

644321
28910112
R17161514
1921112223

T55N R2E B.M.

24

Headgate 14 39 12

Pt. of Div.
Big Spring 25

NAME OF APPLICANT

Oliver Ruess

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.

SEC.

SEC.

SEC.



Permit Map No. 16277

As Approved

W. G. SWENDSEN
Commissioner of Reclamation

May 26, 1925

State of Idaho

License and Certificate of Water Right

Water License No. 16277

Amount 1.0 sec. ft.

Water District No. 95

Priority 5-8-25

THIS IS TO CERTIFY that Oliver Ruen of Clarks Fork, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 8, 1925; that Permit No. 16277 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.0 second feet, was issued thereunder on September 28, 1925, showing that said works were completed on the 26th day of September, 1925; and that on the 27th day of November, 1925.

Oliver Ruen

of Clarks Fork, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of a spring, for the purpose of irrigation and domestic use, under Use Permit No. 16277 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 6 of Licenses, at page 3384, on the 27th day of August, 1926;

The right hereby confirmed dates from May 8, 1926;

The Point of Diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, Tp. 55 N, R. 2 E., B. M. Bonner 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 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
55 N.	2 E.	24	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15	16
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	25	20
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	10	12

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 27th day of August, 1926.

W. G. SWENDSEN

Commissioner of Reclamation

(SEAL)

By Geo. N. Carter
Assistant.

State of Idaho

License and Certificate of Water Right

Water License No. 15920
Water District No. 80-C

Amount 1.0 sec. ft.
Priority 11-21-23

THIS IS TO CERTIFY that Vernon White of Yellow Pine, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 21, 1923; that Permit No. 15920 was issued under said application, that Certificate of Completion of works, with a carrying capacity of 1.0 second feet, was issued thereunder on August 28, 1925, showing that said works were completed on the 24th day of August, 1925; and that on the 2nd day of October, 1925,

Vernon White of Yellow Pine, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Big Indian Creek, a tributary of S. Fork Snake River for the purpose of placer mining and domestic use, under Use Permit No. 15920 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 6 of Licenses, at page 3383, on the 26th day of August, 1926;

The right hereby confirmed dates from November 21, 1923;

The Point of Diversion is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21, Tp. 19 N., R. 6 E., B. M. Valley 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 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
19 N.	6 E.	21	NE $\frac{1}{4}$ SW $\frac{1}{4}$ (approximately)		Mining

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 26th day of August, 1926.

W. G. SWENDSEN
Commissioner of Reclamation

(SEAL)

By Geo. N. Carter
Assistant.

APPLICATION FOR PERMIT **96-2109** TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 23083
Permit No. 16277
District No. 95

1. Name of Applicant: Oliver Ruen

Postoffice address: Clarksfork

County: Bonner

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:

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: 1.0 cubic feet per second.

3. Source of water supply: Unnamed spring which is a tributary of an unnamed creek.

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$
of Section 25 , T. 55 N., R. 2 E., B. M., County of Bonner

5. Water is to be used for: Irrigation and domestic purposes.

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: \$ 500.00

8. Kind of works: Dam and ditches

9. Height of dam $3\frac{1}{2}$ feet; length of dam at top 12 feet; length of dam at bottom 6
feet; material used in dam: Dirt and lumber

10. Size of headgate: Width 3 feet; height 3 feet

11. Ditch: Width at bottom 5 feet; width at water line 7 feet; depth of water 1.0
feet; dimensions of flume

Diameter of pipe inches; length of conduit $1\frac{1}{2}$ miles.
Average grade per mile 5.26 feet

12. The time required for the completion of such work is 6 months 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? 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.

Oliver Ruen

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation. 9 A. M., May 8, 1925

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16277

Recorded in Book 58 Page 16277 Approved May 26, 1925

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 July 25, 1925 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 August 26, 1925

The whole of said work to be completed on or before November 26, 1925

Beneficial use of water appropriated in accordance herewith, to be made on or before November 26, 1925

Witness my hand this 26th day of May, 1925

W. G. SWENDSEN
Commissioner of Reclamation.

Remarks:

Spring is located on government land.

14 Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
55 N.	2 E.	24											15				25	10	50

Permit No. 16277
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Oliver Ruen of Clarksfork, County of Bonner, and State of Idaho, the holder of Permit No. 16277, issued upon Application No. 23083, bearing date of Priority of May 8, 1925, authorizing the diversion of 1.0 second feet of the waters of an unnamed spring, County of Bonner, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of 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 1.0 second feet of the waters of an unnamed spring; that the point of diversion of said waters is in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 25, T. 55 N., R. 2 E., B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T. 55 N., R. 2 E., B.M.

Witness my hand this 28th day of September, 1925.

W. G. SWENDSEN
Commissioner of Reclamation

Proof of Completion of Works made September 26, 1925.
Certificate issued September 28, 1925

License issued for 1.0 second feet.

Page 3384 Vol. 6

January 7, 1936

Re: Permit No. 16277
Oliver Ruen

MR. OLIVER RUEN
Clarks Fork,
Idaho

Dear Sir:

Reference is made to your letter of December 30th.

We find, from the records of this office, that Oliver S. McClurg has a licensed water right for 1 second foot of water (16099), bearing date of priority as of August 12, 1925. Your license, being No. 16277, is also for 1 second foot of water and it bears date of priority as of August 27, 1926.

We are enclosing herewith a copy of this license, as per your request. Will you kindly remit 50¢ for this copy.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg
Encl.

16277

JAN 2 1935

Clarks Fork, Idaho
December 30, 1935

State Bureau of Reclamation
Boise, Idaho

Dear Sir:

About ten or eleven years ago, my neighbor Oliver S. McClurg, and myself both filed water rights on the same spring, located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Sec 24 twp. 55 R2-E-BM and both were accordingly proved up. Sometime later our home was destroyed by fire and all of our records and papers were destroyed. Since we are using the water every year for irrigation and are also negotiating for the purchase of the adjoining farm, which has passed through several hands, since water right was originally filed by Oliver S. McClurg, we would like to ascertain that the status of both these water rights is O.K. at the present time.

In our own case we would like a duplicate certificate, or evidence of some kind, showing that we hold a proved up right to a specified amount of water, and in case of a transfer of the ^{farm} farm to ourselves we would like a similar certificate covering this farm also. Kindly advise us at an early date.

Yours very truly,

Oliver Ruen
Oliver Ruen

ORHW

16 277

August 27th, 1926

Re: Permit No. 16277

Mr. Oliver Ruen
Clarks Fork, Idaho

Dear Sir:-

Inclosed herewith you will
find the Water License issued to you
under the above numbered permit, to-
gether with receipt for fees paid.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____ Chief Clerk

CB:HH
Encls.

16277

August 17, 1926

Re: Permit No. 16277

Mr. Oliver Ruen
Clarks Fork, Idaho

Dear Sir:-

The report of our Examining
Engineer is now on file here. Upon the
receipt of fees in the sum of six dollars
the license will be issued to you.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

CB:HH

16277

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

Permit No. 16277

This proof is for BEN. USE

In Water District No. 95

1. Name of applicant: Oliver Ruen

2. Source of water supply: Spring

3. Location of point of diversion: Is in the SE 1/4 NW 1/4 of Section 25

T. 55 N R. 2 E.B.M. County of Bonner

4. Describe works as they exist, giving dimensions and capacities of same:

Earth diversion - Headgate 4'x4'x12' long of lumber.
Main ditch 1 1/2 miles long, 5' top width, 2' deep, 2' bottom.
Est. cap. 2.00 sec. ft.

5. Water is used for: Irrigation

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

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): SE 1/4 SW 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4 Sec. 24, Twp. 55 N., R. 2 E.B.M.

SESW - 16 Ac.

SWSE 20

SESE 12

48 Ac.

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

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

Remarks:

Water has been used 35 yrs. according to owner.

This examination was made on the 13 day of Aug 1926

(Signed) W. J. Shaw Examiner.

16277

Oliver Ruen
Clarksfork

Permit No. 16277

Examination for Beneficial Use

County BONNER

INSTRUCTIONS TO EXAMINERS

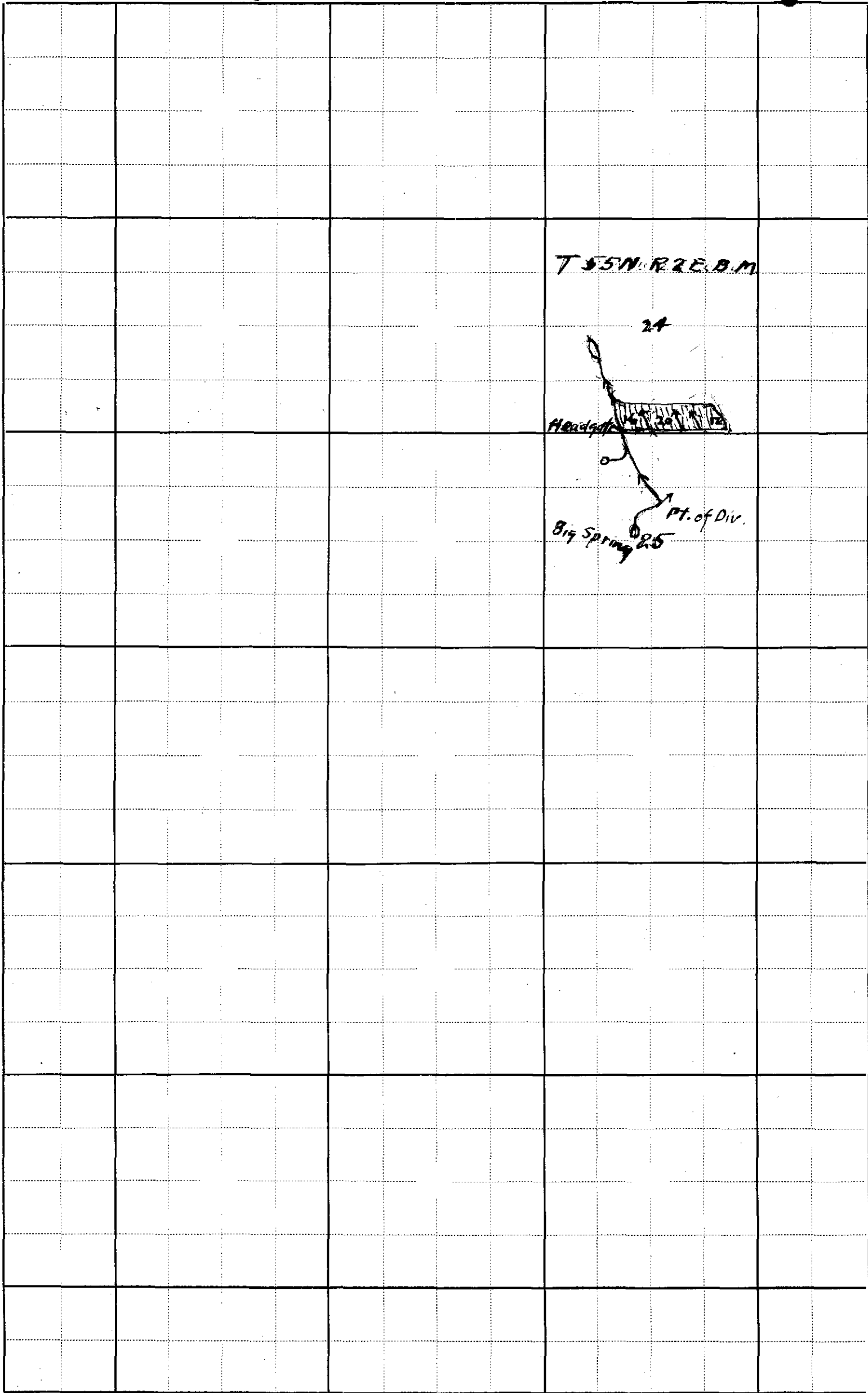
1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the 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

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

16277

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Bonner, } ss.

.....Don. C. D. Moore..., being duly sworn, says that he is the...editor...of the NORTHERN IDAHO NEWS, a weekly newspaper printed and published at Sandpoint, Bonner County, Idaho, and that said newspaper during all the time herein mentioned is, and was, a newspaper of general circulation, published weekly for 78 weeks prior to October ..27., 1925., and that the annexed is a true copy of the notice for publication in the case of

.....Notice of proof application of water for beneficial use W. E. Johnston.....

as it was published in the regular and entire issue of said paper for a period of...four.....consecutive weeks, commencing on the .6th...day of October....., 19 25, and ending on the .27th...day of October....., 19 25. and that said notice was published in said newspaper proper, and not in supplement form.

.....*Don C. D. Moore*.....
Subscribed and sworn to before me this...5th...day
of*Don C. D. Moore*.....A. D. 1925.

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 9 a. m. on the 27th day of November, 1925, at Clarksfork, county of Bonner, state of Idaho, before W. E. Johnston, proof will be submitted of the application to beneficial use of 1.0 cubic feet per second of the waters of a certain spring in accordance with the terms and conditions of Permit No. 16277 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: Oliver Ruen, Clarksfork, Idaho.

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

The amount applied to beneficial use is 1.0 cubic foot per sec.

The place where said water is used (if for irrigation give full and accurate description of the lands irrigated) SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 24, R. 2 E. B. M., Twp. 56 N

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. 16277.

The source of supply from which water is diverted is spring.

The date of the priority which said user is prepared to establish is May 8, 1925.

W. F. SWENDSEN,
Commissioner of Reclamation.
Oct. 6-27

16277

December 3, 1925

Re: Permit No. 16277

Mr. Oliver Ruen,
Clarks Fork, Idaho.

Dear Sir:

We are in receipt of depositions of yourself and two witnesses in the matter of proof of beneficial use of water under the above numbered permit. The affidavit of publication from the "Northern Idaho News", at Sandpoint, should be obtained and filed in this office in connection with such proof.

As soon as the report of our Engineer can be made in the spring, you will be advised as to fees due before issuing license. These fees will be \$2.00 for each forty-acre tract or fraction thereof, found to be under irrigation by our Engineer.

Very truly yours,

W. C. SWENDSEN
Commissioner of Reclamation

By _____

Chief Clerk

CB-H

16277

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 16277

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Oliver Ruon 41 - Clark Fork Idaho Farmer
Clark Fork 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. For my self

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

Ans. 16277 May 8th 1925

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

Ans. Spring SE 1/4 of the NW 1/4 Sect 25 - T. 55 N. R. 2 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. By Ditch 20 Cubic Feet Per Second
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 cultivate or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. on about 50 acres For irrigation and domestic use
15 acres in SE 1/4 of the SW 1/4 Sect 25 - T. 55 N. R. 2 E. B. M.
25 " SW 1/4 " " SE 1/4 " " " " " " "
10 " SE 1/4 " " SE 1/4 " " " " " " "

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

Ans. none

16277

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

Ans. 1 - Cubic Foot - Per Second

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. I am the original Applicant

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

Ans. For irrigation 2 Cubic Feet -
For feed cattle, Grain & Hay and Domestic
use such as house use & watering stock

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 right claimed thereunder.

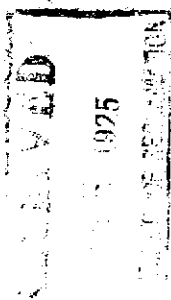
Ans. used for no other Purpose than what
has been stated in the above answers

(Sign) Oliver Reen

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 Clark Fork, County of Bonner

State of Idaho, on this 27th day of November A. D. 1924

W E Johnston
Justice Peace
Clark Fork Precinct



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 16277

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.

Eliho Clagge Clark Fork Idaho
miner age 32

Ques. 2. Are you acquainted with Oliver Run, the

holder of Permit No. 16277? How long have you known him and where does he reside?

Ans.

Ten years
Clark Fork Idaho

Ques. 3. Have you read or heard read said Permit No. 16277, 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.

S. E 1/4 of the N W 1/4 Sect 20 T 55 N. R 2 E B.M.
conveyed By Open ditch From Spring

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.

30 cubic feet per second

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.

irrigation & domestic purposes
on farm.

16277

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. 1 Cubic Foot Per Second

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.

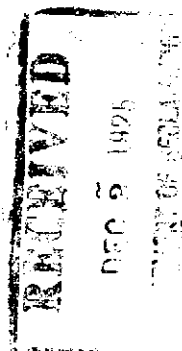
Ans. worked on ditch
and go. By same on Road quite often

(Sign) Elihu Blagg

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 Clark Fork, County of Bonner, State of Idaho, on this 27th day of November, A. D. 1925

My commission expires Dec 31-1926

W. E. Johnston
Justice Peace ~~Notary Public~~
Clark Fork Precinct



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 16277

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. John Shagle 67 Clark Fork Farmer
Clark Fork Idaho

Ques. 2. Are you acquainted with Oliver Ruen, the

holder of Permit No. 16277? How long have you known him and where does he reside?

Ans. 13 years
Clark Fork Idaho on his Farm

Ques. 3. Have you read or heard read said Permit No. 16277, 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. SE 1/4 of the NW 1/4 Sect 25 T5S N R2 E BM
Conveyed By Open Ditch From Spring

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. about 20 cubic Feet Per Second

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. Irrigation & Domestic Purposes on Farm
of Oliver Ruen at Clark Fork Idaho

16277

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. _____

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

Ans. _____

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. _____

(Sign) _____

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 Clark Fork, County of Bonner, State of Idaho.
on this 27th day of November 1925

My commission expires Dec 31 - 1926

Notary Public

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, November 25, 1925.

Oliver Ruess,

c/o W. E. Johnston,

Clarksfork, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 16277.

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 November 27, 1925, 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 Clarksfork before W. E. Johnston, 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.

16 2 77

November 3, 1925.

Re: Permit No. 16277.

Mr. Oliver Ruen,
Clarksfork, Idaho.

Dear Sir:-

In reply to your letter of the 27th ult. would say that, under the provisions of Sec. 5579, Compiled Statutes of Idaho, the date of priority of a permit dates from the first receipt of the application in this office. Your application upon which the above numbered permit was issued was received in this office May 8, 1925, hence this is the date of priority that would be established under the permit. If an earlier priority is desired, it would have to be established by court decree.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

16277

Clarksfork, Ida.
Oct 27th 25-

Bureau of Reclamation
Boise Idaho.

Dear Sir: In the enclosed notice I am sending to you from The Northern Idaho News, you have placed the date of priority I am prepared to establish as May 8th 1925.

In my application and blank which I filled out I put down August 1900 as my date. My ditches are all prior to any one there and since my right to the water hinges on this point I would like to ~~the~~ have the priority date published correctly.

Yours truly, Oliver Ruen

Dec. 5579 - C. S. Y

16277

Commissioner of Reclamation,
Oct. 6-27

The source of supply from which water is diverted is spring.
The date of the priority which said user is prepared to establish is May 8, 1925.

W. F. SWENDSEN,
Commissioner of Reclamation.

The right to take water from such works is based upon Permit No. 16277.

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

The amount applied to beneficial use is 1.0 cubic foot per sec.

The place where said water is used (if for irrigation give full and accurate description of the lands irrigated) SE 1/4 SW 1/4, SW 1/4 SE 1/4, Twp. 56 N.

sec. 24, R. 2 E. B. M.

The name and postoffice address of the person or corporation holding said permit are: Oliver Ruen, Clarksfork, Idaho.

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

Notice is hereby given that at 9 a. m. on the 17th day of November, 1925, at Clarksfork, county of Ben-

net, state of Idaho, before W. E. Johnston, proof will be submitted of the application to beneficial use of 1.0 cubic feet per second of the waters of a certain spring in accord-

ance with the terms and conditions of Permit No. 16317 heretofore issued by the commissioner of re-

clamation of the state of Idaho.

The name and postoffice address of the person or corporation holding said permit are: Oliver Ruen, Clarks-

fork, Idaho.

RECLAMATION
GENERAL

Northern Idaho News

DON C. D. MOORE, PUBLISHER

Sandpoint, Idaho

~~Oct~~ October 5, 1925

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

Dear Sir:

This is to acknowledge receipt of copy for publication of Water
Notice for Oliver Ruen, Clarksfork, Idaho. First publication will be in our
issue of October 6th, copy of which will be sent you.

Yours truly,

NORTHERN IDAHO NEWS,

Per

Don C. Moore

16277

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE October 2, 1925

Northern Idaho News
Sandpoint, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to November 27th, 1925, the date set for proof, the expense of the publication to be paid by the applicant, Oliver Ruen, Clarkfork, Idaho, 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.

16 277

October 2, 1925.

Re: Permit No. 16277

Mr. Oliver Ruen
Clarksfork, Idaho

Dear Sir:

This will acknowledge receipt of notices for proof of beneficial use of water under Permit No. 16277. One copy of this notice will be mailed to the Northern Idaho News in order that the five publications may be made prior to the date set for proof, November 27th.

Deposition blanks will be mailed to W. E. Johnston, before whom proof is to be made, one for holder and one each for two witnesses.

Very truly yours,

V. G. SWENDESEN
Commissioner of Reclamation

By
Chief Clerk

F.

16277

September 28, 1925

Re: Permit No. 16277

Mr. Oliver Ruen,
Clarksfork, Idaho

Dear Sir:

Enclosed please find certificate
of completion of works under the above
numbered permit, together with receipt
for fees paid.

W. G. SWENDSEN
Commissioner of Reclamation

By

Chief Clerk

H-Enc.

16277

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

Sep 23rd 1925

(P. O.)

Blackfoot Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the *Northern Idaho News* of *Sandpoint*, published in the county in which the works are situated.

Oliver P. ...

(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.

16277

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 9 a. m. on the 27th day of Nov, 1925,
at Blacksfork, County of Bonner, State of Idaho,
before J. B. Whitcomb & E. Johnston, proof will be submitted
of the application to beneficial use of 1.0 cubic feet per second of the
waters of a certain spring in accordance with the terms and conditions of
Permit No. 16277 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.....

Oliver Ruess Blacksfork Idaho

The use to which said water has been applied is Irrigation and domestic

purpose

The amount applied to beneficial use is 1.0 ft cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) SE 1/4 SW 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4 Sec 27 Twp 55 N
R 2 E B 7 W

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. 16277

The source of supply from which such water is diverted is Spring

The date of the priority which said user is prepared to establish is May 8, 1925 May 8, 1925
August 1st 1900

SE 1/4 NW 1/4
Sec 25-55 N-2 E
95
Bonner ✓

W. S. SWANSON

Commissioner of Reclamation.

16277

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Oliver Ruen
Clarksfork, Idaho

Boise, Idaho, Aug. 3, 1925

Dear Sir:—

Under the terms of your permit No.. ~~16277~~.....you are required to complete your diversion works on or before. ~~No. v.. 26, 1925~~ 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 will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

W. G. SWENDSEN
Commissoner of Reclamation.

16277

Permit No. 16277STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,
County of Bonner } SSOliver Ruess, being first duly sworn, upon his oath deposes and says:First: That he is the holder and owner of Permit to appropriate the Public Waters of the state of Idaho, No. 16277, and that his postoffice address is Blackfoot
State of IdahoSecond: That the name of the stream from which said water is to be diverted is Spring (unnamed)Third: That the point of diversion of said water is SE 1/4 of NW 1/4
25-55N-2EFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Nov 26, 1925.Fifth: That the use for which said water is intended is Irrigation and domestic purposesSixth: That on the date above mentioned, the works constructed under said permit were ~~for~~
~~were not~~ fully completed and consisted of the following:I. Kind of works: Dam and ditches
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 3 1/2 feet, length of dam at top 12 feet, length of dam at bottom 6 feet. Material used in construction Dirt and Lumber

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

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width 3 feet, height 3 feet.(d) Conduit Ditch width at bottom 5 feet, width at water line 7
(State whether ditch, flume or pipe.)feet, depth of water 1.0 feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is 1 1/2 miles.Seventh: That said works are capable of conducting to the place of intended use 1.0
_____ second feet of water.Eighth: That water appropriated under said permit is available for 50 acres of land described as follows: 15 acres in SE 1/4 of SW 1/4; 25 acres in SW 1/4 SE 1/4; 10 acres SE 1/4 SE 1/4. Twp 55N R2E Sec 24

Ninth: Remarks: That _____

Oliver Ruess

(Sign here)

Subscribed and sworn to before me this 26th day of September, 1925My commission expires Dec 31-1926W. E. Johnston

Notary Public

Justice Peace
Blackfoot

16277

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Oliver Ruen
Clarksford, Idaho

Aug. 3, 1925

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 16277, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN

Commissioner of Reclamation.

16277

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Oliver Ruen
Clarksford, Idaho

Aug. 3, 1925

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 16277, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN
Commissioner of Reclamation.

16277

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Oliver Ruen
Clarksfork, Idaho

Boise, Idaho, Aug. 3, 1925

Dear Sir:—

Under the terms of your permit No. **16277** you are required to complete your diversion works on or before **Nov. 26, 1925** 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 will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

W. G. SWENDSEN
Commissoner of Reclamation.

16277

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 16277

Mr. Oliver Ruen
Clarksfork, Idaho

Boise, Idaho, May 26, 1925

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 page.

W. C. SWENDSEN
Commissioner of Reclamation.

16277

NAME OF APPLICANT

Oliver Cuen

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

*100 ft
Spring*

207M 25R 12-3M

Permit Map No. *16277*

As Approved

26, 1925

W. G. SWENIDSEN
Commissioner of Reclamation

16 277

Clarksfork Idaho,
May 20th 25

Dept of Reclamation,
Boise Idaho.

Dear Sir:- Your letter of May 14th has been received. Regarding the application for water which I made and which you received May 8th. I will say that I was not any too certain that I was proceeding strictly according to prescribed rules. Good legal advice is somewhat difficult to get here, our nearest lawyers been thirty miles away and not having the information necessary the move I made seemed to me a logical thing to do. I reason that your dept was just a little better able to put me on the right track than any one else and this you did in your reply.

I have sought some advice and as it seems that I am fully protected by Idaho laws I will ask you to kindly hold my application until I can have a priority date established and then have it matured into a permit. ~~Wm. R. R. R.~~ Wm. R. R. R.

May 11, 1925.

~~Re: Permit No. 10088~~

Mr. Oliver Ruen
Clarksfork, Idaho

Dear Sir:

I think I understand clearly the difficulty with which you are confronted in evidencing title to the water in question, such title bearing a priority date earlier than that of the claimant, Oliver S. McClurg.

However, you are not proceeding along the line which will entitle you to a prior right, when attempting to establish such priority by means of a permit filing such as you enclosed with your letter.

In the first place, under the permit law it is not possible to give you a priority date on your pending application earlier than date of its receipt, which was May 8th, regardless of the fact that you may have used the water for twenty-five years proceeding this date. Therefore, if you should attempt to stand on your permit right, you must necessarily find yourself with a priority date subsequent to that of McClurg.

By way of explanation, I should say that this department is not vested with authority to reject an application for permit, provided such application is in statutory form and accompanied by the required filing fee, regardless of the fact that there may be prior claimants to the water which is designated as the source of supply.

The matter thus develops into a case of a judicial determination of right which can be had only in the court, inasmuch as under the Idaho law the court retains original jurisdiction in all matters relating to water rights.

If it is necessary for you to secure a right to the use of this spring prior to McClurg's, it will be incumbent upon you to petition the court for an adjudication. You, having made use of this water for a number of years last past, no doubt can submit sufficient evidence to justify the court in awarding you whatever amount of water is found necessary and attaching thereto a priority date of use as of the first date of appropriation and application by yourself or by your predecessors in interest - owners of the land.

16 2 77

#2

Mr. Oliver Ruen, 5-11-25

From the foregoing you will readily understand that so far as present facts are available, there is no justifiable ground upon which this department might deny the proof of McClurg and likewise, deny a license. The matter of prior rights does not enter into this permit only in so far as distribution of water is concerned and distribution of water can not be supervised by this office until the right shall have been adjudicated. Neither can this office give you a prior right to use this water based upon a permit.

Your application will be held here pending your decision in the matter. Will you kindly advise us whether or not you wish to mature this application into a permit or, if upon consideration of the matter you decide the application will be of no value to you, it can be returned together with the filing fee. In the meantime, application can retain its priority date; namely, May 8th, for sixty days, without further action.

Very truly yours,

Assistant Commissioner of
Reclamation

ONG:E

16277

Notice is hereby given that at 11 a. m. on the 5th day of June, 1925, at Clarksfork, county of Bonner, state of Idaho, before J. B. Whitcomb, justice of the peace, proof will be submitted of the application to beneficial use of one (1.0) cubic feet per second of the waters of a spring in NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 25, T. 55 N., R. 2 E. B. M., in accordance with the terms and conditions of permit No 16088, 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 Oliver S. McClurg, Clarksfork, Idaho.

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

The amount applied to beneficial use is 1.0 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) The northeast quarter (NE $\frac{1}{4}$) section 25, township 55 north, range 2 E. B. M.

The right to take water from such works is based upon permit No. 16088.

The source of supply from which such water is diverted is a spring.

The date of the priority which said user is prepared to establish is August 18, 1924.

W. G. SWENDBSEN,
Commissioner of Reclamation.
A28-M5-12-19

Idaho
May 9th 25

State Bureau of Reclamation, Boise, Idaho.

Dear Sir:- I have been much concerned and worried in regard to a permit which our neighbor Mr. O. S. McClurg has secured to use water from a spring previously used by us and on which he is attempting to prove up.

On the basis of the following facts which I am prepared to establish I herewith submit my application for a filing on the same water.

1st We have used the waters from this spring for irrigation and domestic purposes on our farm since we bought the place over fourteen years ago.

2nd. We have constructed a complete set of irrigation ditches and diversion ~~works~~ works at a cost of from \$500.00 to \$1000.00 and have made complete application of water for beneficial purposes many years.

3rd The parties from whom we bought our land did a great deal of work on a fairly complete set of

irrigation and drainage ditches.

4th That they made application and secured a permit to use the same water on which our neighbor is attempting to prove up, but for financial reasons were unable to ^{fully} complete the works as specified in their application.

5th The man in turn from whom they bought the land and who was the original homesteader on this farm by a simple but effective method made complete application of all available water to irrigate his hay meadows for many years. He occupied the land 25 to 30 years.

Additional facts having some bearing on the case are as follows.

1st For all ordinary farm crops there is plenty of water for both places. For this reason the issue has not come up ^{before}.

2nd For the growing of a Fall crop of head lettuce the supply of water is somewhat doubtful.

16277 3rd By the use of commercial fertilizers and with the assistance of soil specialists from the State University, I have been able to demonstrate that we

have a very valuable soil. We have a great soil

4th Hardly had this become apparent when Mr O.S. McClung filed on all water available for late crops.

5th He is largely under the influence, and has this year entered into a farming venture with a man by the name of George McCallum who is a trouble maker and not at all familiar with all facts of our case having only resided in this locality about four months.

6th Some time ago I made application and secured a permit ^{no 16211} to use waters from another spring which is not available during the dry season but can be made available to yield a small supply. But it will cost money

16277 7th While it might be possible to effect an agreement to divert the water this arrangement does not suit me very well. I would be obliged to ask McClung for something to which I have a pretty well established right already. He would always have the feeling that he had conceded me something. I would have to go to the expense of hiring an attorney to draw up an agreement,

to pay corfore, and lose time. I have given the matter due consideration.

8th We ask for permission to use water which is available and always has been used on our place and if this is not sufficient, to carry out the provisions of the filing which ^{already} we have made until we have ~~an~~ ^{an} amount sufficient for all our needs. This will still leave a great deal of water for Mr McClurg to use, but it will not enable him to ride on the labor and efforts of others.

We submit the case to you on its own merits and solicit close investigation. We also welcome your suggestions and assistance in securing a square deal.

Yours Respectfully
Oliver P. Allen

P.S. I am inclosing the necessary filing fee of one dollar by Postal Money Order.