

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

APPLICATION No. 36822
PERMIT No. 30745
DISTRICT No.

1. Name of Applicant: Myrl Bodily
Postoffice address: Route #1, Preston
I. If applicant is a corporation, give:
(a) Date and place of incorporation;
(b) Amount of capital stock;
(c) Amount paid in;
(d) Names and addresses of directors:

County: Franklin State: Idaho

II. The financial resources of the applicant are:

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

2. Quantity of water claimed: 0.5 cubic feet per second.

3. Source of water supply: Open Drain which is a tributary of Worm Creek

4. Location of point of diversion: feet distant from the corner of Section T, R, B.M., and is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 10, T. 16 So, R. 39 E, B. M., County of Franklin

5. Water is to be used for Irrigation

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

(a) Point of use of water: feet distant from corner of Section T, R, B.M., in the of Section of T, R, B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point distant from the corner of Section T, R, B.M., in the of Section T, R, B.M.

7. Estimated cost of works: \$ 5,000.00

8. Kind of works: Pump, sprinkling system

9. Height of dam feet; length of dam at top feet; length of dam at bottom feet; material used in dam:

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

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

Diameter of pipe inches; length of conduit miles.
Average grade per mile feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 0 additional years.

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

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

4 shares in the Lewiston-Cub River Irrigation Co.

- If so, fill in (b) and (c) below:
 Submit:
 and Name of Applicant:

(c) Date of filing of Application for Storage Permit and

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho herein set forth.

s/ Myr. Bodily

Applicant.

8:30 A.M. Sept. 26, 1962

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer.

The number of this permit is 30715
Recorded in Book 108 Page 30745
Approved September 27, 1962

Approved September 27, 1962

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	November 27, 1962

per 27, 1962

unless temporarily inter-

d by circumstances ov

it holder has no control.

it holder has no control.

One-fifth of the work above specified to be completed on or before March 27, 1965

March 27, 1965

The whole of said work to be completed on or before September 27, 1967

27, 1967

Beneficial use of water appropriated in accordance herewith, to be made on or before September 21, 1907

September 27, 1967

WITNESS My hand this 27th day of September, 1962

27th day of

September, 1962

s/ RALPH W. THOMAS, Deputy
State Reclamation Engineer.

ROBERT E. STYLIE

Governor of the State of Idaho,

and
SIVITTA MONTE

Secretary of 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..... 27th.

27th

day of September 19 62

STATE OF IDAHO

Countersigned:

(SEAL) /

By _____ s/ ROBERT H. SVETKEY

Secretary of State.

GOVERNOR.

REMARKS: Not over one miners inch per acre shall be diverted at any one time for the irrigation

of this land.

14.

Twp.	Range	Sec.	NE 1/4	NW 1/4	SW 1/4	SE 1/4	Totals
16 So.	39 E.	10	NE 1/4, NW 1/4, SW 1/4, SE 1/4	NE 1/4, NW 1/4, SW 1/4, SE 1/4	NE 1/4, NW 1/4, SW 1/4, SE 1/4	NE 1/4, NW 1/4, SW 1/4, SE 1/4	Totals
					20	40 40	140
					Total Number of	Acres to be Irrigated	140

July 26, 1962

Re: Application for Permit

Myrl Bodily
Route #1
Preston, Idaho

Dear Mr. Bodily:

Returned herewith is your application for permit with attached check for \$5.50 filing fee signed by Dell W. Smith

The source of supply of water is "Open Drain". Water in drain ditches is generally considered to be the private water of the owner of the drain. You should enclose consent of the owner of the drain for you to divert the water claimed.

You did not complete Nos. 12 and 13, at top of page 2, where I have pencilled suggested time. You may correct as you desire, however you cannot request over 5 years for completion of works.

Kindly return with the permission to divert.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. application with
check

30745

NAME OF APPLICANT.....MYRL BODILY.....

Form No. 0

Land to be irrigated

Section 10,
Township 16 South
Range 39 E.B.M.

Point of Diversion

Open Drain

Permit Map No. 30745

As Approved

SEP 27 1962

GEO. N. CARTER

State Reclamation Engineer

Law
Office

Dell W. Smith

Preston
Idaho

RECEIVED
SEP 27 1962

Department of Reclamation

September 25, 1962

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

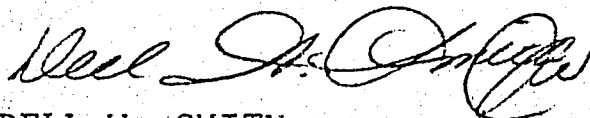
RE: Application for Permit
Myrl Bodily

Gentlemen:

Mr. Bodily has referred your letter to me of July 26, 1962, and the enclosed application. Mr. Bodily informs me that he owns the drain from which the water is pumped and it is located on his own property.

We are, therefore, returning the application for permit with the filing fee for your consideration.

Very truly yours,



DELL W. SMITH
Attorney at Law

DWS/jw

Encls.

30745

October 5, 1962

Re: Permit No. 30745
Myrl Bodily

Mr. Dell W. Smith,
Attorney at Law,
Preston, Idaho.

Dear Mr. Smith:

We enclose Permit No. 30745 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. 71251 which was issued covering payment in the amount of \$5.50 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

EPR:pmk
Encl.

cc: Myrl Bodily
Rt. 1
Preston, Idaho

30745

Law
Office

DELL W. Smith

Preston
Idaho

RECEIVED
MAY 17 1965

Department of Reclamation

May 15, 1965

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

Re: Permit No. 30745, Myrl Bodily

Gentlemen:

Mr. Myrl Bodily has contacted this office concerning the above permit and has asked that I help him in resolving the following problem.

Mr. Bodily has two drain systems on his farm, one is an open drain and the other is an underground tile drain. All water that flows in both the open drain and the tile drains arise on his premises. He now wished to pump water during the irrigation seasons from both the open drain and the tile drain. The point of diversion in both instances would be on his land.

Under the foregoing permit Mr. Bodily has filed all the water of the open drain to protect his rights to the water of the tile drain. Would he need to get a new filing or would the foregoing permit protect him on waters to the tile drain. Both of the foregoing drainage systems arise on his own premises and water would be used on his own premises.

An early reply to this inquiry would be greatly appreciated.

Very truly yours,

DELL W. SMITH
Attorney at Law

DWS/ap

30745

May 17, 1965

RE: Permit 30745
Myrl Bodily

Dell W. Smith
Law Office
Preston, Idaho

Dear Mr. Smith:

This is in reply to your letter of May 15, 1965.
If Mr. Bodily is worried about the tiled drain he can
change the source of supply of water from "open drain"
to both "open & tiled drain" on the above numbered permit.

Please forward a letter requesting this change
with \$1.00 for covering the recording fee.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

M. RUSSELL BOSCH
Assistant
State Water Rights & Records

MRB:ct

30745

RECEIVED

MAY 26 1965

Department of Reclamation

Law
Office

Dell W. Smith

Preston
Idaho

May 25, 1965

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

Re: Permit 30745, Myrl Bodily

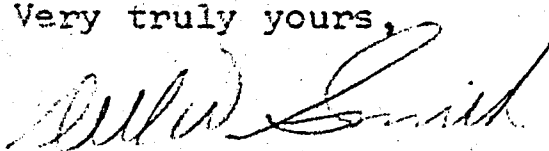
Dear Sir:

Per your letter of May 17, 1965, this is a request from Mr. Bodily to change the source of water from open drain to both open and tiled drain on the above permit.

Enclosed you will find \$1.00 to cover the necessary recording fees.

Thank you for your courteous and prompt answer to the prior request.

Very truly yours,


DELL W. SMITH
Attorney at Law

DWS/ap
Enclosure

30745

30745

May 27, 1965

Re: Permit No. 30745
Mrr'l Bodily

Dell W. Smith
Attorney at Law
Preston, Idaho

Dear Mr. Smith:

Returned herewith is the \$1.00 you remitted with letter dated May 25th, requesting that the sources of water be changed to open drain and tile drain.

~~This permit is for surface water and water from a tile drain cannot be included except after it enters an open drain to a natural stream.~~

Ground or subterranean water is defined in the statute, 42-230 (a), as all water under the surface of the ground. An open drain always carries subterranean water if it is doing any good and nearly always some surface water which wastes into the drain. This office has administratively determined that the water is surface water if it drains into a natural stream and if closed at each end is subterranean water. A tile drain can carry only subterranean water and must be on Form 3.

If Mr. Bodily's tile drain empties into his open drain above the point of diversion, that water would be part of his present permit. The land is evidently quite wet and he should now have plenty of water without adding more.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RT:ew

Enc. \$1.00

30745

September 14, 1966

Re: Permit 30745

Myril Bodily
Route 1
Preston, Idaho

Dear Mr. Bodily:

Returned herewith is your publication notice for the above numbered permit.

You have listed under the place of use excess ground not covered by the permit. You have the E $\frac{1}{2}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ while the permit calls for only the NE $\frac{1}{4}$ SW $\frac{1}{4}$. Therefore, the notice will have to be corrected by eliminating the E $\frac{1}{2}$ NE $\frac{1}{4}$ and putting in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ in place of the SW $\frac{1}{4}$.

Please make the necessary correction and return promptly.

Very truly yours,

M. RUSSELL BOSCH

MRB:mal

Encl: Application to
Beneficial Use
and
Notice of Proof
of Completion
of Works

30745

RECEIVED
SEP 21 1966

Department of Reclamation

Law
Office

Dell W. Smith
Preston
Idaho

September 19, 1966

Department of Reclamation
107 State House
Boise, Idaho

RE: 30745

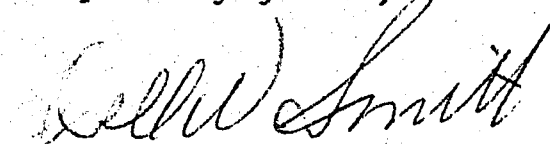
Dear Sir:

I have rechecked the description of the place of use and find that it conforms with the application. The description may need clarification as follows:

The Westhalf ($W\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) containing 80 acres.
The Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ SW $\frac{1}{4}$) containing 40 acres.
The East half ($E\frac{1}{2}$), of the Northeast Quarter of the Southwest Quarter, ($NE\frac{1}{4}$ SW $\frac{1}{4}$), containing 20 acres.
All in Section 10, Township 16 South, Range 39 East of the Boise Meridian, containing a total of 140 acres.

I trust that this will clarify the notice of proof.

Very truly yours,



Dell W. Smith
Attorney at Law

cc. Myrl Bodily

30745

RECEIVED

SEP 21 1966

RECEIVED

SEP 9 1966

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and

APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

NOTICE is hereby given that at 10:00 M., on the 20 day of October1966, at Preston, Idaho, County of Franklin, State of Idaho, beforeDell W. Smith, Notary Public, at (address) Preston, Idaho

, proof will be submitted of the completion of works for the diversion of

2.5 cubic feet per second of the waters of an open drain

, and of the application to beneficial use of said water, in accordance with

the terms and conditions of Permit No. 30745, 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: Myrl Bodily Rt. 1 Preston, 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

2.5 cubic feet per second.3. The use to which said water has been applied is Irrigationpurposes, and the amount applied to beneficial use is 2.5 cubic feet per second.4. The point of diversion of said water is SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 10,Township 16 South, Range 39 East of the Boise Meridian5. The place where said water is used is W $\frac{1}{2}$ of the SE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$,the E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, all in Section 10, Township 16 South, Range39 E.B.M. Total 140 acres.6. The date of priority which said user is prepared to establish is September27th, 1962.

State Reclamation Engineer

30745

RECEIVED
SEP 21 1966

Department of Reclamation

RECEIVED
SEP 9 1966

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 8, 1966

(P. O.) Preston, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the Preston Citizen of
Preston, Idaho published in the
county in which the works are situated.

Meryl Bodily

(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

30745

September 23, 1966

Re: Permit No. 30745

Preston Citizen
Preston, Idaho

Gentlemen:

Enclosed you will find a legal notice which we
wish to have published for four consecutive weeks prior to

October 20, 1966. The expense of the

publication is to be paid by Myrl Bodily

of Route 1, Preston, Idaho to whom you should

furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish
this office with a copy or tear sheet of the notice for checking
at least one week prior to the first publication.

Very truly yours,

~~XXXXXXXXXXXX~~

State Reclamation Engineer

RKH:nw

30745

September 23, 1966

Re: Permit No. 30745

Myrl Bodily
Route 1
Preston, Idaho

Dear Mr. Bodily:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 30745.
The proofs are to be made at 11 o'clock 11:00 AM, on the 20th day of October, 19 66, before Bell W. Smith Notary Public.

As of this date, we have mailed the Notice to the Preston Citizen, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two 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,

M. Russell Bosch
Office Manager

Encl.

cc: Notary

MRE:m

30745

RECEIVED
SEP 27 1966

THE PRESTON Citizen

Phone 852-0155

Published Thursdays

PRESTON, IDAHO

Department of Reclamation

Gentlemen:

Attached herewith is a copy of the legal notice

that is currently running in The Citizen. According to

our records the notice is scheduled to run until Oct 20, 1966

If there are any errors in the copy, would you please noti-

fy us immediately by marking this copy and returning it

to the office, so that corrections can be made before the

notice runs again. For your information the charge for

running the notice will be _____. This is not

a proof of publication.

Sincerely Yours,

The Preston Citizen

Permit # 30745 -

Must publish this week

to run 4 times by October 20 -

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

NOTICE is hereby given that on the 20th day of October, 1966, at Preston, Idaho, County of Franklin, State of Idaho, before DALL W. Smith, Notary Public, at Preston, Idaho, proof will be submitted of the completion of works for the diversion of 2.5 cubic feet per second of the waters of an open drain, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30745, 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: Myrl Bodily, Rt. 1, Preston, 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 2.5 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 2.5 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 10, Township 16 South, Range 39 East of the Boise Meridian.

5. The place where said water is used is W $\frac{1}{2}$, SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 16 S., Range 39 E.B.M. Total 140 acres.

6. The date of priority which said user is prepared to establish is September 27th 1962.

R. KEITH HIGGINSON
State Reclamation Engineer
Legal No. 1129—Pub. September 29, October 6, October 13, October 20, 1966.

30745

16 - 2M
3-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 30745

RECEIVED
OCT 25 1966
Department of Reclamation

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: _____

Myrl L. Bodily, a farmer, Route #1, Preston, Idaho

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

Ques. 3. State number, approval date of permit, and date of priority: 30745

September 27, 1962, September 27, 1962

Ques. 4. State source of water supply: open drain

Give location of point of diversion, showing subdivision, section, township and range
SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 10, Township 16 South, Range 39 East of the Boise M.

Ques. 5. Describe your works of diversion: pump and sprinkler system

_____ ; state amount of water they are capable of con-

veying from point of diversion to place of use: 2.5 c.f. s. ; 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 _____ ; depth to water _____ ; if pump is used,

state discharge of pump: 4 inches ; tell how it was measured or determined _____

by an engineer ; if sprinkler irrigation, give number and size

of nozzles and operating pressure: thirty heads 3/8" nozzle, forty pounds pressure

Ques. 6. State for what purpose water is used: Irrigation

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 16 S., Range 39

E. B. M. Total 140 acres.

30745

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

Before use, raised 7 tons of beets per acre. Now raise approximately 20 tons

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

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: irrigation season 1963 - Time used since first use:

irrigation season of 1964, 1965, 1966.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

Four shares in Cub River Irrigation Company.

(sign) Myron L. Bodily

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 20th day of October, A. D. 1966

My commission expires: 4-19-69

30745

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 30745

* * * * *

RECEIVED
OCT 25 1966

Department of Reclamation

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:

J. Virgil Jensen, age 60, a farmer, route #1, Preston, Idaho

Ques. 2 Are you acquainted with Myrl L. Bodily, the holder of

Permit No. 30745? How long have you known him and where does he reside?

Known him for thirty years, he resides at Route 1, Preston, Idaho

Ques. 3. Have you read or heard said Permit No. 30745 read, and are you familiar

with its provisions and conditions: Yes x No.

Ques. 4. State source of water supply: open drain

Give location of place of diversion, showing subdivision, section, township and range

SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 10, Township 16 South, Range 39 East of the B. M.

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

Ques. 5. How many second feet of water do you estimate said works will safely conduct

to place of use: 2.5 cubic feet per second How much water have you seen being so

conveyed? 2.5 cubic feet per second

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

full legal description:

W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 16 S., Range 39 E.B.M.

Total 140 acres.

30745

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is 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.

The land had inadequate water to raise row crops and required the addition of 2.5 c. f. s. to profitably raise sugar beets.

Ques. 9. Have you any ownership 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? During the irrigation season of 1963
Other times you have seen such use: During the irrigation season of 1964, 1965, 1966

(Signed):

DeWitt Jensen

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 20th day of October, A. D. 19 66

Walter Smith

Notary Public for the State of Idaho

Residing Preston, Idaho

My commission expires 4-19-69

17A-4M
65

RECEIVED
JUN 25 1936

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Department of Reclamation

Permit No. 30745

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:

D. William Harris, age 36, a farmer, route 1, Preston, Idaho

Ques. 2 Are you acquainted with Myrl L. Bodily, the holder of
Permit No. 30745? How long have you known him and where does he reside?

Known him for twenty years, he resides at Route 1, Preston, Idaho

Ques. 3. Have you read or heard said Permit No. 30745 read, and are you familiar
with its provisions and conditions: Yes x No.

Ques. 4. State source of water supply: open drain

Give location of place of diversion, showing subdivision, section, township and range
SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 10, Township 16 South, Range 39 East of the Boise M.

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

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 2.5 cubic feet per second How much water have you seen being so
conveyed? 2.5 cubic feet per second

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

W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 16 S., Range 39 E.B.M.

Total 140 acres.

30745

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is 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.

The land had inadequate water to raise row crops and required the addition of 2.5 c.f.s. to profitably raise sugar beets.

Ques. 9. Have you any ownership 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? During the irrigation season of 1963

Other times you have seen such use: During the irrigation season of 1964, 1965, 1966.

(Signed):

J. William Thomas

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 20th day of October, A. D. 1966

Allen W. Smith

Notary Public for the State of Idaho

Residing Preston, Idaho

My commission expires 4-19-69

November 17, 1966

Re: Permit 30745

Myrl Bodily
Route 1
Preston, Idaho

Dear Mr. Bodily:

Your proofs taken on October 20, 1966, were received October 25, 1966, but we have not received your affidavit of publication which you can obtain from the Preston Citizen newspaper.

Would you please forward this affidavit as soon as possible so we do not have to cancel this permit.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:mm1

30745

No 1129

AFFIDAVIT OF PUBLICATION

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

Sept. 29, 19*66*, and ending
with the issue of *Oct. 20*, 19*66*.

Cost, \$ *26.23*

Subscribed and sworn to before me this *24th* day

of *October*, 19*66*.

Beverly M. Mortensen

Notary Public, Residing at Preston, Idaho

My Commission Expires

Dec, 19*68*.

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

NOTICE is hereby given that on the 20th day of October, 1966, at Preston, Idaho, County of Franklin, State of Idaho, before Dell W. Smith, Notary Public, at Preston, Idaho, proof will be submitted of the completion of works for the diversion of 25 cubic feet per second of the waters of an open drain, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 30745, 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: Myrl Bodily, Rt. 1, Preston, 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 2.5 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 2.5 cubic feet per second.

4. The point of diversion of said water is SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 10, Township 16 South, Range 39 East of the Boise Meridian.

5. The place where said water is used is W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 16 S., Range 39 E.B.M. Total 149 acres.

6. The date of priority which said user is prepared to establish is September 27th 1962.

R. KEITH HIGGINSON
State Reclamation Engineer

Legal No. 1129-Pub. September 29, October 6, October 13, October 20, 1966.

30745

RECEIVED
NOV 21 1986
Department of Reclamation

TO: Mr. [illegible]
FROM: Mr. [illegible]
SUBJECT: [illegible]

On [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]

NOV 21 1986

XXXXXX

November 25, 1966

Re: Permit No. 30745

Myrl L. Bodily
Route #1
Preston, Idaho

Dear Mr. Bodily:

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. 30745.

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 to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

30745



Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 30745 /13-2252

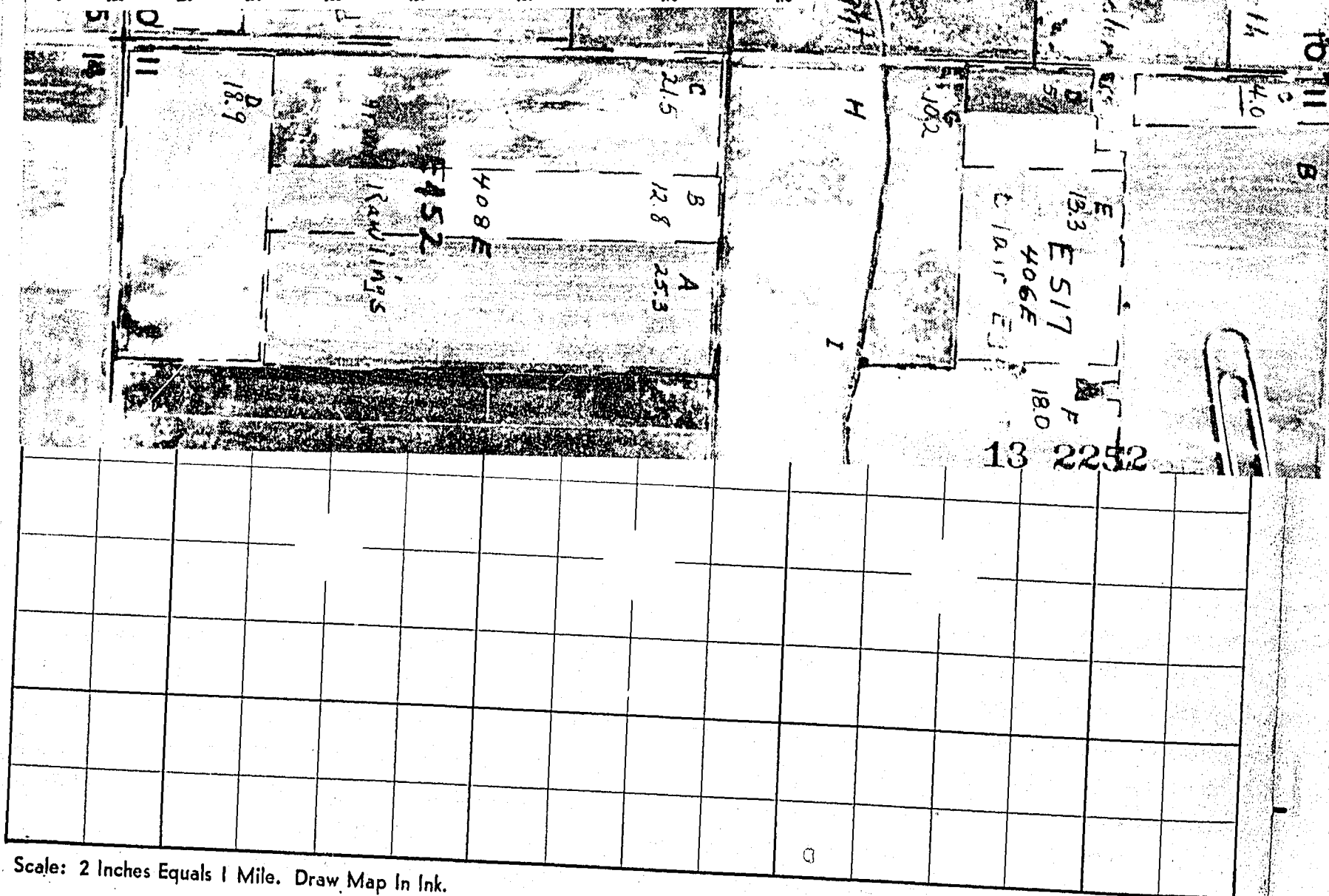
REPORT ON PROOF OF Completion of Works & Beneficial Use

13 2252

River at

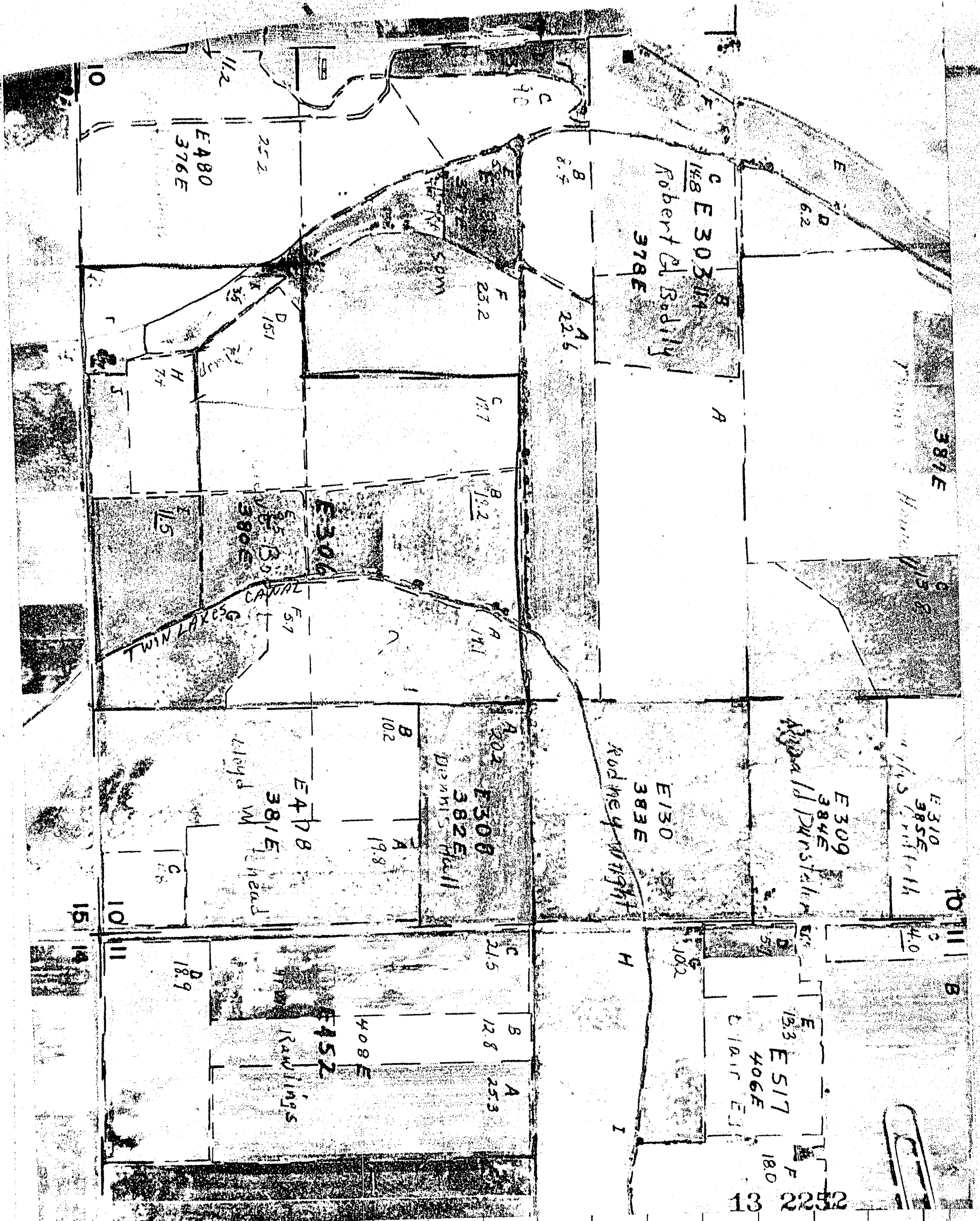
[illegible]

No. _____ of _____ Sheets. Comp. by _____ Chk. by my



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

13 2252



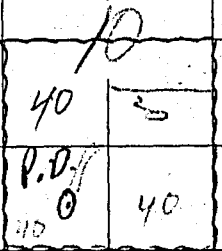
Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

13 2252

To *Point*

Ry. 39E

Top 11.0



60
80
140

Q measured - 305 CFS

Q recommended - 305 CFS

Volume -

Acreage - 140

Found
recommended 140

Subdy. 7

Amendments

☒ None

☐ P.D.

☐ Place of use

☐

$2 \times 210 \times 303 = 12726$ ac ft
sea

$AW = 3.5 \times 140 = 490$ ac ft
yr

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF EXAMINER

Permit No. 30745 /13-2252

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

1. Name of applicant Myrl Bodily

2. Source of water supply: open drain

3. Location of point of diversion: Is in the SE 1/4 of Section 10

T. 16S R. 39E County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: open drain ditch

8 ft wide at top 3 feet in bottom and 1 foot deep and 300 ft long
water is drawn up when Mr. Bodily desires to pump
when not being pumped water is allowed to dump into
TWIN LAKES CANAL

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):

E 1/2 SW 1/4, W 1/2 SE 1/4, Sec. 10, T. 16 S., R. 39 E., B.M. (140 acres)

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

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

Remarks: Culvert across Twin Lakes Canal allows Mr. Bodily to irrigate land East of Canal by surrounding water and allowing it to flow through ditches

Mr. Myrl Bodily accompanied the exam.
Exam made with pygmy meter as water flowed into drain

This examination was made on the 8 day of July, 1970

(Signed) William Schaefer
Examiner.

School- Home White
R Oil Road
Second North

Cleco

Myrl Bodily pump & sprinkler system
Route #1
Preston, Idaho

852-0244

Permit No. 30745/13-2252

Examination for Completion of Works & Beneficial Use

County Franklin

Quantity: 2.5 c.f.s. Sec. 10 T. 16S R. 39E

13-

Source: open drain

P.D.: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, T. 16 S, R. 39 E, B.M.

Use: irrigation

Extension:

Protest:

Completion of Works:

Other Rights: 4 shares in Lewiston-Cub River Irr. Co.

Filed: September 26, 1962

Due: September 27, 1967

Made: October 20, 1966

Priority: September 26, 1962

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.

2252

Owner Not Home
& System Not on
21 June 69

January 24, 1972

Mr. Myrl Bodily
Route # 1
Preston, Idaho 83263

Dear Mr. Bodily:

A representative of this department has made an examination of the works covered by your Permit No. 30745/13-2252 and has found the following:

Quantity of water diverted: 0.31 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.31 cfs

The maximum quantity of water diverted shall not exceed 129.4 acre feet per season.

Beneficial Use: Irrigation of 140 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$ (80) and W $\frac{1}{2}$ SE $\frac{1}{4}$ (60), Sec. 10, Twp. 16 S, Rge. 39 E, B.M.

Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, Twp. 16 S, Rge. 39 E, B.M.

The priority date established is : September 26, 1962

A fee totaling \$ 13.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth in this letter.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

12 2252

March 27, 1972 CERTIFIED MAIL # 31635

Mr. Myrl Bodily
Route # 1
Preston, Idaho 83263

Dear Mr. Bodily:

It appearing to the Department of Water Administration that the terms and conditions of Permit 30745/13-2252 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit \$13.00 licensing fee

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before May 7, 1972, why said permit should not be cancelled.

Permit 30745/13-2252 claims the use of 2.5 cubic feet per second of water from an open drain, the point of diversion was to be located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, Twp. 16 S, Rge. 39 E, B.M. and the permit was approved September 27, 1962.



R. KEITH HIGGINSON
Director

by
C. STEPHEN ALLRED
Deputy Director

13 2252

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address where delivered	☐ Deliver ONLY to addressee
--	---

RECEIPT

Received the numbered article described below.

REGISTERED NO.		SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
CERTIFIED NO. 316-50		SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
INSURED NO.		
DATE DELIVERED 3-28-72		SHOW WHERE DELIVERED (only if requested)

13 2252

656-10-71843-11 347-108 GPO

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Affix gummed ends and attach this card to back of article.

POSTMARK OF DELIVERING OFFICE
PRESTON, IDAHO
MAR 8 1972

PERALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE: \$100

RETURN TO

13 2252
DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

POD Form 3911 Apr. 1969
GSA-15-71342-21

April 7, 1972

C Re: Permit No. 30745/13-2252

Q Mr. Myrl Bodily
Route # 1
Preston, Idaho 83263

Dear Mr. Bodily:

Enclosed herewith is your Water License issued on the above referenced permit.

P Also enclosed is departmental receipt No. 8243 in the amount of \$13.00 covering the licensing fee.

Sincerely,

Y BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: License

Receipt #8243

bc: Eastern District Office

13 2252

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 30745/13-2252 Priority Sept. 26, 1962 Amount 0.31 cfs

THIS IS TO CERTIFY, that MYRL BODILY
of Preston, Idaho, has complied with the terms and conditions of Permit
No. 30745/13-2252 issued pursuant to Application for Permit dated September 26, 1962,
and has submitted proof to the Department of Water Administration on October 20, 1966,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.31 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from surface water (open drain)
tributary of _____, is hereby confirmed in the following amounts:

Amount 0.31 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.31 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, Twp. 16 S, Rge. 39 E, B.M.

in the county of Franklin, and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 129.4 acre feet per year or _____
3.5 acre feet per acre.

Description and location of place of use:

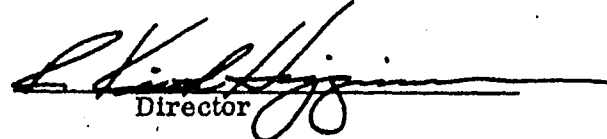
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16 S	39 E	10									40			40		20	40		140

Total number of acres irrigated 140

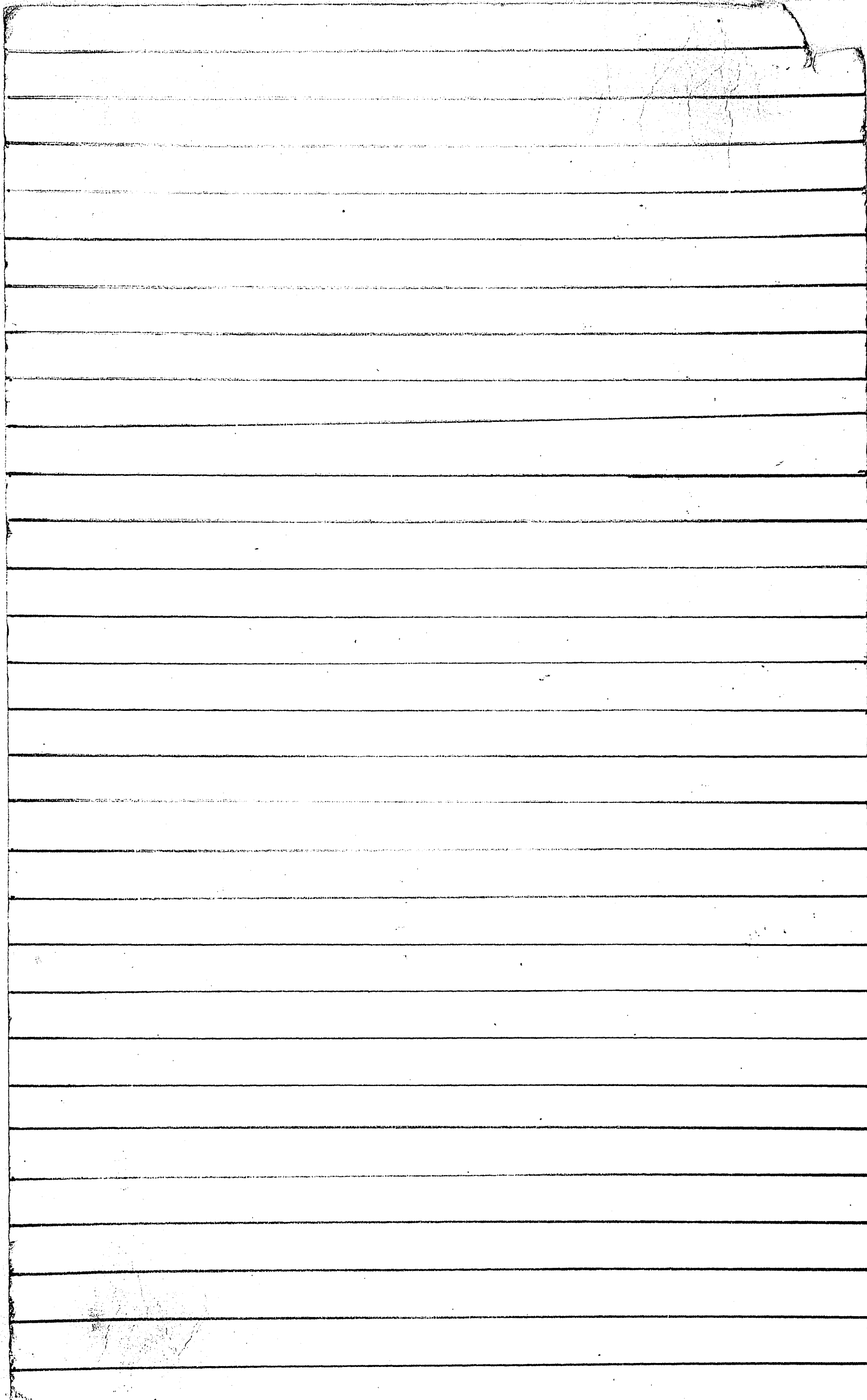
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6 day of

April, 19 72.


Director

13 2252



PROPOSED FINDING OF WATER RIGHTS - WORM CREEK DRAINAGE

13-2252

SOURCE: Fairview Drain & Tributaries

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		AMOUNT ACRE FEET PER ANNUM	MAXIMUM RATE OF DIVERSION c.f.s.	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED		BASIS OF RIGHT and REMARKS
				From	To						
13-2300	HINCKLEY, Vern Rt. #1 Preston, Idaho	8-26-1960	Irrigation	4-1	11-1	71.2	---	SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 23 T16S, R39E	Sec. 23 NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ T16S, R39E	40.0 30.0 30.0 30.0 130.0	License On Stream Reservoir Unnamed Stream
		8-26-1960	Storage for irrigation	4-1	11-1	71.2 71.2					
		The amount of water diverted using this right, 13-2150, 13-2266, and 13-0297 shall not exceed 2.60 c.f.s., 3.5 af/acre, or 445 af/yr.									
13-0324	HALL, Burtis R. Rt. #1 Preston, Idaho	8-30-1960	Irrigation	4-1	11-1	214.0	1.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 23 T16S, R39E	Sec. 23 NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ T16S, R39E	40.0 21.0 61.0	Beneficial Use Fairview Drain
		The amount of water diverted using this right, and 13-0294 shall not exceed 1.0 c.f.s., 3.5 af/acre or 214.0 af/yr.									
13-2252	BODILY, Cleve J. Rt. #2 Preston, Idaho	9-26-1962	Irrigation	4-1	11-1	133.0	0.31	SE $\frac{1}{4}$ SW $\frac{1}{4}$, S. 10 T16S, R39E	Sec. 10 NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ T16S, R39E	20.0 38.0 40.0 40.0 138.0	License Unnamed Drain
13-2266	HINCKLEY, Vern Rt. #1 Preston, Idaho	4-08-1965	Irrigation	4-1	11-1	455.0	1.26	NW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 23 T16S, R39E	Sec. 23 NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ T16S, R39E	40.0 30.0 30.0 30.0 130.0	License Unnamed Stream
		The amount of water diverted using this right, 13-2150, 13-2300, and 13-0299 shall not exceed 2.60 c.f.s., 3.5 af/acre or 455 af/yr.									

The amount of water diverted using this right, 13-2150, 13-2300, and 13-0299 shall not exceed 2.60 c.f.s., 3.5 af/acre or 455 af/yr.

The amount of water diverted using this right, and 13-0294 shall not exceed 1.0 c.f.s., 3.5 af/acre or 214.0 af/yr.