

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION NO 21749
 PERMIT No. 21749
 DISTRICT No.

1. Name of Applicant: THE DUVALL COMPANY

Postoffice address: 210 Eccles Bldg., Ogden County: Weber State: Utah

I. If applicant is a corporation, give:

(a) Date and place of incorporation: March 17, 1950- Utah

(b) Amount of capital stock: \$1,000,000.00

(c) Amount paid in: \$700,000.00

(d) Names and addresses of directors: R. C. Duvall, 2519 Fowler Ave., Ogden, Utah; Fredrick Froerer, 652 26th St., Ogden, Utah; C. Keith Duvall, 2458 Madison Ave., Ogden, Utah; Lawrence S. Barrett, 630 Washington Blvd., Ogden, Utah; J. Kent Duvall, 2519 Fowler Ave., Ogden, Utah.

II. The financial resources of the applicant are:

(a) Cash on hand: \$3,000.00

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

(d) Other resources: \$700,000.00 mining leases & property \$100,000 mill equipment.

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

3. Source of water supply: Drilled well. which is a tributary of

4. Location of point of diversion: About 2000 feet distant from the S. E.

corner of Section 36, T.15 S., R.29 E., B.M., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 36, T. 15 S., R. 29 E., B.M., County of Cassia

5. Water is to be used for Mining, milling and culinary purposes.

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

(a) Point of use of water: About 12,000 feet distant from S. E. corner of Section 36

T. 15 S., R. 29 E., B.M., in the E $\frac{1}{2}$ of Section 34, T. 15 S., R. 29 E., B.M.

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

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

distant from the corner of Section, T., R., B.M., in the of Section, T., R., B.M.

7. Estimated cost of works: \$ 11,000.00

8. Kind of works: 275' drilled well, gasoline powered deep well and triplex pumps, 1000 ft. pipe line.

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

feet; material used in dam:

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

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

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Completed at $\frac{\text{present}}{\text{years}}$

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

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

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

16. (a) Is reservoir to be used? No If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

THE DUVALL COMPANY

Applicant.

13v

C. Keith Duvall,
Secretary

Agent.

Date of first receipt at Department of Reclamation: 10:00 A. M. October 17, 1950

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21749

Recorded in Book 78 Page 21749 Approved October 31, 1950

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before _____ Completed _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before

The whole of said work to be completed on or before January 31, 1951.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 31, 1951

WITNESS My hand this 31st day of October, 1950

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, 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 31st

day of October 1950

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			STATE OF IDAHO DEPARTMENT OF RECLAMATION In the Matter of the Reinstatement) of Permit No. 21749 Under the Provisions) of Section 42-311 Idaho Code.) ORDER REINSTATING PERMIT WHEREAS, Permit No. 21749 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: January 31, 1951; and, WHEREAS, On the 20th day of June, 1951, notice to show cause why said permit should not be canceled, under the provisions of Section 42-311, Idaho Code, was duly served on the holder of said permit; and, WHEREAS, On the 25th day of June, 1951, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and, WHEREAS, On the 7th day of July, 1951, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and, WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21749, and that the holder has acted in good faith; IT IS, THEREFORE, Hereby Ordered that said Permit No. 21749 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 10th day of July, 1951. MARK R. KULP State Reclamation Engineer																

Permit No. 21749
 CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that THE LUVALL COMPANY of Ogden, County of Weber, and State of Utah, the holder of Permit No. 21749, issued upon Application No. 29460 bearing date of priority of October 17, 1950, authorizing the diversion of One second foot of the waters of a well (subterranean flow) County of Cassia, State of Idaho, for mining, milling and culinary purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use One cubic foot per second of the waters of said well; that the point of diversion of said waters is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 15 South, Range 29 East, B.M. and that the place of use of said water is in the E $\frac{1}{2}$ Section 34 and the W $\frac{1}{2}$ Section 35, Township 15 South, Range 27 East, B.M.

Witness my hand this 10th day of July, A. D. 1951.

MARK R. KULP
 State Reclamation Engineer

Proof of Completion of Works made July 8, 1951.
 Certificate of Completion of Works issued July 10, 1951.

LICENSE ISSUED FOR 0.133 SEC. FT.

894-4969

NAME OF APPLICANT The Duvall Company

Form No. 0

The Duvall Company.

MINE & MILL.

34

35

PIPE LINE

34

SOUTH 1/2 SEC. 36, OWNED
BY THE DUVALL COMPANY

DRILLED WELL

Permit Map No. 2
As Approved
OCT 27 1950
MARK R. KULP
State Reclamation Engineer

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

29 E

155

November 4, 1950

Re: Permit No. 21749

The Duvall Company
210 Eccles Building
Ogden, Utah

Gentlemen:

We enclose Permit No. 21749, together with Departmental Receipt No. 22744 for the \$5.00 filing fee.

Since the application states that the works are completed, we have allowed three months or until January 31, 1951, within which to make Proof of Completion of Works, and have allowed an additional year, or until January 31, 1952, for making the final proof or Proof of Beneficial Use.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21749

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

June 20

19 51

Re: Permit No. 21749

To The Duvall Company
C/o C. Keith Duvall
210 Eccles Bldg. Ogden, Utah

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 21749
to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works January 31, 1951

you are hereby notified in compliance with Sec. 42-311 Idaho Code annotated that said Permit No. 21749
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 21749 claims the use of One cubic feet per second of the
waters of a drilled well (subterranean) with point of diversion located
in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 15 South, Range 29 East, R. M., and
was approved October 31, 1950

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

20th day of June 19 51.

Mark R. Kulp.

State Reclamation Engineer.

By Assistant.

21749

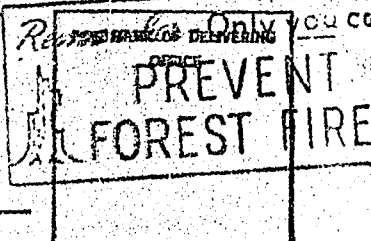
Post Office Department

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

(GPO)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Return to

(NAME OF SENDER)

Street and Number,
or Post Office Box,

107

State House

REGISTERED ARTICLE

No.

87060

INSURED PARCEL

Wt.

21749

BOISE,

IDAHO.

FORM 3811
Rev. 1-4-49

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 The Sewall Co.
(Signatures or name of addressee)

2 J. P. [Signature]
(Signature of addressee's agent - Agent must enter addressee's name on line ONE above)

Date of delivery June 21, 1951

U. S. GOVERNMENT PRINTING OFFICE

16-12421

21749

THE DUVALL COMPANY

210 ECCLES BUILDING . TELEPHONE 3-0279

OGDEN, UTAH

RECEIVED
JUN 28 1951

June 25, 1951

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

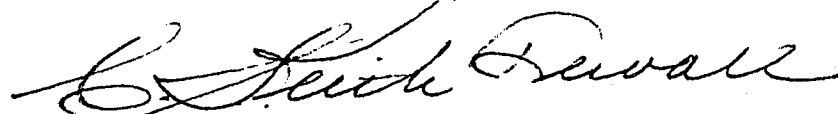
Dear Sirs:

In reference to letter dated June 20, 1951 to The Duvall Company, referring to water permit No. 21749, approved October 31, 1950, the work was completed on October 31, 1950, as shown on the permit. It was in use in accordance with the permit at that time. We were closed during the winter months, but have used the water since March of this year, 1951.

If you desire any further information as to this matter please let me know. Also will you please reinstate the permit, or send the necessary information so that I will know what action, if any, will be necessary on our part.

Yours very truly,

THE DUVALL COMPANY



C. Keith Duvall
Secretary

CKD/cd

21749

June 28, 1951

Re: Permit No. 21749

The Duvall Company
210 Eccles Building
Ogden, Utah

ATT: Mr. C. Keith Duwell

Dear Mr. Duvall:

Reference is made to your letter of June 25, 1951, in regard to Notice that Permit No. 21749 is held for cancellation for failure to make Proof of Completion of Works on or before January 31, 1951, as required under the terms of the Permit.

While it is true that your application stated that the works were completed at the time the application was filed, it is none the less true that in order to complete a water right, the Statutes require Proof of Completion of Works and Proof of Beneficial Use to be made.

If you will refer to office letter addressed you on November 4, 1950, enclosing Permit No. 21749, we informed you that Proof of Completion of Works was due on or before January 31, 1951, and enclosed the form for making such proof.

In order to reinstate the Permit it will be necessary for you to submit depositions of the Permit Holder and two witnesses on the forms enclosed, describing the works and stating that they were completed on or before January 31, 1951. Upon receipt and approval of these depositions, the Permit may be reinstated and upon receipt of the statutory fee of \$5.00, a Certificate of Completion of Works issued.

You were allowed an extra year or until January 31, 1952, for making Proof of Beneficial Use, but this can be made at any time prior thereto that you are prepared to make it, and we shall be glad to send the necessary instructions upon request.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

21749
A:bh
Enc.

Chief Clerk

THE DUVALL COMPANY

210 ECCLES BUILDING - TELEPHONE 3-0279

OGDEN, UTAH

July 6, 1951

RECEIVED
JUL 7 1951
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Dear Sirs:

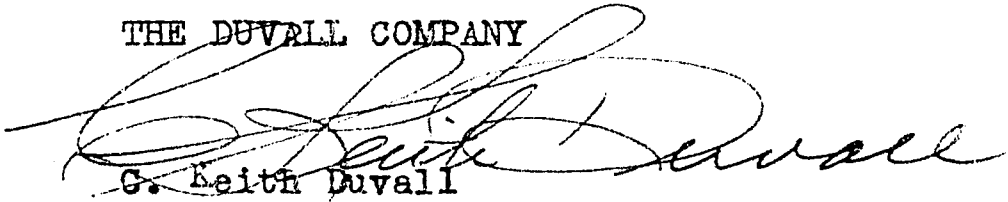
In regards to water permit No. 21749, we have enclosed Proof of Completion of Works, with this letter.

Our persent set up is capable of handling 1 ft. per second of water, with one gear change. However, at the present time we are using only about 50 to 60 ft. per minute, but we expect to increase this usage as we expand our mill.

Will you please send me the necessary forms for the Proof of Beneficial Use, and any other information that may be necessary.

Yours very truly,

THE DUVALL COMPANY


G. Keith Duvall
Secretary

21749

PERMIT NO. 21749.....

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. C. Keith Duvall 2458 Madison Ave. Ogden, Utah

Secretary of Mining Company

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. The Duvall Company, Cassia County Idaho, Secretary.
Secretary of The Duvall Company

Address of Company offices: 210 Eccles Building, Ogden, Utah

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. No. 21749, Date Oct. 31, 1950, One cubic foot per second,
Drilled well, Southwest $\frac{1}{4}$ of Section 36, T15 S, R 29 E, B. M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Mining, Milling and Culinary

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Drilled Well, Pumped through pipe line to mine plant

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes, works complete October 31, 1950 and comply with the permit

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. _____

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. 275 foot Drilled well, Gasoline powered Deep well pump and
Tri-Plex pump, 10,000 ft. of pipe line, One ft. per second.

Cost: Well 3565.64, Gasoline Motor 1367.16 Deep Well Pump 3413.38
Tri Plex Pump 468.51 Pipe Line Apx 8000.00

(Sign here.)

C. Keith Duvall

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 OGDEN,

County of WEBER, State of UTAH, on this 6th
 day of July A. D. 1951.

My Commission expires 5-25-52

Josephine Paddy
 Notary Public.

21749

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 21749

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Fredrick Froerer, 652 26th Street Ogden, Utah, Real Estate,
652 26th Street, Ogden, UtahQues. 2. Are you acquainted with The Duvall Company, the
holder of Permit No. 21749, authorizing the diversion of one second-foot of the
waters of ~~Mining~~ ~~Milling~~ ~~Cullinary~~ ~~purposes~~, at Cassia County
Idaho
for ~~Cullinary~~ purposes? How long have you known him, and where does he reside?

Ans. 2 years Offices 210 Eccles Building Ogden, Utah

Ques. 3. Have you read or heard read said Permit No. 21749, and are you familiar
with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to
be irrigated under said permit? If so, describe same, state its character, and give your
estimate of the amount of water required for its profitable cultivation.

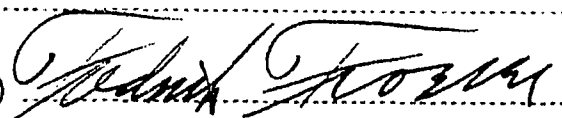
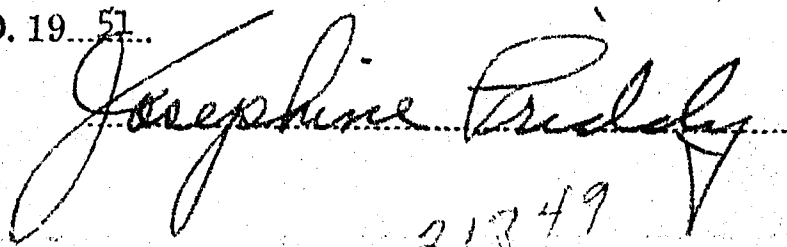
Ans.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to con-
vey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of
their capacity.Ans. 275 foot Drilled well, Gasoline powered Deep Well pump and
Tri-Plex Pump, 10,000 ft. of pipe line. 50 ft. per minute and
can be increased to 1 ft. per second by increased power application.

(Sign here.)

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, at my office in OGDEN
County of WEBER, State of UTAH, on this 6th
day of July, A. D. 19 51.
21749

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 21749**Proof of Completion of Works****DEPOSITION OF WITNESS**

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

Ans. Lawrence S. Berrett, 630 Washington Blvd. Ogden, Utah
Railway Mail Clerk, 630 Washington Blvd. Ogden, UtahQues. 2. Are you acquainted with The Duvall Company, the
holder of Permit No. 21749, authorizing the diversion of one second-foot of the
waters of _____, at Cassia County
Mine, Milling Idaho
for Cullinary purposes? How long have you known him, and where does he reside?Ans. Yes Office 210 Eccles Building, Ogden, UtahQues. 3. Have you read or heard read said Permit No. 21749, and are you familiar
with its terms and conditions?Ans. YesQues. 4. (If for irrigation purposes). Are you acquainted with the land proposed to
be irrigated under said permit? If so, describe same, state its character, and give your
estimate of the amount of water required for its profitable cultivation.

Ans. _____

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to con-
vey the entire amount of water set out in the permit from point of diversion to place of use?Ans. YesQues. 6. Describe the works of diversion as they now exist, and give your estimate of
their capacity.Ans. 275 foot Drilled well, Gasoline powered Deep Well pump and
Tri-Plex Pump, 10,000 ft. of pipe line. 50 ft. per minute and
can be increased to 1 ft. per second by increased power application.(Sign here.) Lawrence S. BerrettI 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, at my office in OGDENCounty of WEBER, State of UTAH, on this 6th
day of July, A. D. 19 51.Josephine Prichard21749

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. 21749 Under the
Provisions of Section 5594, Idaho
~~Compiled Statutes~~ 42-311 Idaho Code

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 21749 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: January 31, 1951; and,

WHEREAS, On the 20th day of June, 1951, ~~1952~~ notice to show cause why said permit should not be canceled, under the provisions of Section 5594, ~~Idaho~~ 42-311 ~~Code~~ ~~Compiled Statutes of~~ Idaho/was duly served on the holder of said permit; and,

WHEREAS, On the 25th day of June, 1951, ~~1952~~ the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 7th day of July, 1951, ~~1952~~ depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ State Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 21749, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 21749 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 10th day of July, 1951.

Mark R. Kulp
Commissioner of Reclamation
State Reclamation Engineer

By _____
Assistant

21749

July 11, 1951

Re: Permit No. 21749

The duvall Company
210 Eccles Building
Ogden, Utah

ATT: Mr. C. Keith Duvall

Dear Mr. Duvall:

Your Permit No. 21749 has been reinstated and we enclose Certificate of Completion of Works for the diversion of one (1) second foot of water from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 15 South, Range 29 East, B.M., for mining, milling and culinary uses on the E $\frac{1}{2}$ Section 34 and the W $\frac{1}{2}$ Section 35, same Township and Range.

We also enclose Departmental Receipt No. 23536 for the \$5.00 fee paid in connection with this proof.

Before making Proof of Beneficial Use, the law requires publication of a notice once a week for four consecutive weeks in a County newspaper. This notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the Notary Public before whom the proof will be made.

The time should be set sufficiently far ahead to allow for four weeks publication and the place may be any place convenient for you and two disinterested witnesses.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21749

THE DUVALL COMPANY

210 ECCLES BUILDING - TELEPHONE 3-0279

OGDEN, UTAH

RECEIVED
OCT 1 1951

September 29, 1951

Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

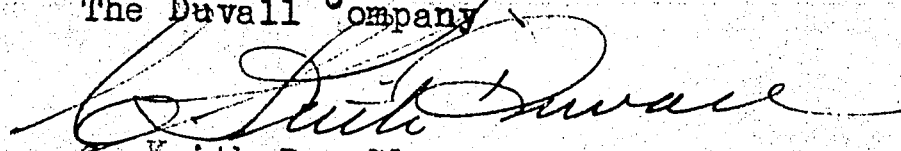
Dear Sirs:

Enclosed with this letter are the necessary forms
for the publication of Notice of Proof of Water
To Beneficial Use.

Will you please send me any further forms that
are necessary to complete proof of beneficial
use.

Yours very truly,

The Duvall Company


C. Keith Duvall
Secretary

CKD/cd
Enc.

21749

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 29, 1951

(P. O.) 210 Eccles Building, Ogden, Utah

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

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

The Duvall Company

C. Keith Duvall
C. Keith Duvall
Secretary

(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.

21749

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: October 1, 1951

Re: Permit No. 21749

Burley Herald

Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to November 9, 1951 the date set for proof, the expense of the publication to be paid by the applicant, The Duvall Company of 210 Eccles Bldg., Ogden, Utah, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

21749

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

Notice is hereby given that at 10:00 A. M. on the 9th day of November, 1951,
at Burley, County of Cassia, State of Idaho, before
A. H. Nielsen, Offices of Nielsen and Nielsen, proof will be submitted of the
application to beneficial use of one cubic feet per second of the waters of Well Drilled
in accordance with the terms and conditions of Permit No. 21749
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
The Duvall Company 210 "coles Building Ogden, Utah

The use to which said water has been applied is Mining, Milling and Culinary

The amount applied to beneficial use is One Cubic foot per second

The place where said water is used ~~(to for irrigation give full and accurate description of the~~
~~lands irrigated)~~ About 12,000 feet distant from S. E. corner of Section 36
T 15S, R 29E, B. M. in the East $\frac{1}{2}$ of Section 34, T 15S, R 29E,
B. M. and West $\frac{1}{2}$ of Section 35, T 15S, R 29E, B. M.

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

The right to take water from such works is based upon Permit No. 21749

The source of supply from which such water is diverted is Drilled Well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 36, Twp. 15 S., Range 29 E., B.M.

The date of priority which said user is prepared to establish is October 17, 1950

MARK R. KULP

State Reclamation Engineer.

21749

October 1, 1951

RE: Permit No. 21749

Mr. C. Keith Duvall, Secretary
The Duvall Company
210 Eccles Building
Ogden, Utah

Dear Mr. Duvall:

We have sent to the Burley Herald, notice of beneficial use proof to be made under Permit No. 21749, with instructions to publish it once a week for four consecutive weeks prior to November 9, 1951, the date set for proof, and to send you the affidavit of publication together with statement of costs.

We enclose the necessary forms of depositions to be used in making this proof, consisting of one for the permit holder, and one for each of two witnesses, and at the time set, a representative of your company should appear before A. H. Nielson, at Burley, together with two disinterested witnesses who are familiar with the terms of the permit, and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

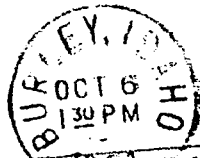
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21749

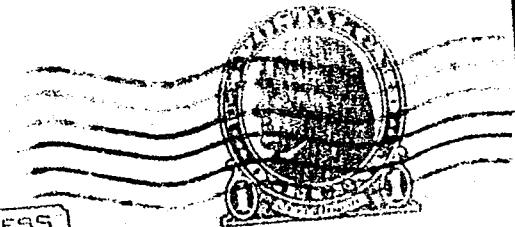
RECEIVED

OCT 8 1951

Department of Reclamation



THIS SIDE OF CARD IS FOR ADDRESS



Mark R. Kulp,
State Reclamation Engineer,
Dept of Reclamation,
Boise, Idaho.

Brusley, Idaho
Oct. 6, 1951

Mark R. Kulp,
Dear Sir:-

This is to acknowledge
receipt of notice
for the Durnal Co
which we will
publish Oct 11-18-25,
Nov 1, 1951.

Thanking you,
we are

Very truly yours
The Brusley Herald Bulletin
by Hazel H. Goodall,
21749 Associate Editor.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

NOV 14 1951
Department of Reclamation

Permit No. 21749

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. C. KEITH DUVALL 2458 MADISON AVE OGDEN, UTAH
SECRETARY OF MINING CO.

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

Ans. THE DUVALL CO. 210 ECKLES BLDG OGDEN UT. A. H. NIELSEN
SECRETARY OF THE COMPANY BURLEY IDAHO

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

Ans. 21749

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

Ans. Drilled Well about 2400 ft from S E corner
Sec 36 T15S R29E B1M within the SW 1/4 Sec 36 T15S R29E B1M

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.

Ans. Use deep well pump & tri-plex pump and
pipe line to convey water to storage tank
275' 8" casing

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. The water is used for Mining - Milling
& Chemicals. Water is used at our surface mine
& mill located abt 12000' SE corner of Sec 36
T15S R29E E 1/2 SEC 34 T15S R29E B1M & W 1/2
Sec 35 T15S R29E

21749

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

Ans. The water is used in hauling process of mill

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

Ans. 5 cu ft/sec

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

Ans. _____

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

Ans. Oct 1950 to present. Water has been used in mining & smelting process and for cultural purposes

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. None

(Sign) L. Keith Duran

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 Burley County of Cassia, State of Idaho, on this 9th day of November, A. D. 1951,

My commission expires Feb. 20, 1954

A. H. Hecker
Notary Public

21749

November 14, 1951

RE: Permit No. 21749

The Duvall Company
810 Eccles Building
Ogden, Utah

Gentlemen:

We acknowledge receipt of the depositions of C. Keith Duvall and two witnesses in connection with beneficial use proof under Permit No. 21749.

However, Question 7 of the depositions of the two witnesses fails to give the legal description of the place where the water is used and we return them herewith for that purpose.

The affidavit of publication is also a necessary part of this proof. The Burley Herald was instructed to send this affidavit to you together with statement of costs and if you have not received it we suggest you take the matter up with them.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

M:fg
Enc.

21749

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

21749

Glenn Gilchrist

....., first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four..... consecutive weeks, commencing with the issue dated Oct. 11, 1951....., and ending with the issue dated Nov. 1, 1951.....

Glenn Gilchrist

Subscribed and sworn to before me this 3rd day of Nov., 1951.

Nazel G. Nordahl

Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

My Commission Expires June 4, 1955

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

Notice is hereby given that at 10:00 A. M. on the 9th day of November, 1951, at Burley, County of Cassia, State of Idaho, before A. H. Nielson, Office of Nielsen and Nielson, proof will be submitted of the application to beneficial use of one cubic feet per second of the waters of Well Drilled in accordance with the terms and conditions of Permit No. 21749 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are The Duvall Company, 210 Eccles Building, Ogden, Utah.

The use to which said water has been applied is Mining, Milling and Culinary.

The amount applied to beneficial use is one Cubic foot per second.

The place where said water is used is about 12,000 feet distant from S. E. corner of Section 36 T 15S, R 29 E, B. M., in the East ½ of Section 34, T 15S, R 29 E, B. M. and West ½ of Section 35, T 15S, R 29 E, B. M.

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

The right to take water from such works is based upon Permit No. 21749.

The source of supply from which such water is diverted is Drilled Well in the SW ¼ SE ¼ Section 36, Twp. 15 S., Range 29 E., B. M.

The date of priority which said user is prepared to establish is October 11, 1950.

MARK R. KULP

State Reclamation Engineer

Published in the Burley Herald
Oct. 11-18-25, Nov. 1, 1951.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21749

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. J. Cameron Lawrence 39 Burley, Idaho
Office Manager

Ques. 2. Are you acquainted with The Duvall Co, the holder of Permit No. 21749? How long have you known him and where does he reside?

Ans. One year Ogden Utah

Ques. 3. Have you read or heard read said Permit No. 21749, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Well drilled About 2000 ft. from S E corner
Sec 36 T 15 R 29 E B. 1 N. + is in the S W 1/4 S E 1/4
of Sec 36 T 15 R 29 E B. 1 N. Deep well pump triple
pump & pipe line

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

Ans. Safely 1 cu ft 1/2 cu ft/sec

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 1/2 cu ft 1 second

21749

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Mining, Milling & Culinary
12000 feet from SE corner 36 T 15 S R 29 E 13M
in the E 1/2 Sec 34 T 15 S R 29 E 13M and
W 1/2 Sec 35 T 15 S R 29 E 13M

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Two storage tanks & from storage
tanks used in mine mill & culinary

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. no

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Watched process in September

(Signed) J. Oscar Lowe

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 Burley,
County of Cassia, State of Idaho, on this 9th day of October,
A. D. 1951.

A. H. Acland

Notary Public.

My commission expires Feb. 20, 1954.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21749

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Don E. Loveland 35 yrs Burley Idaho
County Assessor

Ques. 2. Are you acquainted with The Turrell Co., the holder of Permit No. 21749? How long have you known him and where does he reside?

Ans. One year Ogden Idaho

Ques. 3. Have you read or heard read said Permit No. 21749, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Well (Drilled) about 2000 ft from S.E. Corner
Sec. 36 T. 15 - R. 29 E. B. M. It is in the S.W. 1/4
S.E. 1/4 of Sec. 36 T. 15 - R. 29 E. B. M. Deep Well
Pump & Tripex Pumps + pipe line

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

Ans. 1/2 cubic foot per second

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. app 1/2 cubic foot per second by sight

21749

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Mining - Milling + Pulverizing
12,000' from SE corner Sec 36 T.15 R.29E BM in
E 1/2 Sec. 34 15S 29E BM and
W 1/2 Sec 35 15S 29E BM

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. to storage tank + from storage
tanks used in mill +

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. _____

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. watched the process in September

(Signed) Dan C. Loveland

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 Burley,
County of Cassia, State of Idaho, on this 9th day of October,
A. D. 1951.

A. B. Heelan
Notary Public.

My commission expires Feb. 20, 1954.

November 20, 1951

RE: Permit No. 21749

The Duvall Company
210 Eccles Building
Ogden, Utah

Gentlemen:

We are in receipt of the corrected depositions of your two witnesses in proof of beneficial use under Permit No. 21749, and also the affidavit of publication in the Burley Bulletin.

This completes your proof but 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 say just when this examination will be made as this department has but one field engineer who makes examinations all over the State.

However, he will try to contact someone at the grounds at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

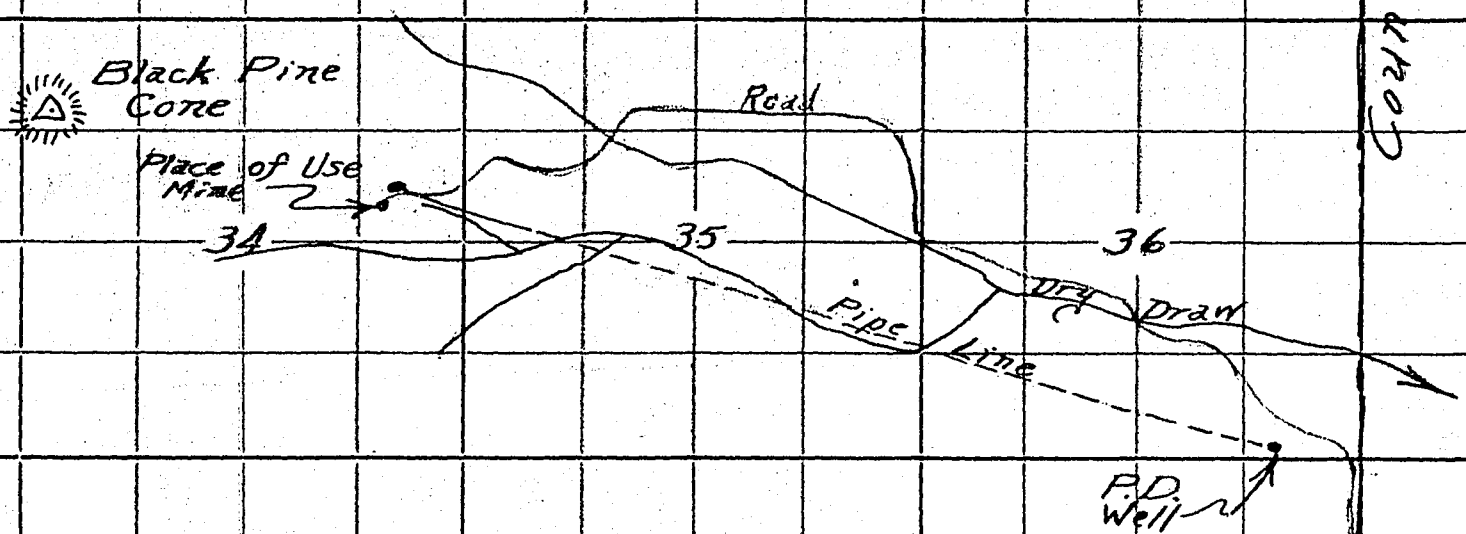
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21749

T. 15 S., R. 29 E. B. M.



Amount of water 60 gal. per min
or. $6\frac{2}{3}$ miners inches

T = 62° F.

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

Permit No. 21749

This proof is for Beneficial Use In Water District No.

1. Name of applicant The Duvall Company, 210 Eccles Bldg., Ogden, Utah

2. Source of water supply: Subterranean from drilled well

3. Location of point of diversion: Is in the SW¹ SE¹ of Section 36

T. 15 S. R. 29 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Drilled well 280' deep. Casing 280' deep and 8" diameter. Static water level 228'. Drawdown is 14'. Depth of pump is 275'. Column is 4" diameter. Thirty-eight stages of 4" bowls. Fairbanks Morse Pomona pump # PH 5627 turbine. International Model U-6 gasoline engine # UBK 8436, 4 cylinder, 3 7/8" bore by 5 1/2" stroke, 1500 rpm. Power transmitted via Johnson gear & Mfg. Co. # 9198, ratio 1:1, 14 B.H.P. at 1750 rpm. Delivers 60 gal. per minute of time (measured 2 gal. per 2 seconds of time) at top of well. Additional lift of 1350' by S. J. Smith Machinery Co. triplex pump # 15496, size 4 1/2" dia. by 8" stroke, 3" intake and discharge. Power for triplex is furnished by V-belt drive from above gas engine. 10,000 feet of 5" and 2" steel pipe. 6' high by 18" dia. storage tank.

5. Water is used for: Mining, Milling and culinary purposes.

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):

Place of use - E¹ Section 34, W¹ Section 35, Twp. 15 South, Range 29 East, B.M.

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

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

Remarks: This water is pumped from a well in the foot hills east of Black Pine Cone peak to a place high on the side of Black Pine Cone mountain. This is the only source of water for this mine. The amount of water delivered at the mine is not sufficient for proper use in milling. Some of this water is used over again in the mill and contains cyanide after its first use.

This is an open pit hard rock gold ore mine.
mill capy is reported at 250 Ton capy.

This examination was made on the 9th day of July, 1952

(Signed) Alfred O. Larson Examiner.

21749

July 30, 1952

RE: Permit No. 21749

The Duvall Company
210 Eccles Building
Ogden, Utah

Gentlemen:

We now have on file the report of our field engineer on examination for beneficial use on Permit No. 21749.

This report shows that your well in the SW¹/₄ SE¹/₄ Section 36, Township 15 South, Range 29 East, E.M., will deliver 60 gallons per minute or approximately 6-2/3 miners inches.

Therefore, upon receipt of the statutory fee of \$5.00, a license will be issued for that amount or 0.133 second foot.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21749

THE DUVALL COMPANY

210 ECCLES BUILDING - TELEPHONE 3-0279

OGDEN, UTAH

August 13, 1952

RECEIVED
AUG 14 1952

Department of Reclamation

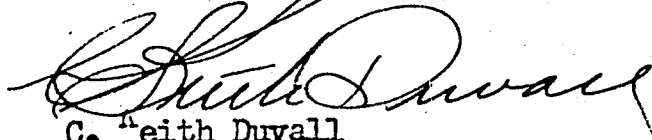
State of Idaho
Department of Reclamation
Boise, Idaho

Dear Sirs:

We have enclosed with this letter a check in the amount of
5.00 dollars to cover the fee for our water permit
number 21749. Thank you very much.

Yours very truly,

The Duvall Company


C. Keith Duvall
Secretary

CKD/cd

RECEIVED
AUG 14 1952
Department of Reclamation

21749

September 2, 1952

RE: Permit No. 21749

The Duvall Company
210 Eccles Building
Ogden, Utah

ATT: Mr. C. Keith Duvall
Secretary

Dear Mr. Duvall:

We enclose License and Certificate of Water Right issued under Permit No. 21749, confirming your right to the use of 0.133 second foot of water from a well in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 15 South, Range 29 East, B.M., with priority of October 17, 1950, for mining, milling and culinary use on the E $\frac{1}{2}$ Section 34, and the W $\frac{1}{2}$ Section 35, Township 15 South, Range 29 East, B.M.

We also enclose departmental receipt No. 24763 for the \$5.00 fee paid in connection with proof of beneficial use.

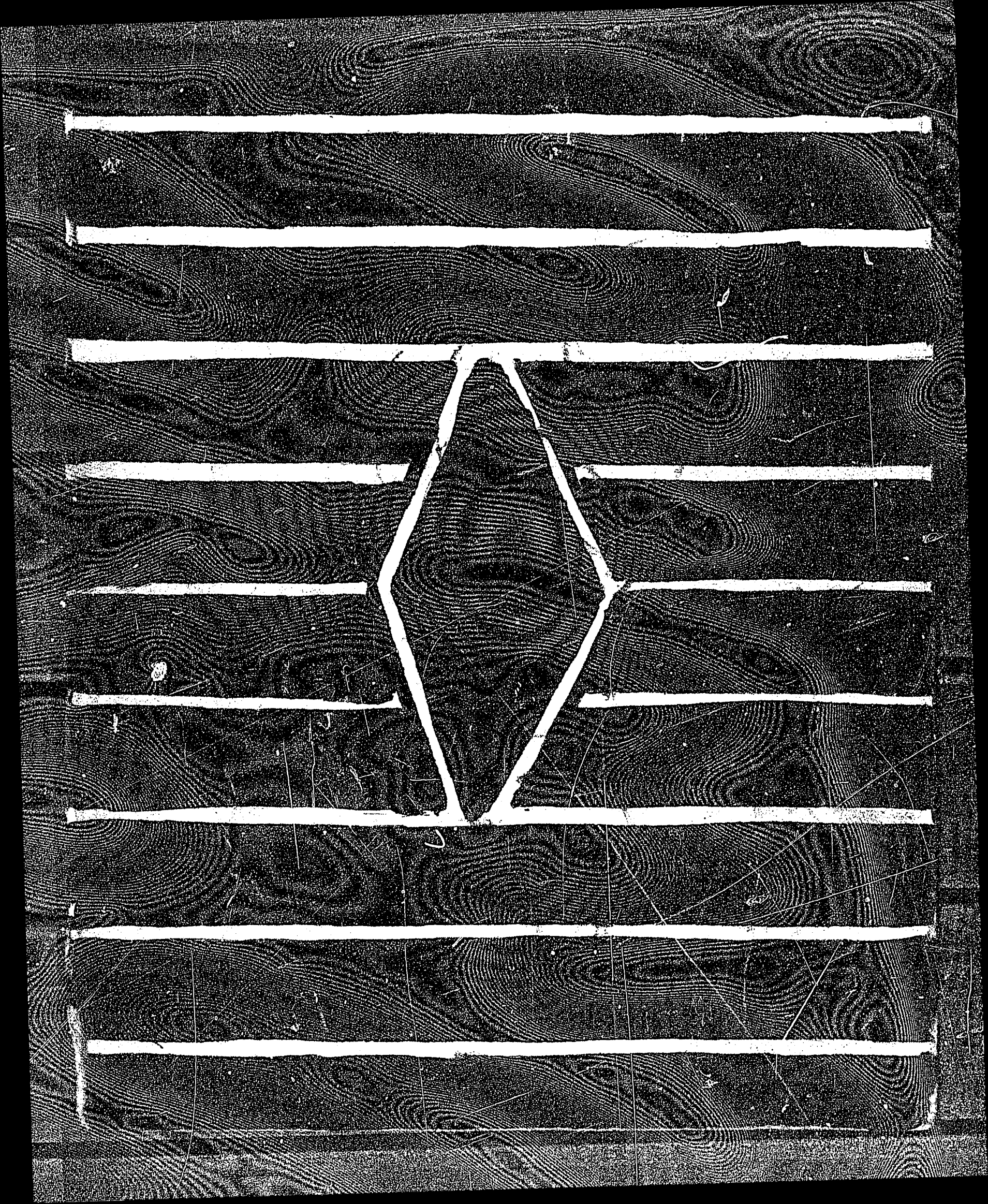
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21749



State of Idaho

License and Certificate of Water Right

Water License No. 21749

Amount 0.133 second foot

Water District No.

Priority October 17, 1950

THIS IS TO CERTIFY that THE DUVALL COMPANY

of Ogden, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated October 17, 1950; that Permit No. 21749 was issued under said application; that Certificate of Completion of works, with a carrying capacity of one second foot, was issued thereunder on July 10, 1951, showing that said works were completed on the 6th day of July, 1951; and that on the 9th day of November, 1951,

THE DUVALL COMPANY

of Ogden, State of Utah, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well ~~and~~ (subterranean flow), for the purpose of mining, milling & culinary use, under Use Permit No. 21749 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4969, on the 14th day of August, 1952;

The right hereby confirmed dates from October 17, 1950;

The Point of Diversion is located

in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36, Tp. 15 S., R. 29 E., B.M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.133 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			East Half Section 34; and West Half Section 35; Township 15 South, Range 29 East, B.M.		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

14th day of August, 1952.

MARK R. KULP

State Reclamation Engineer

(SEAL)

17 2024