INTER-DEPARTMENT MEMO — 1

FROM Job Beal

DATE 4/16/85

TO 37-2405

SUBJECT

The 1/4 1/4 and acreages do not appear correct ie ~~II~~ Several 1/4 1/4 show 80 acres total. Left off acres & 1/4 1/4 on proof Report.

MICROFILMED
MAR 27 1998

JB
SIGNATURE

S T A T E O F I D A H O

License and Certificate of Water Right

Water License No. 14679 — Amount 4.0 sec. ft.

Water District No. 11B — Priority - 2-9-1920.

THIS IS TO CERTIFY that Drainage District No. 1, of Blaine County, Idaho, (Kilpatrick Brothers Company, a Nebraska Corporation, Henry Smith, H. C. Randall, C. L. Randall, C. O. Thompson, N. B. Buckler, W. R. Patterson, State of Idaho, Irvin Land & Cattle Co., A. Erickson, A. W. Baldwin, A. H. Froehlich, J. J.Froehlich, Horace White, S. L. Martin, E. H. Sowers, J. L. Freeman Estate), whose postoffice address, except State of Idaho, is Picabo, County of Blaine, State of Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 9, 1920; that Permit No. 14679 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 4.0 second feet, was issued thereunder on October 19, 1923, showing that said works were completed on the 10th day of February, 1923; and that on the 10th day of February, 1923, said Drainage District No. 1, of Blaine County, Idaho, made proof to the satisfaction of the Commissioner of Reclamation of the State of Idaho of a right to the use of the waters developed from an unnamed stream, or channel constructed by said applicants and by them made tributary to Silver Creek, for the purpose of irrigation and domestic use under Use Permit No. 14679, of the Commissioner of Reclamation of the State of Idaho, and that said right to the use of the said waters has been perfected in accordance with the laws of the State of Idaho, and is hereby confirmed by the Commissioner of Reclamation of the State of Idaho and entered of record in Volume 6 of Licenses, at page 3098 on the 19th day of October, 1923;

The right hereby confirmed dates from February 9, 1920;

The points of diversion are located in the NE¼NW¼ Sec. 30, and the SW¼SE¼ Sec. 20, in Twp. 1 South, Range 20 E., B. M. County of Blaine.

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 4.0 cubic feet per second.

Description and Location of Use.

All Land in T. 1 S., R. 20 E., B. M. Blaine Co., Idaho.

Name of User	Sec.	Share of Developed Water to be acquired	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Total
Henry Smith	26	.015150							.6		1.5		15.9						53.6
												21.7		13.9					
H.C.& C.L. Randall	27	.048418			37.1					4.2					36.1				128.0
						15.2					4.0					28.4		3.0	
C. O.Thompson	27	.006294	1.4				1.4												31.2
				28.4															
N. B. Buckler	22	.003203					1.0										14.2		15.2

Name of User	Sec.	Share of Developed water to be acquired	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Total
Kilpatrick Bros. Co.	27	.321986					37.1	36.3			9.6								
							36.1	26.6				14.3							160.
"	22												39.6						
														28.2					67.
"	21											37.0							
													40.0						77.
"	28		40	40	32.4		0.4		35.9		37			38.5	19.7				
						32.8		24.6								40			341.
W. R. Patterson	22	.118451						2.3	22.7			38.9							
									23.8		18.5								106.
	21		37.4	37	30.4										40				183.
				39.1															
	15												0.6						.
State of Idaho	16	.005187														18.1	2.1		20.
Irvin Land & Cattle Co.	21	.021710					28.3	12.5											
								1.0	28.1										69.
A. Erickson	21	.027221									37.0				37				74.
A. W. Baldwin	21	.011000												40					40.
	28						37.9				1.3								39.
Fuelich Bros.	21	.312660														34.2	37.0		71.
	28							10.6			36.9 NWSW								
								40				31	31						118.
	29		25.1	40	40		34.7	34.8			35.3				36.9	3.6			
				37.8				30.1	38			3.1				34.1		29.9	423.
	20												9.7	0.5		1.1			11.
Horace White	20	.044820													37.0			40	77.
	29		10.0																10.
S. L. Martin	20	.016400									9.6					37.8			
																17.4			64.
E. H. Sowers	20	.006180		6.1	18.4														24.
J. L. Freeman Estate	20	.001820		2.5						4.7									7.
Total		1.00-100%																	2216.

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

WITNESS The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 19th day of October, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation

(SEAL)

№ 14679

37-2405

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 20671
Permit No. 14679
District No. 11-B

1. Name of Applicant: Drainage District No. 1 of Blaine Co. Idaho.

Postoffice address: Picabo County: Blaine State: Idaho.

I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

Kilpatrick Brothers Company, a Nebraska Corporation, which has complied with the laws of the State of Idaho, incorporated many years, amount of capital stock $50,000, all paid in, names of directors, W.H.Kilpatrick, R.J.Kilpatrick, S.D.Kilpatrick, and address of all directors is Beatrice, Neb; Henry Smith, H.C.Randall, C.L.Randall, C.O. Thompson,

II. The financial resources of the applicant are:
(a) Cash on hand:
(b) Treasury stock:
(c) Bonds to be issued:
(d) Other resources:

N.B.Buckler, W.R.Patterson, State of Idaho, Irvin Land and Cattle Co., A. Erickson, A.W.Baldwin, A.H.Froelich, J.J.Froelich, Horace White, S.L.Martin, E.H.Sowers, J.L.Freeman estate, each personally for and in behalf of their respective lands hereinafter described as to those of the above named who sign, and in behalf of and for the use of those who do not sign and are above named for use on the respective lands of such persons not signing, address of all the foregoing persons, except the State of Idaho, is Picabo Idaho.

2. Quantity of water claimed: 50 cubic feet per second.)

3. Source of water supply: unnamed stream which is not now but as herein explained will be a tributary of Silver Creek.

4. Location of point of diversion: A- S.38;05' W. 1320 feet distant from the ¼ corner between 19&30 / 20&29 of Section B- N.45°00' E. 1056, T. 1 S., R. 20 E., B. M., and is in the NE¼NW¼ SW¼SE¼ of Section 30-20, T. 1 S., R. 20 E., B. M., County of Blaine.

5. Water is to be used for: Irrigation and Domestic Use.

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

(a) Point of use of water: feet distant from corner of Section T. , R. , B. M., in the of Section , T. , R. , 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: $50,000

8. Kind of works: Dams and Ditches.

9. Height of dam A- 7.5 B- 4.5 feet; length of dam at top 225 300 feet; length of dam at bottom 125 300 feet; material used in dam Earth fill.

10. Size of headgate: Width A-10 B- 8 feet; height 3 3 feet.

11. Ditch: Width at bottom A 16 B 10 feet; width at water line 22 14 feet; depth of water 3 2.5 feet; dimensions of flume

Diameter of pipe inches; length of conduit 13 miles.

Average grade per mile 2 2 feet.

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

13. The time required for the complete application of the water to the proposed use is 2 additional years.

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

15. (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 waters of the State of Idaho as herein set forth.

IRVIN LAND AND CATTLE CO.
By: H. T. Irvin, Pres.
Its Duly Authorized Agent.
A. H. Froehlich.

Drainage Dist No. 1 Blaine Co. Applicant.

By W. G. Sloan. Agent.

KILPATRICK BROTHERS COMPANY.
W. R. Patterson. A. W. Baldwin
H. E. Smith. Chas. L. Randall.
S. L. Martin. H. C. Randall, by C.
H. C. White.

Commissioner of Reclamation

Date of first receipt at office of ~~State Engineer~~ 11:00 A. M. Feb. 9, 1920.

Returned to applicant for correction March 6, 1920.

Corrected application received April 29, 1920.

APPROVAL OF ~~STATE ENGINEER~~ COMMISSIONER OF RECLAMATION

The number of this permit is 14679
Recorded in Book 52 Page 14679 Approved May 12, 1920.
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 $ 1000.00 to be filed on or before July 11, 1920.
Work to begin on or before 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 November 12, 1922.
The whole of said work to be completed on or before May 12, 1925.
Beneficial use of water appropriated in accordance herewith, to be made on or before May 12, 1927.

Witness my hand this 12th day of May, 1920.

W. G. Swendsen,
~~State Engineer~~.
Commissioner of Reclamation.

Remarks:

14 Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

REMARKS

The water applied for is to be developed by means of a system of deep drains. It is proposed to empty this water into Silver Creek at the point designated on the accompanying map as "Point of return Flow" which point bears N. 76°55' E. 2175 ft. from the quarter corner between Secs. 26 and 35 of T. 1 S. R. 20 E. B. M. It is further proposed to divert from Silver Creek at the points described in this application as "Points of Diversion" an amount equivalent to that developed by the drainage system. The lands to be served by each diversion are designated on the map.

The amount of water to be developed is described under the following classificati

1st. Classification.

A considerable portion of the water developed by and flowing in said system of drains and thereby emptied into Silver Creem will consist of waters arising solely from waters of Silver Creek heretofore lawfully appropriated by the owners of said above described lands and appurtenant to said lands and used in the irrigation thereof as to such portion of said waters so developed the right of recapture and reuse is claimed: and permission is requested to take from Silver Creek at the points of divers aforesaid for irrigation of said lands a quantity of water equal to the amount of such water appropriations so recaptured.

2nd. Classification.

A considerable portion of the water so developed and emptied into Silver Creek wi consist of water which is now and heretofore has been swamp and seepage waters natural in the soil and sub formations of the aforesaid lands, but which on account of faults fissures in the underlying lava rock formation has heretofore been lost by subterranea channels and thereofore never has been tributary to Silver Creek, and will be by said system of drains for the first time developed and made available for use.

3rd Classifaction.

A considerable portion of the water so developed and emptied into Silver Creek wi consist of water which is now and heretofore always has been in the soil of said land but which on account of conditions heretofore existing has been lost by evaporation on account of the level of the water table being at or near the surface of the ground thr out the above described lands: but by the said system of drainage the water table unde said lands will be lowered several feet, and thereby evaporation of said waters materi decreased, and all such waters so saved have heretofore never been tributary to Silver Creek or to any other stream, but have been always lost be evaporation, and by the mea aforesaid for the first time made available. The amounts of water so arising from the several sources can not now be definitely determined and time and careful investigatio will be necessary to determine such quantities with any degree of accuracy, but the to it is belived will amount to the 50 sec. ft. herein before specified.

As to the waters arising under the first classification the ownership thereof is claimed for and is in the said land owners of said respective lands, and permission as to the places of diversion and use thereof is hereby requested; but as to waters arising by said development under the second and third classifications aforesaid an original appropriation is hereby claimed of such waters and with permission to divert the same from Silver Creek at the points of diversion aforesaid for the irrigation of the lands aforesaid pro rated according to the percentages as set opposite each tract in the list of irrigable lands on page 2, as these percentages represent the pro rata amount which each owner is assessed for the cost of development. It is also requested that water arising under the second and third classification aforesaid be allotted to the applicants herein as prior to the rights of any other persons whomsoever, and not subject to be interfered with in matters in relation to priority, but it is further suggested that as to all lands aforesaid to which waters arising under the second and third classifications are allotted, that a requirement be made that where such allotment with previous rights appurtenant to and owned with such lands exceeds one inch to the acre, that the owners of such lands either relinquish or transfer to other lands under approval of the State Reclamation Commissioner such portion of the waters now appurtenant to and owned by the above described lands as that after such transfer or relinquishment, the total amount of water decreed, alloted appurtenant and owner with such lands shall not exceed one fiftieth of one cubic foot per second of time, per acre of irrigable land pro rated according to the percentage as set opposite each tract of land in the list of irrigable lands set forth on page 2 of this application, as aforesaid

All land in T. 1 S. R. 20 E. B. M. Blaine Co., Idaho.

Name of Owner.	Section.	Share of developed water to be acquired	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Total.
Henry Smith	26	.015150						0.6			-1.5								
												21.7							
													15.9						
														13.9					53.6
H.C.&C.L.Randall	27	.048418			37.1														
						15.2				4.2	4.0					36.1			
																	28.4	3.0	128.0
C. O. Thompson	27	.006294	1.4																
				28.4			1.4												31.2
N. B. Buckler	22	.003203					1.0										14.2		15.2
Kilpatrick Bros.Co.	27	.321986					37.1												
								36.1											
									36.3										
										26.6	9.6								
												14.3							160.00
" " "	22												39.6						
														28.2					67.8
" " "	21											37.0							
													40.0						77.0
" " "	28		40.0				0.4				37.0			38.5	19.7				
				40.0				24.6								40.0			
					32.4														
										35.9									
						32.8													341.3
W. R. Patterson	22	.118451						2.3											
									23.8										
										22.7	18.5								
	21		37.4									38.9							106.2
				39.1															
					37.0														
						30.4										40.0			183.9
	15												0.6						.6
State of Idaho	16	.005187															18.1		
																		2.1	20.2
Irvin Land &																			
Cattle Co.	21	.021710					28.3												
								1.0											
									12.5										
										28.1									69.9
A. Erickson	21	.037221									37.0						37.0		74.0
A. W. Baldwin	21	.041000											40.0						40.00
	28						37.9			1.3									39.2
Froelich Bros.	21	.312660															34.2		
																		37.0	71.2
	28							10.6				36.9							
									40.0			31.0							118.5

14679

All land in T. 1 S. R. 20 E. B. M. Blaine Co., Idaho.

Name of Owner	Section	Share of developed water to be acquired	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Total
Froelich Bros.	29		25.1				34.7				35.3				36.9				
				37.8				30.1				3.1				34.1			
					40.0				34.8								3.6		
						40.0				38.0								29.9	423
	20												9.7						
														0.5			1.1		11
Horace White	20	.044320													37.0			40.0	77
	29		10.0																10
S. L. Martin	20	.016400									9.6					37.8			
																	17.4		64
E. H. Sowers	20	.006180			6.1														
						18.4													24
J.L.Freeman Estate	20	.001820			2.5					4.7									7
Total		1.00-100%																	221

Proof of Completion of Works made February 10, 1923.
Certificate of Completion of Works issued October 19, 1923.

Permit No. 14679

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Drainage District No. 1 of Blaine County, of Picabo, County of Blaine, a State of Idaho, the holder of Permit No. 14679, issued upon Application No. 20671, bearing date priority of February 9, 1920, authorizing the diversion of 50 second feet of the waters develope by said applicant and made tributary to Silver Creek, County of Blaine, State of Idaho, for irri gation and domestic 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 sai Permit; that said works are adequate for diverting and conveying to the place of intended use 4. second feet of the said developed waters; that the points of diversion of said waters are in the NE¼NW¼ Sec. 30, and SW¼SE¼ Sec. 20, Twp. 1 S., R. 20 E., B. M., and that the lands proposed to b irrigated by the use of said water are described as follows, to-wit:

**

All land in T. 1 S., R. 20 E., B. M. Blaine Co. Idaho.

Name of User	Sec.	Share of developed water to be acquired	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Total
Henry Smith	26	.015150						0.6			1.5								
												21.7							
													15.9						
														13.9					53
H.C.&C.L.Randall	27	.048418			37.1														
						15.2				4.2									
											4.0				36.1				
																28.4	3.0		128
C. O. Thompson	27	.006294	1.4																
				28.4			1.4												31
N. B. Buckler	22	.003203					1.0										14.2		15
Kilpatrick Bros	27	.321986					37.1												
								36.1											
									36.3										
										26.6									
											9.6								
												14.3							160
"	22												39.6						
														28.2					67

All land in T. 1 S., R. 20 E., B. M., Blaine Co., Idaho.

Name of User	Sec.	Share of developed water to be acquired	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Total
Kilpatrick Bros	21											37.0							
													40.0						77.0
" "	28		40	40	32.4														
						32.8													
								0.4											
									24.6	35.9									
											37.0			38.5	19.7				
																40			341.3
W. R. Patterson	22	.118451						2.3											
									23.8										
										22.7									
											18.5								
												38.9							106.2
	21		37.4																
				39.1															
					37.0														
						30.4									40.0				183.9
	15												0.6						.6
State of Idaho	16	.005187														18.1			
																	2.1		20.2
Irvin Land & Cattle Co.	21	.021710						28.3											
									1.0										
										12.5									
											28.1								69.9
A. Erickson	21	.037221										37.0				37.0			74.0
A.W.Baldwin	21	.041000												40					40.0
	28							37.9			1.3								39.2
Froelich Bros	21	.312660														34.2			
																	37.0		71.2
	28								10.6										
										40.0			36.9						
													31.0						118.5
	29			25.1															
				37.8															
					40	40		34.7											
									30.1										
										34.8									
											38	35.3							
													3.1		36.9				
																34.1			
																	3.6		
																		29.9	423.4
	20												9.7						
														0.5			1.1		11.3
Horace White	20	.044820													37.0		40		77.0
	29			10.0															10.0
S. L. Martin	20	.016400										9.6			37.8				
																17.4			64.8
E. H. Sowers	20	.006180			6.1	18.4													24.5
J. L.Freeman Estate	20	.001820			2.5					4.7									7.2
Total		1.00-100%																	2216.0

Witness my hand this 19th day of October, A. D. 1923.

W. G. SWENDSEN,
Commissioner of Reclamation

License issued for 40 second feet

MEMORANDUM

Date: April 21, 1998

To: Files

From: Jim Johnson

Subject: Request to Amend Approved Transfer 5046

==========

On March 20, 1998 the Department approved the above referenced transfer containing the following condition.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

On April 6, 1998 Chuck Brockway, representing the transfer applicant contacted me concerning the condition, pointing out that it was inconsistent with the rates of diversion per acre listed on the transfer.

I have reviewed the matter and after discussing various alternatives with my supervisor we have elected to remove the condition.

An amended transfer approval has been prepared and an amended preliminary order will be issued.

MICROFILMED

MAY 0 8 1998

MEMORANDUM

TO: FILES 37-00021/22/186A & B/187/188/189/213A & B/214/215E &F/ 216/217/218/219/333/351A/352A/376B,D & E/377/378/379/380/381/ 428/694A & B/695/942 & 02405

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT: TRANSFER 5046

DATE: February 26, 1998

==========

This is the third of three (3) transfers filed by the applicant to more fully describe the use of these 33 surface water rights on the 2711.3 acre place of use. These rights are used in conjunction with the three (3) groundwater rights under Transfers 5044 & 5045; 37-02617, 37-02620 and 37-02627A. The transferred groundwater rights describe the same common place of use.

The transfer creates a combined permissible place of use, adds all diversion points, and identifies both Silver Creek and Loving Creek as sources under each right. Season of use and total diversion volume were adjusted to current standards. Domestic use found on some of the rights was changed to reflect historic stockwater use. The extent of the stockwater use was provided by the applicant's representative and maximum limits identified in conditions of approval.

Recommended conditions include Watermaster control, measuring devices & lockable controlling works, irrigation overlap, future impact or injury, multiple points of diversion, combined limits, use in conjunction with groundwater, right-of-way, no new diversion headgates and standard transfer conditions.

MICROFILMED
MAR 27 1998

MEMORANDUM

TO: FILE 37-02405

FROM: PAM SKAGGS

RE: TRANSFER # 5046

DATE: 4-17-96

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within file # 37-00021.

MICROFILMED
MAR 27 1998

October 29, 1923.

Re: Permit No. 14679
Drainage District No. 1
Blaine County.

Messrs. Sullivan, Sullivan & Van Winkle,
Attorneys at Law,
Hailey, Idaho.

Gentlemen:

We are enclosing herewith Certificate of Completion of Works, issued under the above numbered Permit, together with Water License. Receipt for fees is also enclosed.

Very truly yours,

W. G. SWENDSEN

Commissioner of Reclamation

By

Chief Clerk.

14679

In Re: Permit 14679 Memo.
Proof of Beneficial Use.

In a consideration of the proof offered under Permit No. 14679, a protest against the issuance of license was filed by the Big Wood River Canal Company through their attorney W. G. Bissell.

In order to obtain facts regarding this permit, the undersigned Commissioner of Reclamation conducted a field examination and convened a hearing at Picabo, at which the permit holder and protestant were represented. John Badley, Manager of the Big Wood River Canal Company, represented the protestant and these gentlemen, together with the Watermaster, Mr. Chapman, accompanied the undersigned over the ground.

The protest was based upon the allegation that the water sought to be appropriated under the permit was really the water that had been developed by the construction of drains, but that the said water had at all times prior to the construction of said drains found its way into Silver Creek and was thus available to and had been appropriated by protestant.

After the field examination and during the process of the hearing the permit holder's representatives and protestant agreed that a license of four second feet of water ~~might~~ be issued under the said permit. Upon a consideration of the said agreement, it was found to be equitable and the four second feet is thought therefore, as nearly as may be determined the actual quantity of water permit holder has applied to beneficial use and developed through the construction of the said drains.

(Special Order when license is issued)

W. G. Swendsen
Commissioner of Reclamation.

14679

L. SULLIVAN W. E. SULLIVAN ROY VAN WINKLE

LAW OFFICES OF

SULLIVAN, SULLIVAN & VAN WINKLE

HAILEY, IDAHO

September 28,1923.

Department of Reclamation,
Boise, Idaho.

Gentlemen: RE: APPLICATION NO. 20671. DRAINAGE DISTRICT NO. 1,Blaine County, et al.

Pursuant to your recent favor, we are enclosing herewith draft issued by Picabo State Bank in favor of W.G.Swendsen,Commissioner, for the sum of $98.00 in payment of the fees of your office in connection with the issuance of certificate of completion of works and the license under the above permit.

The application in this instance was made by numerous parties owing lands within the drainage district, the wording in the body of the application being to the effect that it was made by the parties named "each personally for and in behalf of his respective lands hereinafter described as to those of the above named who sign, and in behalf of and for the use of those who do not sign and are above named for use on the respective lands of such persons not signing". This application was then signed by the District, by Sloan as agent, not only as agent for the district, but as agent for all applicants named in the body of the application.

In view of the fact that the reclamation which resulted in the development and saving of the water in this case cost a great many thousand dollars, and has been a costly venture on the part of the land owners, we believe, for all purposes in the future, the license should issue in the name of the land owners, so that their rights will be clearly established of record. Once this is done the respective rights of the land owners will pas's by conveyance of the land with certainty and the possibility of litigation as to these rights will be reduced to a minimum.

Section 5579.Compiled Statutes, reads in part as follows:"Such license shall be issued under the seal of the office of the department of reclamation, and shall state the NAME and post office address of such USER,"etc. "such license shall give a description, by legal subdivisions, of the land which is irrigated by such water" etc.

Section 5580 reads, in part,"Such license shall be binding upon the state as to the right of such LICENSEE to use the amount of water mentioned therein, and shall be prima facie evidence as to such right"etc.

We believe that the form of the license enclosed herewith, by way of suggestion, will protect the land owners, and comply with the statute, and at the same time make a comparatively simple record in your office, and, we would be in a position to furnish blue prints such as the one attached to the enclosed form of license, should you desire them in making your record.

We would be glad to hear from you on this matter. As we understand it the license will issue for 6½ cubic feet, as shown by the proof.

Very truly yours,
SULLIVAN, SULLIVAN & VAN WINKLE

R:V

PER R.V.W.

P.S. We would appreciate it if your would notify us when the license is issued, or, send same to us here at Hailey.
S S & VW

14679

August 7, 1923.

Re: Permit No. 14679
Drainage District No. 1.

Mr. Roy Van Winkle,
Attorney at Law,
Hailey, Idaho.

Dear Sir:

The report of the examining engineer on completion of works and beneficial use of water under the above numbered permit has been received. Upon receipt of fees in the sum of $98.00, the certificate and license will be issued. The fees are $5.00 for the Certificate and $1.00 for each forty-acre tract or fraction.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By
Chief Clerk.

14679

Form 28

REPORT OF ENGINEER

This proof is for COMP.WORKS & BEN.USE In Water District No. 11-B

1. State name of applicant and number of permit: Drainage Dist. No.1- Permit 14679

2. State source of water supply: Developed water from an unnamed stream, or channel constructed by applicants, entering Silver Creek.

3. Location of point of diversion: NE¼NW¼ Sec.30 and SW¼SE¼ Sec.20 T.1 S., R. 20 E., B.M.

4. Describe works as they exist, giving dimensions and capacities of same:
Drainage Canals from 6' to 8' wide on bottom and est. 3' to 10' depths Length as shown on blue print map inclosed except that B. drain extends in straight line to Pt. of diversion mentioned in description above.

5. State whether or not water has been turned into works of diversion:
Yes

6. Give exact location 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 for other than irrigation): All portions of Secs. 15,16,20,21 & 22, S. of Silver creek, and of Sec.29, between Silver Creek and the Kilpatrick canal and all of Sec.28 (except S½SE¼ & S½NE¼SE¼) and all of Sec.27 S. of Silver creek (except portion thereof S. of south boundary of O.S.L.R.R. Co. Right of Way, but inclusing N½NW¼SW¼) and all of Sec.26 between Silver creek and north boundary of said R.R. Right of Way west of County road near the center line of said Sec. 26, all in Twp 1 S., R. 20E., B.M. in Blaine County, Idaho

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? See list inclosed

9. Give names and amount of each right:
Except that rights of names checked have reverted back to Kilpatrick Bros. Co

10. What large stream would the water here appropriated finally reach? Silver Cr. (Possibly)

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Remarks: My opinion License should be granted. Water seeps into Canals their entire length, Also waste water from fields runs into canals which would otherwise hold up and form swamps. Parties interested use water developed + saved as supplementary water right on lands now irrigated, when late rights are shut off. Est. 300 inches of water on this date. Varies from time to time.

This examination was made on the 15 day of July 1923

(Signed) R. J. Sutcliffe Examiner.

14679

OVER

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO, } ss.

County of .....

..... , being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this ..... day of ..... 19.....

My commission expires ..... Notary Public.

11-B - Blaine

Drainage Dist.#1
Picabo

Permit 14679

Instructions to Examiners

1. **Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.**
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

RECEIVED
JUL 18 1923
DEPARTMENT OF RECLAMATION

February 16, 1923.

Re: Permit No. 14679-
Drainage Dist #1,
Blaine County.

Mr. W. G. Bissell,
Attorney at law,
Gooding, Idaho.

Dear Sir:-

Enclosed you will find copy of protest against proof under the above numbered pe mit. As soon as weather conditions will permit, an examination will be made by this office, at which time you will be further advised in the matter.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

C-

14679

February 16, 1923.

Re: Permit No. 14679-
Drainage Dist No.1,
Blaine County

Mr. Roy Van Winkle,
Attorney at law,
Hailey, Idaho.

Dear Sir:-

Depositions and affidavit of publication for proof of completion of works and beneficial use of water under the above permit were received at this office February 13th. These will be placed on file pending the examination by an engineer from this office later in the season. It will probably be a matter of sixty days before this examination can be made. You will be further advised in the matter at that time.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

14679

93-40

L. SULLIVAN W. E. SULLIVAN ROY VAN WINKLE

LAW OFFICES OF

SULLIVAN, SULLIVAN & VAN WINKLE

HAILEY, IDAHO

February 12,1923.

W.G.Swendsen, Commissioner,
Boise, Idaho.

Dear Sir: RE: PROOF OF COMPLETION OF WORKS, AND APPLICATION OF WATER TO A BENEFICIAL USE, UNDER PERMIT NO. 14679.

I enclose herewith the following proofs in the above matter, taken before me February 10,1923:

1. Deposition of holder.Completion of Works.
2. Two depositions of witnesses in support of Completion of Works.

3. Deposition of Holder as to Application of water to beneficial use.
4. Two depositions of witnesses in support of Application of water to beneficial use.

5. Affidavit of Publication of Notice of the above hearing.

Kindly acknowledge receipt of the above, and oblige,

Yours very truly,

Roy Van Winkle

RV:V.

14679

AFFIDAVIT OF PUBLICATION

I, M. F. Cunningham

Publisher, of the
(Publisher or foreman)

THE TIMES-NEWS-MINER

[redacted]

published weekly at Hailey, Idaho.
(Daily or Weekly) (Place)

do solemnly swear that a copy of the above notice, as per clipping attached, was published weekly in the regular
(Daily or Weekly)

and entire issue of said newspaper, and not in any supplement thereof,

for four consecutive issues, commencing with the issue dated January 4, 1923

and ending with the issue dated January 25,

1923

M. F. Cunningham
(Signature)

Subscribed and sworn to before me this 31st

day of January, 1923

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10 o'clock A. M. on the 10th day of February, 1923, at Hailey, County of Blaine, State of Idaho, before Roy Van Winkle, Notary Public, proof will be submitted of the completion of works for the diversion of ten cubic feet per second of developed waters of an unnamed stream or channel, constructed by applicants, entering Silver Creek in the SE 1-4 SE 1-4 Sec. 26, Tp. 1 S., R. 20 E., B. M. and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No 14679, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name and postoffice address of person or corporation, holding said permit, are Drainage District No. 1 of Blaine County, Idaho, Picabo, Idaho. Kilpatrick Brothers Company, a Nebraska Corporation, Henry Smith, H. C. Randall, C. L. Randall, C. O. Thompson, N. B. Buckler, W. R. Patterson, State of Idaho, Irvin Land and Cattle Co., A. Erickson, A. W. Baldwin, A. H. Froehlich, J. J. Froehlich, Horace White, S. L. Martin, E. H. Sowers, J. L. Freeman Estate, address of said persons, except State of Idaho, is Picabo, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is fifty cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes and the amount applied to beneficial use is ten cubic feet per second.

4. The place where said water is used is on all portions of Secs. 15, 16, 20, 21, 22 south of Silver Creek and of Sec. 29 between Silver Creek and the Kilpatrick Canal and all of Sec. 28 (except S 1-2 SE 1-4 and S 1-2 NE 1-4 SE1-4) and all of Sec. 27 south of Silver Creek (except portion thereof south of south boundary of O. S. L. RR. Co. Right of Way but including N 1-2 NW 1-4 SW 1-4) and all of Sec. 26 between Silver Creek and north boundary of said Railroad Right of Way west of County Road near the center line of said Sec. 26. All in Tp. 1 S., R. 20 E., B. M., in Blaine County, Idaho.

5. The date of priority which said user is prepared to establish is February 9th, 1920.

W. G. SWENDSEN,
Commissioner of Reclamation.

1-4-25

Form 15

PERMIT NO. 14679

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. H.H. Neal, age 36 years, banker, Picabo, Idaho.

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. Acting on behalf of Drainage District No 1, Blaine County Idaho, as Secretary of this District.

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

Ans. Permit No. 14679, date May 12th., 1920. Authorized to divert 50 cubic feet per second. One point of diversion in NE¼NW¼Sec.30, and one in SW¼SE¼ Sec. 20 T 1 S R 20 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. For irrigation purposes of the lands described on page two of the application.

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. During the year 1922, 200 inches of developed water, and about 125 inches of surface waste water.

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. All works are completed 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. ~~Dam and open ditches~~ system of open drains. Drain A 16 ft on bottom; 22 ft at water line; depth of water 3 ft. Drain B 10 ft on bottom; 14 ft at water line; depth of water 2.5 ft. Cost of system $65000.00.

(Sign here.) H H Neal

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 Hailey, County of Blaine, State of Idaho, on this 10th day of February A. D. 1922

Roy Van Winkle
Notary Public.

My Commission expires Jan 30, 1926

14679

Form 14

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

PERMIT NO. 14679

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. W.H.Kilpatrick Jr. Age 31 years, merchant, Picabo, Idaho

Ques. 2. Are you acquainted with ....., the holders of Permit No. 14679, authorizing the diversion of 50 cu ft per second ~~feet~~ of the waters of an unknown stream, at Picabo, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. I am. Have known these holders for years.

Ques. 3. Have you read or heard read said Permit No. 14679, 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. Yes. It is the land described on page 2 of the application for this permit. Mostly a sandy-clay-loam, and requires at least one inch per acre for profitable cultivation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey 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. Dams and open ditches. One ditch conveys about 40 second feet, and the other about 10 second feet.

(Sign here.) W.H.Kilpatrick Jr.

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 Hailey, County of Blaine, State of Idaho, on this 18th day of February A. D. 1923

Roy Van Winkle
Notary Public
Hailey Idaho

14679

Form 14

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

PERMIT NO. 14679

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. attached

Ques. 2. Are you acquainted with ....., the holder of Permit No. 14679 authorizing the diversion of ..... second-feet of the waters of ....., at ..... for ..... purposes? How long have you known him, and where does he reside?

Ans. attached

Ques. 3. Have you read or heard read said Permit No. 14679, and are you familiar with its terms and conditions?

Ans. attached

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. attached

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

Ans. attached

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. attached

(Sign here) James B. Hays.

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 Hailey, County of Blaine, State of Idaho, on this 10th day of February A. D. 1923.

Roy Sandwinkle
Notary Public
Hailey Idaho

14679

PROOF OF COMPLETION OF
WORKS.

Question #1. James B. Hays, Age 34, Residence and Postoffice address, Boise, Idaho. Occupation Civil Engineer.

Question #2. As an employee of the Drainage District I became acquainted with nearly all of the ~~xxxxxx~~ signers of the application, of Permit No.14679 authorizing the diversion of 50 second feet . First got acquainted with several of them in the Fall of 1919.

Question #3. Yes.

Question #4. Am well acquainted with the land it is proposed to irrigate under this Permit. The soil ranges from a clay-loam to a sandy-clay-loam. The top soil averages two feet thick and is underlain with gravel, and in the south and east it covers a lava flow. 1" Water required.

Question #5. The works for diversion have been fully completed for a number of years and are being used to divert water under prior Permits. The diversion works are sufficiently ample to divert the water called for.

Question #6. Diversion "A", known locally as the head of the Kilpatrick Canal consists of a wooden overflow dam and earth embankments, and a wooden headgate with submerged orifice. I have known the canal to carry 42 sec/ft. Diversion "B", known locally as the Iden Ditch has a rock fill dam, with logs or boards to check up the flow of Silver Creek and a standard submerged headgate. I ~~xxxxx~~ have known this ditch to carry 10 sec/ft and the capacity could readily be increased to 15 or possibly 20 sec.ft. The two canal systems operating together are amply sufficient to carry the water under this Permit.

The works described in the Application upon which this permit is based have been fully completed as set forth in the application.

14679

PERMIT No. 14679

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. attached

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

Ans. attached

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

Ans. attached

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

Ans. attached

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.

Ans. attached

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. attached

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

Ans.

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

Ans. attached

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. attached

14679

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

Ans. attached

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. attached

(Sign) A H Fraehlich

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 Hailey, County of Blaine, State of Idaho, on this 10th day of February A. D. 1923

Roy Van Winkle
Notary Public
Hailey Idaho

14679

RECEIVED
FEB 13 1923

All lands in T.1S. R.20E., B.M. Blaine Co., Idaho

Name of Owner	Section	Share of developed water to be acquired	NE¼				NW¼				SW¼				SE¼				Total
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Henry Smith	26	.015150							0.6		1.5	21.7	15.9	13.9					53.6
H.C. & C.L. Randall	27	.047418			37.1	15.2				4.2	4.0				36.1	28.4		3.0	128.0
C.O. Thompson	27	.006294	1.4	28.4			1.4												31.2
N.B. Buckler	22	.003203					1.0										14.2		15.2
Kilpatrick Bros. Co.	27	.321986					37.1	36.1	36.3	26.6	9.6	14.3							160.0
"	22												39.6	28.2					67.8
"	21											37.0	40.0						77.0
"	28		40.0	40.0	32.4	32.8	0.4	24.6		35.5	37.0			38.5	19.7	40.0			341.3
W.R. Potterson	22	.118451						2.3	23.8	22.7	18.5	38.9							106.2
	21		37.4	34.1	37.0	30.4									40.0				183.9
	15												0.6						.6
State of Idaho	16	.005187															18.1	2.1	20.2
Irvin Land & Cattle Co.	21	.321710					28.3	1.0	12.5	28.1									69.9
A. Erickson	21	.037221									37.0					37.0			74.0
A.W. Baldwin	21	.041000												40.0					40.0
	28						37.9			1.3									39.2
Froelich Bros.	21	.312660															34.2	37.0	71.2
	28							10.6	40.0			36.9	31.0						118.5
	29		25.1	37.8	40.0	40.0	34.7	30.1	34.8	38.0	35.3	3.1			36.9	34.1	3.6	24.9	423.4
	20												9.7	0.5			1.1		11.3
Horace White	20	.044820													37.0			40.0	77.0
	29		10.0																10.0
S.L. Martin	20	.016400									9.6					37.8	17.4		64.8
E.H. Sowers	20	.006180			6.1	18.4													24.5
J.L. Freeman Estate	20	.001820			2.5					4.7									7.2

Ans. to Que. 1

A.H.Froehlich. Age 58 years. Farmer and stock man. Residence and postoffice address, Picabo, Idaho.

Ans. to Que. 2

I am acting in my own behalf as a land holder and also in behalf of Drainage District No. 1, Blaine County, Idaho. I am a Commissioner of this Drainage District.

Ans. to Que. 3.

Permit No. 14679, dated and approved May 12,1920, date of priority proposed to be established is February, 9th,1920, but ~~this being~~ the right to the exclusive use of this water is also claimed.

Ans. to Que. 4.

This water has been developed by a syatem of deep drains in said Drainage District, and is ~~empied~~ turned into Silver Creek at a point which bears N. 76°55'E 2175 ft., from the quarter corner between Sections 26 and 35 T. 1 S.R.20 E.B.M. There are two points of diversion, one in the NE¼ of NW¼ of Section 30 in Twp. 1 S.R. 20 E.B.M., and the other is in the SW¼ of SE¼ of Section 20 in Twp. 1 S.R. 20 E.B.M., in Blaine County, Idaho. Diversion dams and ditches convey the water from these points of diversion to the place of use on the lands.

Ans. to Que.5

The works of diversion are dams and open ditches, one is known as the Kilpatrick Canal, which will convey about 40 second feet. The other ditch is known as Ellison ditch, and will convey about 10 second feet.

Ans. to Que.6

This water is used for irrigating the lands described on the plue print which is attached to this sheet. Some land is in cultivation, and some is meadow or pasture land. Land has been improved by plowing up and raising crops, and more of it has been reclaimed so that it can now be cultivated, and good crops raised.

Ans. to Que. 8

At least one inch to the acre is required for the irrigation of these lands.

Ans. to Que. 9

I, personally, and on behalf of Drainage District No. 1 Blaine County, am a holder of the above mentioned permit at this time.

Ans. to Que. 10

During the months in the summer of 1922, mostly in July and August, through the diversion ditches mentioned, at least 325 inches of water which had been developed by the drain ditches above mentioned, was diverted under this permit and applied to use on the lands described in said blue print. 200 inches of this 325 inches of water, is the amount that has been actually developed from under ground sources not tributary to any known stream, and 125 inches being reclaimed waste surface water not tributary to any known stream.

14679

Ans. to Que.11

On July 7th,1917, the State Engineer of the State of Idaho, made an order authorizing the distribution of various decreed water rights over the lands described in the blue print attached hereto, on the basis of one inch to the acre for said lands. It has, however, developed that about all of these rights mentioned in this order which bear priority dates later than 1885 are uncertain and cannot be depended upon to furnish one inch per acre for irrigation on account of the fact that they are often cut off by the water master, and this leaves these lands without sufficient water to mature the crops, and ~~xk~~ under this permit the holders of said lands desire to acquire an additional or supplemental water right for the purpose of supplying any shortage in said decreed water occasioned by the same being shut off by the water master. The holders of this permit having developed this water for this purpose claim a prior and exclusive right to the use of the same for such purpose.

14679

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

PERMIT No. 14679

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. answer attached

Ques. 2. Are you acquainted with ....., the holder of Permit No. 14679? How long have you known him and where does he reside?

Ans. attached

Ques. 3. Have you read or heard read said Permit No. 14679, and are you familiar with its provisions and conditions?

Ans. attached

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. attached

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. attached

Ques. 6. 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. attached

14679

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. .....

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. attached

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. attached

Ques. 10. 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. attached

(Sign) S. H. Chapman

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 Hailey, County of Blaine, State of Idaho, on this 10th day of February A. D. 1923

Roy Jon Wickle
Notary Public.

My commission expires Jan 30, 1926

14679

RECEIVED
FEB 13 1923
DEPARTMENT OF RECLAMATION

Ans. to Que. 1

My name is S.H.Chapman, 40 years of age, residence Shoshone, Idaho, Water Master of Districts 7 and 11, Big and Little Wood Rivers. Postoffice address is Shoshone, Idaho.

Ans. to Que.2

I am acquainted with the holders of this permit, and have been since about 1918. They all reside at Picabo, Blaine County, Idaho.

Ans. to Que.3

Yes.

Ans. to Que.4

Water has been developed by a system of deep open drains in Drainage District No. 1, Blaine County, Idaho, and is delivered into Silver Creek at the point indicated in the application for this permit, and the two points of diversion from Silver Creek are located one in NE¼NW¼ of Sec.30, and the other in SW¼SE¼ of Sec.20, in Twp. 1 S.R.20 E.B.M., at the points stated in the application for this permit.

Diversion dams and open ditches convey the water from these points of diversion to the place of use.

Ans.to Que.5

My records show that one of these diversion ditches will carry 40 second feet, and the other will carry 10 second feet, safely from the points of diversion to the place of use. My records show 40 sec.ft. has been measured in one ditch, and 9 sec. ft in the other, however, I estimate that this second ditch will safely carry 10 second feet.

Ans. to Que.6

This water is being used for the irrigation of the lands described on the blue print on page 2 of the application for this permit. Some is cultivated, some meadow land, and some pasture. Improvements. A greater acreage has been plowed and put in cultivation, and still more can be reclaimed and made fit to produce crops.

~~Anxzxtxzxqnxzx7.~~

~~xzMostlyxaxsandyxclayxloamxzQnexinchxperxacrexis~~
~~requiredxforxprofitablezirrigationxandxcultivationxzx~~

Ans. to Que 8.

Mostly a sandy-clay-loam. One inch per acre is required for proper irrigation and cultivation.

Ans. to Que.9

None whatever.

Ans. to Que. 10

My records show that this water was applied to use on the lands described in the above mentioned blue print during the year 1922. The amount of water actually developed under this permit and not heretofore tributary to any known stream, as shown from records kept suring the seasons of 1921 and 1922 is at least an average of 200 inches. This amount may be modified by years of less or greater water supply. In addition to this 200 inches , an average of 125 inches of surface waste water ran into these drain ditches during the above years, but as to what amount of this waste water formerly ran into Silver Creek I have no record to show, but am convinced that a portion of this did find its way into Silver Creek.

14679

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

PERMIT No. 14679

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. Leo Mercier, age 31 years, farmer, Picabo, Idaho.

Ques. 2. Are you acquainted with ....., the holder of Permit No. 14679 ? How long have you known him and where does he reside?

Ans. attached

Ques. 3. Have you read or heard read said Permit No. 14679, and are you familiar with its provisions and conditions?

Ans. attached

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. attached

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. attached

Ques. 6. 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. attached

14679

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. .....

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. attached

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. attached

Ques. 10. 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. attached

(Sign) G. Mercier

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 Hailey, County of Blaine, State of Idaho, on this 10th day of February A. D. 19 23

Roy Van Winkle
Notary Public.

My commission expires Jan. 30, 1926

14679

RECEIVED
FEB 13 1923
DEPARTMENT OF RECLAMATION

All l[illegible] in T. 1 S., R. 20 E., B.M. Blaine Co., Idaho

Name of Owner	Section	Share of developed water to be acquired	NE¼				NW¼				SW¼				SE¼				Total
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
Henry Smith	26	.015150							0.6		1.5	21.7	15.9	13.9					53.6
H.C. & C.L. Randall	27	.048418			37.1	15.2				4.2	4.0				36.1	28.4		3.0	128.0
C.O. Thompson	27	.006294	1.4	28.4			1.4												31.2
N.B. Buckler	22	.003203					1.0										14.2		15.2
Kilpatrick Bros. Co.	27	.321966					37.1	36.1	36.3	26.6	9.6	14.3							160.0
"	22												39.6	28.2					67.8
"	21											37.0	40.0						77.0
"	28		40.0	40.0	32.4	32.8	0.4	24.6		35.7	37.0			35.5	19.7	40.0			341.3
W.R. Potterson	22	.118451						2.3	23.8	22.7	18.5	38.9							106.2
	21		37.4	39.1	37.0	30.4									40.0				183.9
	15												0.6						.6
State of Idaho	16	.005187															18.1	2.1	20.2
Irvin Land & Cattle Co.	21	.021710					28.3	1.0	12.5	28.1									69.9
A. Erickson	21	.037221									37.0					37.0			74.0
A.W. Baldwin	21	.041000												40.0					40.0
	28						37.9			1.3									39.2
Froelich Bros.	21	.312660															34.2	37.0	71.2
	28							10.6	40.0			36.4	31.0						118.5
	29		25.1	37.8	40.0	40.0	34.7	30.1	34.8	33.0	35.3	3.1			36.9	34.1	3.6	29.9	423.4
	20												9.7	0.5			1.1		11.3
Horace White	20	.044820													37.0			40.0	77.0
	29		10.0																10.0
S.L. Martin	20	.016400									9.6					37.8	17.4		64.8
E.H. Sowers	20	.006180			6.1	18.4													24.5
J.L. Freeman Estate	20	.001820			2.5					4.7									7.2

14679

Ans. to Que. 2. I am acquainted with the holders of this permit and have been acquainted with them since the year 1818. They reside at Picabo, Idaho.

Ans. to Que. 3. Yes.

Ans. to Que. 4. This water has been developed by a system of deep drains in Drainage District No. 1, Blaine County, and turned into Silver Creek, in said county, at a point which bears N. 76°55'E 2175 ft., from the quarter corner between Sections 26 and 35 in Twp. 1 S.R. 20 E.B.M. The places of diversion are: A- S. 38°05'W. 1320 ft from the quarter corner between Sections 19 and 30 in Twp. 1 S.R. 20 E.B.M., and, is in the NE¼ of NW¼ of Section 30 in Twp. 1 S.R. 20 E.B.M. And, B- N. 45°00' E. 1056 ft. distant from the quarter corner between sections 20 and 29 in Twp. 1 S.R. 20 E.B.M., and is in the SW¼ of SE¼ of Section 20 in Twp. 1 S.R. 20 E.B.M., in Blaine County, Idaho. Diversion dam and open ditch convey the water from point of diversion to place of use.

Ans. to Que. 5. About 40 second feet in one diversion ditch, and about 10 second feet in the other. I have seen this amount of water being conveyed in these ditches.

Ans. to Que. 6. The water is being used for irrigation of the lands described on the blue print hereto attached. Some natural meadow land, some in cultivation, and some pasture land. More land has been plowed up and put in cultivation, and a good deal of this land has been reclaimed and made fit for cultivation.

Ans. to Que. 8. Mostly a sandy-clay-loam, which will require one inch ~~per irriga~~ per acre for profitable cultivation.

Ans. to Que. 9

No.

Ans. to Que. 10. At various times during the summer of 1922, especially during the months of July and August, I personally applied a large portion of the water in question to beneficial use on the lands described on the blue print hereto attached; and also saw this water being applied on the remainder of said lands described on said blue print; all of which was diverted under said permit.

14679

Re: Permit No. 14679)
Permit Holders, Drainage)
District No. 1, Blaine County)

Protest by the
BIG WOOD RIVER CANAL COMPANY,
Protestants.

W, G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Comes now the Big Wood River Canal Company and respectfully represents that it is the owner of water fights in Big and Little Wood rivers and their tributaries in Water Districts No. 7 A, 7 B and 11 AB, and protests against the issuance of a license under Permit No. 14679 issued to Drainage District No. 1, claiming 50 cubic feet per second of what is designated in the permit as "an unnamed stream which is not now but as herein explained will be a tributary of Silver Creek," the said proof of beneficial use to be made before Roy Van Winkle, a notary public at Hailey, County of Blaine, State of Idaho, at ten o'clock A. M. on the 10th day of February, 1923. The said proof of beneficial use of water to be offered under the said permit, and, according to the published notice of intention to make the said proof, to be made in an amount and to the extent of 10 cubic feet per second of the waters alleged to be appropriated under the said permit, all according to the information of protestant as obtained from the said published notice appearing in the Times-News-Miner of Hailey, Idaho.

That this protest is based upon the following allegations, and conditions: First, that under the laws of the State of Idaho a drainage district is not authorized or permitted to appropriate the public waters or other waters of the State of Idaho, and because of this condition, the said permit is invalid and of no force and effect. Second, that the alleged permit by its provisions, seeks to appropriate water which is claimed to have been developed by reason of the construction of drainage works and that under the proof as contemplated, permit holder expects to secure a license in the amount of 10 cubic feet per second, whereas your protestant herein is advised, convinced and firmly believes that not to exceed 3 cubic feet per second of water has been developed, if any at all, and that if any water has been developed as a result of such work, the same has heretofore and at all times found its way by underground seepages and otherwise into Silver Creek or Little Wood River and has for a number of years last passed been available to and used by the protestant company herein.

Wherefore, your protestant prays that no license issue under the said permit No. 14679.

BIG WOOD CANAL COMPANY

By R. W. Katerndahl

Attorney in Fact.

State of Idaho)
County of Ada) ss

On this 9th day of February, 1923, before me, Clara M. Brown, Notary Public in and for the State of Idaho, personally appeared R. W. Katerndahl, known to me to be the person whose name is subscribed to the within instrument as the attorney in fact of the Big Wood River Canal Company, and acknowledged to me that he subscribed the name of the Big Wood River Canal Company as principal and his own name as attorney in fact.

12/179 Clara M. Brown

February 3, 1923.

Re: Permit No. 14679

Mr. Roy VanWinkle,
Hailey, Idaho

Dear Sir:

This will acknowledge receipt of your letter of February 2nd regarding pending proof on the above mentioned permit.

The reasoning set forth in your letter as regards protests is correct. However, this office has previously held in similar cases that the person before whom the proof was being made was authorized to accept protests and transmit them to this office for a consideration. Of course, the officer before whom proof is made is not authorized to conduct a hearing or to do any other act except to act as an agent of the department of reclamation in making proof and transmitting all documents to the office.

Therefore, it would be proper for you to receive any protests which may be filed and transmit them to us along with the depositions.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By

Assistant

GNC:P
cc Mr. W. E. Sullivan
Boise, Idaho.

14679

L. L. SULLIVAN W. E. SULLIVAN ROY VAN WINKLE

LAW OFFICES OF

SULLIVAN, SULLIVAN & VAN WINKLE

HAILEY, IDAHO

February 2,1923.

Department of Reclamation,
W.G.Swendsen, Commissioner,
Boise, Idaho.

Dear Sir: RE: PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE UNDER PERMIT NO. 14679.

I am in receipt of the forms sent me by your office upon which the above proof is to be submitted February 10th., together with instructions.

As I understand it, Section 5577 Idaho Compiled Statutes, I am to"receive the written statements made by the person or persons submitting such proof"(that is submitting proof as to the completion of works and the application of the water to beneficial use),"and the affidavits of the witnesses". And, that if any parties should desire to protest they must do so under the provisions of Section 5583 I.C.S., which provides that "Any person desiring to protest against the statements made by the person or persons submitting proof on the beneficial application of water in the published notice of their intention to submit such proof, shall file a statement with the department of reclamation on or before the date set for such proof, stating clearly the reason for such protest, and stating the reason, if any, why a license should not be issued confirming the right claimed",etc.

These statutory provisions appear to be perfectly clear to me, viz, that at the hearing before me on February 10th., only proof in support of the completion of works and application of the water can be received- that is the only proof authorized to be made at that time; and, that if any party should desire to protest or submit adverse proof, this then would have to be made and filed with the department under the provisions of Section 5583, as separate and distinct from the proof to be taken before me on February 10th.

Please advise me if my position in this procedure is correct, as I desire to have specific instructions on this point from your department. The language of the published notice and also the statutes indicate that my idea is correct, but I desire to have a letter from your department advising me definitely.

Very truly yours,

Roy Van Winkle

14679

Form No. 22-B

State of Idaho

ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS
AND
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, January 31, 1923

Drainage District No.1,

c/o Roy Van Winkle,
Hailey, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. 14679

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On February 10, 1923, the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at Hailey before Roy Van Winkle, notary public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

W. G. SWENDSEN,
Commissioner of Reclamation.

14679

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

n/o
Water Supply

DATE December 29,1922.

Publisher The Times News-Miner,
Hailey, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to February 10,1923, the date set for proof, the expense of the publication to be paid by the applicant, or its attorneys, Sullivan,Sullivan & VanWinkle, Hailey, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

14679

14761

First ground for protest removed by S.B. #248 passed at last session.

Second. Water developed by drains did not originally reach Silver Creek, else drains not necessary. Water was lost by evap & transpiration.

Very doubtful.

14679

FORM NO. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 28th, 1922.

(P. O.) Hailey, Idaho.

TO THE STATE ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Times-News Miner of Hailey, Idaho, published in the county in which the works are situated.

Sullivan, Sullivan & Van Winkle

Attorneys for Drainage District No. 1 of Blaine County, Idaho.

(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

14679

RECEIVED
DEC 28 1922
DEPARTMENT OF RECLAMATION

14679

Form 36

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

Notice is hereby given that at 10 o'clock A.M. on the 10th day of February, 1923, at Hailey, County of Blaine State of Idaho, before Roy Van Winkle, Notary Public, proof will be submitted of the completion of works for the diversion of ten cubic feet per second of ~~the~~ developed waters of an unnamed stream, or channel constructed by applicants, entering Silver Creek in the SE¼ SE¼ Sec. 26, Tp 1 S R 20 E.B.M., and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 14679, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, # ~~are~~

are Drainage District No. 1 of Blaine County, Idaho, Picabo, Idaho. Kilpatrick Brothers Company, a Nebraska Corporation, Henry Smith, H. C. Randall, C. L. Randall, C. O. Thompson, N.B. Buckler, W.R. Patterson, State of Idaho, Irvin Land and Cattle Co., A. Erickson, A.W. Baldwin, A. H. Froehlich, J.J. Froehlich, Horace White, S.L. Martin, E.H. Sowers, J.L. Freeman Estate, address of said persons, except the State of Idaho, is Picabo, Idaho.

the plans accompanying the application for such permit, is [illegible] cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes and the amount applied to beneficial use is ten cubic feet per second.

4. The place where said water is used is on #

all portions of Secs. 15, 16, 20, 21 and 22 south of Silver Creek and of Sec. 29 between Silver Creek and the Kilpatrick Canal and all of Sec. 28 (except S½ SE¼ and S½ NE¼ SE¼) and all of Sec. 27 south of Silver Creek (except portion thereof south of south boundary of O.S.L. RR. Co. Right of Way but including N½ NW¼ SW¼) and all of Sec. 26 between Silver Creek and north boundary of said Railroad Right of Way west of County Road near the center line of said Sec 26. All in Tp 1 S R20 E. B.M. in Blaine County, Idaho.

W. G. Swendsen,
Commissioner of Reclamation.

11-B

14679

September 21, 1922.

Re: Permit No. 14679- Drainage Dist.

Sullivan, Sullivan & Van Winkle,
Attorneys at law,
Hailey, Idaho.

Gentlemen:-

Per your request the 19th inst. I am enclosing h herewith blank notices for proof of completion of works and beneficial use of water combined. The certificate of an engineer should be made on Form 11 enclosed.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

2F10-11

14679

.. SULLIVAN W. E. SULLIVAN ROY VAN WINK.

LAW OFFICES OF

SULLIVAN, SULLIVAN & VAN WINKLE

HAILEY, IDAHO

September 19,1922.

W.G.Swendsen, Commissioner,
Boise, Idaho.

Dear Sir: RE: PERMIT NO. 14679.

The above permit was issued to the Drainage District in this county, and we are now in a position to make proof of completion of works and also of application of water to beneficial use, and wish that you would forward the necessary blanks.

If there are any new regulations in your department relative to this matter we would be glad to have you send them to us so that the matter can be properly presented in the first instance. If a certificate by an engineer as to completion of works, etc is required in this instance we wish that you would furnish blanks for this, or advise us if such a certificate can be prepared in typewritten form.

Very truly yours,

RV:V

SULLIVAN, SULLIVAN & VAN WINKLE

PER R. V. W.

14679

FORM NO. 150

State of Idaho

ENGINEERING DEPARTMENT

BOISE

Permit No. 14679
H. H. Neal,
Picabo, Idaho.

NOTE

May 21, 1920.

That in order to keep this permit in force a bond in the sum of $1000.00 must be filed in the office of the State Engineer on or before July 11, 1920 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

W. G. Swendsen
~~J. H. SMITH,~~
Commissioner of Reclamation.
~~State Engineer.~~

14679

Form No. 18

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 14679
H. H. Neal,
Picabo, Idaho.

Boise, Idaho,
May 21, 1920.

Dear Sir:

I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

W. G. Swendsen
Commissioner of Reclamation.

14679

14679

January 27, 1922.

Re: Blanks.

Sullivan, Sullivan & Van Winkle,
Attorneys at Law,
Hailey, Idaho.

Gentlemen:

Replying to your letter of the 26th inst., would say that for proof of completion of works under a permit where the amount of water claimed does not exceed 6.4 second feet, all that is required is the affidavit of holder, blank for which is herewith inclosed. This proof should be accompanied by fee of $5.00.

If the amount of water claimed exceeds 6.4 second feet, notice of publication is required to be published four full weeks and proof made before some notary public or other officer authorized to administer oaths in this state. Deposition blanks will be furnished later. I am accordingly inclosing blank notices for this publication, in case the amount of water exceeds 6.4 second feet.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By _____
Chief Clerk.

CB:E
Encls.

14679

SULLIVAN W. E. SULLIVAN ROY VAN WINK

LAW OFFICES OF

SULLIVAN, SULLIVAN & VAN WINKLE

HAILEY, IDAHO

January 26, 1922.

W.D.Swendsen, Commissioner,
Boise, Idaho.

Dear Sir:

Please forward to us the required blanks necessary in formally notifying your department of intention to make proof of completion of works under permit to appropriate water.

Very truly yours,

R-V.

SULLIVAN, SULLIVAN & VAN WINKLE

PER R. V. W.

14679

RECEIVED
JAN 27 1922
DEPARTMENT OF BAC

June 30, 1920.

Re Permit 14697.

Mr. H. H. Neal,
Sec'y Drainage Dist. No.1,
Picabo, Idaho.

Dear Sir:--

Personal bond in the sum of $1,000 for completion of works under above permit has been approved and placed on file in this department.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By_____.

14679

KNOW ALL MEN BY THESE PRESENTS, That We, Drainage District No. 1 of the County of Blaine, State of Idaho, Kilpatrick Brothers Company, a corporation, Henry Smith, H.C. Randall, C.L. Randall, C.O. Thompson, N.B. Buckler, W.R. Patterson, Irvin Land and Cattle Co., A. Erickson, A.W. Baldwin, A.H. Froehlich, J.J. Froehlich, Horace White, S.L.Martin, E.H. Sowers, J.L. Freeman Estate, and others, being named as applicants in that certain application for permit to appropriate the public waters of the State of Idaho, numbered 20671, as principals, and _____

Leo Mercier and J.C.Gibbs both of Picabo, Blaine Co. Idaho

as sureties, are held and firmly bound unto the State of Idaho in the following penal sums, to-wit: The said principals in the penal sum of One Thousand ($1,000.00) Dollars, and the said sureties in the following penal sums, to-wit:

Leo Mercier in the penal sum of $ 1000.00

J.C.Gibbs in the penal sum of $ 1000.00

_____ in the penal sum of $ _____

_____ in the penal sum of $ _____

for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators jointly and severally, firmly by these presents, sealed with our seals and dated this 14th day of June, 1920.

The condition of the above obligation is such that whereas the above bound principals were, on the 12th. day of May, 1920, granted a permit under their said application numbered 20671, which permit is numbered 14679 and is recorded in Book 52, page 14697: 14679

NOW, THEREFORE, The condition of this obligation is such that if the said applicants above named shall well and faithfully carry to completion the works of diversion as specified in said permit and in the application therefor, then this obligation is to be void and of no effect; otherwise to remain in full force and virtue.

Leo Mercier SEAL

J.C. Gibbs SEAL

_____ SEAL

_____ SEAL

APPROVED
JUN 29 1920
Commissioner of Reclamation

14679

Recd - June 17 1920

STATE OF IDAHO,)
:SS.
COUNTY OF BLAINE)

Leo Mercier of Picabo, Blaine Co. Idaho

and J.C.Gibbs of the same place, whose names are

subscribed as sureties to the within bond, being severally duly sworn, each for himself, deposes and says that he is a resident and freeholder within said Blaine County; that he is worth the amount for which he becomes surety on said bond, over and above all debts and liabilities, in unincumbered property, situated within this state, exclusive of property exempt from execution and forced sale.

Leo Mercier

J.C. Gibbs

Subscribed and sworn to before me this 14th day of June, 1920.

W J Dunn
Notary Public for Idaho,
Residing at Picabo.

BARNARD-ST.LOUIS

S. L. REECE, PRES.
FRANK GRICE, VICE-PRES.
N. B. BUCKLER, VICE-PRES.
H. H. NEAL, CASHIER.

MEMBER OF THE FEDERAL RESERVE SYSTEM
92-258

THE PICABO STATE BANK

OF PICABO, IDAHO.

PICABO, IDAHO,

June 16th.1920

Commissioner of Reclamation,

Boise, Idaho

Dear Sir:

Complying with your request we are enclosing herein a surety bond executed by Drainage District #1 of Blaine County, Idaho in the amount of $1000.00 to be filed with you in connection with your permit number 14697 and which is recorded on page 14697 in book 52.

Please acknowledge receipt of this bond and if found not to be properly exectued or irrigular in any way, please advise us at once that we may have time to have the correction made and returned to you before July 11th 1920 .This being the date this bond is required.

Yours very truly

H H Neal

Secretary Drainage Dist, No.One
Blaine County Idaho.

14679

March 6, 1920

20671

Mr. H. H. Neal,
Picabo, Idaho.

Par. 4 - Comply with Par. 4, page 2 of manual. Fill in Par. 10, 11, 13 & 14. Duplicate maps required as per "B & C" page 4 - 8 of manual.

20671

14679