

State of Idaho
License and Certificate of Water Right

Water License No. 19042
Water District No.

Amount 0.9 second foot
Priority April 28, 1941

THIS IS TO CERTIFY that W. H. SMOOT
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 3, 1940; that Permit No. 19042
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on March 8, 1943, showing that said works
were completed on the 26th day of February, 1943; and that on the 1st
day of May, 1943,

W. H. SMOOT
of Malta, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of wells
(subterranean), a tributary of, for the purpose of irrigation and
culinary use, under Use Permit No. 19042 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4196, on the 18th day of February, 1944;

The right hereby confirmed dates from April 28, 1941;

The Point of Diversion is located
in the SW 1/4 SW 1/4, Sec. 28, Tp. 14 S., R. 27 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.9
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 S.	27 E.	28	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	5
		29	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
		Total Number of Acres Actually Irrigated -			

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 18th day of February, 1944

(SEAL)

JAMES SPOFFORD
Commissioner of Reclamation
State Reclamation Engineer

February 18, 1944

Re: Permit No. 19042

Mr. Kelos B. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

We enclose herewith License and Certificate of Water Right, issued under the above numbered permit, confirming the right of W. H. Smoot to use Nine-tenth (0.9) of a second foot of subterranean water, with priority of April 28, 1941, for the irrigation of 45 acres of land in the S₂₄ S₂₁ Section 28, and the S₂₄ S₂₁ Section 29, Township 14 South, Range 27 East, B.H.

We also enclose Departmental Receipt No. 18467 for the \$4.00 fee in connection with this final proof.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19042

✓
December 27, 1943

Re: Permit No. 19043

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

In reply to your letter of December 21st,
relative to report of our Field Engineer on
examination for beneficial use under the above
numbered permit in the name of W. H. Smoot.

This report has now been filed, and it shows that
Mr. Smoot is irrigating 40 acres in the SW₁ SW₂ Section
28, and 5 acres in the SW₁ SW₂ Section 28, Township
14 South, Range 27 West, E. 1.

Therefore upon receipt of the statutory fee of
\$4.00, a license will be issued for Nine-tenths (0.9)
of a second foot of subterranean water.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer
BY

Chief Clerk

A

19042

May 4, 1943

Re: Permit No. 19042
W. H. Smoot

Mr. Kales T. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses, and affidavit of publication from the Burley Herald, all in connection with beneficial use proof under the above numbered permit, in the name of W. H. Smoot.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this Department. We are unable to say just when this examination will be made, since this Department has but one field engineer, who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for the Department, will try and contact you or Mr. Smoot at the time he makes the examination, so that arrangements may be made to show him over the grounds.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
BY

Chief Clerk

A

19042

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at ten A. M. on the 1st day of May, 1943, at Burley, County of Cassia, State of Idaho, before Kales E. Lowe, Notary Public in and for said State, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of two wells (subterranean) in accordance with the terms and conditions of Permit No. 19042 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are W. H. Smoot, Malta, Idaho.

The use to which said water has been applied is irrigation and culinary.

The amount applied to beneficial use is one and six tenths (1.6) second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section twenty-eight (28) and the Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section twenty-nine (29), Township fourteen (14) South, Range twenty-seven (27) East, Boise Meridian.

The name of the canal or ditch or other works by which said water is

conducted to such place of use is unnamed.

The right to take water from such works is based upon Permit No. 19042.

The source of supply from which such water is diverted is two wells (subterranean).

The date of priority which said user is prepared to establish is April 28, 1941.

JAMES SPOFFORD,

State Reclamation Engineer.

First publication Mar. 25, 1943.

Final publication Apr. 15, 1943.

Affidavit of Publication.

THE BURLEY HERALD

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

W. A. Shear

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

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

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated March 25, 1943, and ending with the issued dated April 15, 1943.

Subscribed and sworn to before me this 17 day of April, 1943.

Low Baynton
Notary Public in and for the State of Idaho,
residing at Burley, Idaho.

19042

State of Idaho

DEPARTMENT OF RECLAMATION BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, April 20, 1943

Re: Permit No. 19042

Mr. Kales E. Lowe
Notary Public
Burley, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 19042 (W. H. Smoot).

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 May 1st, 1943, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Burley, Idaho before Kales E. Lowe, 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.

JAMES SPOFFORD

Commissioner of Reclamation
State Reclamation Engineer

19042

C. A. Botolfson

James Spofford, State Reclamation Engineer

March 19, 1945

Re: Permit No. 19042
W. H. Smoot

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

We are in receipt of your letter of March 17th, enclosing notice in duplicate for publication, and also your authorization to have the notice published in the Burley Herald, at Burley, Idaho, all in connection with beneficial use proof on Permit No. 19042, in the name of W. H. Smoot.

These are all in proper form, except as to the date of priority. Since the beneficial use proof will not be made until May 1st, 1945, instead of September 6, 1942, when it was due under the terms of the permit, the priority date will have to be set forward that length of time, or until April 23, 1941. We have therefore changed the notice accordingly.

A copy of the notice has been sent to the Burley Herald, with instructions to publish it once a week for four consecutive weeks prior to May 1st.

About ten days prior to this date, depositions, consisting of one for the holder and one for each of two witnesses, will be sent you, as Notary Public, so that you will have them in ample time for the proofs.

On the date designated, Mr. Smoot and his two witnesses should appear at your office for the purpose of executing the depositions. These should be disinterested witnesses, who are familiar with the terms of the permit, and the works constructed thereunder.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer

By
Chief Clerk

A

19042

C. A. Bottolfsen
XXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX
James Spofford, State Reclamation Engineer

March 8, 1943

Re: Permit No. 19042
W. H. Smoot

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

We duly received your letter of February 27th, enclosing depositions in connection with proof of completion of works under the above numbered permit in the name of W. H. Smoot.

The permit has, therefore, been reinstated, and we are enclosing Certificate of Completion of Works issued on this permit, to appropriate 1.6 second feet of subterranean water, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township 14 South, Range 27 East, B. M., Cassia County, for irrigation and culinary purposes.

The Department's Receipt No. 19025, for the \$5.00 fee for completion of works, is also enclosed.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

A
Kels.
Chief Clerk

19042

C. A. Betjolfson
XXXXXXXXXXXX

James Spofford

XXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

Re: Permit No. 19042

February 18, 1943

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

We acknowledge receipt of your letter of February 16th, relative to Notice of Cancellation of the above numbered permit, in the name of W. H. Smoot, of Malta, Idaho, and note Mr. Smoot's statement that his failure to make proof was due to his belief that the permit was all that was necessary.

The application for permit stated that two years from the date of approval would be required to make both completion of works and beneficial use proof, and when the permit was approved and returned to Mr. Smoot it stated that these proofs must be made on or before September 6, 1942; and on July 15, 1942, we sent Mr. Smoot a notice calling attention to the fact that these proofs were due on or before September 6, 1942, and enclosing the necessary forms for making the proof.

However, if the works were completed prior to the due date, Mr. Smoot can still make the proof by having the enclosed depositions executed by himself and two disinterested witnesses before a Notary Public, and return same to us, with the statutory fee of \$5.00. Upon receipt of same, and approval of the proofs by this department, the permit may be reinstated, and he can then proceed to advertise and make the beneficial use proof, forms for which will be sent at that time.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

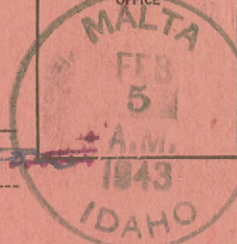
A
Encls.

19042

Post Office Department
OFFICIAL BUSINESS

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

POSTMARK OF DELIVERING
OFFICE



Return to

Street and Number,
or Post Office Box,

(NAME OF SENDER)

REGISTERED ARTICLE

No.

87082

INSURED PARCEL

No.

BOISE,

IDAHO

19042

RETURN RECEIPT

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

1 *W. J. Jones*
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery _____, 194

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 3

194³

Re: Permit No. 19042

To W. H. Smoot

Malta, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 19042, to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of Works September 6, 1942

you are hereby notified in compliance with Sec. 41-311, Idaho Code Annotated that said Permit No. 19042

is hereby held for cancellation.

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

Said Permit No. 19042 claims the use of 1.6 cubic feet per second of the waters of Wells (subterranean), with point of diversion located

in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Twp. 14 South, Range 27 East, B. M.

was approved September 6, 1940

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

3rd

day of

February

194³

Commissioner of Reclamation.

By

Assistant.

19042

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19042

Boise, Idaho, September 17, 1940

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the ^{fourth} ~~third~~ page.

Mr. W. H. Smoot
Malta, Idaho
Encl. Receipt # 17552

JAMES SPOTFORD

Commissioner of Reclamation.

19042

~~XXXX SPRINGS XXXX~~

Two wells on SW $\frac{1}{4}$ Sec. 28, Tp. 14 South,
Range 27 East Boise Meridian.
To irrigate SW $\frac{1}{4}$ Sec. 28, and SE $\frac{1}{4}$ Sec. 29,
Tp. 14 S. Range 27 E. B. M., being 80 acres, more or
less.

Two dots represent the wells.

Permit Map No. 19042

As Approved
SEP 8 1940

JAMES SPOFFORD
Commissioner of Reclamation

State of Idaho

License and Certificate of Water Right

Water License No. 19042

Amount 0.9 second foot

Water District No.

Priority April 28, 1941

THIS IS TO CERTIFY that W. H. SMOOT
of Malta, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 3, 1940; that Permit No. 19042
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on March 8, 1943, showing that said works
were completed on the 26th day of February, 1943; and that on the 1st
day of May, 1943,

W. H. SMOOT

of Malta, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of wells
(subterranean), a tributary of, for the purpose of irrigation and
culinary use, under Use Permit No. 19042 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4196, on the 18th day of February, 1944;

The right hereby confirmed dates from April 28, 1941;

The Point of Diversion is located

in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28, Tp. 14 S., R. 27 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.9
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 S.	27 E.	28	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	5
		29	SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
		Total Number of Acres Actually Irrigated -			

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

State Reclamation Engineer

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 18th day of February, 1944

JAMES SPOFFORD

Commissioner of Reclamation

State Reclamation Engineer

(SEAL)

43-2282

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

Application No. 26480
Permit No. 19042
District No.

1. Name of Applicant: **W. H. SMOOT**
Postoffice address: **Malta** County: **Cassia** State: **Idahi**
 - 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:
 - II. The financial resources of the applicant are:
 - (a) Cash on hand:
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:
2. Quantity of water claimed: **One and six-tenths (1.6)** cubic feet per second.
3. Source of water supply: **Wells (Subterranean)** which is a tributary of
4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is the in the SW $\frac{1}{4}$ SW $\frac{1}{4}$
of Section 28 , T. 14 S., R. 27 E., B. M., County of **Cassia**
5. Water is to be used for: **Irrigation and culinary 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: \$ **1,000.00**
8. Kind of works: **Wells and electric pump and ditches**
9. Height of dam **None** feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:
10. Size of headgate: Width **None** feet; height feet.
11. Ditch: Width at bottom **6** feet; width at water line **6** feet; depth of water **3**
feet; dimensions of flume:
Diameter of pipe inches; length of conduit **1** miles.
Average grade per mile **16** feet.
12. The time required for the completion of such work is **Two (2)** years.
13. The time required for the complete application of the water to the proposed use is **No** additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? 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.

W. H. SMOOT

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 10:15 A. M. September 3, 1940

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19042

Recorded in Book 69 Page 19042 Approved September 6, 1940

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

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

Work to begin on or before **November 5, 1940**

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 September 6, 1941

The whole of said work to be completed on or before **September 6, 1942**

Beneficial use of water appropriated in accordance herewith, to be made on or before **September 6, 1942**

Witness my hand this 6th day of September, 1940

JAMES SPOFFORD

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We C. A. BOTTOLFSSEN Governor of the State of Idaho, and GEO. H. CURTIS
Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have
caused the Great Seal of the State of Idaho to be hereunto affixed, this day of 19

Countersigned:

STATE OF IDAHO

(SEAL

By GEO. H. CURTIS

Secretary of State.

By

C. A. BOTTOLFSSEN

Governor.

Remarks: I have used water from these two wells for irrigation and for watering stock for the past fifteen years and longer.

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14 S.	27 E.	28 29									40				40				40 40
Total Number of Acres to be Irrigated -																	80		
STATE OF IDAHO DEPARTMENT OF RECLAMATION																			
In the Matter of the Reinstatement of Permit No. 19042 Under the Provisions of Section 41-311, Idaho Code Annotated																	)) ORDER REINSTATING PERMIT		
WHEREAS, Permit No. 19042 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: September 6, 1942; and, WHEREAS, On the 3rd day of February, 1943, notice to show cause why said permit should not be canceled, under the provisions of Section 41-311, Idaho Code Annotated, was duly served on the holder of said permit; and, WHEREAS, On the 16th day of February, 1943, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and, WHEREAS, On the 3rd day of March, 1943, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and, WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 19042 and that the holder has acted in good faith; IT IS, THEREFORE, Hereby Ordered that said Permit No. 19042 be, and the same is, hereby reinstated, and a certificate of completion of works be issued to the applicant herein. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 8th day of March, 1943.																			
(SEAL)																			
																	JAMES SPOFFORD State Reclamation Engineer		

PERMIT NO. 19042

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that W. H. SMOOT, of Malta, County of Cassia, and State of Idaho, the holder of Permit No. 19042, issued upon Application No. 26480, bearing date of priority of September 3, 1940, authorizing the diversion of 1.6 second feet of the waters of wells (subterranean), County of Cassia, State of Idaho, for irrigation and culinary purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.6 second feet of the waters of said wells (subterranean); that the point of diversion of said waters is in the Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-eight (28), Township Fourteen (14) South, Range Twenty-seven (27) East, Boise Meridian; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 28, Twp. 14 South, Range 27 East, B. M., and the Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) Section 29, Twp. 14 South, Range 27 East, B. M.

Witness my hand this 8th day of March, A. D. 1943.

JAMES SPOFFORD
State Reclamation Engineer

Proof of completion of works made February 26, 1943
Certificate of completion of works issued March 8, 1943

PERMIT ISSUED FOR 1.6 SEC. FT.

P. 4196

October 7, 1975

Re: License No. 19042/43-2282

Mr. James Van Komen
Malta, Idaho
83342

Dear Mr. Van Komen:

Enclosed is a copy of the license which you requested in our phone conversation of this date. The fee for this copy of \$100, which you may remit to this office.

If you need any thing further, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:JFR

Enclosure

90
850 = .106

90 = 0.09 s
1000

James Van Komen 645-2417
~~James Van Komen~~
Matta, ID.

1963 >

Smoot's name Lico

Dec 28 & 29

240 a

SW NW }
NW SW } 28 & 29
SW SW }
SE SE }

145 27 E

DD 32

Patterson
- Dec 32
1950

Winston Hutchinson

43-2229

43-4026

43-2282

42-2415

2333

2298

2334

February 18, 1954

Re: Permit No. 19042

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

We enclose herewith License and Certificate of Water Right, issued under the above numbered permit, confirming the right of W. H. Smoot to use Nine-tenth (0.9) of a second foot of subterranean water, with priority of April 28, 1941, for the irrigation of 45 acres of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 14 South, Range 27 East, B.M.

We also enclose Departmental Receipt No. 18467 for the \$4.00 fee in connection with this final proof.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By
Chief Clerk

A
Encls.

19042

$$\frac{90}{850} = .106$$

$$\frac{90}{1000} = 0.09 \text{ s}$$

James Van Komen 645-2417
~~James Van Komen~~
 MaHa, ID.

1963 >

Smoot's name Lico

Sec 28 & 29

240 a SW NW } 28 & 29
 NW SW
 SW SW
 SE SE

145 27 E

Winston Hutchinson—

DD 32

43-2229

43-4026

43-2282

42-2415

2333

2298

2334

Patterson
 — Sec 32
 1950

February 18, 1944

Re: Permit No. 19042

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

We enclose herewith License and Certificate of Water Right, issued under the above numbered permit, confirming the right of W. H. Smoot to use Nine-tenth (0.9) of a second foot of subterranean water, with priority of April 28, 1941, for the irrigation of 45 acres of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 14 South, Range 27 East, B.M.

We also enclose Departmental Receipt No. 18467 for the \$4.00 fee in connection with this final proof.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer.
By
Chief Clerk

A
Encls.

19042

19042
NOTICE FOR PUBLICATION

Notice of Procurement of Water to Beneficial Use.

Notice is hereby given that at ten A. M. on the 15th day of May, 1943, at Burley, County of Cassia, State of Idaho, before Kales E. Lowe, Notary Public in and for said State, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of two wells (subterranean) in accordance with the terms and conditions of Permit No. 19042 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are W. H. Smoot, Malta, Idaho.

The use to which said water has been applied is irrigation and culinary.

The amount applied to beneficial use is one and six tenths (1.6) second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section twenty-eight (28) and the Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section twenty-nine (29), Township fourteen (14) South, Range twenty-seven (27) East, Boise Meridian.

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

The right to take water from such works is based upon Permit No. 19042.

The source of supply from which such water is diverted is two wells (subterranean).

The date of priority which said user is prepared to establish is April 28, 1941.

JAMES SPOFFORD,

State Reclamation Engineer.

First publication Mar. 25, 1943.

Final publication Apr. 15, 1943.

—

THE

一、關於「中國共產黨」
 二、關於「中國革命」
 三、關於「中國前途」
 四、關於「中國青年」
 五、關於「中國婦女」
 六、關於「中國兒童」
 七、關於「中國教育」
 八、關於「中國經濟」
 九、關於「中國政治」
 十、關於「中國文化」
 十一、關於「中國藝術」
 十二、關於「中國科學」
 十三、關於「中國宗教」
 十四、關於「中國法律」
 十五、關於「中國社會」
 十六、關於「中國歷史」
 十七、關於「中國地理」
 十八、關於「中國民族」
 十九、關於「中國語言」
 二十、關於「中國文字」
 二十一、關於「中國音樂」
 二十二、關於「中國戲劇」
 二十三、關於「中國美術」
 二十四、關於「中國體育」
 二十五、關於「中國衛生」
 二十六、關於「中國農業」
 二十七、關於「中國工業」
 二十八、關於「中國交通」
 二十九、關於「中國外交」
 三十、關於「中國國際」
 三十一、關於「中國世界」
 三十二、關於「中國未來」
 三十三、關於「中國希望」
 三十四、關於「中國理想」
 三十五、關於「中國夢境」
 三十六、關於「中國現實」
 三十七、關於「中國過去」
 三十八、關於「中國現在」
 三十九、關於「中國將來」
 四十、關於「中國一切」

100

[illegible]

一、本會為維護會員權益，特設「會員服務中心」，提供會員各項服務，包括：(一) 會員登記、(二) 會員資格審核、(三) 會員會費徵收、(四) 會員名冊管理、(五) 會員通訊處變更、(六) 會員意見收集及處理、(七) 會員活動報名及安排、(八) 會員福利發放、(九) 會員資料保護、(十) 會員查詢及諮詢。

SECRET

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

100

10

19072

S. T. LOWE
AND
KALES E. LOWE
ATTORNEYS AND COUNSELLORS AT LAW
BURLEY, IDAHO

February 16, 1944

Mr. James Spofford
State Reclamation Engineer
Boise, Idaho

Dear Mr. Spofford:

Re: Permit No. 19042
W. H. Smoot

Enclosed herewith is my personal check in the sum of \$4.00 payable to your order in payment of the statutory fee for a license for 0.9 s.f. of subterranean water to be issued to the above-named permittee.

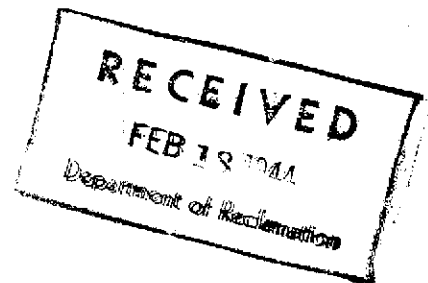
Yours very truly,

Kales E. Lowe

Kales E. Lowe

KEL:pn

Enclosure



19042

V

December 27, 1943

Re: Permit No. 19042

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

In reply to your letter of December 21st,
relative to report of our Field Engineer on
examination for beneficial use under the above
numbered permit in the name of W. H. Smoot.

This report has now been filed, and it shows that
Mr. Smoot is irrigating 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section
29, and 5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township
14 South, Range 27 East, E.M.

Therefore upon receipt of the statutory fee of
\$4.00, a license will be issued for Nine-tenths (0.9)
of a second foot of subterranean water.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer
By

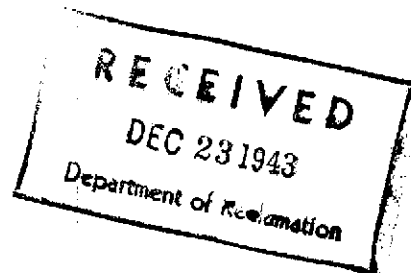
A

Chief Clerk

1904/2

S. T. LOWE
AND
KALES E. LOWE
ATTORNEYS AND COUNSELLORS AT LAW
BURLEY, IDAHO

December 21, 1943



Mr. James Spofford
State Reclamation Engineer
Boise, Idaho

Dear Sir:

Re: W. H. Smoot
Permit No. 19042

On May 4, 1943, you advised me that your field engineer, Mr. Tolman, would inspect the works of the above named water right claimant and that thereafter final action would be taken in the matter.

Mr. Smoot advises me that the inspection was made several months ago and that he has had nothing further sent to him in connection with the above matter.

Will you please advise me as to the reason for the delay and what the situation with reference to this matter now is, and oblige.

Yours very truly,

A handwritten signature in cursive script that reads "Kales E. Lowe".

Kales E. Lowe

KEL:fs

19042



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19042

REPORT ON PROOF OF Beneficial Use

19042

Q. H. J. 40 cfs.
J. H. J.

W. H. Smoot, Malta, Idaho
(Kales E. Lowe, Attorney- Burley)
Permit No. 19042

Examination for Beneficial Use

County...Cassia

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
-
-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19042

This proof is for Beneficial Use In Water District No.

1. Name of applicant W. H. Smoot, Malta, Idaho
 2. Source of water supply: Subterranean (two wells)
 3. Location of point of diversion: Is in the SW¹/₄ SW¹/₄ of Section 28
T. 14 S. R. 27 E. County of Cassia
 4. Describe works as they exist, giving dimensions and capacities of same: Diversion works are installed at well #1, and include a concrete lined sump 21ft. deep, and 6 X 9 feet in plan. A vertical type centrifugal pump with 4" intake, and 3" outlet. Powered by gas engine.
Well #2 is of similar construction, but has no pumping equipment.
 5. Water is used for: Irrigation and culinary purposes
 6. State whether or not water has been turned into works of diversion: Yes
 7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW¹/₄ SW¹/₄ Section 28
SE¹/₄ SE¹/₄ Section 29
Township 14 South, Range 27 East, B. M.
- (Submit map on attached plat, showing location and details of above description.
8. What large stream would the water here appropriated finally reach? None

Remarks

This examination was made on the 11th day of August, 1943

(Signed)

Fred A. Dolman

Examiner.

19042

May 4, 1943

Re: Permit No. 19042
W. H. Smoot

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses, and affidavit of publication from the Burley Herald, all in connection with beneficial use proof under the above numbered permit, in the name of W. H. Smoot.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this Department. We are unable to say just when this examination will be made, since this Department has but one field engineer, who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for the Department, will try and contact you or Mr. Smoot at the time he makes the examination, so that arrangements may be made to show him over the grounds.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A

19042

S. T. LOWE
ATTORNEY AND COUNSELLOR AT LAW
BURLEY, IDAHO

RECEIVED
MAY 3 1943
Department of Reclamation

May 1, 1943

Mr. James Spofford
State Reclamation Engineer
Boise, Idaho

Dear Sir: W.H.Smoot Permit No. 19042

Enclosed herewith are proofs of application to beneficial use of water under permit No. 19042, issued to W. H. Smoot, together with affidavit of publication of notice thereof.

I trust that you will find all of these documents to be in order.

Yours very truly,

Kales E. Lowe
Kales E. Lowe

KEL:fs
Enc.

5-1-43
5-3-42

9-1-40

4-28-41

19042

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at ten A. M. on the 1st day of May, 1943, at Burley, County of Cassia, State of Idaho, before Kales E. Lowe, Notary Public in and for said State, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of two wells (subterranean) in accordance with the terms and conditions of Permit No. 19042 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are W. H. Smoot, Malta, Idaho.

The use to which said water has been applied is irrigation and culinary.

The amount applied to beneficial use is one and six tenths (1.6) second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section twenty-eight (28) and the Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section twenty-nine (29), Township fourteen (14) South, Range twenty-seven (27) East, Boise Meridian.

The name of the canal or ditch or other works by which said water is

conducted to such place of use is unnamed.

The right to take water from such works is based upon Permit No. 19042.

The source of supply from which such water is diverted is two wells (subterranean).

The date of priority which said user is prepared to establish is April 28, 1941.

JAMES SPOFFORD,

State Reclamation Engineer.

First publication Mar. 25, 1943.

Final publication Apr. 15, 1943.

Affidavit of Publication.

THE BURLEY HERALD

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
COUNTY OF CASSIA ss.

W. A. Shear

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

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

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated March 25, 1943 and ending with the issued dated April 15, 1943.

Subscribed and sworn to before me this 17 day of April, 1943.

Law Baynton
Notary Public in and for the State of Idaho,
residing at Burley, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19042

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. W. H. Smoot, Malta, Idaho, Farmer, Malta, Idaho.

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

Ans. _____

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

Ans. No. 19042 dated September 6, 1940, Priority date, April 28, 1941.

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

Ans. Subterranean water taken from two wells, both located on SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, Township 14 South, Range 27 E.B.M.

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. Two wells as stated together with interconnecting ditches capable of carrying 1.6 s.f. of water and distributing it for irrigation of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 29, Twp. 14 South, Range 27 E.B.M.
The ditches are unnamed.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for culinary purposes and for the irrigation of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, Twp. 14 South, Range 27 E.B.M. in Cassia County, Idaho.

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

Ans. _____

19042

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19042

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. W. L. Hawkins, 44, Bridge, Idaho, farmer and livestock raiser,
Bridge, Idaho

Ques. 2. Are you acquainted with W. H. Smoot, the holder of Permit No. 19042? How long have you known him and where does he reside?

Ans. Yes, acquainted with him 7½ years and he resides in Cassia
County, Idaho, near Bridge, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19042, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Two wells located on SW¼SW¼ Sec. 28, Twp. 14 S., R. 27 E.B.M.
which said wells are connected by ditches which permit use of the
water for irrigation of SW¼SW¼ Sec. 28, SE¼SE¼ Sec. 29, Twp. 14 S., R.
27 E.B.M.

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. One and six tenths second feet. Have seen that amount being so
conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Used for irrigation of 80 acres of land in Cassia County, Idaho,
described as follows: Southwest quarter of the Southwest quarter (SW¼SW¼)
of Sec. 28, Southeast quarter of Southeast quarter (SE¼SE¼) Sec. 29, Twp.
14, S., R. 27 E.B.M. Cultivated land. Land has been fenced, placed under
cultivation and ditches constructed.

19042

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19042

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. Alvin Newbold, 50, Bridge, Idaho, farmer, P.O. Bridge, Idaho.

Ques. 2. Are you acquainted with W. H. Smoot, the holder of Permit No. 19042? How long have you known him and where does he reside?

Ans. Yes, Twenty two years. He resides near Bridge, Idaho

Ques. 3. Have you read or heard read said Permit No. 19042, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Two wells located On SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Twp. 14 S., R. 27 E.B.M. which said wells are connected by ditches which permit use of the water for irrigation of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, Twp. 14 S., R. 27 E.B.M.

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. One and six tenths second feet. Have seen that amount being so conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Used for irrigation of 80 acres of land in Cassia County, Idaho, described as follows: Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Sec. 28, Southeast quarter of Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) Sec. 29, Twp. 14 S., R. 27 E.B.M. Cultivated land. Land has been fenced, placed under cultivation and ditches constructed.

19042

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. Land semiarid in character, not capable of producing crops
without irrigation. Requires approx. 1.6 s.f. of water for irrigation.

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

Ans. no.

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. First saw water used in summer of 1921 and have seen it used
each year when water was pumped since said time. I have seen the water
used for irrigation of entire 80 acre tract by pump and distribution.

(Signed) _____

Alvin Munsold

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this day of May 1st, A. D. 1943.

My commission expires Nov. 10, 1943.

Hal E. Lowe
Notary Public.
residing at Burley, Idaho

19042

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, April 20, 1943

Re: Permit No. 19042

Mr. Kales E. Lowe
Notary Public
Burley, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 19042 (J. H. Snoot).

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 May 1st, 1943, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Burley, Idaho before Kales E. Lowe, 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.

JAMES SPOTTORD

Commissioner of Reclamation
State Reclamation Engineer

19042

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **March 19, 1943**

Burley Herald
Burley, Idaho

Gentlemen:-

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 1, 1943** the date set for proof, the expense of the publication to be paid by the applicant, to whom you should furnish proof of publication on or prior to date for proof.

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

Very truly yours,

JAMES SPOFFORD
~~State Reclamation Engineer~~
State Reclamation Engineer

19042

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

Notice is hereby given that at ten A. M. on the 1st day of May, 1943,
 at Burley, County of Cassia, State of Idaho, before
Kales E. Lowe, Notary Public in and for said State, proof will be submitted of the
 application to beneficial use of 1.6 cubic feet per second of the waters of two wells
(subterranean) in accordance with the terms and conditions of Permit No. 19042
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....
W. H. Smoot, Malta, Idaho

The use to which said water has been applied is irrigation and culinary

The amount applied to beneficial use is one and six tenths (1.6) second feet

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of
Section twenty-eight (28) and the Southeast quarter of the Southeast
quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section twenty-nine (29), Township fourteen (14)
South, Range twenty-seven (27) East, Boise Meridian.

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

The right to take water from such works is based upon Permit No. 19042

The source of supply from which such water is diverted is two wells (subterranean)

The date of priority which said user is prepared to establish is April 28, 1941
~~September 6, 1940~~

JAMES SPOFFORD

Commissioner of Reclamation
 State Reclamation Engineer

19042

C. A. Bottolfsen

James Spofford, State Reclamation Engineer

March 19, 1943

Re: Permit No. 19042
W. H. Smoot

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

We are in receipt of your letter of March 17th, enclosing notice in duplicate for publication, and also your authorization to have the notice published in the Burley Herald, at Burley, Idaho, all in connection with beneficial use proof on Permit No. 19042, in the name of W. H. Smoot.

These are all in proper form, except as to the date of priority. Since the beneficial use proof will not be made until May 1st, 1943, instead of September 6, 1942, when it was due under the terms of the permit, the priority date will have to be set forward that length of time, or until April 23, 1941. We have therefore changed the notice accordingly.

A copy of the notice has been sent to the Burley Herald, with instructions to publish it once a week for four consecutive weeks prior to May 1st.

About ten days prior to this date, depositions, consisting of one for the holder and one for each of two witnesses, will be sent you, as Notary Public, so that you will have them in ample time for the proofs.

On the date designated, Mr. Smoot and his two witnesses should appear at your office for the purpose of executing the depositions. These should be disinterested witnesses, who are familiar with the terms of the permit, and the works constructed thereunder.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A

19042

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. 19042 Under the
Provisions of Section ~~5594~~ ~~Idaho~~
~~Compiled Statutes~~ 41-311, Idaho
Code Annotated

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 19042 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: September 6, 1942; and,

WHEREAS, On the 3rd day of February, 1943 notice to show cause why said permit should not be canceled, under the provisions of Section ~~5594~~ 41-311 Idaho Code Annotated ~~Compiled Statutes of Idaho~~, was duly served on the holder of said permit; and,

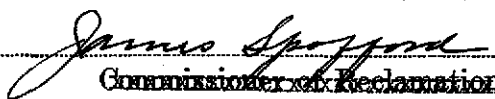
WHEREAS, On the 16th day of February, 1943 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 3rd day of March, 1943 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ ^{State Reclamation} ~~Reclamation~~ ^{Engineer} of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 19042, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 19042 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 8th day of March, 1943.


~~Commissioner of Reclamation~~
State Reclamation Engineer
By _____ Assistant

19042

~~C. A. Bottolfson~~
~~XXXXXXXXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~
James Spofford, State Reclamation Engineer

March 8, 1943

Re: Permit No. 19042
W. H. Smoot

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

We duly received your letter of February 27th, enclosing depositions in connection with proof of completion of works under the above number d permit in the name of W. H. Smoot.

The permit has, therefore, been reinstated, and we are enclosing Certificate of Completion of Works issued on this permit, to appropriate 1.6 second feet of subterranean water, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, Township 14 South, Range 27 East, B. M., Cassia County, for irrigation and culinary purposes.

The Department's Receipt No. 19025, for the \$5.00 fee for completion of works, is also enclosed.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19042

PERMIT NO. 19042

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. W. H. Smoot, Malta, Idaho, farmer and livestock raiser,
P.O. Malta, 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. _____

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

Ans. 19042, September 6, 1940 - 1.6 s.f. from two dug wells located
in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Twp. 14 S., R. 27 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. 80 acres of land being SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, Twp. 14 S., Range 27 E.B.M. are being irrigated by this water.

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. One well completed in 1921, the other completed in June,
1925. Water has been pumped from each well since completion 1.6 s.f. total

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. Wells and distribution ditches, completed; comply in all respects
with terms of 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. One well 42" diam. 30' deep, 6" centrifugal pump and gasoline
engine. Cost \$450.00. Second well 6'x6' and 26' deep. Cost approx. \$300.00
Ditches connect the wells and cover the 80 acre tract, approximately
\$200.00

(Sign here.)

W. H. Smoot

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in _____ Burley _____,

County of _____ Cassia _____, State of Idaho, on this _____ 26th
day of _____ February _____ A. D. 19 _____ 43.

Kales E. Howe
Notary Public.

My Commission expires Nov. 10, 1943.

19042

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

Permit No. 19042

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. W. L. Hawkins, Bridge, Idaho, farmer and livestock raiser.
P.O. - Bridge, Idaho

Ques. 2. Are you acquainted with W. H. Smoot, the holder of Permit No. 19042, authorizing the diversion of 1.6 second-feet of the waters of _____, at Malta for irrigation purposes? How long have you known him, and where does he reside?

Ans. 7½ years and resides near Bridge, Idaho

Ques. 3. Have you read or heard read said Permit No. 19042, 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, 80 acres level land, semi arid in character, approximately one miners inch per acre

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. two wells located on SW¼SW¼ Sec. 28, Twp. 14, S, Range 27 connected by ditches which permit the irrigation of SW¼SW¼ Sec. 28, and SE¼SE¼ Sec. 29, Twp. 14 S, Range 27 E.B.M. The wells will now produce approximately 1.6 s.f. of water.

(Sign here.) *W. L. Hawkins*

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 Burley

County of Cassia, State of Idaho, on this 26th day of February, A. D. 1943.

W. L. Hawkins
Notary Public, residing at
Burley, Idaho

19042

Permit No. 19042

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Alvin Newbold, Bridge, Idaho, farmer.

P.O. Bridge, Idaho

Ques. 2. Are you acquainted with W. H. Smoot, the holder of Permit No. 19042, authorizing the diversion of 1.6 second-feet of the waters of subterranean from wells, at Malta for irrigation purposes? How long have you known him, and where does he reside?

Ans. 22 years, he resides near Bridge, Idaho

Ques. 3. Have you read or heard read said Permit No. 19042, 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, 80 acres level land, semi arid in character, approximately one miners inch per acre

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. two wells located on SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Twp. 14 S., R. 27 E.B.M. connected by ditches which permit the irrigation of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, Twp. 14 S, Range 27 E.B.M. The wells will now produce approximately 1.6 s.f. of water.

(Sign here.)

Alvin Newbold

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 Burley.

County of Cassia

State of Idaho, on this 26th

day of February, A. D. 1943.

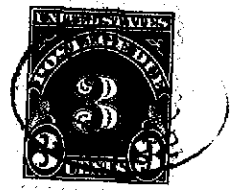
Notary Public, residing at
Burley, Idaho

19042

W.H.
1943

After 5 days, return to
S. T. LOWE,
Suite 12, Bank of Commerce Bldg.,
BURLEY, IDAHO.

Postage due 3 cents



Mr. James Spofford
Commissioner of Reclamation
Boise, Idaho

19042

XXXXXXXXXXXXXXXXXXXX

C. A. Bottolfson
XXXXXXXXXXXXXXXXXXXX

James Spofford
XXXXXXXXXXXX

✓
Re: Permit No. 19042

February 18, 1943

Mr. Kales E. Lowe
Attorney at Law
Burley, Idaho

Dear Mr. Lowe:

We acknowledge receipt of your letter of February 16th, relative to Notice of Cancellation of the above numbered permit, in the name of W. H. Smoot, of Malta, Idaho, and note Mr. Smoot's statement that his failure to make proof was due to his belief that the permit was all that was necessary.

The application for permit stated that two years from the date of approval would be required to make both completion of works and beneficial use proof, and when the permit was approved and returned to Mr. Smoot it stated that these proofs must be made on or before September 6, 1942; and on July 15, 1942, we sent Mr. Smoot a notice calling attention to the fact that these proofs were due on or before September 6, 1942, and enclosing the necessary forms for making the proof.

However, if the works were completed prior to the due date, Mr. Smoot can still make the proof by having the enclosed depositions executed by himself and two disinterested witnesses before a Notary Public, and return same to us, with the statutory fee of \$5.00. Upon receipt of same, and approval of the proofs by this department, the permit may be reinstated, and he can then proceed to advertise and make the beneficial use proof, forms for which will be sent at that time.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Chief Clerk

A
Encls.

19042

S. T. LOWE
ATTORNEY AND COUNSELLOR AT LAW
BURLEY, IDAHO



February 16, 1943

Mr. James Spofford
Commissioner of Reclamation
Department of Reclamation
Boise, Idaho

Dear Mr. Spofford:

Mr. W. H. Smoot of Malta, Idaho, has referred to me for attention the notice of cancellation of his water permit, No. 19042, which you recently served upon him. The notice states that the cancellation is based upon his failure to make proof of the completion of works within the time specified in his permit.

Mr. Smoot advises me that the works, consisting of two wells and their appurtenant ditches, were completed long prior to the issuance of the permit, one well having been completed in 1921 and the other in 1928. He further says that the failure to make proof within the time required was due to his belief that the permit was all that it was necessary for him to secure.

I am not familiar with the practice and procedure of your Department with respect to these cancellations. I would appreciate it, therefore, if you would advise me what sort of a showing you will require from Mr. Smoot, and whether or not you will now accept from him proof of the completion of works and of the application to beneficial use.

Any information which you will give me will be very much appreciated.

Yours very truly,

Kales E. Lowe
Kales E. Lowe

KEL:fs

19042

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO PAYMENT OF POSTAGE, \$306

POSTMARK OF DELIVERING

OFFICE
MALTA

FEB
5

1943

IDAHO

Return to ~~Dept. of Reclamation~~
State of Idaho State House

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No. 87082

INSURED PARCEL

No.

BOISE,

IDAHO

19042

RETURN RECEIPT

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

1 W. H. Jones
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 2-5, 194

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 3

1943

Re: Permit No. 19042

To E. E. Smith

Idaho, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 19042 to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of Work September 6, 1942

you are hereby notified in compliance with Sec. 41-311, Idaho Code Annotated that said Permit No. 19042 is hereby held for cancellation.

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

Said Permit No. 19042 claims the use of 1.4 cubic feet per second of the waters of Snake (subterranean) with point of diversion located in the NE 1/4 Section 22, Twp. 14 South, Range 27 East, E. 2, and was approved September 6, 1942

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

2nd day of February, 1943

James E. Hofford

Commissioner of Reclamation.

By Assistant

19042

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE.

July 15, 1942

19042

W. H. Smoot
Malta, Idaho

Dear Sir:

Under the terms of your permit No. 19042 you are required to complete your diversion works and make proof of Beneficial Use on or before September 6, 1942.

I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of Completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

I also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is September 6, 1942, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

E. V. BERG
Commissioner of Reclamation.

19042

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19042

Boise, Idaho, **September 17, 1940**

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the ~~third~~ ^{fourth} page.

Mr. W. H. Smoot
Malta, Idaho
Encl. Receipt # 17552

JAMES SPOTFORD

Commissioner of Reclamation.

19042

W. H. Smoot

29

28



~~XXXX SPRINGS XXXX~~

Two wells on SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, Tp. 14 South,
Range 27 East Boise Meridian.
To irrigate SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 28, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29,
Tp. 14 S. Range 27 E. B. M., being 80 acres, more or
less.

Two dots represent the wells.

Map No. 19042

As Approved
SEP 8 1940

JAMES SPOFFORD
Commissioner of Reclamation