

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A27-11188
Date Received: 5/30/1989
Receipt No: E008959
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO DEPARTMENT OF HEALTH 208-785-1200
Address: AND WELFARE STATE HOSPITAL S.
P.O. BOX 400
BLACKFOOT, ID 83221

2. Date of Priority: JUL 18, 1886

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
03S	35E	2	NE	SW	SW		BINGHAM

5. Description of diverting works:
WELL AND PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.280		
IRRIGATION	04/01	11/01	0.180		

7. Total Quantity Appropriated is:
0.460 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/STATE HOSPITAL SOUTH A STATE PSYCHIATRIC HOSPITAL

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	35E	2	NW	SW		DOMEST	3.0

A27-11188

Page 1

Date: 07/25/89

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A2711188



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03S	35E	2	NW	SW		IRR	
			SW	SW		DOMEST	3.0
			SW	SW		IRR	
						Section Acres	6.0
						Total Acres	6.0

11. Place of use in counties: BINGHAM

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
RIGHTS FOR IRRIGATION IS ALSO HELD INT HE CORBETT SLOUGH DITCH.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM**

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

MAY 30 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

STATE OF IDAHO
DEPARTMENT OF HEALTH AND WELFARE
STATE HOSPITAL SOUTH

Phone (208) 785-1200

1. Name of Claimant (s) _____
Mailing Address P. O. Box 400, Blackfoot, Idaho _____ Zip 83221

2. Date of Priority (Only one (1) per claim) July 18, 1886

3. Source of water supply (a) Ground Water
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 3S Range 35E Section 2,
NE 1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of Bingham

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of 1/4 of 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of 1/4 of

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. No information is available on the well prior to 1957. However, the well that existed prior to 1957 was capped and a new well drilled at the same location. Well casing is set from (2) two feet above ground to 167 ft. plus shoe with 20 in. O.D. casing w/ 5/16 in. wall; then from (2) two feet above ground to 422 ft. 5 in. plus shoe with 16 in. O.D. casing w/ 5/16 in. wall; and then from (2) two feet above ground to 806 ft. 8 in. plus shoe with 12 in. O.D. casing w/ 5/16 in. wall. Total depth drilled was 868 ft.. In 1969, the well pump was changed to the _____ Model 10CC 6 Stage Pump. In 1938, a 50,000 gallon capacity elevated water storage tank was installed that is still in service.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1-1 to 12-31 amount 0.28 or _____

For Irrigation purposes from 4-1 to 11-1 amount 0.18 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.46 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 159.89 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic: State Hospital South A State Psychiatric Hospital

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3S	35E	2										3D	3D						6

Total number of acres irrigated 6

11. In which county (ies) are lands listed above as place of use located? Bingham

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Water rights for irrigation of the six acres are also held in the Corbett Slough Ditch or None ()
Company of Blackfoot, Idaho

14. Remarks:

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NOV 13 1992

Last Name State Hospital South Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

R35E

T3S

②

①

SW

POINT OF DIVERSION

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Last Name State Hospital South Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Administrative Director

Title

of State Hospital South, Dept. of H & W, State of Idaho, that I have signed the foregoing

Organization

document in the space below as Administrative Director of State Hospital South

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent *William E. Smith*

Title and Organization Administrative Director, State Hospital So. Date MAY 26, 1989

State of Idaho/or _____)

County of Bingham) SS.

Subscribed and sworn (or affirmed) before me this 26th day of May 19 89

SEAL

Notary Public *Dicki Robinson*

Residing at *Blackfoot*

My Commission Expires *1/4/93*

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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NOV 13 1992

Last Name State Hospital South Ident. Number _____

Copies White-State, Yellow-Claimant

Log for claim 27-11188

Spatial Dynamics BTD

1/5/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03s35e	2	NWSW	3	4.2	Indiscernible
03s35e	2	SWSW	3	7.9	POD placement? / Indiscernible
Totals:			6	12.1	

AJ5809NP
No. A27-11188

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/29/00
PAGE: 196

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	STATE OF IDAHO DEPT OF HEALTH & WELFARE STATE HOSPITAL SOUTH P.O. BOX 400 BLACKFOOT ID 83221 (208) 785-1200	07/18/1886	IRRIGATION DOMESTIC	04-01 11-01 01-01 12-31	0.180 CFS 0.280 CFS	
TOTAL DIVERSION:					0.460 CFS	
CONSUMPTIVE USE:						15.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T03S R35E S02 NESWSW BINGHAM County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
03S	35E	2	:	:	:	:	:	03	03	:	:	:	:	:	:	6.0
TOTAL ACRES															6.0	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
03S	35E	2	:	:	:	:	:	D	D	:	:	:	:	:	:	

POU County: BINGHAM

Non-Irrigation Uses: D/STATE HOSPITAL SOUTH A STATE PSYCHIATRIC HOSPITAL

Other Rights: RIGHTS FOR IRRIGATION IS ALSO HELD INT HE CORBETT SLOUGH DITCH.

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00047E A01-00048 A01-00304

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 07/25/89 ESRBA 02/07/95 DSHAFF 02/24/95 DSHAFF



State of Idaho
DEPARTMENT OF HEALTH AND WELFARE
Division of Family and Community Services
State Hospital South

PHILIP E. BATT
Governor
LINDA L. CABALLERO
Director

P.O. Box 400
Blackfoot, Idaho 83221-0400
(208) 785-1200
FAX (208) 785-8448

January 4, 1995

RECEIVED

JAN 13 1995

Department of Water Resources
Idaho Falls Office

Mr. Dave Carlson
Water Right Agent, Adjudications
Department of Water Resources
State of Idaho
900 North Skyline Drive
Idaho Falls, Idaho 83402-1718

RE: EVIDENCE OF PRIORITY (A27-11188)

Dear Mr. Carlson:

Please find enclosed a master's thesis published in December, 1943, which is the substantiating proof for the priority use date of the ground water well at State Hospital South.

Reference regarding well development or modifications is made in several places in the document. The reference source establishing the first historical use of the well by State Hospital South is the Annual Report of Secretary of Interior for Fiscal Year Ending June 30, 1887.

If you need additional documentation or have any questions or comments, please contact us.

Thank you.

Sincerely,

Othea L. Toland
Acting Administrative Director

OLT
DL:klc

Enclosure

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THE UNIVERSITY OF CHICAGO

HISTORY OF IDAHO STATE HOSPITAL SOUTH, BLACKFOOT, IDAHO

A REPORT
SUBMITTED TO THE FACULTY OF THE
SCHOOL OF SOCIAL SERVICE ADMINISTRATION
IN CANDIDACY FOR THE DEGREE OF
MASTER OF ARTS

BY
BERTHA LARSON

CHICAGO, ILLINOIS
DECEMBER, 1943

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POOR ORIGINAL

INTRODUCTION

A study of the care of the mentally ill is of special interest at the present time when public attention is aroused by the publicity given to war neuroses and psychiatric casualties. Many of the psychiatrists have been assigned to service in the armed forces in this country and all over the world. Professional staff have inevitably been recruited from the civilian hospitals for the mentally ill. Maintenance costs have increased, and the building program has been curtailed. The consequence cannot be given too serious consideration. It calls for an evaluation of existing facilities for the civilian population, anticipating an increased demand for psychiatric service for the civilians indirectly affected by the war.

This study of the history of State Hospital South was undertaken in order to be able to evaluate more intelligently the present facilities and provisions for the care and treatment of the mentally ill of Southern Idaho, measuring its program by the standards of the American Psychiatric Association. It also designs to learn how firmly established this hospital is with regard to administration policies, financial resources, and personnel practices in order to estimate how well it can sustain the incursion the war has already made on its staff.

Nearly eighty years have passed since the Territory of Idaho, by act of its second legislative assembly, an unwieldy constit-

agency coming from a vast area of what is now Idaho, Montana, and part of Wyoming, first gave cognizance to its responsibility for the mentally handicapped. This study proposes to scrutinize the legislative provisions and procedures which have been made for the care and protection of the mentally ill from that December day in 1864 until the present to ascertain how much progress has been made.

Reflected in a state institution--its administration, the amount of its appropriations, its location, its development--are the political and historical development of the state, also the evidence of the interest or indifference of the people toward its social welfare. The Idaho Insane Asylum at Blackfoot, now known as State Hospital South, seems to be a typical product of these influencing factors. It is Idaho's first of two institutions for the insane. Its history had its inception fifty-eight years ago after the transient thousands of prospectors, miners, and adventurers had departed, leaving behind those who invisioned from the fertile soil the possibilities of livelihood, a home, and the other attending institutions of civilization. During its history at least eighteen superintendents are known to have held the administrative reins. This study further proposes to present the historical development of this hospital, discussing its various aspects, and attempts to discover factors which have influenced Idaho's progressive, or stagnant, or, if such be the case, regressive policies relating to her mentally ill.

The study is organized into four chapters, the first one relating to early territorial provisions for the insane. In order to understand more clearly the factors operative in its development,

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It is necessary to present a historical sketch of the kind of people and events that fostered the growth of a territory into a state in 1890 with its subsequent responsibility for the social welfare of those within its boundaries. The effect of the topographical features of this state, which has been called a "geographic monstrosity," must also be credited with shaping the destinies of the people and their institutions. Thus in this first section the scene is set with an historical preface, followed by the first territorial provisions for the care of the insane. Chapter II deals with the establishment of the Idaho Insane Asylum in 1885 and its subsequent growth and development of (1) physical plant, (2) personnel, (3) provisions for special groups, and (4) patient population. Chapter III discusses the legal provisions for the administration and financing of the hospital, the procedure of regular and voluntary commitments, and parole and discharge. The fourth and final chapter is a formulation of the conclusions arrived at as a result of the study, concluding with evaluation and recommendations.

The dearth of organized source material concerning the historical period prior to 1918 was in itself a stimulus to learn how the patients had fared up to that time without required reporting by superintendents, also without the existence of any central supervisory agency. The fact that state historians and writers have conscientiously avoided references to the state institutions, except for very brief mention, seems expressive of the people's attitude toward the insane. The superintendents' biennial reports were until the last four years lacking in respect to certain aspects so essential to an adequate program for the mentally ill, that is, the

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medical care, therapy other than occupational, the number of employed and personnel practices, which in itself is significant. There is a wealth of information concerning the farm and physical plant. The legislature delegated to the administrative board power to include all rules and regulations in the by-laws, which were not available for use in this study. Reports on finance have been limited by non-sequitur systems of auditor's reports. The main sources of information have been the Biennial Reports of the Department of Public Welfare, the Idaho Session Laws and House Journals, governors' reports to the Secretary of the Interior and historical records.

The writer wishes to acknowledge appreciation to Dr. J. S. Hamilton, Mental Hospital Advisor of the United States Health Service, for the use of the "Resurvey of Idaho State Hospital at Blackfoot, Idaho" made in 1940 following a previous survey in 1937. The Honorable George W. Curtis, Idaho Secretary of State, very kindly attempted to locate early reports of the institution. The writer also appreciates the interest of the Honorable H. C. Baldrige, Acting Director of the Department of Charitable Institutions, in providing reports and current data and information.

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CHAPTER I

EARLY PROVISIONS FOR THE CARE OF THE MENTALLY ILL OF IDAHO TERRITORY

The Scene Is Set

The scene of the Idaho Insane Asylum was set in territorial days. Its foundation bears the impression made by early sociological, economic, political, and geographic factors. A backward glance over the events that preceded its establishment and the conditions which contributed toward its founding depicts Idaho's first manifestation of concern for her mentally ill.

Idaho in 1859 was a single county of Shoshone, a part of the Washington Territory, which also embraced the future states of Montana and Wyoming. As it had no citizens, it had no governing body. The discovery of gold in North Idaho in the year 1861 produced a rapid influx of thousands of prospectors, miners, adventurers, and war-weary Southerners. The first arrivals at each new placer discovery set up regulations, but the local governments were unable to enforce the laws. After Washington Territory had failed to help the mining districts with their increasing crime, the miners petitioned Congress directly for a separate government. On March 3, 1863, President Lincoln signed the Organic Act creating the Territory of Idaho, including the area between Washington and Nebraska.¹

¹The Federal Writers' Project, Idaho, The Idaho Encyclopedia. Compiled by the Federal Writers' Project of the U. S. Department of the Interior, State Director (Caldwell, Idaho: The Caxton Printers, Ltd., 1939), p. 186.

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The population in that year had increased to 32,340.¹ As new coveries of gold were made in the southern section of the territory, the population gravitated in that direction. However, by 1870 the surface placers of gold had been despoiled of their treasure,² so many departed, leaving a population of only 14,999. withdrew "to separate cliques of blood and race, rendered further asunder from each other by rugged individualism."³ Some turned their energies to quartz mining; others began fencing in farms, scattering in the arid south "along the small streams from which the water could be easily and cheaply diverted and used for irrigation;"⁴ still others settled in the more humid north. Thus they sprang up sparse and scattered settlements separated by distance, interests, mountain ranges, and arid sage brush plateaus.

The topographical features and geographic boundaries are such that the development of the state, and with it the social life system, has of necessity been adjusted to them. In 1870 the jurisdictional limits of Idaho were set giving it an area of 83 square miles and creating it, when granted statehood in 1890, the twelfth largest state in the Union. It is said that "Nature and the original state makers allocated little flat land to this state but of mountains, rivers and fertile valleys, it is more than amply endowed."⁵ Seventy-six per cent of the state to the present time

¹ Ibid., p. 190.

² Ibid., p. 197.

³ Ibid., p. 19.

⁴ The Idaho Digest and Blue Book. A Compendium of Social, Industrial, Financial, and Governmental Statistics, Together with a "Who's Who" of Idaho People,, Compiled and Edited by G. C. Howell with Richard Lake and Clara Bays cooperating (Caldwell, Idaho: Saxton Printers, Ltd., 1935), p. 312.

⁵ Ibid., p. 455.

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is held as United States forest reserves, parks, and state lands, with only twenty-four per cent of the land taxable, seventeen per cent of which is occupied by farms. The Salmon River Canyon in the central part of the state obstructs the building of a railway connection between North and South Idaho, in which sections are concentrated the bulk of the population. This population, which has increased from 32,340 in 1863 to 524,873 in 1940,¹ have segregated themselves geographically in sparse communities and small towns, tending "to build up a more intense local individuality."² During the early days, when necessity demanded, the settlers banded themselves together against the depredations of hostile Indians but otherwise devoted themselves to making a livelihood in this new frontier.

Idaho's charitable institutions may have suffered the result of a situation which one of the historians commented on in referring to the early political government. He observed that "except for the lawyers and office-holders, the people paid little attention to the legislature, but attended to their work."³ Nearly fifty per cent of the population in 1863 were unnaturalized immigrants--Irish, Canadian, English, Scandinavian--with no legal voice in the government. The constituency of the remainder was a conglomeration of

¹U. S. Dept. of Commerce, Bureau of the Census, 16th Census of the United States, 1940. Population, Second Series, Characteristics of the Population, Idaho (Washington: Government Printing Office, 1941), p. 9.

²The Idaho Digest and Blue Book, op. cit., p. 455.

³John Hailey, The History of Idaho (Boise, Idaho: Press of Syms York Co., Inc., 1910), p. 91.

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various American extractions, many having migrated into the Northwest at the outbreak of the Civil War. More followed them, making Idaho a stronghold of the Southern Democrats who naturally aligned themselves with the strong Democratic party already there, who, fortunately, represented the "vested interests" of gambling and liquor traffic. The few Union men of early days were the officials appointed by the President and were not necessarily men who had an understanding of the Far West. Their only power was exercised through the legislature and county units, constituted almost entirely of Democrats who did not cooperate with them.¹ It was said that "few of either party, other than toughs and adventurers, attended primaries or nominating conventions;"² those who voted did so for the sake of the party and not because they particularly endorsed the candidate (often of doubtful reputation). The strong Democrats, therefore, generally elected those of their ranks. "Between the strife of the two parties, concern for public good almost disappeared. Factional intrigues and counterplots resulted in nonsensical legislation." of a 600 page volume of legislative enactments enacted by the first legislature in 1863, most of it was repealed the following year.³

The Territory Recognizes Its Responsibility

However, it was the second legislature which passed the

¹ Federal Writers' Project, Idaho, op. cit., p. 190.

² W. J. McConnell, Early History of Idaho (Caldwell, Idaho: The Carton Printers, 1913), p. 91.

³ Federal Writers' Project, Idaho, op. cit., p. 191.

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first act to provide for the mentally handicapped. It empowered the board of county commissioners to levy and collect an annual per capita tax not exceeding two dollars for each taxable inhabitant. The funds so raised were to provide care for "the indigent sick, the idiotic, and the insane persons in the several counties."¹ The commissioners were to contract with any responsible party of the county for their protection, care, and maintenance. Such party was to give a bond and render a quarterly report to the commissioners "showing causes and the nature of the confinement" in addition to an account of the expenditures entailed in the care of their charges. The funds were to be set aside in a hospital fund. Thus the first provision for the insane was made a county responsibility.

How effective this first act was cannot be specifically stated. However there were two adverse factors operative; the one, the carving out of Idaho Territory the Territories of Montana in 1864 and Wyoming in 1868² with the result of shifting county lines, and the other, the civil strife within Idaho Territory. In that same year the legislature passed an act which started the dissension between North and South Idaho which existed for many years and perhaps to a degree to this day. It focused on a reality situation, "Idaho, the geographical monstrosity," that is responsible for Idaho's ultimately having two hospitals for the mentally ill instead of one, as do her neighboring Mountain States. Against the bitter opposition of the northern minority, the Capitol was moved

¹Idaho Laws, 1864, p. 424.

²Biennial Report of Commissioner of Immigration, Labor Statistics, 1907-1908, p. 3.

from Lewiston in North Idaho to Boise in the South. As a result the question was carried to the Supreme Court and thence to the Congress of the United States, which passed a bill to return the five northern counties to Washington. However, it was not approved by the President.¹ The report that accompanied the House Bill pointed out the fact that:

The people are isolated from the southern portion of the territory by the Salmon River Range of mountains which are exceedingly rugged and precipitous in their character. The sole means of communication between the two sections is a primitive Indian trail, in the winter a six month trip by snow shoes. There are no commercial relations between these two sections.²

As has been previously pointed out, this situation has not been greatly remedied except for the highway which now connects the extremities. Unproductive efforts were again made in memorials to Congress by the legislative assemblies of both Idaho and Washington Territories to sever the two sections. Nothing resulted of variance on the subject had developed among the Northerners. Frustration was somewhat lessened by locating the University in the North in 1889. The extent to which the insane, the idiotic, and the indigent sick received attention in such a shifting and controversial scene can only be imagined.

In 1870 Acting Governor E. J. Curtis made the first recommendation for institutional care within Idaho Territory. In the biennial message to the sixth legislature he said:

I ask your attention to the subject of the insane asylum. . . This poor and unfortunate class of persons are often thro

¹W. J. McConnell, op. cit., p. 311.

²Forty-ninth Congress of United States, 2d Sess. H. R. 2

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upon the highway of life, without friends or money and therefore to become charges upon the people and a severe burden upon the community. Some means should be provided upon economic basis by which the insane and indigent of the territory can receive proper care and treatment a civilized people should bestow.¹

d However, the only action taken by the legislature was to add a supplement to the Act of 1864, authorizing the county commissioners to make provisions for the "sick person" desiring such aid, such person having first made application to the probate judge or county clerk declaring his indigency. After an investigation had been made, the applicant would then testify under oath that he was indigent. The county commissioners were thereupon authorized to make provision for him under the previous act.¹ This was merely a poor relief measure with the added quality of deterrence and, it is noted, no specific provision was yet made for the insane.

It was not until 1880 that an act was passed making institutional care available to the insane. The Governor and the President of the Council authorized special commissioners to make a contract with proprietors of an insane asylum in either or both states of California and Oregon for the keeping, treatment, and maintenance of the indigent insane of the Territory. (Commitment procedures will be described in Chapter IV.) The manager of such asylum would be required to render quarterly to the Territorial Controller a verified account of the expenditures for insane persons under care "together with a statement showing the condition of persons under treatment, and if such person die, escape, or be

¹Journal of the Council of Idaho Territory, 1870-71, Appendix, p. 13.

discharged, to immediately report the fact to the Controller.

The commissioners finally contracted with a private asylum in East Portland, Oregon, which was conducted by Dr. Loryea and Dr. Hawthorne. The insane of Idaho Territory were cared for until October, 1883, when the contract was made with the Oregon Hospital for the Insane which had been established at Salem. This arrangement continued until the Idaho Insane Asylum was established.

The same act which provided for the erection of a Capitol building made provision for an insane asylum. The thirteenth legislative assembly, composed of thirty-six members, only nine of whom were from North Idaho, passed an act which provided for an insane asylum to be built in southeastern Idaho. It was approved by Governor W. M. Bunn and specified:

There shall be erected, equipped, and established in or within one mile of the town of Blackfoot in the County of Blaine, Territory of Idaho, at cost to the Territory of Idaho, of not exceeding \$20,000, upon a site to be selected and procured by the Board of Directors an institution for the care and treatment of the insane, to be designated and known as The Idaho Insane Asylum, each Director to take oath to support the Constitution of the United States and Organic Act of this Territory.³

The Board of Directors appointed by Governor Bunn, with the advice and consent of the Legislative Council, for a term of three years were Watson H. Shilling, Lowell Holbrook, and Schuyler Crawford.⁴ They were authorized by law to have charge of the

¹Idaho Laws, 1880-81, p. 301.

²An Illustrated History of State of Idaho (Chicago: Lewis Publishing Co., 1897), p. 58.

³Idaho Laws, 1884-85, p. 62.

⁴Journal of The Council of Idaho Territory, 1884-85, 246.

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in the construction of the asylum. There was a penalty of void-
ing the contract should any one of them be interested in any con-
tract to be let or in the supplies furnished. They were to report
expenditures for the construction furnishing, and equipment of the
asylum to the next legislative assembly. The duty of appointing
the medical superintendent was also conferred upon this board.¹

The legislature provided for the perpetuation of the contract
with the Oregon asylum until their own institution was ready for oc-
cupancy, the date of which was set for October 1, 1886. The Terri-
tory had during that year of 1885 paid \$11,000 to the Oregon asylum
for the care of thirty-five patients, a per capita cost of \$6.00
per week plus transportation. In reporting to the Secretary of the
Interior the amount expended, Governor Bunn asserted his opinion
that henceforth the money could be spent to better advantage within
the territory.

Thus was terminated Idaho's contractual provision for the
insane in the territory. In reviewing the changes effected during
this early period, it is seen that the local responsibility for the
care of the insane placed in the hands of the county commissioners
by the act of 1864 was superseded by legislation enacted in 1880
which lodged the responsibility with the territory. The governing
body had recognized the necessity of caring for this class of de-
pendents within the boundaries of the territory.

¹Idaho Laws, 1884-85, p. 301.

²Annual Report of the Secretary of the Interior at the
beginning of the First Session of the Forty-ninth Congress (Wash-
ington: Government Printing Office, 1885), II, 986.

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By 1885 Idaho had experienced a transition from the
bulent condition of placer mining to an agricultural countr
towns were springing up as marketing centers in the habitab
of the state. Immigrants came for the purpose of establish
homes. How much social responsibility the people felt for
who succumbed mentally or physically to the vicissitudes of
is perhaps expressed to a degree in the way in which the fi
ospital, the Idaho Insane Asylum, developed and grew. Whe
not there was any aggressive efforts on the part of sociall
individuals, groups, governors, or legislators in behalf of
mentally ill can best be seen by a perusal of the history o
institution.

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CHAPTER II

HISTORY AND DEVELOPMENT OF THE IDAHO INSANE ASYLUM

(STATE HOSPITAL SOUTH)

The Growth of the Physical Plant

The building of the Idaho Insane Asylum was instituted in 1885 on a seven acre tract of sage brush land on ground donated by Mr. L. Shilling.¹ It was located one mile east of the town of Blackfoot, a town near the banks of the Snake River, the site of which lay in the path of the Old Oregon Trail.

A three story building with a stone basement was erected. The outer walls of the first and second stories were made of brick, the upper story of wood. The first floor was to be used as offices, reception rooms, store rooms, living and sleeping rooms for the superintendent and several of the employees. The female patients were to occupy one part of the second story with the women attendants in an adjoining apartment. The male patients were to be housed in the other part of the second floor and the whole of the third floor. The heating arrangements consisted of stoves on different floors, and the lights were coal oil lamps and lanterns. Such was the new home to which Dr. T. T. Cabaness, the first medical superintendent transferred the first patient population of thirty-six,

¹An Illustrated History of the State of Idaho (Chicago: The Lewis Co., 1887), p. 580.

twenty-six male and ten female, on July 2, 1886, from Salem, Oregon.¹

Thus the scene was set for an institution which through the ensuing years was to expand to accommodate increasing numbers of patients. There was in addition another factor to be dealt with, the concomitant necessity of developing the physical plant to provide for a degree of self-sufficiency essential to an institution.

The improvement added during the first year included a one-story kitchen built of corrugated iron 26 x 28 feet adjacent to the buildings. To provide for a water supply a frame tower forty-one feet high was built upon which was placed a 10,000 gallon water tank supplied by a windmill attached to a well. The water was pumped to the asylum buildings. It was said that the water system gave "good satisfaction except that the well water was not entirely free from contamination received from the first cesspool which was placed too near the well."² To protect patients from direct accidental contact with the heating stoves iron screen guards were placed around the stoves. How safe and satisfactory such a heating system was can well be imagined, though it was in keeping with that time.

By the month of June, 1887, the patient population had so increased that it was necessary to partition off rooms within the large wards to make accommodations available.

During that same summer seventy-three acres of land surround-

¹Annual Report of Secretary of Interior for Fiscal Year Ending June 30, 1887 (Washington: Government Printing Co., 1889), I, 884-86.

²Ibid., p. 885.

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Ore- ing the buildings were purchased and fenced in, fifteen acres of
 gh the which were put into cultivation. A ditch was dug for purposes of
 of irrigation. In reporting this new addition the superintendent said
 ith, almost apologetically that "when the farm and garden are brought
 pro- into successful operation the fresher supply of vegetable and farm
 tion. products will render the diet of patients more acceptable and health-
 a one- ful and reduce the per capita cost of caring for them."¹ The per
 to the capita net cost had in fact been eighty cents a day. The \$34,904.24
 -one expended by the territory had been stretched to cover bills for the
 er tank land, improvements, livestock, furniture, salaries, and supplies of
 ped all kinds.²

ave The summer of 1898 brought further expansion of the farm
 y free by the addition of eighty acres which, with the help of employable
 placed men patients, were cleared of sagebrush, put under irrigation, and
 tal cultivated. The water right purchased for the irrigation of this
 d around land was subjected to litigation but settled the next year by the
 was can directors.³

i so During the next year brick making was introduced. Patients
 the and the very few employees burned 75,000 bricks in the kiln for
 the new building that was under construction. A portion of the
 \$15,000 appropriation for improvements was used for the new two-
 story building, 117 x 30 feet, adjacent to the main building. It
 had twenty-one sleeping rooms, four dining rooms, and three bath
 surround-

¹ Ibid., p. 886.

² Ibid., p. 886.

³ Journal of House of Representatives, 1898-99, p. 158.

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rooms and lavatories.¹ The outside walls were thirteen inches thick and inside walls nine inches thick. All casings were at corners and the inside corners of the brick walls were rounded, "thus preventing epileptic patients from injury."² floors and the stairway was made of wood. The roof was fir with no open space between roof and ceiling as it was in the building. In addition to this building which was in process of construction during the year, a laundry 30 x 60 feet was built. A ditch seven miles long, twelve feet wide, and three feet deep was constructed from Snake River to irrigate the Asylum farm. From the time of the establishment of this institution part of the appropriation has of necessity been diverted to purposes of irrigation, an expenditure upon which depend the farm products and a portion of the food for the patients.

On November 24, 1889, a disastrous fire occurred at the Asylum, resulting in the loss of several lives and the entire destruction of the main building and its contents, amounting to about \$25,000. All that remained, the furnishings, supplies and records having been burned, were a few thousand bricks and stone in the foundation. The origin of the fire was not known. It was thought that an exploding coal oil lamp or stove or flue may have started it. Dr. Givens, the Superintendent,

¹ Henry M. Hurd, The Institutional Care of the Insane in the United States and Canada (Baltimore: Johns Hopkins Press, 1911), 171.

² Annual Report of Secretary of the Interior for Fiscal Year Ending June 30, 1890 (Washington: Government Printing Office, 1891), 559-63.

³ Ibid., p. 559.

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employees removed patients as long as the building could be entered. One hour elapsed until the roof fell in. Many of the sixty-seven patients escaped and were found the following day. The charred bodies of one man and one woman were found. Four men and one other woman were also missing, but it was never known if they escaped or were burned to death. For a few days the male patients were kept at the Bingham County Courthouse and the female patients at the Methodist Church until they could be removed to the new uncompleted addition which had been somewhat damaged by fire.¹

Thus Dr. Givens in reporting this devastating experience to Governor George L. Shoup pointed out the lessons that it had taught and what, in his opinion, was the criteria for a well-built asylum. It had been demonstrated that inasmuch as the asylum population is almost completely helpless in time of a fire, the buildings should be fireproof. Broad stairways should be built of non-combustible material and be easily accessible from wards and dormitories. Heating, cooking, and lighting apparatus should be such that they give a minimum of risk. The water supply should be outside and independent of the buildings. He further recommended that when land is plentiful and cheap, the asylum proper ought not to be more than two stories high. He believed that the first consideration should be given to usefulness, safety, and permanency, although architectural beauty of external and internal appearance need not be neglected. The buildings, as far as it is possible, should be built in such a way that they contribute to cleanliness, order, and furnish pure air.²

¹Ibid., p. 563.

²Ibid.

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However, despite the drama of this episode and the need for supplies, furnishings, and all else necessary for the support of sixty dependent, insane individuals, little was done by the legislature to mitigate the serious situation. Their interests were all engrossed in seeking statehood.

During the summer preceding the fire agitation for self-government with its attendant privileges had resulted in Governor Shoup's summoning a Constitutional Convention without waiting to secure the customary Enabling Act from Congress authorizing the holding of a Convention.¹ The Constitution was completed on June 6, 1889, and provided: "Educational, reformatory, and penitentiary institutions and those for benefit of the insane. . . shall be established and supported by the State in such manner as may be provided by law."² In referring to the insane asylum the plural "asylums" was inserted after Mr. Ainslie had brought to the attention of those convened that the legislature might at some future time provide another asylum in some other part of the territory. The Constitution was submitted to general election in November, 1889, ratified, and then submitted to the United States Congress. The House approved it on April 3, 1890, and the Senate July 1. President Harrison signed the Idaho Admission Bill on July 3, thereby granting statehood.

¹The Federal Writer's Project, Idaho. The Idaho Encyclopedia. Compiled by the Federal Writer's Project of the Works Progress Administration, Vardis Fisher, State Director (Caldwell: The Caxton Printers, Ltd., 1938), p. 200.

²Constitution of State of Idaho, Article X, Sec. 1.

³Proceedings and Debates of Constitutional Convention, Idaho, 1889 (Caldwell, Idaho: Caxton Printers, Ltd., 1912),

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increase statehood.¹ Thus after twenty-seven years as a territory, Idaho, with a population of 88,548, became the forty-third state admitted to the Union.²

By the same act the Idaho Insane Asylum had become a state institution. However, it was blessed with no immediate beneficent provision to ameliorate the conditions resulting from the fire.

During the year 1890 over-crowding inevitably resulted from the loss of the old building. By June seventy-nine people were housed in the one building intended to accommodate fifty patients. Three of the dining rooms were converted into wards and the lower hall was used for the superintendent's office. There were only three bathrooms and three lavatories in the building. Dr. Givens urgently recommended to the governor that additional quarters be provided, specifying that they be fireproof, lighted by gas or electricity, well-ventilated, easily operated and kept clean, have a hot water supply, and, further, that "broad porches be enclosed with wire guards where patients might be tempted out into the open air every day in the year, no matter how cold and inclement the weather."

However, the existing conditions had not been improved by the time the first session of the legislature of the State of Idaho had convened in December. The Committee on Public Buildings reported that:

During the summer the present administration proceeded to erect a fine brick structure but they are unable for want of funds to furnish and equip it. Dr. Givens, with mostly asylum labor, quarried the rock and made 270,000 bricks. Out of this amount

¹U. S. Statutes at Large, XXVI, Part I, 656 (1890).

²Hiram French, History of Idaho (Chicago and New York: The Lewis Publishing Co., 1914), p. 91.

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they sold \$700 worth. With this amount in funds, and part of the \$15,000 appropriated by the last legislature, he erected a substantial brick building fifty feet square and two stories high.¹

This building was located 300 yards from the old one, affording a better means of drainage, 700 feet above the old site.² Hence since this building was not ready for occupancy the patients were forced to remain in their congested quarters with not less than three in any room, whereas one room contained twenty-four.³

Despite the above report, another special committee was appointed to examine into the affairs of the Insane Asylum reporting that they believed "the patients were well cared for and provided with all necessary care, clothing, and food at present."⁴ They recommended an appropriation of not less than \$40,000 for permanent improvements, but the amount appropriated by the legislature for this purpose fell short of \$5,000.⁵ Thus it is seen that although the Idaho Insane Asylum had become a state institution, it was the whole, unaffected in respect to policy or practice by the transition from territory to statehood.

During the ensuing years there was an increasing number of admissions which necessitated the addition of new buildings to accommodate the patients and the further development of the farm. In 1892, a two-story building 30 x 50 feet was built. An order

¹ Journal of the House of Representatives of State of Idaho, 1890-91, p. 52.

² Hurd, op. cit., p. 171.

³ Journal of the House of Representatives of State of Idaho, 1890-91, p. 53.

⁴ Ibid., p. 57.

⁵ Ibid., p. 58.

of 1,500 trees was planted and a farm of 40 acres purchased.

The following year Dr. Givens submitted a report concerning the provisions for the insane in Idaho to the National Conference of Charities and Correction, an organization with which Idaho had no official affiliation. He described the asylum buildings as plain, practically fireproof brick buildings which would accommodate 150 patients and attendants. He emphasized the economy to the institution effected by patient employment in brickmaking. Because patients and attendants had made the bricks, hauled the sand, mixed the mortar, and carried the materials to the masons and plasterers for constructing the buildings, they had saved \$34,850, for the buildings were valued at \$91,650 where the actual costs had been \$54,000. In addition, he reported, patients and employees had developed a farm of 160 acres from raw sagebrush land.¹

In 1894 another ward building 24 x 25 feet was constructed, and the farm was expanded. A tract of land, 360 acres adjoining the asylum, was bought and 1,480 acres nearby procured by relinquishment, making a total of 2,100 acres. The installation of an electric light plant that year minimized to a great extent the fire hazard.²

The following year a corresponding secretary reported to the National Conference of Charities and Corrections that the great-

¹Proceedings of the National Conference of Charities and Correction at 20th Annual Session held in Chicago, Ill., June 8-11, 1893 (Boston: Press of George H. Ellis, 1893), p. 311.

²Hurd, op. cit., p. 172

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est problem concerning Idaho's insane was proper feeding of the patients. He asserted that the "only way to solve it is for the asylum to produce its own eatables as far as it can."¹ And indeed employable patients and the employees bent their efforts toward that end, clearing the rough land of sage brush and scattered fragments of lava rock, coaxing the reluctant irrigation streams over the sandy soil.

In May, 1896, Governor William J. McConnell reported that the increase in number of patients was "so rapid that the extra accommodation provided by the preceding legislature will be crowded by next session."²

By 1899 a greater water supply was assured for all domestic purposes by the installation of a pump in the well, operated by the electrical power from American Falls, fifty miles distant. No longer did the whimsies of the wind in propelling the windmill have to be depended upon nor did the institution have to rely upon the locally manufactured power. In this same year the asylum's miles of fence were extended to enclose the 2,100 acres of land.⁴

During the next decade much stress was laid on bringing the farm to a high degree of productivity. By 1910 the twenty-two acres of orchard was yielding enough fruit to supply patient needs. Vegetables of all kinds from the truck garden filled the numerous

¹Proceedings of the National Conference of Charities and Correction at 22d Annual Session held in New Haven, Conn., May 24-30, 1895 (Boston: Press of Geo. H. Ellis, 1895), p. 341.

²Journal of House of Representatives of State of Idaho, 1895-96, p. 36.

³Hurd, op. cit., p. 171.

⁴Ibid., p. 171.

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cellars. The wheat raised was traded for flour and bran. The
boast was made that

Nearly all the labor was done by the inmates under the supervision of the superintendent and a few foremen. Here is a colony of about three hundred and fifty people having all their wants supplied from less than 400 acres of land, and that too from the labors of not to exceed thirty-five able bodied men, for although seventy-five of the inmates work, their labor would not exceed half a man each.¹

The building program had also continued as demands became acute. In 1901 a two-story brick ward 100 x 40 feet was completed providing room for fifty patients. In the last two years of the decade four new buildings and a rock cellar, all of rock quarried on the farm, were constructed. They included a kitchen, a storehouse with rooms for inmates on the third floor, a large rock cottage, and apiary with accommodations for ninety hives of bees. A new sewerage system was put in, also heating and steam cooking systems which also furnished heat to all buildings of the institution. In the main buildings new maple wood flooring was laid.²

The Board of Health reported in 1912, after a sanitary inspection, that a small hospital had been in operation for about a year and meeting adequately a long-felt need. They commended the cleanliness of the buildings and the bakery with its excellent quality of bread. The water supply contained in a 50,000 gallon tank on a steel tower was said to be ample with assurance of fire protection. However, the only equipment for fighting fire consisted of one line of cotton hose in the men's ward and only two wards had

¹Biennial Report of the Commissioner of Immigration, Labor and Statistics, 1907-08 (Boise: Published by Authority, 1908), p. 179.

²Ibid., p. 179.

attachments for fire hose. There were no fire escapes. Upon recommendation fifty feet of hose were added for each of the four wards.¹

Investigation by the State Affairs Committee

As no provision had ever been made for a state supervisory agency, the board of directors had autonomous control over the affairs of the Idaho Insane Asylum. How efficiently they performed their duties depended solely upon the degree to which they realized their responsibility. As political appointees with no qualifying standards to meet they were free to use the institution for political ends, or if they were conscientiously interested in promoting the welfare of the mentally ill patients confined therein, that too was their choice. In a state concerned with developing natural resources and reclaiming barren soil, perhaps it is not surprising that the emphasis was laid on increasing the productivity of the asylum farm.

Thus the first public exposure in 1919 of the true state of affairs and condition of the patients at the Idaho Insane Asylum should not have been too startling.

The Joint State Affairs Committee was dispatched by the legislature to make an investigation. After several days of thorough inspection they reported back that they had found "a deplorable condition in the whole institution, in the buildings, the upkeep, the supplies, the general management, and the equipment."²

¹Biennial Report of the State Board of Health for Fiscal Year Ending June 30, 1912 (Boise: Published by Authority, 1912), p. 72.

²Journal of the House of Representatives, 1919 (Boise: Published by Authority, 1919), p. 144.

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME STATE Hospice SouthCLAIM IDENT. NO. A27-11188DATE RECEIVED 5-30-89CR # —AMOUNT \$ 78

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | * |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | * |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | * |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | * |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | * |
| 8. If required is a consumptive use entered? | ☒ | ☐ | * |
| Is the consumptive use correct? | ☒ | ☐ | * |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | * |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | * |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | * |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | * |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | * |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | * |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | * |
| 22. Should this claim be data entered? | ☒ | ☐ | * |

Claim checked by: DMDate: 6/28/89

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be notified of modifications:

☒ (Yes) ☐ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date:

Date:

Checked by:

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Comments: ENTER CONSUMPTIVE USE AS IS A.F.A.

NOV 13 1992