

April 16, 1970

Re: Permit No. 10060/75-2041

James H. Tappan
and Patricia H. Tappan
Salmon, Idaho 83467

CERTIFIED MAIL NO.

300915

Dear Mr. and Mrs. Tappan:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit 75-2041 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit proof of beneficial use of water due on or before

April 10, 1968 you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before May 26, 1970 why said permit should not be cancelled. Permit 75-2041 claims the use of 3.2 cubic feet per second of water. The point of diversion was to be located in SW 1/4 Sec. 4 & NE 1/4 Sec. 20, T. 22 N., R. 22 E., B. M. and the permit was approved April 10, 1964.

State Reclamation Engineer
R. KEITH HIGGINSON

RKH:tg
cc: Sherman F. Furey, Jr.
Professional Building
Salmon, Idaho 83467

CERTIFIED MAIL NO.

300916

75-2041
10060



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE ANNEX 2
BOISE, IDAHO 83707

April 23, 1979

Re: Permit No. 10060/71-2041

James E. Tappan
and Patricia H. Tappan
Salmon, Idaho 83467

Dear Mr. and Mrs. Tappan:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit 75-2041 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit a plan of beneficial use of water as required before April 10, 1918 you are hereby notified that under the provisions of Section 42-311 Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before May 22, 1979 why said permit should not be cancelled. Permit 75-2041 claims the use of 3.2 cubic feet per second of water. The point of diversion was to be located in SW 33 1/4, Sec. 4, T. 2 N., R. 20 E., B. 1 E. and the permit was approved April 10, 1918.


State Reclamation Engineer
R. KEITH HIGGINSON

RKH:tg

cc: Sherman F. Furey, Jr.
Professional Building
Salmon, Idaho 83467

75-2041
10060

75-2041
cancelled due to failure to submit proof of
beneficial use on or before April 10, 1918.
p. 3.2 cfs

July 31, 1970

Re: Permit No. 10060 (new no. 75-2041)

Mr. Harry F. LeMoyne
1130 Lawndale Drive
Twin Falls, Idaho 83301

Dear Mr. LeMoyne:

We have received the assignment from James H. Tappan to Marion Edmonds. We will place the assignment in the file.

You should be advised that permit no. 10060/75-2041 was cancelled by order on June 15, 1970. A copy of the permit, assignment, and cancellation order are enclosed. The file will be maintained on microfilm should the present owners wish to file evidence of a water right established by diversion and use under Section 42-225a of the Idaho Code, claim to a water right.

Proof of beneficial use cannot be accepted under this permit inasmuch as the permit has been cancelled. At best, the permit now serves as information as to what has transpired so far.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM/DG

Enc: copy of assignment, permit and cancellation order

75-2041

10060

November 23, 1966

Re: Permit 10060

Sherm E. Furey Jr.
Attorney at Law
Salmon, Idaho

Dear Mr. Furey:

The Bureau of Land Management called our office in reference to the above numbered permit. This permit is in the name of Ellen Gausser. Before they can grant a right of way the permit must be assigned in Mr. Tannens name. We are enclosing an assignment form to be completed and returned to our office with the 506 recording fee.

This permit was for 3.2 cubic feet per second of a spring and reservoir on Eli Creek. Completion of works was made July 21, 1916 and beneficial use was to have been made April 10, 1918. This was never done so the permit is still valid, however, if beneficial use is made now they would lose one days priority for each day the beneficial use proofs were late which would mean they would lose all the priority except for about four years.

If Ellen Gausser is not living or it not possible to locate her we could accept a bill of sale or contract of sale if it mentions the water rights in place of the assignment.

If we can be of further assistance in this matter please contact our office.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRBskd
Encl: assignment form

10060

Permit 10060

October 12, 1966

RE: Permit 10060
Ellen Ganser

James H. Tappan
Box 1148
Salmon, Idaho

Dear Mr. Tappan:

This is in reply to your letter of October 10, 1966,
regarding evidence of a water right.

The permit number you gave was filed by Ellen Ganser
for water from a Spring and Reservoir. The spring was in
Section 4 and the reservoir was in Section 20. They were
to irrigate 160 acres of land in Section 8, all in Township
20 North, Range 22 East, B.M.

This permit had a completion of works but was never
put to beneficial use. Also, this permit has never been
assigned and is still in the original applicant's name.
I don't see how a copy of this permit would prove your
rights to use of this water. Unless you can show some
legal status indicating where this land was purchased from
the original owner. Once this has been established you
could prove beneficial use of the water and get a license
on the old permit with an advanced priority date.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

10060

January 29, 1960

RE: Permit No. 10660

James H. Tappan
Box 110
Salmon, Idaho

Dear Mr. Tappan:

Mr. Seth Daniels had application for permit in 1919 to construct reservoirs on Elk and Seven Mile Creeks, and also divert direct flow, for irrigation of the NE $\frac{1}{4}$, Sec. 8, T. 20 N., R. 22 E., S. 1. He failed to complete proof of completion of works and the permit was cancelled.

Ellen Ganner made proof of completion of works for diversion of 3.2 c.f.s., priority March 21, 1914, from Elk Creek in the NE $\frac{1}{4}$, Sec. 20 and from a spring in the NE $\frac{1}{4}$, Sec. 4 for irrigation of land in the NE $\frac{1}{4}$, S. 1, T. 20 N., R. 22 E., S. 1. Proof of beneficial use of the water was not made. Notice of the proof was returned to this office.

Confirmed use of the water would give you a use right which is legal in this state; however, it would be necessary to take action in the District Court to obtain a right dating back to first use of the water.

Any right this office could give would have priority dating from the time the application was received in this office.

Very truly yours,

ROBERT J. THOMAS
Deputy State Reclamation Engineer

RTJ:rz

19660

April 7, 1919.

Re Permit No. 10060.

Mr. W. Seth Daniels,
Salmon, Idaho.

Dear Sir:--

Replying to yours of the 28th ult. would say that proof of beneficial use of water has not been made under the above permit. Notice of this proof was mailed the applicant January 8, 1918, but the letter was returned to this office unclaimed.

Very truly yours,

W. G. SWENHSEN.

State Engineer.

By _____

10060

Date of first receipt at office of State Engineer J. O. A. H. March 21, 1914.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 10060

Recorded in Book 38 Page 10060

Approved April 10, 1914.

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 June 1, 1914 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 April 10, 1915.

The whole of said work to be completed on or before April 10, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before April 10, 1916.

Witness my hand this 10th day of April, 1914.

F. P. KING,

State Engineer.

Remarks: The Spring water to be appropriated is located in Unsurveyed Government Section 4, and is claimed by no person, is in Government ownership, and it is water claimed from the Spring in S. 10 of T. 20 N., R. 22 E., and is appropriated for the purpose of irrigating the NE 1/4 Sec. 8, T. 20 N., R. 22 E., and a small amount of water claimed from Perimeter in S. 4 of T. 20 N., R. 22 E., and is appropriated for the purpose of irrigating the S. 1/4 Sec. 8, T. 20 N., R. 22 E., and the SW 1/4 Sec. 8, T. 20 N., R. 22 E.

see
back

Permit No. 10060.

CERTIFICATE OF COMPLETION OF WORKS.

To all whom it May Concern:-

This is to certify that Ellen Cancer, of Salmon, County of Lemhi, and State of Idaho, the holder of permit No. 10060, issued upon application No. 14961, bearing date of priority of March 21, 1914, authorizing the diversion of 3.2 second feet of the waters of Eli Creek and Spring, County of Lemhi, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of the 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 3.2 second feet of the waters of Eli Creek and Spring; that the points of diversion of said waters are as follows; Reservoir from Eli Creek in the NE 1/4 of NW 1/4 Sec. 20, and from Spring in SW 1/4 of SW 1/4 Sec. 4, in T. 20 N., R. 22 E., S. 4, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: N 1/4 of NE 1/4, SW 1/4 of NE 1/4 and NW 1/4 of SE 1/4 Sec. 8, T. 20 N., R. 22 E., S. 4, containing 160 acres.

Witness my hand this 21st day of July A. D. 1916.

J. M. M. H., State Engineer of the State of Idaho

160 acres of land in Sec 8, irrigated 3.2 cfs

Form No. 10060

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

California AFFIDAVIT OF HOLDER

STATE OF ~~TEXAS~~

County of Los Angeles

Ellen Ganser

being first duly sworn, depose and say

First: That he is the holder and owner of certain water appropriated under the Waters of the State of Idaho, No. 10060, and that his postoffice address is E197 W. 30 St. Los Angeles State of California

Second: That the name of the stream from which said water is to be diverted is Eli Creek

Third: That the point of diversion of said water is Spring SW1SW1 Sec. 4, and Reservoir NE1NW1 Sec. 20, all in Tp. 20 N. R. 22 E. S. 14.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 10th, 1916

Fifth: That the use for which said water is intended is irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were ~~not~~ fully completed and consisted of the following:

I. Kind of work: Ditch and Reservoir
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 10 feet, length of dam at top 10 feet, length of dam at bottom 10 feet, Material used in construction earth

(State whether wood, earth, etc., or concrete)

(b) Capacity of reservoir 10 acre feet.

(c) Size of headgate: Width 10 feet, height 2 feet.

(d) Kind of ditch Length at bottom 2 feet, width at water 2 feet.

(State whether ditch, flume or pipe)

(e) 3 feet, depth of water, 1 feet; diameter of pipe 12 inches.

(f) Average grade per mile is 10 feet. Length of conduit is 12 miles.

Seventh: That said works are capable of conducting to the place of intended use 3.2 second feet of water.

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: N1NW1, SW1NE1 and NW1SE1 Sec. 8 Tp. 20 N. R. 22 E. S. 14.

Ninth: Remarks: That said works are fully completed.

Ellen Ganser
(Sign here)

Subscribed and sworn to before me this 10 day of April, 1916

My commission expires April 10, 1917 J. H. Galt Notary Public