 6, 1960

Returned to applicant for correction:

Corrected application received:

---

## Approval of State Reclamation Engineer

The number of this permit is G— 28844

Recorded in Book 101 Page 28844 Approved July 8, 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 and to continue deligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 8, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July 8, 1965

Witness my hand this 8th day of July, 1960

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, 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 8th day of July, 1960

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS
*Secretary of State.*

STATE OF IDAHO

By s/ ROBERT E. SMYLIE
*Governor*

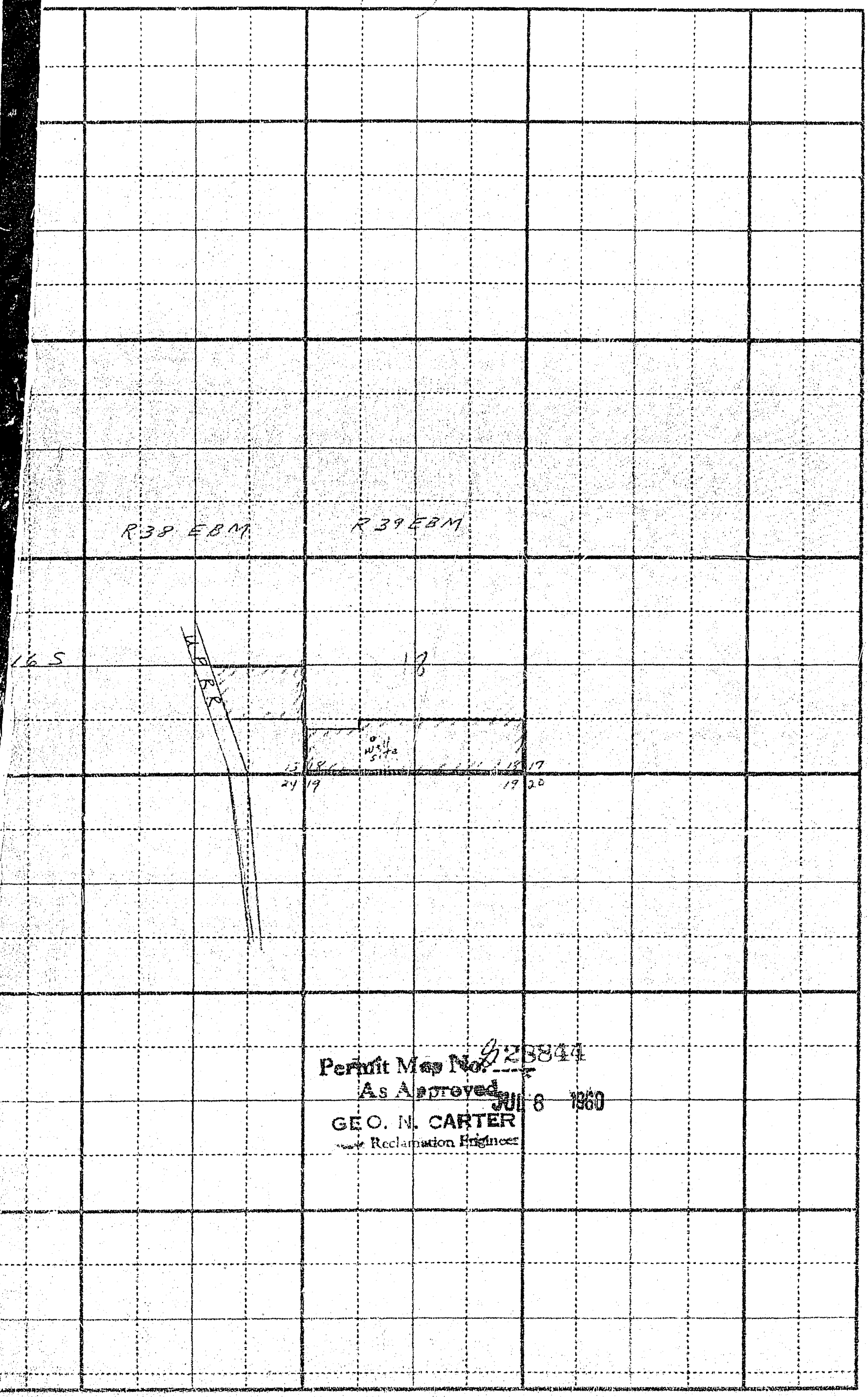
---

12.

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 16 S | 38 E | 13 | | | | | | | | | | | | | 40 | 17 | | | 57 |
| 16 S | 39 E | 18 | | | | | | | | | | | 23 | 40 | | | 40 | 40 | 143 |
| | | | | | | | | | | | | | | | | | | TOTAL | 200 |

F APPLICANT Owen Maughan

Form No. 0




Permit Map No. 28844
As Approved JUL 8 1960
GEO. N. CARTER
Reclamation Engineer

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

28844

July 18, 1960

Re: Permit No. G-28844

Mr. Owen Vaughan,
Hebron, Idaho.

Dear Mr. Vaughan:

We enclose Permit No. G-28844 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. G-4990 which was issued covering payment in the amount of $5.75 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pdr

28844

Form No. 11
2M 2/63

RECEIVED
APR 15 1963
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 15, 1963

(P. O.) Weston, 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. Franklin E.

Owen Mangham

(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

28644

No. 36

RECEIVED
APR 18 1963
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A M., on the 31st day of May 19 63, at Preston, County of Franklin, State of Idaho, before Ted B. Larsen, Notary Public, at (address) 10 West Oneida Preston, Idaho, proof will be submitted of the completion of works for the diversion of 2.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28844, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is OWEN MAUGHAN, Weston, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.00 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 2.0 cubic feet per second.

4. The point of diversion of said water is SW¼SW¼ section 18, Twp. 16 S., R. 39 EBM

5. The place where said water is used is 40 Acres NW¼SW¼; 17 Acres NW¼SW¼ Section 13 Twp 16 S., R. 38 EBM, and 23 Acres SW¼SW¼; 40 Acres SW¼SW¼ 40 Acres SW¼SW¼; 40 Acres SW¼SW¼, section 18, Twp 16 S., R 39 EBM.

6. The date of priority which said user is prepared to establish is July 6, 1960.

Geo. H. Leaton
State Reclamation Engineer

28844

1200
6-28-61

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-28844
Owen Maugham

Date: April 16, 1963

Preston Citizen,
Preston, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to May 31, 1963 the date set for proof; the expense of the publication is to be paid by the applicant

Owen Maugham of Weston, Idahb

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

GEO. N. CARTER
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.

Encl.

28844

April 16, 1963

Re: Permit No. G-28844

Mr. Owen Naughan,
Weston, Idaho

Dear Mr. Naughan:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28844. The proofs are to be made at 10:00 o'clock A.M., on the 31st day of May, 1963, before Ted B. Larsen, 10 West Oneida, Preston, Idaho, Notary Public.

As of this date we have mailed the Notice to the Preston Citizen Preston, Idaho, 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 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. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

28844

May 16, 1963

Re: Permit No. G-28838, Dale F. McKay
G-28844, Owen Maughan

Louis T. Racine, Jr.
Attorney at Law
Corner First & Center
Pocatello, Idaho

Dear Mr. Racine:

We received your letter noting interference of wells described in above noted permits.

The Idaho Code provides that this office shall inspect the works at the time of making the proof. That inspection was possible at that time when diversions were from surface sources, except when the ground was snow covered or the roads were impassable. Under present conditions, when practically all diversions were through pumps, it is not possible to make inspections except during the irrigation season.

The works under these two permits will be examined as early as possible, this irrigation season. It would be appreciated if you could inform this office of the date when the pumps will be started.

Very truly yours,

GEORGE M. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:vj
cc Dale F. McKay, Weston, Idaho
Owen Maughan, Weston, Idaho

28844

Weston, Ida.
May 24. 63

Dear Mr. Carter,

I have turned my pumps on and am not pumping only about a sec. ft of water on land I turned it on May 22. Owen Maughn turned his on May 20 he said. From all indications the wells are interfering with one another. When we first started pumping after the wells were drilled we took [redacted] the water Maughn was pumping so he had to rush come back down & set his pump deeper in his well & he got the water back. In about 3 or 4 days our water went & we went down deeper with our pump but was unable to ever get our stream back. When we first started pumping we were pumping about

2934

2½ ft. of acre ft of water + now we are only pumping about a ft of water not enough to justify the cost of pumping. Last spring we turned our pumps on before Maughn + pumped a pretty good stream. This spring Maughn turned his on first + we just don't get much water. We were wondering if there is any protection for the one who drills first or could you have some one come + check the situation. We never pumped much water all last summer we spent trying to get it back but could not. Would appreciate any information you could give us as we are sure in need of water to keep our crops going. Yours truly

Dale McKay 28644

May 27, 1963

Mr. Dale McKay
Weston, Idaho

Dear Mr. McKay:

Replying to your letter of May 24th concerning your proposed protest to the proofs of Owen Maughan, your course should be to appear in person on May 31st at the time proof is made and enter formal protest before the Notary.

We enclose herewith a copy of the Underground Water Statutes which contain all the information this office has concerning underground water rights.

Very truly yours,

CARL E. TAPPAN, Assistant
State Reclamation Engineer

CET:ew

Enc. statutes

28214

TED B. LARSEN REAL ESTATE
"REALTOR"
10 WEST ONEIDA STREET
PRESTON, IDAHO
Dial 852-0546

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

May 29, 1963

RECEIVED
MAY 31 1963
Department of Reclamation

Gentlemen:

In reference to Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28814 of Owen Maughan, we have received a Protest Against The Issuance of Certificate Of Completion Of Works and Application Of Water To Beneficial Use.

This is the first time we have had any protest and we do not know just what to do with it. Therefore, we are enclosing it herewith for your action.

Yours very truly,

TED B. LARSEN REAL ESTATE

By Ted B Larsen
Ted B. Larsen

TBL/s
encl:

no protest rcvd.

28814

June 3, 1963

Re: Permit No. 0-2081.1
Owen Maughan

Ted E. Larsen
10 West Oneida St.
Preston, Idaho

Dear Mr. Larsen:

Protests in regard to proofs of use of water should be enclosed with the depositions and affidavit of publication when mailed to this office.

We received your letter of May 29th, however the protest was not received.

Very truly yours,

RALPH M. THOMAS, Deputy
State Reclamation Engineer

RMTew

PROTEST AGAINST THE ISSUANCE OF CERTIFICATE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE.

State of Idaho,
SS.
County of Franklin.

Dale McKay, being first duly sworn, deposes and says: I am a resident of Weston, Idaho, and am the holder of Permit No. G-28833, for the withdrawal of 4 cubic feet per second of water from a well, with point of diversion in Northwest quarter of the Southeast quarter of Section 18, Township 16 South, Range 39 E. B. M, Franklin County, Idaho, with priority of July first, 1960; that I began pumping water from my well in the spring of 1961, and in July, 1961, I noticed that my water was failing; this was after Owen Maughan, holder of Permit No. G-28844 started to pump from his well; then I lowered my pump and got back to my 4 second feet; this lasted for a few days and then my supply dwindled to about one second foot. It is evident that my well is affected by the pumping from the well of said Owen Maughan; that I began to drill for my well prior to said Owen Maughan, and filed my application with the Reclamation Department prior to said Owen Maughan. That the wells are about a quarter mile apart and it appears that they tap the same underground stream.

Affiant, therefore, protests against the said Owen Maughan being permitted to make proof under his application and against the issuance of certificate of completion of works and any other evidence of right in and to said water, and affiant prays that the State Reclamation Engineer will make an investigation and will enter any necessary order protecting the rights of affiant in and to the water to which he is entitled under his Permit and his proofs already made.

Dale McKay

Subscribed and sworn to before me this 29th day of May, 1963.

Notary Public, Preston,
Idaho.

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 5 1961
Department of Reclamation

Permit No. G-28811

# Proof of Application of Water to Beneficial Use
and Completion of Works

## Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.
Ans. Owen Maughan Weston, Idaho Farmer Weston, Idaho

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. G 28811 July 8, 1960 July 6, 1960

Ques. 4. State source of water supply and give exact location of point of diversion.
Ans. Well - - SE¼SW¼ Section 18 Twp 16 S., R 39 E.B.M. County of Franklin, State of Idaho.

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. Well and pump. 2 cfs Private ditch in own field. Well depth 430' casing 14": Depth to water 80'; 2cfs discharge from pump.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.
Ans. Irrigation - Used on cultivated land - Water is used on 40 acres in the ~~NE¼SE¼~~; 17 acres ~~NW¼SE¼~~ sec 13 Twp 16 SR 38 EBM. 23 ~~SW¼SW¼~~; ~~40 Acres SE¼SW¼~~; ~~40 Acres NW¼SE¼~~; ~~40 Acres NE¼SE¼~~ sec 18, Twp 16 S., R. 39 EBM.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.
Ans. Charles Gardner, Malad, Idaho

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

Ans. _____

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

Ans. _____

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. 2 cfs for irrigation purposes since June 1, 1961 by means of well and pump and flood irrigation.

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

Ans. Weston Creek water. This water has been undependable and can not be depended on to deliver enough water. What water coming from Weston Creek has been used to supplement well water.

(Sign) Owen Maughan

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 31st day of May, A. D. 19 63

Edd B. Larsen

My commission expires May 12, 1966

Form 17A
1.5 M 7-31-62

RECEIVED
Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. G-28814

* * * * * * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

## and Completion of Works

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:

Clyde Nielsen 56 Weston, Idaho Farmer Weston, Idaho

Ques. 2. Are you acquainted with Owen Maughan, the holder of Permit No. G-28814 ? How long have you known him and where does he reside:

40 years

Ques. 3. Have you read or heard said Permit No. G-28814 read, and are you familiar with its provisions and conditions: Yes: x No:

Ques. 4. State source of water supply: Well

State place of diversion: SE¼SW¼ section 18, Twp 16 S., R. 39 EBM County of Franklin, State of Idaho

Describe works for conveying water to place of use: Pump and ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 2 cfs How much water have you seen being so conveyed: 2cfs

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

Water is used on 40 acres in the NE¼SE¼; 17 acres NW¼SE¼ sec 13 Twp 16 SR 38 EBM. 23 Acres SW¼SW¼; 40 Acres SE¼SW¼, 40 Acres SW¼SE¼, 40 acres SE¼SE¼ Section 18 Twp 16 S.,R. 39 EBM.

28814

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

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:
Sandy loam; 2½ 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: No

Ques. 10. When did you first see this water used: all during the irrigation season of 1961 and 1962 and this portion of 1963
Other times you have seen such use:

(Signed) Clyde Neelsen

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 31st day of May, A. D., 1963.

Ted B. Larsen
Notary Public for State of Idaho
Residing: Preston

My commission expires: May 12, 1966

25844

Form 17A
1.5 M 7-31-62

RECEIVED
Aug 8 1967
Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. G-28814

* * * * * * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

## and Completion of Works

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:

Serge Benson 40 Weston, Idaho Farmer Weston, Idaho

Ques. 2. Are you acquainted with Owen Maughan, the holder of Permit No. G-28814 ? How long have you known him and where does he reside:

20 years Weston, Idaho

Ques. 3. Have you read or heard said Permit No. G-28814 read, and are you familiar with its provisions and conditions: Yes: x No:

Ques. 4. State source of water supply: Well

State place of diversion: SE¼SW¼ Sec 18, Twp 16 S., R. 39 EBM
County of Franklin, State of Idaho

Describe works for conveying water to place of use: pump and ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 2 cfs How much water have you seen being so conveyed: 2 cfs

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

Water is used on 40 acres in the NE¼SE¼; 17 acres NW¼SE¼ section 13, Twosnhip 16 SR 30 EBM. 23 acres SW¼SW¼, 40 acres SE¼SW¼, 40 acres SW¼ SE¼, 40 acres SE¼SE¼ sec 18 Twp 16 S., R. 39 EBM.

28814

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

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:

Sandy loam 2½ 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: No

Ques. 10. When did you first see this water used: all during the irrigation season of 1961 and 1962 and this portion of 1963.
Other times you have seen such use:

(Signed) Lesyle Benson

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 31st day of May, A. D., 1962.

Ted D Larsen

Notary Public for State of Idaho

Residing: Preston, Idaho

My commission expires: May 12, 1966

28414

# Nº 527

## AFFIDAVIT OF PUBLICATION

RECEIVED
JUN 6 1963
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

four consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with April 25, 1963, and ending with the issue of May 16, 1963.

Wayne D. Bell

Fees, $ 22.22

Subscribed and sworn to before me this 31st day of May, 1963.

Lynn L. Rose

Notary Public, Residing at Preston, Idaho

My Commission Expires December, 1966

### NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M., on the 31st day of May, 1963, at Preston, County of Franklin, State of Idaho, before Ted B. Larsen, Notary Public, at 10 West Oneida, Preston, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28844, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Owen Maughan, Weston, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.00 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 2.0 cubic feet per second.

4. The point of diversion of said water is SE¼SW¼ Section 18, Twp. 16 S., R. 39 EBM.

5. The place where said water is used is 40 Acres NE¼SE¼; 17 Acres NW¼SE¼ Section 13 Twp. 16 S., R. 38 EBM, and 23 Acres SW¼SW¼; 40 Acres SE¼SW¼, 40 Acres SW¼SE¼; 40 Acres SE¼SE½. Section 18, Twp. 16 S., R 39 EBM.

6. The date of priority which said user is prepared to establish is July 6, 1960.

Geo. N. Carter
State Reclamation Engineer
No. 527—First Pub. April 25, 1963. Last Pub. May 16, 1963.

28844

1M April 1962

xxxxxxxxxx

June 12, 1963

Re: Permit No. G-28844

Mr. Owen Maughan
Weston, Idaho

Dear Mr. Maughan:

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 works and beneficial use on Permit No. G-28844.

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:

cc: P. S. We are returning your statement of costs in regard to the publication of the Permit mentioned above.

28844

June 13, 1963

Re: Permit No. G-2980

Owen Maughan
Weston, Idaho

Dear Mr. Maughan:

Enclosed is a copy of a protest made in regard to the proofs of Completion of Works and Beneficial Use of the water under the above noted permit.

Nothing will be done in the matter until we receive the report of the field examiner.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RTiew

Enc, copy of protest

25814

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

# REPORT OF ENGINEER

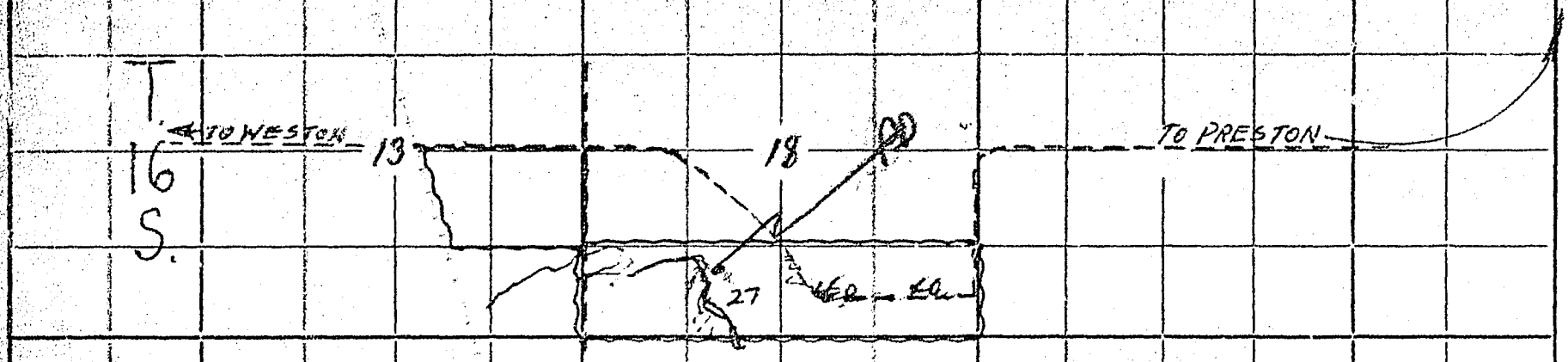
PERMIT NO. G-2884

REPORT ON PROOF OF Completion of Works & Beneficial Use

Owen Maughan, Weston, Idaho

2884(1

R-38E. R-39E.




Subdivisions 3

Area 107

Q 100 cfs or 50 inches

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

25844

Form 23

STATE OF IDAHO

# DEPARTMENT OF RECLAMATION

BOISE, IDAHO

# REPORT OF ENGINEER

Permit No. G-28844

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Owen Maughan
2. Source of water supply: Subterranean
3. Location of point of diversion: Is in the SE¼SW¼ of Section 18

   T. 16S R. 39 E.B.M. County of Franklin
4. Describe works as they exist, giving dimensions and capacities of same: 10 HP U.S. Hollowshaft. Motor #1243420, Layne Pump #36976 P, 8"x180" Column, 8"x25' discharge pipe to open ditch. Well
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):

   57 acres in N½SE¼ Sec. 13., Twp. 16 S., Rge. 38 E.B.M.

   143 acres in S½SW¼., S½SE¼ Sec. 18., Twp. 16 S., Rge. 39 E.B.M.

   M. Maughan said Mr. McKay came over and told him his

   Protested by Dale McKay, Holder of Permit No. ~~XXXXXX~~ G-28838

   pump was effecting his well. and asked him to shut his (maughans pump) off. Mr. Maughan said he shut his pump off for 5 days.

   (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. Owen Maughan along

and McKay well didnt change any while his pump was off.

Both McKay & Maughans pumps pump a fine blue sand.

Temp 69°F; Water is milky out of pump cleans up 50' down stream. Has gas in water.

Measured by Sparling Meter 1 Rev 1 Min 48 Sec. = 1.0 cfs

This examination was made on the 21st day of May, 1964

(Signed) Layne Johnson

Examiner.

28844

Owen Maugham
Weston, Idaho

Permit No. G-28644

Examination for Completion of Works & Beneficial Use

County Franklin

Sec. 18 T. 16S R. 39 EBM

Quantity: 1.0 c.f.s.

Source: Well

P. D.: SE. SW, Sec. 18, T. 16 S., R. 39 EBM

Use: Irrigation

Filed: July 6, 1960

Due: July 6, 1965

Extension: —

Protest: Dale McKay, G-28335

Completion of Works: —

Other Rights: Weston Co. No. right.

## 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
MAY 26 1964
Department of Reclamation

1-17-83 C

500 - June 20-62

State of Idaho

DEPARTMENT OF RECLAMATION

Boise, Idaho

May 27, 1964

Re: Permit No. G-28844

Owen Maughan
Weston, Idaho

Dear Mr. Maughan:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28844 shows the well is (~~are~~) capable of conveying 50 miner's inches, or 1.0 c.f.s. of water for the irrigation of 107 acres.

Upon receipt of the statutory fees, totaling $ 11.00, which consists of a Completion of Works fee of $ ----- and License and Certificate of Water Right fee of $ -----, based at the rate of $2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of July 6, 1960 to the use of 1.0 second feet of subterranean water with the point of diversion in the SE¼SE¼, Sec. 16 for irrigation of 107 acres in the SE¼SW¼, S½SE¼, Sec. 16, T. 16 S., R. 39 E., B.M.

Very truly yours,

CARL B. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

28844

STATE OF IDAHO

# Department of Reclamation

NO. G— 9737

Boise, Idaho, June 1, 1964

RECEIVED FROM Owen Maughan of Weston, Idaho $ 11 00

Eleven and 00/100 DOLLARS

FOR

| | | |
|---|---|---|
| Well Driller's License Fee - | $ | |
| Application for Permit No. - | $ | |
| Proofs [illegible] | $ | 11 00 |
| Certified Copy - - - - - - | $ | |
| Recording Assignment - - | $ | |
| - - - | $ | |
| TOTAL - - - | $ | 11 00 |

Carl E. Taffan

STATE RECLAMATION ENGINEER

By Edna P. Lule

RECEIVED
SEP 4 1964
Department of Reclamation

Weston, Idaho
Sept 1, 1964

Bureau of Reclamation
Boise, Idaho

Dear Sirs: -

I am writing in regard to my well that I have proved up on. The check to pay for proving up on the well was sent in and has come back in my bank statements about two months ago. So far I haven't recived any papers stating the well had been proved upon.

Would you please check on this matter for me

Thank you.

Respectfully
Mr Owen Maughan
Weston
Idaho

28844

September 4, 1964

Re: Permit No. G 28844

Mr. Owen Maughan
Weston, Idaho

Dear Mr. Maughan:

We received your letter of September 1st, in regard to your certificates of water right. You have a receipt in this office for the fees of $11.00, and upon return of Mr. Thomas, Deputy State Reclamation Engineer, to this office on September 14th, this matter will be taken up with him.

Very truly yours,

CARL E. TAPPAN
State Reclamation

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

28S 1/4

September 28, 1964

Re: Permit No. G-28844 - Owen Maughan
" " G-28838

Dale F. McKay
Weston, Idaho

Dear Mr. McKay:

You protested issuance of water license under Permit No. G-28844 to Mr. Maughan, claiming that his diversion of water adversely affected your well.

Kindly notify this office at least two weeks prior to the time you will start your pump in the well for irrigation, in the spring.

An inspector from this office will measure the flow of water and depth to water in each well while each well is working separately. The test may take about a week to complete. The time of the test will depend upon whether you or Mr. Maughan desire to start irrigating first. The test should be made prior to the time the water will first be required to prevent loss of crop.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

28844

September 28, 1964

Re: Permit No. G-28838 - Dale F. McKay
" " G-28844

Owen Maughan
Weston, Idaho

Dear Mr. Maughan:

The enclosed forms and letter furnish information for refund of $11.00 fee you paid in response to our letter of May 27, 1964. That letter was in error as the fact that Mr. McKay entered a protest was overlooked.

It will be necessary for this office to check the wells before you need to start irrigation next spring. The time of the test will depend upon whether you or Mr. McKay desire to start first.

The test should be made prior to the time the water will first be required to prevent loss of crop.

Kindly notify this office at least two weeks prior to the time you will start the pump for irrigation.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc DA 8
letter

28844

September 28, 1964

Re: Permit No. G-28838 – Dale F. McKay
" " G-28842

Owen Maughan
Weston, Idaho

Dear Mr. Maughan:

The enclosed forms and letter furnish information for refund of $11.00 fee you paid in response to our letter of May 27, 1964. That letter was in error as the fact that Mr. McKay entered a protest was overlooked.

It will be necessary for this office to check the wells before you need to start irrigation next spring. The time of the test will depend upon whether you or Mr. McKay desire to start first.

The test should be made prior to the time the water will first be required to prevent loss of crop.

Kindly notify this office at least two weeks prior to the time you will start the pump for irrigation.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc DA 8
letter

28842

Weston, Idaho
April 19, 1965

Department of Reclamation

Permit No. 6-28044

Boise, Idaho.

Dear Sir:

In regard to my notifying you before I want to turn my pump on, because of the McKay protest. I would like to turn mine on sometime between the 1st and the 10th of May.

Respectfully

Mr Aura Maughan
Weston
Idaho.

RECEIVED
APR 20 1965
Department of Reclamation

28344

April 21, 1965

Re: Permit No. G-28044

Mr. Owen Vaughan
Weston, Idaho

Dear Mr. Vaughan:

Thank you for your letter of April 19, 1965 stating your desire to start pumping between the 1st and 10th of May.

It will be necessary that you notify us of the exact date you or Mr. McKay will start your pump. Knowing the exact date will help us schedule our arrival time to make preliminary measurements before pumping starts.

Very truly yours,

CARL F. TAPPAN
State Reclamation Engineer
By

Ley H. Johnson
Field Engineer

LHJ:mr

cc: Dale F. McKay
Weston, Idaho

28944

Permit # G-28844

RECEIVED
APR 27 1965
Department of Reclamation

Weston, Idaho
April 25, 1965

Department of Reclamation
Boise, Idaho.

Dear Sir:

If it is necessary to set an exact date to start pumping I will say Monday, May 10 the.

If for any reason you would rather come before this time it would be O.K with me.

I thought maybe you would rather choose the day.

Sincerely

Mr Owen Maughan
Weston
Idaho.

Thank you.

28844

May 6, 1965

RE: Permit No. 0-28344

Mr. Owen Naughton
Weston, Idaho

Dear Mr. Naughton:

Thank you for your letter of April 29th. I was out of the office from April 26th to May 4th.

I would like to set the date for starting your pump as May 11th. That will give me a day to arrive and make what measurements I can before either pump is started. I'll try and contact you at your home around 2:00 P.M., or before if possible, on May 10th.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Loy H. Johnson
Field Engineer

LHJ:mr

Loy: there is a protest against the issuance of a Certificate or a License in regard to this Permit.

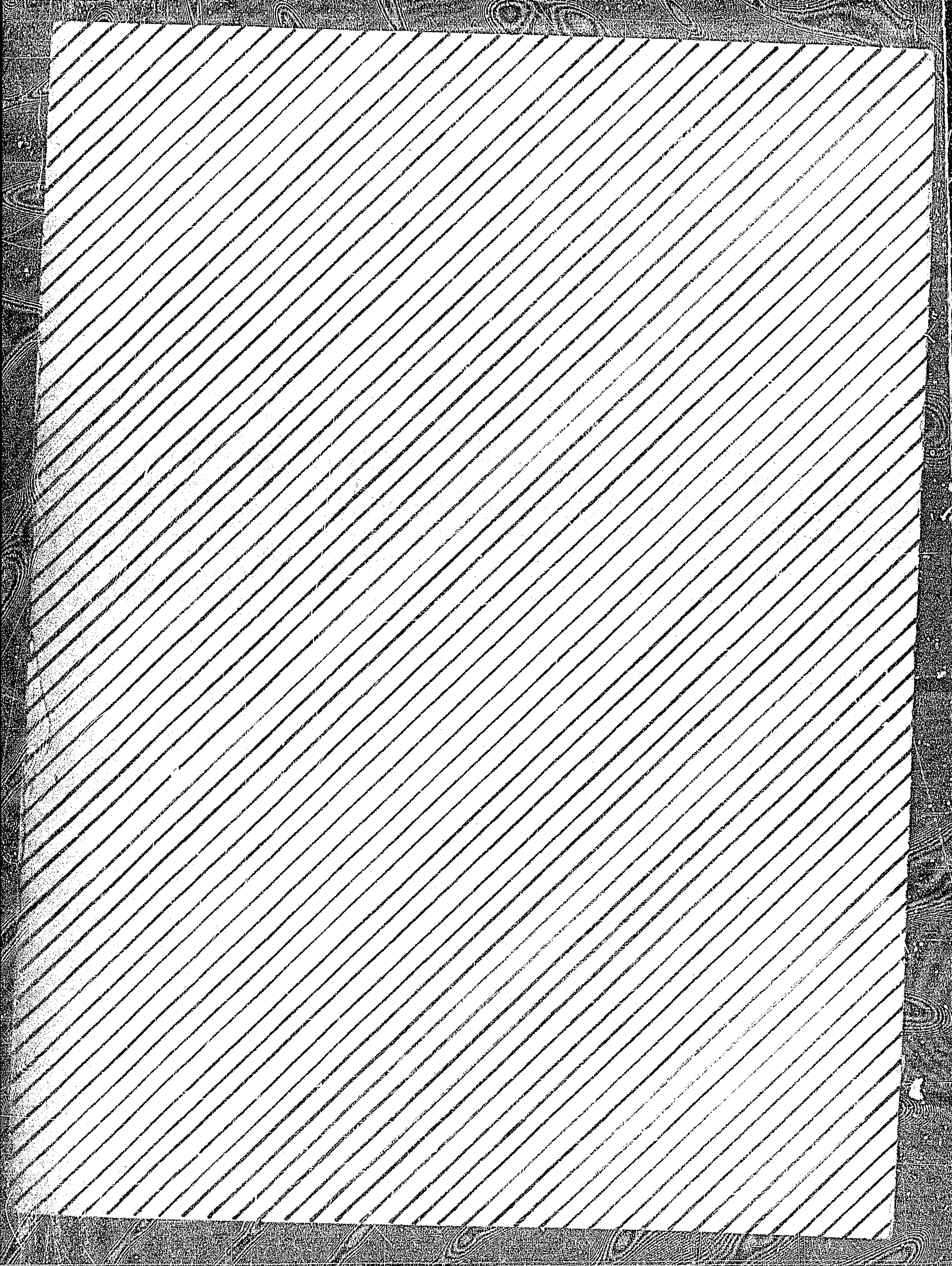
Edna

28844

Mr Carter: I feel I should protest Maughn's proof & wondered if I should appear in person on the 31st when he has it signed before a notary public. Could you please notify me on this or is this notice enough

Dale McKay

28844



Steve This file was protested & never followed to closing

Exam

Review

13-2212
28844

& contact protestants
permit holder

May 29, 1974

Re: Permit No. 28844/13-2212 - Owen Maughan

Mr. Dale F. McKay
Weston,
Idaho 83286

Dear Mr. McKay:

In reviewing the above referenced permit file, we find a protest entered by you against issuance of a license under this permit. Your protest, received June 6, 1963, claims an apparent interference between your well and the well of Mr. Maughan.

As this Department is currently in the process of up-dating its records, we are anxious to know if this matter has been resolved or if a hearing will be necessary. We ask, therefore, that you notify this office within 10 days as to the status of this matter.

If we should not hear from you, please be advised that the matter will be set for a conference &/or hearing.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Mr. Owen Maughan

MICROFILMED

# STATE OF IDAHO
# DEPARTMENT OF WATER ADMINISTRATION
# STATE OFFICE

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

614 State Street
Statehouse – Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

RECEIVED
JUN 3 1974
Department of Water Administration

May 29, 1974

Re: Permit No. 28844/13-2212 - Owen Maughan

Mr. Dale F. McKay
Weston,
Idaho 83286

Dear Mr. McKay:

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If we should not hear from you, please be advised that the matter will be set for a conference &/or hearing.

Sincerely,

Bobby D Fleenor

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Mr. Owen Maughan ✓

This was sent to Owen Maughan -

Dear Sirs

Mr Maughan passed away almost two years ago. The pump has not been used for several years. The place has now been sold.

Respectfully
Mrs Owen Maughan

MICROFILMED

*STATE OF IDAHO*
*DEPARTMENT OF WATER ADMINISTRATION*
*STATE OFFICE*

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

614 State Street
Statehouse – Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 29, 1974

RECEIVED
1974
Department of Water Administration

Re: Permit No. 28844/13-2212 - Owen Maughan

Mr. Dale F. McKay
Weston,
Idaho 83286

Dear Mr. McKay:

In reviewing the above referenced permit file, we find a protest entered by you against issuance of a license under this permit. Your protest, received June 6, 1963, claims an apparent interference between your well and the well of Mr. Maughan.

As this Department is currently in the process of up-dating its records, we are anxious to know if this matter has been resolved or if a hearing will be necessary. We ask, therefore, that you notify this office within 10 days as to the status of this matter.

If we should not hear from you, please be advised that the matter will be set for a conference &/or hearing.

Sincerely,

Bobby D Fleenor

BOBBY D. FLEENOR
Assistant Director

This problem has been taken care of so no action will be necessary.

BDF:DR

cc: Mr. Owen Maughan

Thank you

Dale McKay

June 10, 1974

Franklin County Assessor's Office
Preston,
Idaho 83263

Gentlemen:

Would you please check your records and advise this office of the present property owner(s) in connection with the following legal description:

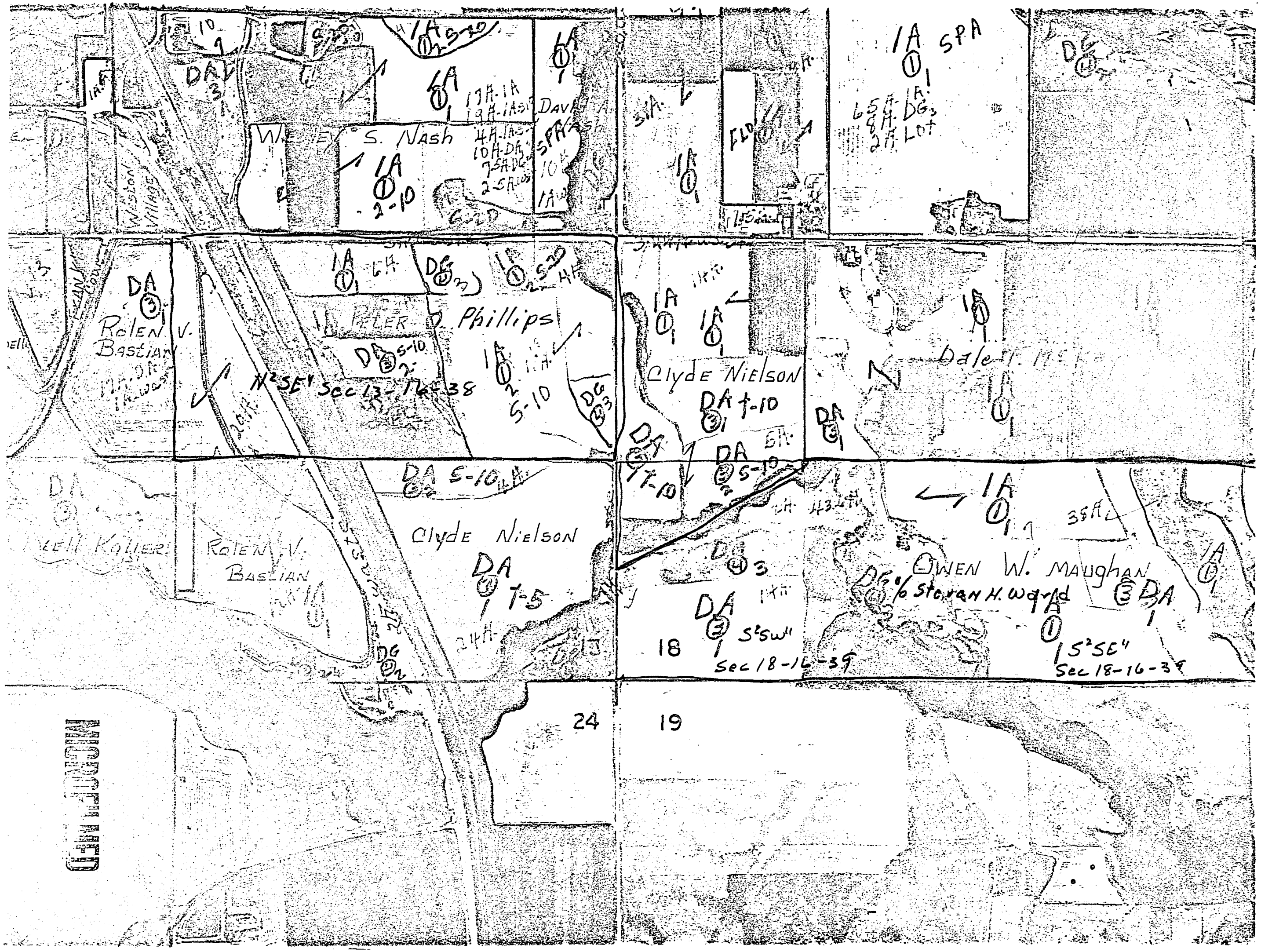
$N\frac{1}{2}SE\frac{1}{4}$, Sec. 13, Twp. 16 S, Rge. 38 E, B. M.
$S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, Sec. 18, Twp. 16 S, Rge. 39 E, B. M.

If at all possible, we would also appreciate the mailing address of said property owner(s). We thank you in advance for your cooperation in this matter.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr




MICROFILMED

*STATE OF IDAHO*
*DEPARTMENT OF WATER ADMINISTRATION*
*STATE OFFICE*

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

614 State Street
Statehouse – Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

June 10, 1974

Franklin County Assessor's Office
Preston,
Idaho 83263

Gentlemen:

Would you please check your records and advise this office of the present property owner(s) in connection with the following legal description: Bal- U.P. R.R. R/W
Peter O. Phillips - 57.50 A.

$N\frac{1}{2}SE\frac{1}{4}$, Sec. 13, Twp. 16S, Rge. 38E, B.M. Rolan V. Bastain - 14.77 A.

$S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, Sec. 18, Twp. 16S, Rge. 39E, B.M. = Owen W Maughan c/o

If at all possible, we would also appreciate the mailing address of said property owner(s). We thank you in advance for your cooperation in this matter.

Sincerely,

D. Darlene Reich

D. Darlene Reich
Water Rights Supervisor

RECEIVED
JUN 13 1974
Department of Water Administration

N2SE4, Sec 13, Twp 16S, Rge 38 E, BM — Peter O. Phillips - Weston, Idaho 83286
Rolen V. Bastian Weston, Idaho 83286
Bal. U. P. R/R R/W

ddr

S2SW4, S2SE4, Sec 18, Twp 16 S, Rge 39 E, B.M. — Owen Maughan % Steven H. Ward
161 2550 North
No. Ogden, Utah
84404

MICROFILMED

State of Idaho

Department of Water Resources

# WATER RIGHT LICENSE

License of Water Right No. 28844/13-2212 Priority July 6, 1960 Amount 1.0 cfs

THIS IS TO CERTIFY, that Owen Maughan

of Weston, Idaho, has complied with the terms and conditions of Permit No. 28844/13-2212 issued pursuant to Application for Permit dated July 6, 1960, and has submitted proof to the Department of Water Resources on June 6, 1963, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.0 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

| Beneficial Use | | Period of Use | | Rate of Diversion | | Annual Volume |
|---|---|---|---|---|---|---|
| Irrigation | from April 1 | to November 1 | at 1.0 | cfs and | 374.5 acre feet | |
| _____ | from _____ | to _____ | at _____ | cfs and | _____ | |
| _____ | from _____ | to _____ | at _____ | cfs and | _____ | |

(both dates inclusive)

Subject, however, to the condition that no more than 1.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 374.5 acre feet per year, said waters to be diverted within the SE¼SW¼, Sec. 18, Twp. 16S, Rge. 39E, B. M. in the County of Franklin

Description and location of place of use:

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 16S | 39E | 18 | | | | | | | | | | | | 27 | | | 40 | 40 | 107 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 107

**NOTE:** Modifications to or variance from this license must be made within the limits of Section 42-222, **Idaho Code**, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of March, 19 78.

Director

March 6, 1978

Re: Permit No. 13-2212

Owen Maughan
c/o Steven H. Ward
161 2550 North
Ogden, Utah 84404

Dear Mr. Maughan:

A representative of this Department made an examination of the works covered by your Permit No. 13-2212, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 1.0 cfs Source: groundwater

The maximum quantity diverted shall not exceed 374.5 acre feet per year.

Point of diversion: SE¼SW¼, Sec. 18, Twp. 16S, Rge. 39E, B. M.

Beneficial use: Irrigation of 107 acres within the SE¼SW¼, S½SE¼, Sec. 18, Twp. 16S, Rge. 39E, B. M.

Priority date established: July 6, 1960

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
cc: Tim Healy
863 25th St.
Ogden, Utah 84401

March 30, 1978

Re: Permit No. 13-2212

Owen Maughan
c/o Steven H. Ward
161 2550 North
Odgen, Utah 84404

Dear Mr. Ward:

Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JR:lkr

G-28844

# APPLICATION FOR PERMIT
## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 36827
Permit No. G- 28844
District No.

1. Name of Applicant: Owen Maughan

   Postoffice address: Weston County: Franklin State: Idaho

2. Quantity of water claimed: 4 second feet

   (a) Rate of withdrawal in cubic feet per second well to be drilled or Idaho Miners' inches or gallons per minute

   (b) Annual withdrawal in acre feet per annum

3. Source of water supply: Deep well

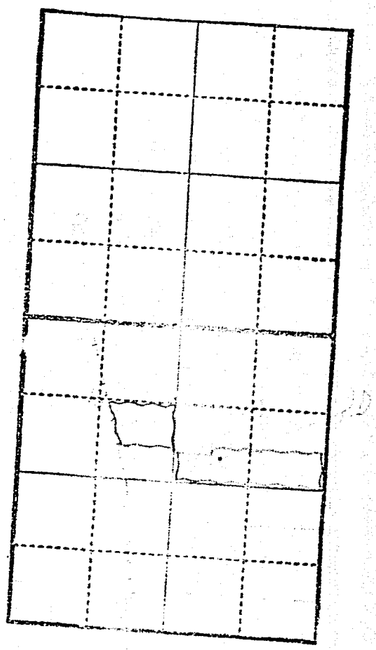
4. Location of point of diversion or well is in the SE ¼ of the SW ¼ of Section 18 Twp. 16 S , Rge. 39 E , B.M., County of Franklin

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

   (a) Point of use of water is in the ¼ of the ¼ of Section , Twp. Rge. , B. M.

   (b) Waste water or sewage effluent is to be returned to at a point in the ¼ of the ¼ of Section , Twp. , Rge. , B. M.



7. Kind of works:

8. Estimated cost of works: $12,000

9. (a) Is reservoir to be used?

   (b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

    I. (a) Date and place of incorporation:

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

    (d) Names and addresses of directors:

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

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

    (d) Other resources:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

    (a) 4.0 (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplemental to the existing water rights.

    (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes appli cation for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Owen Maughan *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 3:00 P.M. July 6, 1960

Returned to applicant for correction:

Corrected application received:

---

## Approval of State Reclamation Engineer

The number of this permit is G— 28844

Recorded in Book 101 Page 28844 Approved July 8, 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 and to continue deligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before January 8, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before July 8, 1965

Witness my hand this 8th day of July, 1960

s/ GEO. N. CARTER
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, 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 8th day of July, 1960

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS
*Secretary of State.*

STATE OF IDAHO

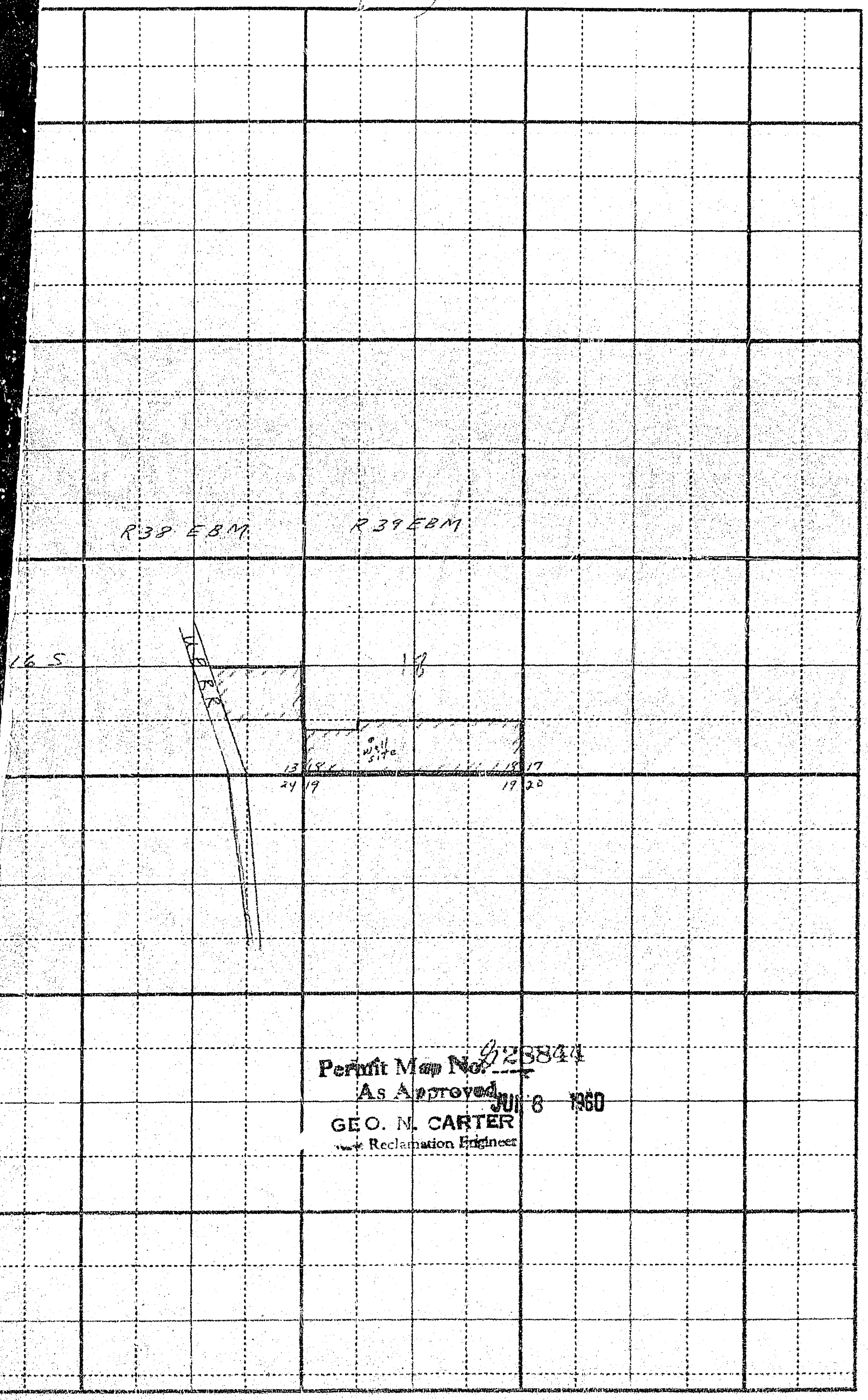
By s/ ROBERT E. SMYLIE
*Governor*

---

12.

| Twp. | Range | Sec. | NE¼ NE¼ | NE¼ NW¼ | NE¼ SW¼ | NE¼ SE¼ | NW¼ NE¼ | NW¼ NW¼ | NW¼ SW¼ | NW¼ SE¼ | SW¼ NE¼ | SW¼ NW¼ | SW¼ SW¼ | SW¼ SE¼ | SE¼ NE¼ | SE¼ NW¼ | SE¼ SW¼ | SE¼ SE¼ | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 16 S | 38 E | 13 | | | | | | | | | | | | | 40 | 17 | | | 57 |
| 16 S | 39 E | 18 | | | | | | | | | | | 23 | 40 | | | 40 | 40 | 143 |
| | | | | | | | | | | | | | | | | | TOTAL | | 200 |

F APPLICANT Owen Monghan Form No. 0




Permit Map No. 28844
As Approved JUN 8 1960
GEO. N. CARTER
Reclamation Engineer

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

28844

July 18, 1960

Re: Permit No. G-28844

Mr. Owen Maughan,
Weston, Idaho.

Dear Mr. Maughan:

We enclose Permit No. G-28844 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. G-4998 which was issued covering payment in the amount of $5.75 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk

28844

Form No. 11
2M 2/63

RECEIVED

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 15, 1963

(P. O.) Weston, 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. Franklin C.

Owen Monaghan

(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

-28944

No. 36

RECEIVED
MAY 31 1963
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A M., on the 31st day of May 19 63, at Preston, County of Franklin, State of Idaho, before Ted E. Larsen, Notary Public, at (address) 10 West Oneida Preston, Idaho, proof will be submitted of the completion of works for the diversion of 2.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 28814, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is OWEN KAUGHAN, Weston, Idaho

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.00 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 2.0 cubic feet per second.

4. The point of diversion of said water is SW¼SW¼ section 18, Twp. 16 S., R. 39 EBM

5. The place where said water is used is 40 Acres NW¼SW¼; 17 Acres W½SW¼ Section 13 Twp 16 S., R. 38 EBM, and 23 Acres SW¼SW¼; 40 Acres SW¼SW¼ 40 Acres SW¼SW¼; 40 Acres SE¼SW¼, section 18, Twp 16 S., R 39 EBM.

6. The date of priority which said user is prepared to establish is July 8, 1960.

Geo. H. Easton
State Reclamation Engineer

28844

1200
6-28-61

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-28844
Owen Maugham

Date: April 16, 1963

Preston Citizen,
Preston, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to May 31, 1963 the date set for proof; the expense of the publication is to be paid by the applicant

Owen Maughan of Weston, 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

GEO. N. CARTER
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.

Encl.

28844

April 16, 1963

Re: Permit No. G-2884

Mr. Owen Naughton,
Preston, Idaho.

Dear Mr. Naughton:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-2884. The proofs are to be made at 10:00 o'clock A.M., on the 31st day of May, 1963, before Ted J. Larsen, 10 West Oneida, Preston, Idaho, Notary Public.

As of this date we have mailed the Notice to the Preston Citizen Preston, Idaho, 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 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. Rule
Chief Clerk

Enc.
EPR:pmk
cc: Notary

25844

May 16, 1963

Re: Permit No. G-28838, Dale F. McKay
G-28844, Owen Maughan

Louis F. Racine, Jr.
Attorney at Law
Corner First & Center
Pocatello, Idaho

Dear Mr. Racine:

We received your letter noting interference of wells described in above noted permits.

The Idaho Code provides that this office shall inspect the works at the time of making the proof. That inspection was possible at that time when diversions were from surface sources, except when the ground was snow covered or the roads were impassable. Under present conditions, when practically all diversions were through pumps, it is not possible to make inspections except during the irrigation season.

The works under these two permits will be examined as early as possible, this irrigation season. It would be appreciated if you could inform this office of the date when the pumps will be started.

Very truly yours,

GEORGE N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:vj
cc Dale F. McKay, Weston, Idaho
Owen Maughan, Weston, Idaho

28344

Weston, Ida.
May 24. 63

Dear Mr. Carter,

I have turned my pumps on and am not pumping only about a sec. ft of water or less I turned it on May 22. Owen Maughan turned his on May 20 he said. From all indications the wells are interfering with one another. When we first started pumping after the wells were drilled we took [redacted] the water Maughan was pumping so he had Forbush come back down & set his pump deeper in his well & he got the water back. In about 3 or 4 days our water went & we went down deeper with our pump but are unable to ever get our stream back. When we first started pumping we were pumping about

2934/4

3½ to 4 sec ft of water + now we are only pumping about a ft of water not enough to Justify the cost of pumping Last spring we turned our pump on before Maughn + pumped a pretty good stream. This spring Maughn turned his on first + we just don't get much water. We were wondering if there is any protection for the one who drills first or could you have some one come + check the situation. We never pumped much water. all last summer we spent trying to get it back but could not. Would appreciate any information you could give us as we are sure in need of water to keep our crops going. Yours truly

Dale McKay 23844

May 27, 1943

Mr. Dale McKay
Weston, Idaho

Dear Mr. McKay:

Replying to your letter of May 24th concerning your proposed protest to the proofs of Owen Maughan, your course should be to appear in person on May 31st at the time proof is made and enter formal protest before the Notary.

We enclose herewith a copy of the Underground Water Statutes which contain all the information this office has concerning underground water rights.

Very truly yours,

CARL E. TAPPAN, Assistant
State Reclamation Engineer

CET:ew

Enc. statutes

28814

TED B. LARSEN REAL ESTATE
"REALTOR"
10 WEST ONEIDA STREET
PRESTON, IDAHO
Dial 852-0546

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

May 29, 1963

RECEIVED
MAY 31 1963
Department of Reclamation

Gentlemen:

In reference to Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-28844 of Owen Maughan, we have received a Protest Against The Issuance of Certificate Of Completion Of Works and Application Of Water To Beneficial Use.

This is the first time we have had any protest and we do not know just what to do with it. Therefore, we are enclosing it herewith for your action.

Yours very truly,

TED B. LARSEN REAL ESTATE

By Ted B Larsen
Ted B. Larsen

TBL/s
encl:

Two protest rec'd.

28-5404

June 3, 1963

Re: Permit No. 0-28844
Owen Maughan

Ted H. Larsen
10 West Oneida St.
Preston, Idaho

Dear Mr. Larsen:

Protests in regard to proofs of use of water should be enclosed with the depositions and affidavit of publication when mailed to this office.

We received your letter of May 29th, however the protest was not received.

Very truly yours,

RALPH M. THOMAS, Deputy
State Reclamation Engineer

RT:cp

PROTEST AGAINST THE ISSUANCE OF CERTIFICATE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE.

State of Idaho,
SS.
County of Franklin.

Dale McKay, being first daily sworn, deposes and says: I am a resident of Weston, Idaho, and am the holder of Permit No. G-28833, for the withdrawal of 4 cubic feet per second of water from a well, with point of diversion in Northwest quarter of the Southeast quarter of Section 14, Township 16 South, Range 39 E. B. M, Franklin County, Idaho, with priority of July first, 1960; that I began pumping water from my well in the spring of 1961, and in July, 1961, I noticed that my water was failing; this was after Owen Maughan, holder of Permit No. G-28844 started to pump from his well; then I lowered my pump and got back to my 4 second feet; this lasted for a few days and then my supply dwindled to about one second foot. It is evident that my well is affected by the pumping from the well of said Owen Maughan; that I began to drill for my well prior to said Owen Maughan, and filed my application with the Reclamation Department prior to said Owen Maughan. That the wells are about a quarter mile apart and it appears that they tap the same underground stream.

Affiant, therefore, protests against the said Owen Maughan being permitted to make proof under his application and against the issuance of certificate of completion of works and any other evidence of right in and to said water, and affiant prays that the State Reclamation Engineer will make an investigation and will enter any necessary order protecting the rights of affiant in and to the water to which he is entitled under his Permit and his proofs already made.

Dale McKay

Subscribed and sworn to before me this 29th day of May, 1963.

Notary Public, Preston,
Idaho.

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. G-2880h

# Proof of Application of Water to Beneficial Use
## and Completion of Works

## Deposition of Holder

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

Ans. Owen Vaughan Weston, Idaho Farmer Weston, Idaho

**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. G 2880h July 8, 1960 July 6, 1960

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

Ans. Well - - SE¼SW¼ Section 18 Twp 16 S., R 39 E.B.M., County of Franklin, State of Idaho.

**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. Well and pump. 2 cfs Private ditch in own field. Well depth 430' casing 14": Depth to water 80'; 2cfs discharge from pump.

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

Ans. Irrigation - Used on cultivated land - Water is used on 40 acres in the NE¼SW¼; 17 acres NW¼SE¼ sec 13 Twp 16 S R 38 EBM. 22A SW¼SW¼; 40 Acres SE¼SW¼; 40 Acres NE¼SW¼; 40 Acres NE¼SE¼ sec 13, Twp 16 S., R. 39 EBM.

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

Ans. Charles Gardner, Inland, Idaho

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

Ans. .....

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

Ans. .....

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. 2 cfs for irrigation purposes since June 1, 1961 by means of well and pump and flood irrigation.

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

Ans. Weston Creek water. This water has been undependable and can not be depended on to deliver enough water. What water coming from Weston Creek has been used to supplement well water.

(Sign) Owen Maughan

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 31st day of May, A. D. 1963

Lloyd B. Larsen

My commission expires May 12, 1966

Form 17A
1.5 M 7-31-62

RECEIVED
Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. G-28844

* * * * * * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

# and Completion of Works

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:

Clyde Nielsen 56 Weston, Idaho Farmer Weston, Idaho

Ques. 2. Are you acquainted with Owen Maughan, the holder of Permit No. G-28844 ? How long have you known him and where does he reside:

40 years

Ques. 3. Have you read or heard said Permit No. G-28844 read, and are you familiar with its provisions and conditions: Yes: x No:

Ques. 4. State source of water supply: Well

State place of diversion: SW¼SW¼ section 18, Twp 16 S., R. 39 EBM County of Franklin, State of Idaho

Describe works for conveying water to place of use: Pump and ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 2 cfs How much water have you seen being so conveyed: 2cfs

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

Water is used on 40 acres in the NW¼SE¼; 17 acres NW¼SE¼ sec 13 Twp 16 S. R. 38 EBM. 23 Acres SW¼SW¼; 40 Acres SE¼SW¼, 40 Acres SW¼SE¼, 40 acres SE¼SE¼ Section 18 Twp 16 S., R. 39 EBM.

28844

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

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:
Sandy loam; 2½ 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: No

Ques. 10. When did you first see this water used: all during the irrigation season of 1961 and 1962 and this portion of 1963
Other times you have seen such use:

(Signed) Clyde Nielsen

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 31st day of May, A. D., 1963.

Ted B. Larsen

Notary Public for State of Idaho

Residing: Preston

My commission expires: May 12, 1966

28844

Form 17A
1.5 M 7-31-62

RECEIVED
Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. G-28814

* * * * * * * * *

# PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
# and Completion of Works

## 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:

Serge Benson 40 Weston, Idaho Farmer Weston, Idaho

Ques. 2. Are you acquainted with Owen Maughan, the holder of Permit No. G-28814 ? How long have you known him and where does he reside:

20 years Weston, Idaho

Ques. 3. Have you read or heard said Permit No. G-28814 read, and are you familiar with its provisions and conditions: Yes: x No:

Ques. 4. State source of water supply: Well

State place of diversion: SE¼SW¼ Sec 16, Twp 16 S., R. 39 EBM
County of Franklin, State of Idaho

Describe works for conveying water to place of use: pump and ditch

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 2 cfs How much water have you seen being so conveyed: 2 cfs

Ques. 6. If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

Water is used on 40 acres in the NE¼SE¼; 17 acres NW¼SE¼ section 13, Twosmhtb 16 SR 38 EBM. 23 acres SW¼SW¼, 40 acres SE¼SW¼, 40 acres SW¼SE¼, 40 acres SE¼SE¼ sec 18 Twp 16 S., R. 39 EBM.

Ques. 7. If for power or other purposes than irrigation, state how water has been used:

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:

Sandy loam 2½ 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: No

Ques. 10. When did you first see this water used: all during the irrigation season of 1961 and 1962 and this portion of 1963.

Other times you have seen such use:

(Signed) Leige Benson

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 31st day of May, A. D., 1962.

Ted D Larsen

Notary Public for State of Idaho

Residing: Preston, Idaho

My commission expires: May 12, 1966

25844

Nº 527

# AFFIDAVIT OF PUBLICATION

RECEIVED
JUN 6 1963
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

four consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

April 25, 1963, and ending

with the issue of May 16 1963.

Wayne D. Bell

Fees, $ 23.22

Subscribed and sworn to before me this 31st day

of May, 1963.

Yvonne L. Ross

Notary Public, Residing at Preston, Idaho

My Commission Expires December, 1966.

## NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notiie is hereby given that at 10:00 A.M., on the 31st day of May, 1963, at Preston, County of Franklin, State of Idaho, before Ted B. Larsen, Notary Publir, at 10 West Oneida, Preston, Idaho, proof will be submitted of the completion of works for the diversion of 4.0 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-28844, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Owen Maughan, Weston, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 2.00 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 2.0 cubic feet per second.

4. The point of diversion of said water is SE¼SW¼ Section 18, Twp. 16 S., R. 39 EBM.

5. The place where said water is used is 40 Acres NE¼SE¼; 17 Acres NW¼SE¼ Section 13 Twp. 16 S., R. 38 EBM, and 23 Acres SW¼SW¼; 40 Acres SE¼SW¼, 40 Acres SW¼SE¼; 40 Acres SE¼SE½. Section 18, Twp. 16 S., R 39 EBM.

6. The date of priority which said user is prepared to establish is July 6, 1960.

Geo. N. Carter
State Reclamation Engineer

No. 527—First Pub. April 25, 1963. Last Pub. May 16, 1963.

28844

1M April 1962

xxxxxxxxxx

June 12, 1963

Re: Permit No. G-28844

Mr. Owen Maughan
Weston, Idaho

Dear Mr. Maughan:

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 works and beneficial use on Permit No. G-28844.

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:

cc: P. S. We are returning your statement of costs in regard to the publication of the Permit mentioned above.

28844

June 13, 1963

Re: Permit No. G-26814

Owen Maughan
Weston, Idaho

Dear Mr. Maughan:

Enclosed is a copy of a protest made in regard to the proofs of Completion of Works and Beneficial Use of the water under the above noted permit.

Nothing will be done in the matter until we receive the report of the field examiner.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RTwm

Enc. copy of protest

25814

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

# REPORT OF ENGINEER

PERMIT NO. G-28844

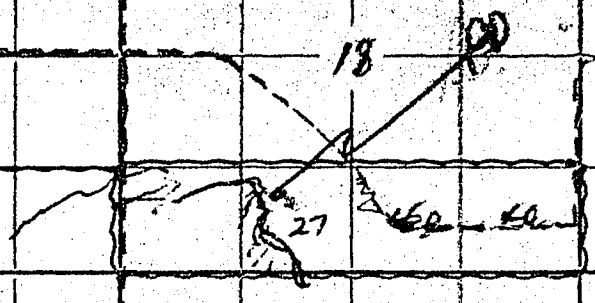
REPORT ON PROOF OF Completion of Works & Beneficial Use

Owen Maughan, Weston, Idaho

28844

R-38E. R-39E.

T. 16 S.




Subdivisions 3

Area 107

Q 100 cfs or 50 inches

Scale: 1 Inches Equals 1 Mile. Draw Map In Ink.

25841

Form 23

STATE OF IDAHO

# DEPARTMENT OF RECLAMATION

BOISE, IDAHO

# REPORT OF ENGINEER

Permit No. G-28844

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant Owen Maughan

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the SE¼SW¼ of Section 18

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

4. Describe works as they exist, giving dimensions and capacities of same: 40HP US Hoiloshaft. Motor #12x3420, Layne Pump #36976 P, 8"x180" Column, 8"x25' discharge pipe to open ditch. Well

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):

57 acres in N½SE¼ Sec. 13., Twp. 16 S., Rge. 38 E.B.M.

143 acres in S½SW¼., S½SE¼ Sec. 18., Twp. 16 S., Rge. 39 E.B.M.

Mr. Maughan said Mr McKay came over and told him his

Protested by Dale McKay, Holder of Permit No. ~~XXXXX~~ G-28838

pump was effecting his well. and asked him to shut his (Maughans pump) off. Mr Maughan said he shut his pump off for 3 days.

(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. Owen Maughan along

and McKay well didnt change any while his pump was off.

Both McKay & Maughans pumps pump a fine blue sand.

Temp 69°F; Water is milky out of pump. Clears up 50' down stream. Has gas in water.

Measured by Sparling Meter 1 Rev 1 Min 48 Sec. = 1.0 cfs

This examination was made on the 21st day of May, 1964

(Signed) Layne Johnson

Examiner.

28844

Owen Maugham
Weston, Idaho

Permit No. 9-28814

Examination for Completion of Works & Beneficial Use

County: Franklin

Sec. 18 T. 16S R. 39 EBM

Quantity: 4.0 c.f.s.

Source: Well

P. D.: SE, SW, Sec. 18, T. 16 S., R. 39 E. B.M.

Use: Irrigation

Filed: July 6, 1960

Due: July 6, 1965

Extension: —

Protest: Dale McKay, E-28538

Completion of Works: —

Other Rights: Weston Co. res. right.

## 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
MAY 26 1964
Department of Reclamation

500 - June 20-62

State of Idaho

DEPARTMENT OF RECLAMATION

Boise, Idaho

May 27, 1964

Re: Permit No. G-28844

Iwen Haughan
Weston, Idaho

Dear Mr. Haughan:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28844 shows the well is (~~are~~) capable of conveying 50 miner's inches, or 1.0 c.f.s. of water for the irrigation of 107 acres.

Upon receipt of the statutory fees, totaling $ 11.00, which consists of a Completion of Works fee of $ ----- and License and Certificate of Water Right fee of $ -----~~-~~ based at the rate of $2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of July 6, 1960 to the use of 1.0 second feet of subterranean water with the point of diversion in the $SE_4^1SW_4^1$, Sec. 18 for irrigation of 107 acres in the $SE_4^1SW_4^1$, $S\frac{1}{2}SE_4^1$, Sec. 18, T. 16 S., R. 39 E., B.M.

Very truly yours,

CARL B. TARPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

28844

STATE OF IDAHO

# Department of Reclamation

NO. G— 9737

Boise, Idaho, June 1, 1964

RECEIVED FROM Owen Maughan of Weston, Idaho $11 00

Eleven and 00/100 DOLLARS

| FOR | | |
|---|---|---|
| Well Driller's License Fee - | $ | |
| Application for Permit No. - | $ | |
| Proofs [illegible] | $ | 11 00 |
| Certified Copy - - - - - - | $ | |
| Recording Assignment - - | $ | |
| - - - | $ | |
| TOTAL - - - | $ | 11 00 |

Carl E. Toffan

STATE RECLAMATION ENGINEER

By Edna L. Lule

RECEIVED
SEP 4 1964
Department of Reclamation

Weston, Idaho
Sept 1, 1964

Bureau of Reclamation
Boise, Idaho

Dear Sirs: -

I am writing in regard to my well that I have proved up on. The check to pay for proving up on the well was sent in and has come back in my bank statement about two months ago. So far I haven't recived any papers stating the well had been proved upon.

Would you please check on this matter for me

Thank you.

Respectfully
Mr Owen Maughan
Weston
Idaho

28844

September 4, 1964

Re: Permit No. 0-28844

Mr. Owen Maughan
Weston, Idaho

Dear Mr. Maughan:

We received your letter of September 1st, in regard to your certificates of water right. You have a receipt in this office for the fees of $11.00, and upon return of Mr. Thomas, Deputy State Reclamation Engineer, to this office on September 14th, this matter will be taken up with him.

Very truly yours,

CARL E. TAPPAN
State Reclamation

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

28844

September 28, 1964

Re: Permit No. G-28844 - Owen Maughan
" " G-28838

Dale F. McKay
Weston, Idaho

Dear Mr. McKay:

You protested issuance of water license under Permit No. G-28844 to Mr. Maughan, claiming that his diversion of water adversely affected your well.

Kindly notify this office at least two weeks prior to the time you will start your pump in the well for irrigation, in the spring.

An inspector from this office will measure the flow of water and depth to water in each well while each well is working separately. The test may take about a week to complete. The time of the test will depend upon whether you or Mr. Maughan desire to start irrigating first. The test should be made prior to the time the water will first be required to prevent loss of crop.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RTiew

28844

September 28, 1964

Re: Permit No. G-28838 - Dale F. McKay
" " G-28844

Owen Maughan
Weston, Idaho

Dear Mr. Maughan:

The enclosed forms and letter furnish information for refund of $11.00 fee you paid in response to our letter of May 27, 1964. That letter was in error as the fact that Mr. McKay entered a protest was overlooked.

It will be necessary for this office to check the wells before you need to start irrigation next spring. The time of the test will depend upon whether you or Mr. McKay desire to start first.

The test should be made prior to the time the water will first be required to prevent loss of crop.

Kindly notify this office at least two weeks prior to the time you will start the pump for irrigation.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc DA 8
letter

28844

September 28, 1964

Re: Permit No. G-28838 - Dale F. McKay
" " G-28844

Owen Maughan
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The test should be made prior to the time the water will first be required to prevent loss of crop.

Kindly notify this office at least two weeks prior to the time you will start the pump for irrigation.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc DA 8
letter

28844

Weston, Idaho
April 19, 1965

Department of Reclamation

Permit No. 6-28844

Boise, Idaho.

Dear Sir:

In regard to my notifying you before I want to turn my pump on, because of Mr McKay's protest. I would like to turn mine on sometime between the 1st and the 10th of May.

Respectfully

Mr Owen Maughan
Weston
Idaho.

RECEIVED
APR 20 1965
Department of Reclamation

28844

April 21, 1965

Ref: Permit No. 0-28844

Mr. Owen Vaughan
Weston, Idaho

Dear Mr. Vaughan:

Thank you for your letter of April 19, 1965 stating your desire to start pumping between the 1st and 10th of May.

It will be necessary that you notify us of the exact date you or Mr. Kelly will start your pump. Knowing the exact date will help us schedule our arrival to make preliminary measurements before pumping starts.

Very truly yours,

CARL J. TAPPAN
State Reclamation Engineer
By

Loy V. Johnson
Field Engineer

LVJ:mw

cc: Dale F. McKay
Weston, Idaho

28844

Permit #G-28844

RECEIVED
APR 27 1965
Department of Reclamation

Weston, Idaho
April 25, 1965

Department of Reclamation
Boise, Idaho.

Dear Sir:

If it is necessary to set an exact date to start pumping I will say Monday May 10 th.

If for any reason you would rather come before this time it would be O/K with me.

I thought maybe you would rather chose the day.

Sincerely

Mr Owen Maughan
Weston
Idaho.

Thank you.

28844

May 6, 1965

RE: Permit No. 0-28844

Mr. Owen Naughan
Weston, Idaho

Dear Mr. Naughan:

Thank you for your letter of April 25th. I was out of the office from April 26th to May 4th.

I would like to set the date for starting your pump as May 11th. That will give me a day to arrive and make what measurements I can before either pump is started. I'll try and contact you at your home around 2:00 P.M., or before if possible, on May 10th.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Loy H. Johnson
Field Engineer

LHJ:mr

28 E 44

Loy: there is a protest against the issuance of a Certificate or a License in regard to this Permit.

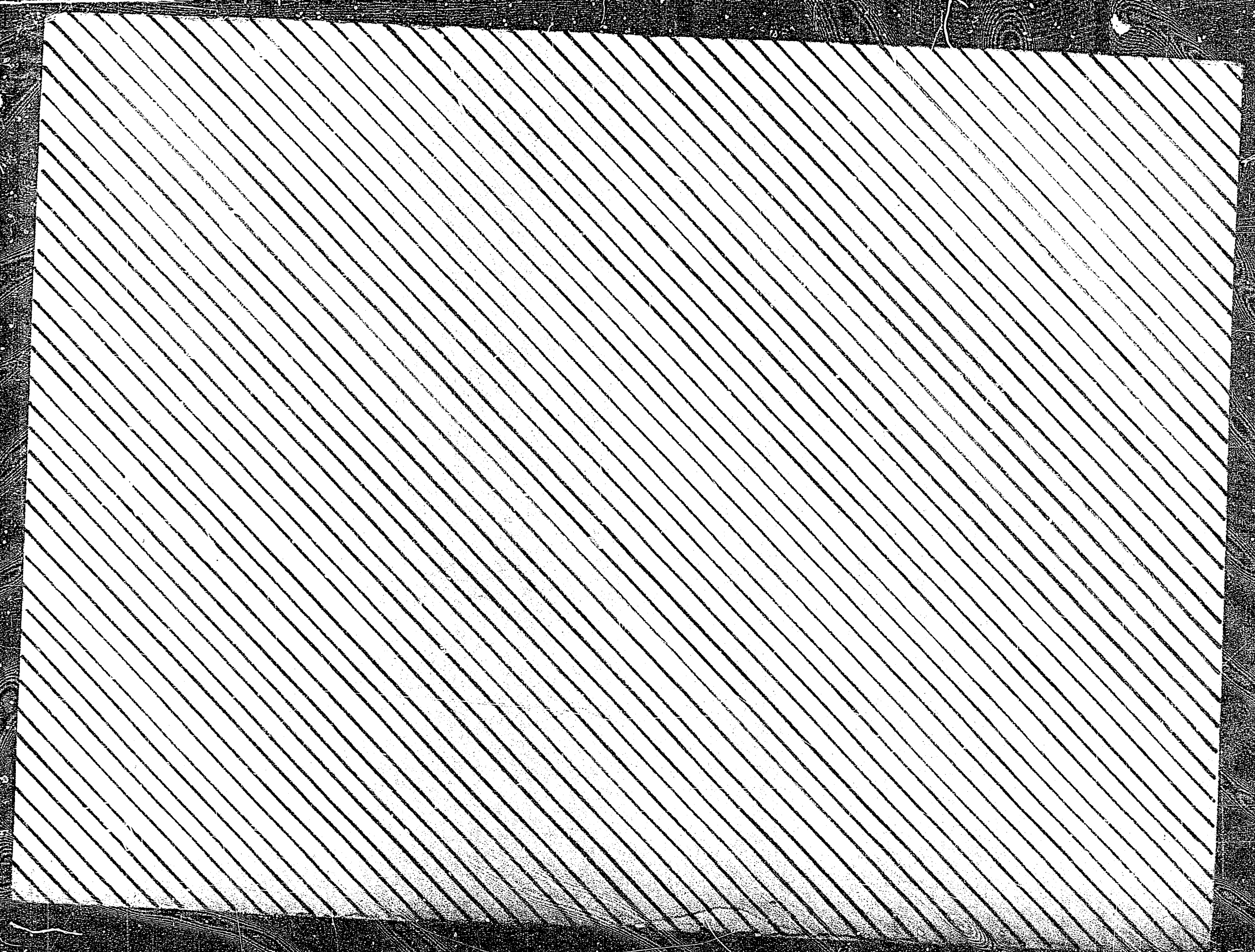
Edna

28844

Mr Carter: I feel I should protest Maughn's proof & wondered if I should appear in person on the 31st when he has it signed before a notary public. Could you please notify me on this or is this notice enough.

Dale McKay

28844



Steve This file was protested & never followed to closing

Exam

[illegible]

13-2212
28844

& contact protestants permit holder

May 29, 1974

Re: Permit No. 28844/13-2212 - Owen Maughan

Mr. Dale F. McKay
Weston,
Idaho 83286

Dear Mr. McKay:

In reviewing the above referenced permit file, we find a protest entered by you against issuance of a license under this permit. Your protest, received June 6, 1963, claims an apparent interference between your well and the well of Mr. Maughan.

As this Department is currently in the process of up-dating its records, we are anxious to know if this matter has been resolved or if a hearing will be necessary. We ask, therefore, that you notify this office within 10 days as to the status of this matter.

If we should not hear from you, please be advised that the matter will be set for a conference &/or hearing.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Mr. Owen Maughan

MICROFILMED

*STATE OF IDAHO*
*DEPARTMENT OF WATER ADMINISTRATION*
*STATE OFFICE*

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

614 State Street
Statehouse – Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

RECEIVED
JUN 3 1974
Department of Water Administration

May 29, 1974

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Mr. Dale F. McKay
Weston,
Idaho 83286

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If we should not hear from you, please be advised that the matter will be set for a conference &/or hearing.

Sincerely,

Bobby D Fleenor

BOBBY D. FLEENOR
Assistant Director

BDF:DR

cc: Mr. Owen Maughan ✓

This was sent to Owen Maughan -

Dear Sirs

Mr Maughan passed away almost two years ago. The pump has not been used for several years. The place has now been sold.

Respectfully
Mrs Owen Maughan

MICROFILMED

*STATE OF IDAHO*
*DEPARTMENT OF WATER ADMINISTRATION*
*STATE OFFICE*

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

614 State Street
Statehouse – Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

May 29, 1974

RECEIVED
JUN 1974
Department of Water Administration

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Weston,
Idaho 83286

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If we should not hear from you, please be advised that the matter will be set for a conference &/or hearing.

Sincerely,

Bobby D Fleenor
BOBBY D. FLEENOR
Assistant Director

This problem has been taken care of so no action will be necessary.

BDF:DR

cc: Mr. Owen Maughan

Thanks you
Dale McKay

RECEIVED

June 10, 1974

C

Franklin County Assessor's Office
Preston,
Idaho 83263

Gentlemen:

Would you please check your records and advise this office of the present property owner(s) in connection with the following legal description:

P

N½SE¼, Sec. 13, Twp. 16 S, Rge. 38 E, B.M.
S½SW¼, S½SE¼, Sec. 18, Twp. 16 S, Rge. 39 E, B.M.

If at all possible, we would also appreciate the mailing address of said property owner(s). We thank you in advance for your cooperation in this matter.

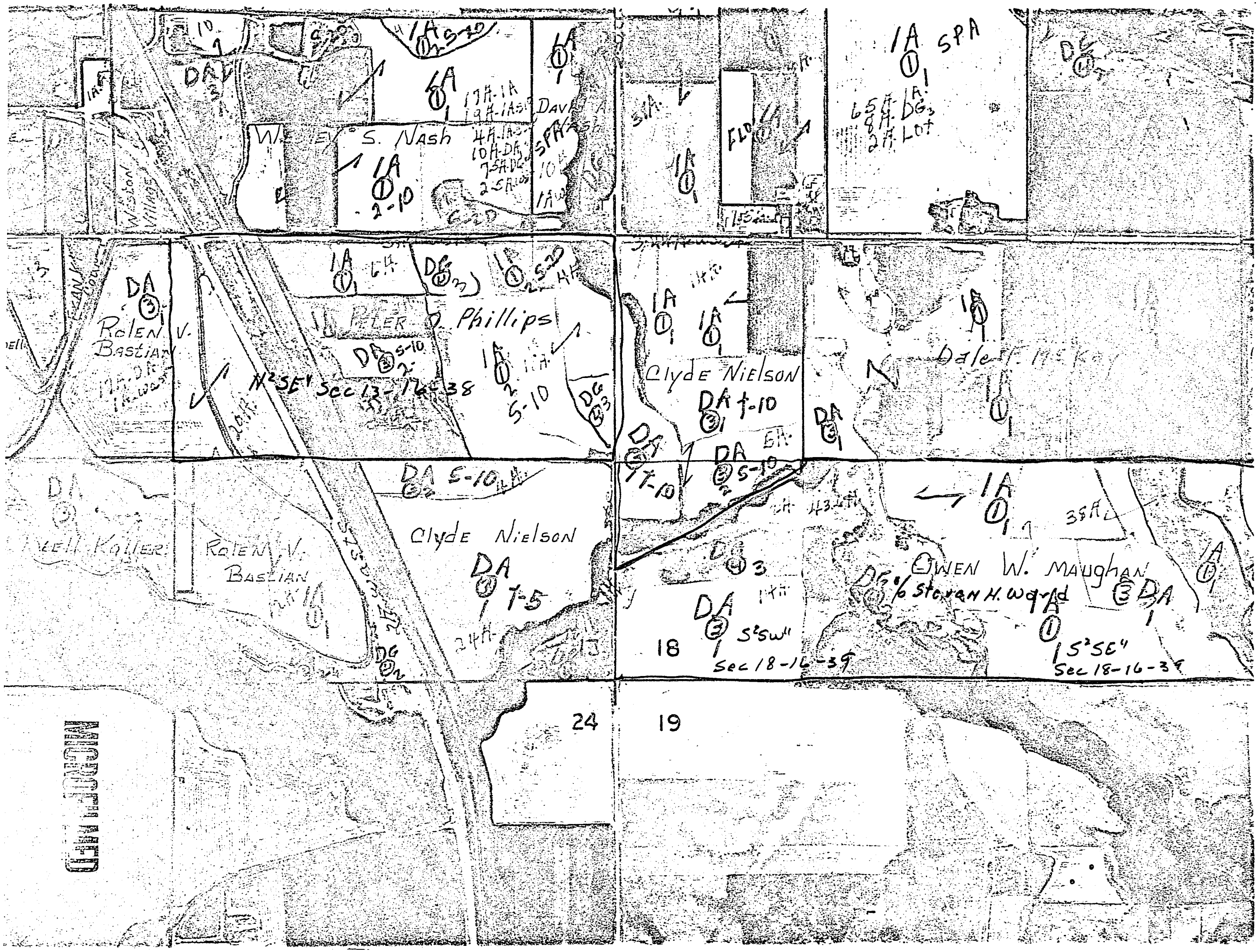
Sincerely,

Y

D. Darlene Reich
Water Rights Supervisor

ddr

MICROFILMED




MICROFILMED

*STATE OF IDAHO*
*DEPARTMENT OF WATER ADMINISTRATION*
*STATE OFFICE*

Cecil D. Andrus
*Governor*

R. Keith Higginson
*Director*

614 State Street
Statehouse – Annex 2
Boise, Idaho 83720
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

June 10, 1974

Franklin County Assessor's Office
Preston,
Idaho 83263

Gentlemen:

Would you please check your records and advise this office of the present property owner(s) in connection with the following legal description: Bal. U.P. R.R. R/W
Peter O. Phillips - 57.50 A.

$N\frac{1}{2}SE\frac{1}{4}$, Sec. 13, Twp. 16 S, Rge. 38 E, B.M. Rolen V. Bastain - 14.77 A.

$S\frac{1}{2}SW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}$, Sec. 18, Twp. 16 S, Rge. 39 E, B.M. = Owen W Maughan c/o

If at all possible, we would also appreciate the mailing address of said property owner(s). We thank you in advance for your cooperation in this matter.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

RECEIVED
JUN 13 1974
Department of Water Administration

N2SE4, Sec 13, Twp 16S, Rge 38 E, BM — Peter O. Phillips - Weston, Idaho 83286
Rolen V. Bastian Weston, Idaho 83286
Bal. U. P. R/R R/W

ddr

S2SW4, S2SE4, Sec 18, Twp 16 S, Rge 39 E, B.M. — Owen Maughan % Steven H. Ward
161 2550 North
No. Ogden, Utah
84404

MICROFILMED

State of Idaho

Department of Water Resources

# WATER RIGHT LICENSE

License of Water Right No. 28844/13-2212 Priority July 6, 1960 Amount 1.0 cfs

THIS IS TO CERTIFY, that Owen Maughan

of Weston, Idaho, has complied with the terms and conditions of Permit No. 28844/13-2212 issued pursuant to Application for Permit dated July 6, 1960, and has submitted proof to the Department of Water Resources on June 6, 1963, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.0 cfs of water from a groundwater source, tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

| Beneficial Use | Period of Use | | Rate of Diversion | | Annual Volume |
|---|---|---|---|---|---|
| Irrigation | from April 1 | to November 1 | at 1.0 | cfs and | 374.5 acre feet |
| | from | to | at | cfs and | |
| | from | to | at | cfs and | |

(both dates inclusive)

Subject, however, to the condition that no more than 1.0 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 374.5 acre feet per year, said waters to be diverted within the SE¼SW¼, Sec. 18, Twp. 16S, Rge. 39E, B. M. in the County of Franklin

Description and location of place of use:

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 16S | 39E | 18 | | | | | | | | | | | | 27 | | | 40 | 40 | 107 |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres irrigated 107

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 23 day of March, 19 78.

Director

March 6, 1978

Re: Permit No. 13-2212

Owen Maughan
c/o Steven H. Ward
161 2550 North
Ogden, Utah 84404

Dear Mr. Maughan:

A representative of this Department made an examination of the works covered by your Permit No. 13-2212, and has found the following:

Amount of water that can be recognized as beneficially used under Idaho law: 1.0 cfs Source: groundwater

The maximum quantity diverted shall not exceed 374.5 acre feet per year.

Point of diversion: SE¼SW¼, Sec. 18, Twp. 16S, Rge. 39E, B. M.

Beneficial use: Irrigation of 107 acres within the SE¼SW¼, S½SE¼, Sec. 18, Twp. 16S, Rge. 39E, B. M.

Priority date established: July 6, 1960

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
cc: Tim Healy
863 25th St.
Ogden, Utah 84401

March 30, 1978

Re: Permit No. 13-2212

Owen Maughan
c/o Steven H. Ward
161 2550 North
Odgen, Utah 84404

Dear Mr. Ward:

Enclosed herewith is a copy of the water right license issued on the above referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JR:lr