

December 6, 1956

Re: Permit No. R-859

Mr. W. J. Nixon
Attorney at Law
P. O. Box 740
Great Falls, Montana

Dear Mr. Nixon:

We enclose your Application for Amendment to the point of diversion as described in Permit No. C-859 which has been approved by the State Reclamation Engineer and recorded in this Department. It should be attached to the Permit of which it now becomes a part.

Also enclosed is departmental receipt No. 28282 for \$13.00 for Certificate for Completion of Works and License for Beneficial Use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Encl:

R-859

November 26, 1956

RE: Permit No. R-859

Mr. W. J. Nixon
Attorney at Law
3606 Seventh Avenue South
Great Falls, Montana

Dear Mr. Nixon:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on your Permit No. R-859 which shows that the State Reclamation Engineer has approved .8 cubic feet per second on the stream flow from an un-named stream with point of diversion in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 62 North, Range 1 East, B.M., and 240 Acre Feet of storage water from a reservoir located on Smith Lake with point of diversion and outlet in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 63 North, Range 2 E., B.M. all for use on the following described land; 115 acres in the NE $\frac{1}{4}$ of Section 2, Township 62 North, Range 1 East, B.M.

However, the Permit only shows one point of diversion and that being for the reservoir on the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 31., Twp. 63 N., Rge. 2 E., B.M. Therefore, it becomes necessary to have an amendment to the point of diversion to include the stream flow point of diversion (NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 2., Twp. 62 N., Rge. 1 E., B.M.) and we inclose an Application for and Amendment for that purpose.

Upon receipt of this Application for Amendment to the point of diversion properly filled out and approved by the State Reclamation Engineer a Certificate of Completion of Works and License can, therefore, be issued for 0.8 second feet and also the 240 Acre Feet for a statutory fee of \$5.00 for Certificate of Completion of Works and \$8.00 License fee, the latter being at the rate of \$2.00 for each 40 acre subdivision irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR
Enc.- 1 P.D. Amdt.

R-859

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

Permit No. R-859

This proof is for Completion of works & Beneficial Use In Water District No. _____

1. Name of applicant W. J. Nixon, Bonners Ferry, Idaho
2. Source of water supply: Un-named branch of Fleming Creek, an outlet from Smith Lake and Smith Lake from branch of Fleming Creek
3. Location of point of diversion: Is in the NE S E corner of Section 2

T. 62 N., R. 1 E. County of _____ Boundary: _____
Outlet of reservoir 600 ft. N E of NW corner Sec. 31, Twp. 63 N., Range 2 E., B.M.

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

20 hp horizontal motor. 3 1/2" x 2 3/4" Rain way. Centrifugal Pump.
Lift est. at 30' 52 sprinklers 3/32" x 1/64"

est. 64 sprinklers
lots of 4" main. steel main connected with Hesperia

5. Water is used for: Irrigation

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 other than irrigation):

Northeast Quarter Section 2, Township 62 North, Range 1 East, B. M.

Dam is 20' long on top x 8' high. Concrete dam.
Has a section 1 1/2' wide with splash boards for draining
also a 12" pipe thru bottom of dam.
8' of storage. Surface area = 40 a. approx.

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

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

Remarks: _____

This examination was made on the 19 day of April, 1956

(Signed) E. H. Humphrey, Examiner.

R-859

Cutler Hamman Control
on Pole to SW. 9'

240V C.E. Motor
30382-657

Cash 25-8-30 left

41 lengths of 3" x 40'
24 " x 4" x 30'
12 sprinklers 74 x 1 1/4

W. J. Nixon
Bonners Ferry, Idaho
Permit No. R-859
See Mitchell
Examination for Completion of Works
and Beneficial Use
County Boundary

Lake outlet has had a
channel cut thru rock ledge
then dam (concrete) put across
it.

Q = 240 A.F.
S = 2nd named brand of Hamman Co.
600' NE. of R. W. Bar. of
A.D. = Sec. 31, T. 63N. - R. 2E

Dam is 8' on top 20' h. x
8' h.
Spills over top of dam.
Was a 2' w. vent. section
with flash boards for control
1 1/2 to 2" flash (abt.) 8' h.

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 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.
6. Give general characteristics of soils, topography, and crops raised.

Wes. Irrigation
wrote to Joe Vernon
re sprinkler spec.
and lands irrig.

indications of a 12" pipe
thru the concrete about

20 hp. C.E. Motor
Rain way Cent. Pump.
3 1/2" x 2 3/4"

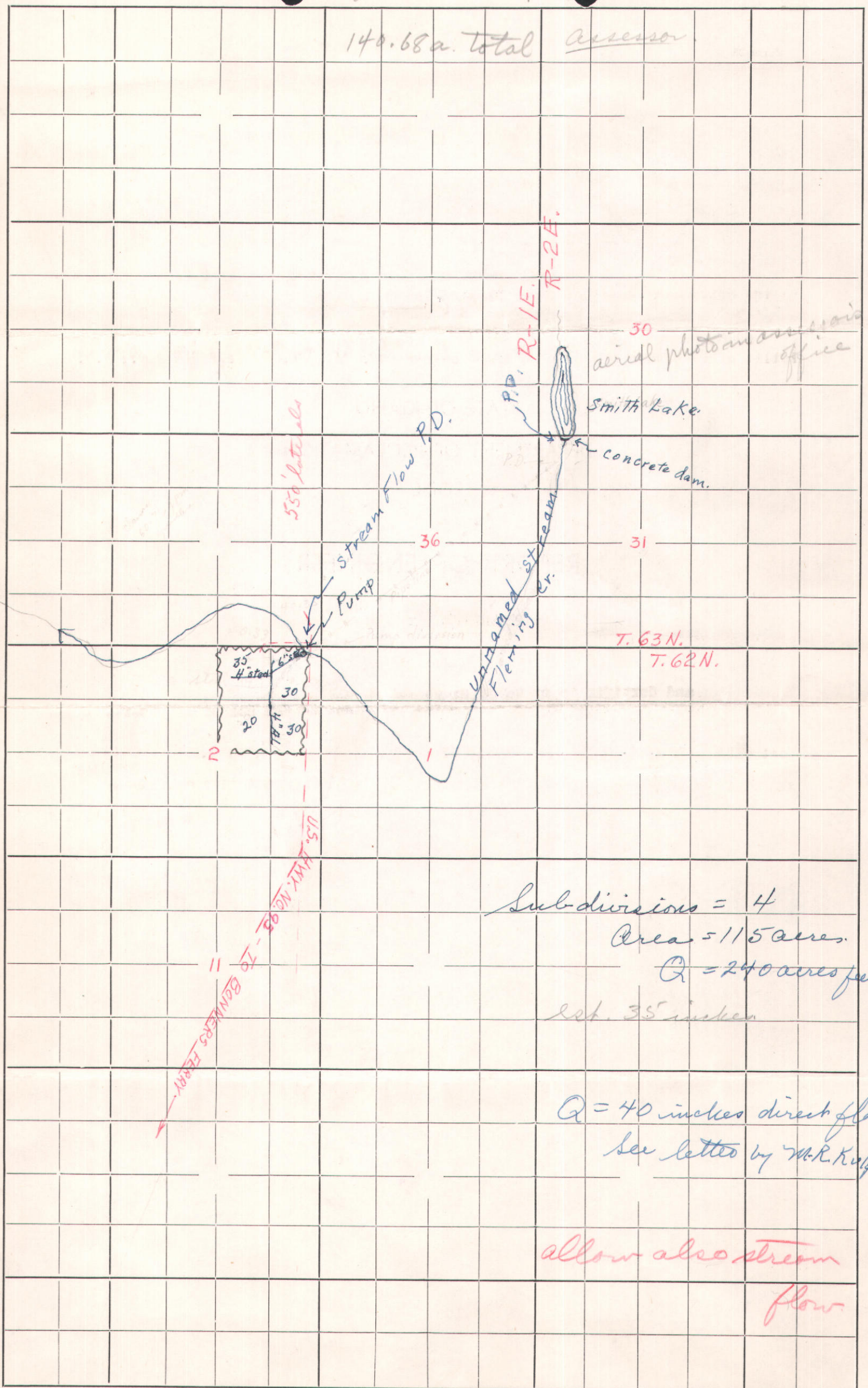
Priority = Sept. 15, 1950
Due = Sept. 29, 1951

6" Bl. from main up to full
Pump & motor on a raft?
in small pond.
Stuck in the mud for
half a day up by
Mr. Rouses place.

RECEIVED
NOV 8 1956
Department of Reclamation

80 acres dry ag. land.

140.68 a. total assessor



✓
October 20, 1955

RE: Permit No. R-859

Mr. W. J. Nixon
3606 Seventh Avenue South
Great Falls, Montana

Dear Mr. Nixon:

We acknowledge receipt of your letter of October 17 enclosing depositions of yourself and two witnesses also affidavit of publication in the Bonners Ferry Herald all submitted in proof of beneficial use on Permit No. R-859.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

We assume that your Great Falls address is only temporary and that when inspection is made sometime next season, you can be reached at your office in Bonners Ferry.

Meanwhile, we return receipted bill for costs of publication which you will doubtless wish to keep in your own files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

R-859

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

Notice is hereby given that at 9:00 a. m. on the 17th day of October, 1955, at Bonners Ferry, County of Boundary, State of Idaho, before Joe Vernon, Notary Public, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of an unnamed branch of Fleming Creek, an outlet stream from Smith Lake, and 240 acre feet per annum storage in Smith Lake in accordance with the terms and conditions of Permit No. R-859 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are W. J. Nixon, Bonners Ferry, Idaho.

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

The amount applied to beneficial use is one cubic foot per second stream flow and 240 acre feet per annum storage.

The place where said water is used Northeast quarter Section 2, Township 62 North, Range 1 East, B. M., West of Highway 95.

The name of the canal or ditch or other works by which said water is conducted to such place of use is none.

The right to take water from such

works is based upon Permit No. R-859.

The source of supply from which such water is diverted is Smith Lake and outlet stream.

The date of priority which said user is prepared to establish is September 15, 1950.

MARK R. KULP

State Reclamation Engineer

First publication Sept. 22, 1955

Last publication Oct. 13, 1955

Affidavit of Publication

STATE OF IDAHO }
County of Boundary } ss.

W.A. Chubb

being first duly sworn upon his oath, deposes and says: That he is the
Publisher

of the Bonners Ferry Herald,
a newspaper of general circulation, published weekly at Bonners Ferry,
Boundary County, State of Idaho; that the said Bonners Ferry Herald has
been continuously and uninterruptedly published in said Boundary County
during a period of 18 months or 78 weeks prior to the first publication of the

hereto attached notice; that the advertisement of Notice
of Proof Application of Water to Beneficial
use

a Notice of Publication

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for Four

consecutive issues, commencing with the issue dated September 22

195 5, and ending with the issue dated October 13, 195 5.

W.A. Chubb

Co-Publisher
Foreman

Subscribed and sworn to before me this 17th day of

Oct

195 5

Notary Public in and for the County of Boundary, State of
Idaho, residing at Bonners Ferry, Idaho.

R-859

✓
July 22, 1955

RE: Permit No. R-859

Mr. W. J. Nixon
Bonners Ferry
Idaho

Dear Mr. Nixon:

We are in receipt of duplicate notice for proof of beneficial use on Permit No. R-859 to be made September 17 before Joe Vernon, Notary Public.

This notice claims 240 acre feet from Smith Lake and outlet stream and 1 cubic foot per second stream flow.

Your Permit only calls for the 240 acre feet storage and the notice will be corrected accordingly and a copy sent to the Bonners Ferry Herald in time for the four weeks publication prior to September 17 with instructions to publish once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

You, of course, understand that your proof of completion of works, for which Form 15-R was enclosed in our letter of July 1, must also be completed and returned to this Department.

On September 17, the date set for proof of beneficial use, you should appear before Mr. Joe Vernon together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

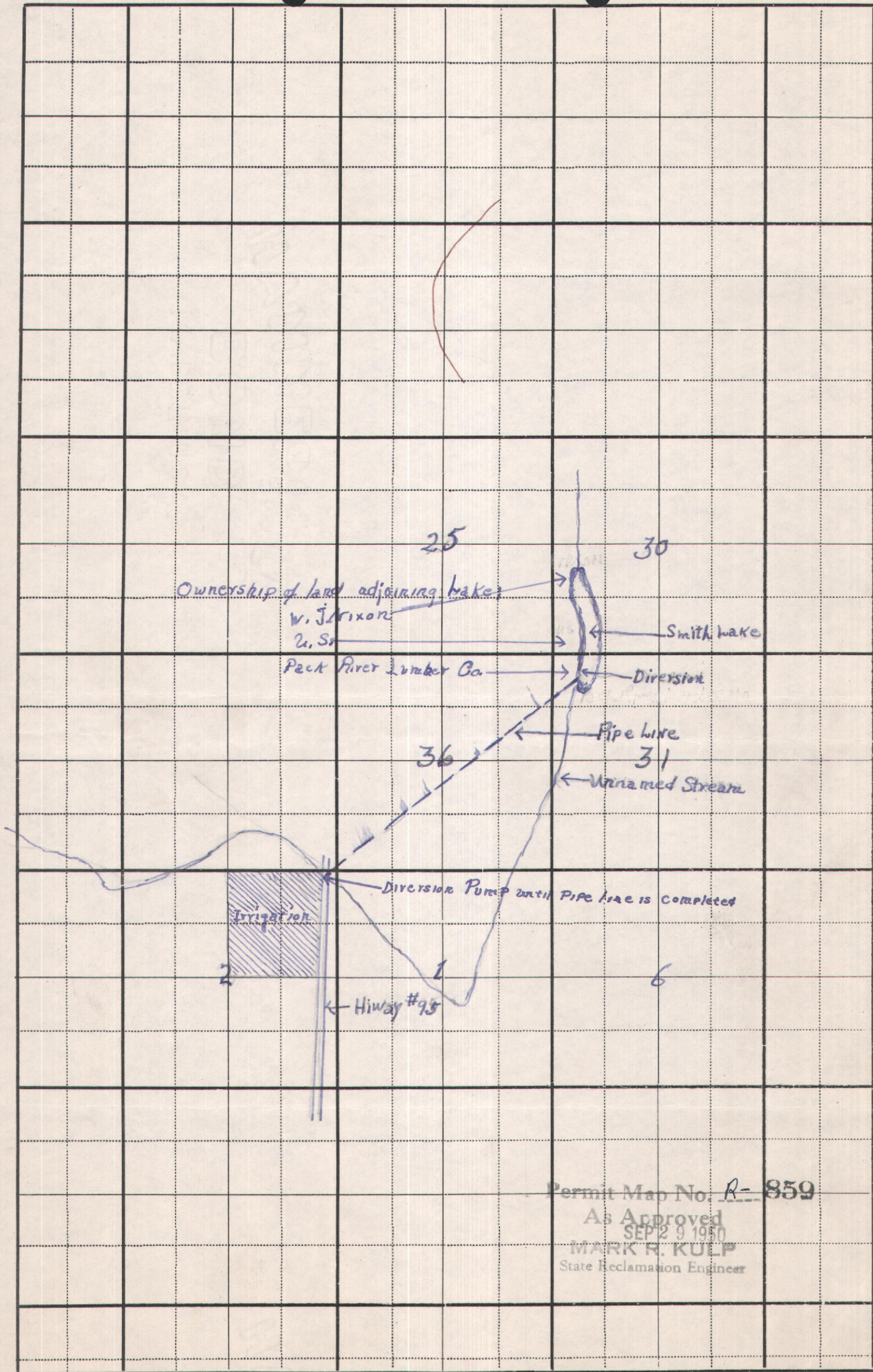
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

R-859



Permit Map No. R-859
As Approved
SEP 29 1950
MARK R. KULP
State Reclamation Engineer

R-859

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

Notice is hereby given that at 10:00 a. m. on the 26th day of March, 1955, at Bonners Ferry, County of Boundary, State of Idaho, before H. I. Monks—Notary Public, proof will be submitted of the application to beneficial use of Thirty (30) Acre ft. per annum of the waters of Mission Creek in accordance with the terms and conditions of Permit No. R-746 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are R. Lee Wallen and Fred Ahlborn—Star Rte. No. 2 Bonners Ferry, Idaho.

The use to which said water has been applied is Domestic Irrigation and Power.

The amount applied to beneficial use is Thirty Acre feet per annum.

The place where said water is used S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 5 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8 Twp. 64 N. R. 1 East BM.

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

The right to take water from such works is based upon Permit No. R-746.

The source of supply from which such water is diverted is Mission Creek.

The date of priority which said user is prepared to establish is Feb. 28, 1945.

MARK R. KULP
State Reclamation Engineer
First publication Feb. 24, 1955
Last publication March 17, 1955
2-3-55

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

Notice is hereby given that at 9:00 a. m. on the 17th day of October, 1955, at Bonners Ferry, County of Boundary, State of Idaho, before Joe Vernon, Notary Public, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of an unnamed branch of Fleming Creek, an outlet stream from Smith Lake, and 240 acre feet per annum storage in Smith Lake in accordance with the terms and conditions of Permit No. R-859 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are W. J. Nixon, Bonners Ferry, Idaho.

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

The amount applied to beneficial use is one cubic foot per second stream flow and 240 acre feet per annum storage.

The place where said water is used Northeast quarter Section 2, Township 62 North, Range 1 East, B. M., West of Highway 95.

The name of the canal or ditch or other works by which said water is conducted to such place of use is none.

The right to take water from such works is based upon Permit No. R-859.

The source of supply from which such water is diverted is Smith Lake and outlet stream.

The date of priority which said user is prepared to establish is September 15, 1950.

MARK R. KULP R-859
State Reclamation Engineer
First publication Sept. 22, 1955
Last publication Oct. 13, 1955

State of Idaho
License and Certificate of Water Right

Water License No. R-859 Amount 240 ac-ft.
.8 c.f.s.
Water District No. _____ Priority September 15, 1950

THIS IS TO CERTIFY that W. J. NIXON
of Bonniers Ferry, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 15, 19 50; that Permit No. R-859
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
240 ac-ft.
& .8 second feet, was issued thereunder on February 6, 19 57, showing that said works
were completed on the 25th day of August, 19 55; and that on the 17th
day of October, 19 55, W. J. NIXON

of Bonniers Ferry, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a reservoir and
Fleming Creek, a tributary of Kootenai River, for the purpose of Irrigation
under Use Permit No. R-859 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 5908, on the 6th day of February, 19 57;
The right hereby confirmed dates from September 15, 19 50;

The Point of Diversion is located
in the NW 1/4 NE 1/4, Sec. 31, Tp. 62 N. R. 1 E., B. M. County Boundary
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
240 ac-ft.
not exceed .8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
62N.	1 E.	2	<u>NE 1/4 NE 1/4</u>	40	30
			<u>NW 1/4 NE 1/4</u>	40	35
			<u>SW 1/4 NE 1/4</u>	40	20
			<u>SE 1/4 NE 1/4</u>	40	30
			Total number of acres to be irrigated - - -		115

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 State Reclamation Engineer, affixed at Boise, Idaho, this
6th day of February, 19 57.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. G-24565

Amount 4.84 c.f.s.

Water District No.....

Priority November 9, 1953

THIS IS TO CERTIFY that B. A. BURGE
of Aberdeen, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 9, 1953; that Permit No. G-24565
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.84 second feet, was issued thereunder on February 5, 1957, showing that said works
were completed on the 19th day of January, 1956; and that on the 19th
day of January, 1956, B. A. BURGE

of Aberdeen, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of two drilled wells, ~~an tributary of~~ subterranean flow, for the purpose of Irrigation, under Use Permit No. G-24565 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume

10 of Licenses at page 5907 , on the 5th day of February , 1957 ;

The right hereby confirmed dates from November 9, 1953 ;

The Point of Diversion is located
in the #1 SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, Tp. 7 S., R. 30 E., B. M. County Power

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 4.84 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated		
7 S.	30 E.	4	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	34.02		
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	33.26		
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40		
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40		
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	32.50		
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	31.74		
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40		
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40		
		5	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	31.33		
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40		
			Total number of acres irrigated - - - - -				362.85

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 State Reclamation Engineer, affixed at Boise, Idaho, this

5th day of February, 1957.

/s/ Mark R. Kulp

State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

98-2136

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 29417
Permit No. R 859

1. Name of Applicant: W. J. NIXON

Postoffice address: Bonners Ferry

County Boundary

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 corporation are:

- (a) Cash on hand: \$
- (b) Treasury Stock: \$
- (c) Bonds to be issued: \$
- (d) Other resources:

2. Quantity of water to be stored: 240 outlet stream acre feet per annum.

3. Source of water supply is Smith Lake and / (Creek) (River) (Spring), a tributary of Kootenai River.

4. The outlet of the proposed reservoir is located 700 (bearing) feet, distant from the Northwest corner of Section 31, Township 63 N., Range 2 E., B. M. and is in the NW 1/4 of NW 1/4 of Section 31, Township 63 N., Range 2 E., B. M. County of Boundary

5. Fill out either (a) or (b).

- (a) The reservoir is located in the channel of an unnamed branch of Fleming Creek (Creek) (River). natural snow run-off
- (b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B. M., and is in the 1/4 of 1/4 of Section, Township, Range, B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is 29.5 acres.

(b) The reservoir capacity is acre feet.

7. Height of reservoir dam 8 feet, length at top 15 feet, length at bottom 3 feet, size of outlet 12" pipe feet by feet. The dam is to be constructed of materials as follows: Concrete diversion dam- Iron pipe

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of un-named branch of Fleming Creek (Creek) (River)? Yes, when project is fully completed water will be diverted through a pipe to the point of use; until that time the storage water will be commingled with the natural flow. (b) Water stored in reservoir will be carried in the channel of Unnamed branch of Fleming Creek (Creek) (River) a distance of 3 miles to point of diversion located West 350 (bearing) feet, distant from the N E corner of Section 2, Township 62 N., Range 1 E., B. M., and in the NE 1/4 of NE 1/4 of Section 2, Township 62 N., Range 1 E., B. M.

9. Amount of water claimed from Unnamed branch of Fleming Creek (Creek) (River) (Spring) in addition to that stored in reservoir at Smith Lake is One cubic feet per second.

10. Water is to be used for Irrigation purposes.

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

- (a) Point of use of water (bearing) feet, distant from Corner of Section, Township, Range, B. M. and is in the 1/4 of 1/4 of Section, Township, Range, B. M.
- (b) Amount of power generated: H. P., under feet head.
- (c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section, Township, Range, B. M., in the 1/4 of 1/4 of Section, Township, Range, B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. , which is hereby referred to and made a part hereof.

13. Kind of diversion works: Concrete dam

(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 8 feet, length at top 15 feet, length at bottom 3 feet. The dam is to be constructed of materials as follows: Concrete and iron pipe

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width 12" pipe feet, Height feet.

16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet, Dimensions of Flume

Diameter of Pipe 4 or 6 inches; Length of Conduit 1 1/2 miles. Average grade per mile 400 feet.

17. Estimated cost of Works: Storage Works: \$ 250.00 Diversion Works: \$4,500.00

18. Time required for completion of work Five (5) years.

19. Time required for complete application of water to proposed beneficial use is Dix (6) years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
62 N.	1 E.	2	35	40.33	40	35													150.33

Total Number of Acres to be Irrigated

150.33

Remarks: The outlet stream from Smith Lake is a tributary of the Kootenai River and dries up during the summer months. It is my intention by the application to appropriate the water from this stream during the spring runoff and then use storage from Smith Lake, which will be conveyed through the channel of this stream and diverted at the point of use by an electric pump and sprinkler system. When I am able to secure the necessary pipe the water will be piped from the diversion, which is the outlet of Smith Lake.

Smith Lake was lowered many years ago by making a cut through solid rock at the outlet. The applicant proposes to construct a concrete dam in this outlet cut and hold about eight feet of storage on the lake which will make the elevation of the lake, with full storage, approximately the same as it was before it was lowered. The area of the lake at its present low water elevation is approximately 25 acres. With full storage approximately 35 acres.

(Continued)

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

W. J. Nixon

Applicant.

By

Agent.

Date of first receipt at office of Commissioner of Reclamation State Reclamation Engineer: 9:00 A. M. September 15, 1950

Returned to applicant for correction September 19, 1950

Corrected application received September 26, 1950

STATE RECLAMATION ENGINEER APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~

The number of this permit is R 859

Recorded in book R 3, page 859

Approved September 29, 1950

This is to certify that I have examined the within application for a permit to construct a reservoir and store and 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 29, 1950 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before March 29, 1953

The whole of said work to be completed on or before September 29, 1955

Beneficial use of water stored in accordance herewith, to be made on or before September 29, 1961

Witness my hand this 29th day of September, 1950

. 19

MARK R. KULP
~~Commissioner of Reclamation~~
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 29th day of September, 1950.

(S E A L)

Countersigned:
By J. D. "CY" PRICE
Secretary of State.

STATE OF IDAHO
By C. A. ROBINS
Governor

REMARKS (Continued) Since the diversion dam is less than 10 feet in height and will be very simple construction, it would appear that this would come within the exception of Section 42-1707, Idaho Code.

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. R-859

Comes now W. J. NIXON and represents to the State Reclamation Engineer of the State of Idaho: That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. R-859. That the point of diversion is described in said permit as being located NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 63 N., Range 2 E., B.M. That he now requests that the point of diversion be changed to include a point located NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 62 N., Range 1 East B.M. and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Twp. 63 N., Rge. 2 E., B.M. That his reasons for desiring to make such change are as follows:

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Great Falls, Montana, this 30th day of November 1956

W. J. Nixon

Date of receipt at Department of Reclamation December 3, 1956.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. R-859. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Mark R. Kulp
State Reclamation Engineer

Permit No. R-859

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that W. J. NIXON of Bonners Ferry, County of Boundary, and State of Idaho, the holder of Permit No. R-859, issued upon Application No. R29417 bearing date of priority of September 15, 1950, authorizing the diversion of 240 ac-ft. & .8 second feet of the waters of an unnamed branch of Fleming Creek The reservoir is to be filled through a natural snow run-off County of Boundary, State of Idaho, for Irrigation 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 240 ac-ft in reservoir to be filled through a natural snow run-off and .8 second feet of the waters of an unnamed branch of Fleming Creek that the points of diversion of said waters NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Township 63 N., Range 2 E. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, Township 62 N., Range 1 E. and that the land proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ Section 2, Township 62 North, Range 1 East B.M.

Proof of Completion of Works made: August 25, 1956.

Witness my hand this 6th day of February, A.D. 1957

/s/ Mark R. Kulp
State Reclamation Engineer

Proof of Completion of Works made August 25, 1956.

Certificate of Completion of Works issued February 6, 1957.

240 A.F.
UPPER END OF 1.8 INCH
Page 5908

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
NORTHERN DISTRICT OFFICE



Cecil D. Andrus
Governor
R. Keith Higginson
Director

401 Front Ave., Rm. 209
Coeur D'Alene, Idaho 83814
(208) 667-6484

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

December 27, 1973

Re: 98-2136

W. J. Nixon
5720 Leonora
Apache Wells
Mesa, Arizona

Dear Mr. Nixon:

Enclosed is a Certificate of Approval for storage of water behind Nixon No. 1 Dam. The Department has issued this certificate in accordance with Title 42, Chapter 17 of the Idaho Code. This certificate is issued for a two-year period, at which time the dam will be re-examined. If the dam is found to be in satisfactory condition, a new certificate will be issued.

The last inspection of your small concrete structure and outlet system indicates that all are in good condition and that no apparent problem exists. The spillway should be kept clean of all debris and logs. Possibly a log boom could be stretched across the channel to keep the debris from entering the outlet and spillway area.

If you have any questions, or if we may be of any further assistance, feel free to contact this office.

Very truly yours,

Fred Eisenbarth
Northern District Manager

FE:cp
wg
Enclosure

bcc: IDWA - Boise ✓

98-2136

July 27, 1961

Re: Permit No. R-859

Nixon & Nixon
Attorneys at Law
225 Main St.
Bonners Ferry, Idaho

Gentlemen:

Water License has been issued on R-859. Upon checking the record we find our records are complete, and notice was mailed in error.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPa:ew

R 859

NIXON & NIXON

ATTORNEYS AT LAW
OFFICES 225 MAIN STREET
BONNERS FERRY, IDAHO

ANDREWS 7-3233

W. J. NIXON

July 24, 1961

W. W. NIXON

PROSECUTING ATTORNEY - BOUNDARY COUNTY

JUL 26 1961
Department of Reclamation

Mr. Geo. N. Carter
State Reclamation Engineer
Department of Reclamation
Room 107, State House
Boise, Idaho

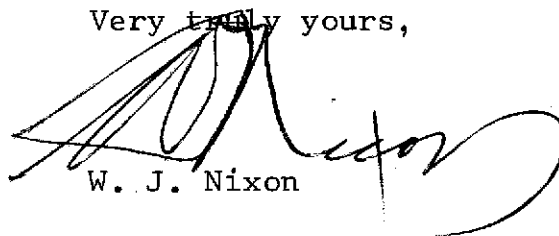
Re: Permit No. R-859

Dear Mr. Carter:

I was under the impression that I had made proof of application of water to beneficial use, in August 1955. I have been issued a license and certificate of water right -- Water license #R-859.

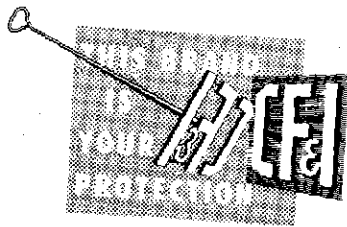
If additional proof is required, please advise and I will forward the information you request.

Very truly yours,


W. J. Nixon

WJN:ft

R-859



BILL IRWIN
910 Old National Bank Building
Spokane, Washington
Madison 1297

5-3-54
Joe Vernon

- 1 Model 40 Rainbird sprinkler
1/4" X 3/32" nozzles
- 2 69 sprinklers
- 5 30# at sprinkler nozzle.
(pump has capacity of
450 G.P.M. at 65#)

Ray Sims

● Ray

Box 740
Great Falls, Mont.
5-1-56

RECEIVED
MAY 7 1956

Department of Reclamation

Joe C. Vernon
Bonner County Idaho

Dear Joe -

I will answer Mr. Humphreys
questions in order as follows:

1. - 6 1/2 gal.

2. - 52 maximum

3. - 3" x 40

4. - 750' of 6" - 1800' of 4" Aluminum and
2500' of 4" steel tubing (see diagram)

5. - Min. 40 lbs.

6. - all of NE NE West of Highway except 2 acres by pump.
all of SE NE - " " "

all of NW NE except approx. 1 acre in NW corner.

30 acres estimated in S.W. NE

This acreage includes about 8 or 10 acres
that will be in crop for the first
time this year.

The Highway takes off 329.6' on the
North end and 1369.2' on the South end
of this quarter section. You could
figure the exact acreage in the
two 40 is bordering the Highway. You
assessed for 140.68 acres in the place
and there will be about 12 or 15 acres
in the S.E. corner that will not be 859

irrigated.

My method of irrigating the west half of the place is shown by the diagram. Keep in mind that a portion of the main line is portable and when irrigating the west side of the place this portable main is moved from the North to the south side of the main running West.

If there are any other questions let me know and I will try to answer them or you can talk to Ray Pinn's. He sold me most of the system and engineered the layout.

I intend to replace about 800 feet of 4' main with 6' when I can afford it.

Very truly yours
L. H. Pinn

N-

O Pump

4" main (portable)

4" main (portable)

6" main

4" in. main (perm)
(to be replaced with 6" main)

W.J. Nixon

NE 4 Sec. 2-62-1 E.

West of Highway #95

Note - when using
2 laterals on the
west side we only
use one lateral
on the east side.
Will use four laterals
when we replace more
4" main with 6"

4" main (portable)

4" main (permanent)

lateral

W-

lateral

lateral

lateral

Timber

S-

P-859

Hwy #95

13

February 8, 1957

Re: Permit No. R-859

Mr. W. J. Nixon
Attorney at Law
P. O. Box 740
Great Falls, Montana

Dear Mr. Nixon:

We enclose Certificate of Completion of Works and License and Certificate of Water Right issued under Permit No. R-859 for the diversion of and confirming the right to the use of 240 ac.-ft. and .8 cubic foot per second of waters of a reservoir to be filled through a natural snow run-off and an un-named branch of Fleming Creek, with points of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Township 63 North, Range 2 East B.M., NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, Township 62 North, Range 1 East B.M., with priority date of September 15, 1950 for irrigation of lands in the NE $\frac{1}{4}$ Section 2, Township 62 North, Range 1 East B.M.

Departmental receipt No. 28282 for \$13.00 issued for payment covering the \$5.00 fee for Certificate of Completion of Works and \$8.00 License fee was enclosed in our letter to you dated December 6, 1956.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Enclosures (2)

R-859

December 6, 1956

Re: Permit No. R-859

Mr. W. J. Nixon
Attorney at Law
P. O. Box 740
Great Falls, Montana

Dear Mr. Nixon:

We enclose your Application for Amendment to the point of diversion as described in Permit No. G-859 which has been approved by the State Reclamation Engineer and recorded in this Department. It should be attached to the Permit of which it now becomes a part.

Also enclosed is departmental receipt No. 28282 for \$13.00 for Certificate for Completion of Works and License for Beneficial Use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
BY

Chief Clerk

ER:nls
Encl:

R-859

November 26, 1956

RE: Permit No. R-859

Mr. W. J. Nixon
Attorney at Law
3606 Seventh Avenue South
Great Falls, Montana

Dear Mr. Nixon:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on your Permit No. R-859 which shows that the State Reclamation Engineer has approved .8 cubic feet per second on the stream flow from an un-named stream with point of diversion in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 62 North, Range 1 East, B.M., and 240 Acre Feet of storage water from a reservoir located on Smith Lake with point of diversion and outlet in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 63 North, Range 2 E., B.M. all for use on the following described land; 115 acres in the NE $\frac{1}{4}$ of Section 2, Township 62 North, Range 1 East, B.M.

However, the Permit only shows one point of diversion and that being for the reservoir or the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 31., Twp. 63 N., Rge. 2 E., B.M. Therefore, it becomes necessary to have an amendment to the point of diversion to include the stream flow point of diversion (NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 2., Twp. 62 N., Rge. 1 E., B.M.) and we inclose an Application for and Amendment for that purpose.

Upon receipt of this Application for Amendment to the point of diversion properly filled out and approved by the State Reclamation Engineer a Certificate of Completion of Works and License can, therefore, be issued for 0.8 second feet and also the 240 Acre Feet for a statutory fee of \$5.00 for Certificate of Completion of Works and \$8.00 License fee, the latter being at the rate of \$2.00 for each 40 acres irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR
Enc.- 1 P.D. Amdt.

R-859

INTER-DEPARTMENT MEMO—1

DATE

FROM

TO

SUBJECT

Prepare licence as usual for the 240 acre feet of storage water and add the .8 cubic feet per second on the same license,

RWT.

SIGNATURE

R-859

May 10, 1956

R-859

Mr. Joe Vernon
Bonners Ferry
Idaho

Dear Joe:

Thanks very much for the letter from W. J. Nixon
which you sent in.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

R-859



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

April 25, 1956

Re: Permit No. R-859

Mr. Joe Vernon
Courthouse
Bonners Ferry, Idaho

Dear Mr. Vernon:

Will you please get full details as to Mr. Nixon's irrigation system.

Will need to know (1) - size of sprinkler nozzles,
(2) - The number of sprinklers that he operates at one time,
(3) - Size and length of lateral lines on which the sprinklers are mounted, (4) - size and length of the main line,
(5) - operating pressure and (6) - the number of acres irrigated in each 40 acre subdivision.

I went back to Bonners Ferry Friday evening, did not find you, and went on out to the farm. Could not get into the shed that apparently houses the sprinkler connections and fittings.

I Could not determine exactly how he does irrigate the west half of the place.

Yours truly,

E. N. Humphrey

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:er

R-859

April 25, 1956

Re: Permit No. R-859

Mr. Joe Vernon
Courthouse
Bonners Ferry, Idaho

Dear Mr. Vernon:

Will you please get full details as to Mr. Nixon's irrigation system.

Will need to know (1) - size of sprinkler nozzles,
(2) - The number of sprinklers that he operates at one time,
(3) - Size and length of lateral lines on which the sprinklers are mounted, (4) - size and length of the main line,
(5) - operating pressure and (6) - the number of acres irrigated in each 40 acre subdivision.

I went back to Bonners Ferry Friday evening, did not find you, and went on out to the farm. Could not get into the shed that apparently houses the sprinkler connections and fittings.

I Could not determine exactly how he does irrigate the west half of the place.

Yours truly,

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:er

R-859

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

Permit No. R-859

This proof is for Completion of works & Beneficial Use In Water District No. _____

1. Name of applicant W. J. Nixon, Bonners Ferry, Idaho
2. Source of water supply: Un-named branch of Fleming Creek, an outlet from Smith Lake and Smith Lake from branch of Fleming Creek
3. Location of point of diversion / Is in the NE 8 E corner of Section 2

T. 62 N., R. 1 E. County of _____ Boundary:

Outlet of reservoir 600 ft. N E of NW corner Sec. 31, Twp. 63 N., Range 2 E., B.M.

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

20 hp. horizontal motor. 3 1/2" x 2 3/4" Rain way. Centrifugal Pump.
Lift est. at 30' 52 sprinklers 3/32" x 1/64"

est. 64 sprinklers
lots of 4" main steel main connected with Hersey Co.

5. Water is used for: Irrigation

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 other than irrigation):

Northeast Quarter Section 2, Township 62 North, Range 1 East, B. M.

Dam is 20' long on top x 8' high. Concrete dam.
Has a section 1 1/2' wide with splash boards for draining
also a 12" pipe thru bottom of dam.
8' of storage. Surface area = 40 a. approx.

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

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

Remarks: _____

This examination was made on the 19 day of April, 1956

(Signed) E. N. Humphrey, Examiner.

R-859

Cutter Hamman Control
on Pole to SW of

2400 C.E. Motor

41 50 32 557

Cut 25' x 30' (121)

41 50 32 557

24 4 7 13 60

12 20 32 557

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 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.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
NOV 8 1956

Department of Reclamation

W. J. Nixon

Bonniers Ferry, Idaho

Permit No. R-859

See Mitchell

Examination for Completion of Works

and Beneficial Use

County Boundary

31 - G 3 N. - 2 E.

Q = 240 A.F.

S = 200' named brand of Hamman Co.

400' NE of S. NW. Cor. of

P.L. = Sec. 31, T. 63 N. - R. 2 E

W. 2 Irrigation

write to for version

see Sprinkler spec.

and lands irrig.

Priority = Sept. 15, 1950

Due = Sept. 29, 1951

Stuck in the mud for

half a day up by

Mr. Rouse's place.

Lake outlet has had a
channel cut thru rock ledge
then dam (counts) put across
it.

Dam is 8' in top 20' h. x
8' h.

Spills over top of dam

Has a 2' W. west section

with brick boards on outside
1' x 2' plank (b.t.) 8' h.

indications of 2' pipe
thru - the concrete at bottom

20 hp. C.E. Motor

Rainway Cent. Pump.

3 1/2" x 2 3/4"

6" Pl. from main up to field

Pumps & notes on a raft
in small pond.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. R-859

REPORT ON PROOF OF Completion of Works & Beneficial Use

W. J. NIXON, Bonners Ferry, Idaho

appl. 240 ac. fut.

Sub. 4
acres 115

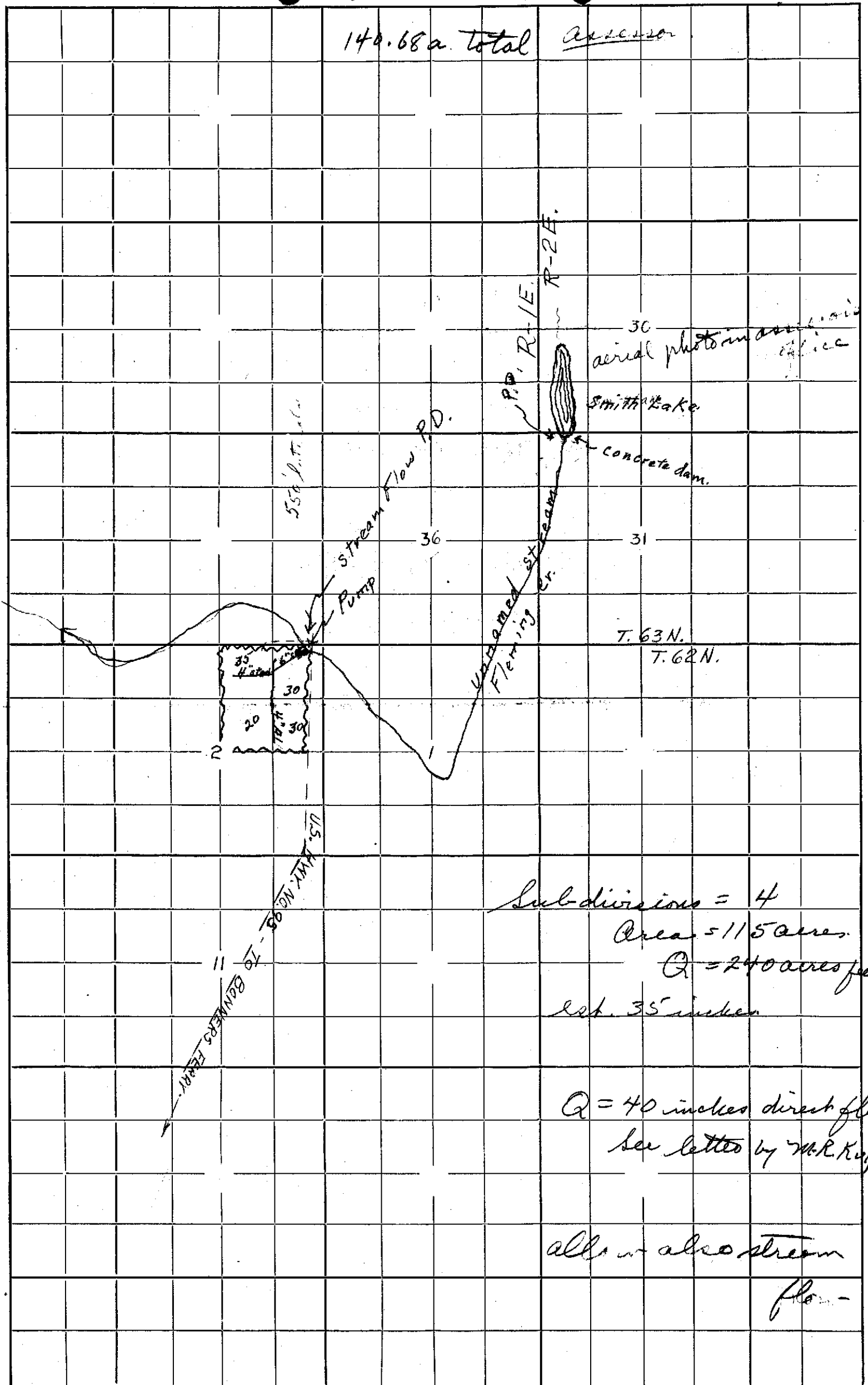
(?)
and 18 cfs
240 ac. at
SNAX

R-859

80 acres dry agr. land.

140.68 a. total

Assessor



April 9, 1956

RE: Permit No. R-859

Mr. W. J. Nixon
Bonners Ferry
Idaho

Dear Mr. Nixon:

Weather and roads permitting I hope to make inspection in connection with your Permit on Wednesday morning, April 18.

Will you please be prepared to accompany me on the inspection or have someone familiar with the works represent you.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

R-859

✓
October 20, 1955

RE: Permit No. R-859

Mr. W. J. Nixon
3606 Seventh Avenue South
Great Falls, Montana

Dear Mr. Nixon:

We acknowledge receipt of your letter of October 17 enclosing depositions of yourself and two witnesses also affidavit of publication in the Bonners Ferry Herald all submitted in proof of beneficial use on Permit No. R-859.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

We assume that your Great Falls address is only temporary and that when inspection is made sometime next season, you can be reached at your office in Bonners Ferry.

Meanwhile, we return receipted bill for costs of publication which you will doubtless wish to keep in your own files.

Very truly yours,

MARK R. KILP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

R-859

W. J. NIXON
ATTORNEY AT LAW
BONNERS FERRY, IDAHO
October 17, 1955

OFFICE TELEPHONE NO. 3081
RESIDENCE TELEPHONE 2196

OFFICES K. V. CREAMERY
BUILDING

RECEIVED
OCT 20 1955
Department of Reclamation

Mark R. Kulp
Reclamation Engineer
Boise, Idaho

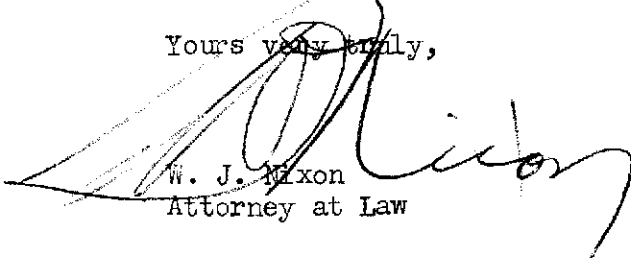
Re: Permit No. R859

Dear Mr. Kulp:

The hearing was held before Joe Vernon today and I am enclosing herewith depositions of myself and two witnesses together with Affidavit of Publication and Notice of Hearing.

Any further correspondence in connection with this permit, please write me at 3606 Seventh Avenue South, Great Falls, Montana.

Yours very truly,


W. J. Nixon
Attorney at Law

WJN/vb
enclosures

R-859

BENE- FICIAL USE

Notice is hereby given that at 9:00 a. m. on the 17th day of October, 1955, at Bonners Ferry, County of Boundary, State of Idaho, before Joe Vernon, Notary Public, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of an unnamed branch of Fleming Creek, an outlet stream from Smith Lake, and 240 acre feet per annum storage in Smith Lake in accordance with the terms and conditions of Permit No. R-859 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice of the person to whom the water has been applied is irrigation.

The amount applied to beneficial use is one cubic foot per second stream flow and 240 acre feet per annum storage.

The place where said water is used, Northeast quarter Section 2, Township 62 North, Range 1 East, B. M., West of Highway 95.

The name of the canal or ditch or other works by which said water is conducted to such place of use is none.

The place from which such water is diverted is Smith Lake and outlet stream.

The date of priority which said user is prepared to establish is September 15, 1950.

MARK R. KULP
State Reclamation Engineer
First publication Sept. 22, 1955
Last publication Oct. 13, 1955

Affidavit of Publication

STATE OF IDAHO } ss.
County of Boundary }

W.A. Chubb

being first duly sworn upon his oath, deposes and says: That he is the Publisher

of the Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the

hereto attached notice; that the advertisement of Notice of Proof Application of Water to Beneficial use

a Notice of Publication

Notice for Publication, a printed copy of which is attached hereto was published in said newspaper and not in a supplement thereof for Four

consecutive issues, commencing with the issue dated September 22 195 5, and ending with the issue dated October 13 195 5

Subscribed and sworn to before me this 17th day of Oct 195 5

Co-Publisher
Foreman

Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

R-859

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. _____

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. W. J. Nixon, Attorney, Bonners Ferry, Idaho; P.O. Address: 3606 Seventh Avenue S., Great Falls, Montana

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. Individual

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

Ans. Permit No. R859 September 29, 1950

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

Ans. unnamed branch of Flemming Creek; point of diversion 394 ft. W. and 100 ft. N. of the NE corner of Section 2, T. 62 N., Range 1 E.B.M.; Storage dam location 600 ft. NE of the NW corner, Sec. 31 T. 63 N., Range 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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure. Pump and 20 horse electric motor, 6" steel mainline pipe from pump. Storage reservoir at pump 10' deep covering $\frac{1}{4}$ acre. Concrete

Ans. storage dam at Smith Lake 8 $\frac{1}{2}$ ' high, 8' to spillway, 18' wide at top, 3 $\frac{1}{2}$ ' wide at base, 3' thick at base and 8" thick at top. Outlet 12" steel pipe with screw valve. Pump 4" discharge (mfg. specifications) 60 - 7 $\frac{1}{2}$ gal. per minute sprinklers operating under 30 lbs. of pressure at the sprinklers.

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. Irrigation. Northeast Northeast 35 acres, Northwest Northeast 38 acres, Southwest Northeast 20 acres, Southeast Northeast 35 acres. Cultivated land. Land cleared and cultivated. Irrigated with sprinkler irrigation system at a cost of in excess of \$10,000.

R-859

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

Ans. No other use

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

Ans. 240 acre feet of lake storage plus 1 cu. foot per second of natural flow upstream during spring runoff.

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.

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

Ans. All used in 1952, 1953, 1954 and 1955, except about 4' of storage in Smith Lake which was not used in 1954.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. About 4' of storage on approximately 15 acres in the NE corner of the NE $\frac{1}{4}$ of Section 36, Township 63 North, Range 1 E.B.M. This storage is snow runoff and is used to supplement water under the above permit. Rights claimed by usage.
No permit filed.

(Sign)

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 Bonners Ferry, County of Boundary, State of Idaho, on this 17th day of October, A. D. 1955.

JOE C. VERNON
NOTARY PUBLIC

My commission expires My Commission Expires MAR. 29, 1959

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. _____

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. Ray Sims, Bonners Ferry, Idaho, Implement Dealer, Bonners Ferry, Idaho.

54 years of age.

Ques. 2. Are you acquainted with W. J. Nixon, the holder of Permit No. R859? How long have you known him and where does he reside? 22 years, Bonners Ferry, Idaho

Ans. _____

Ques. 3. Have you read or heard read said Permit No. R859, 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. Smith Lake and branch of Flemming Creek, Northeast quarter, Sec. 2, Township 62 North, Range 1 E.B.M. Water conveyed from Smith Lake to a point of diversion in natural stream bed from diversion point to place of use by a 20 horse power pump and 6" water main.

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. 1 cu. ft. 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, 128 acres. Northeast quarter of Section 2, Township 62 North, Range 2 E.B.M. West of Highway No. 95. Cultivated land, portable sprinkler irrigation system. Concrete dam at Smith Lake with 6" outlet pipe and screw type valve.

R-859

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. Bench land, clay soil and two acre feet of water per acre.

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

Ans. None

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. I have seen the irrigation system in operation on the average of once each week during each irrigation season for the years 1952 to 1955. The system was using approximately 450 gallons of water per minute.

(Signed) Ray Sims

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 Bonnors Ferry, County of Boundary, State of Idaho, on this 17th day of October, A. D. 19 55.

My commission expires _____

JOE C. VERNON

NOTARY PUBLIC

My Commission Expires MAR. 29, 1956

Joe C. Vernon
Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. _____

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. Roy Clark, 60 years of age, Bonners Ferry, Idaho, Water Department,
Village of Bonners Ferry, Idaho.

Ques. 2. Are you acquainted with W. J. Nixon, the
holder of Permit No. R859? How long have you known him and where does
he reside?

Ans. 22 years, Bonners Ferry, Idaho

Ques. 3. Have you read or heard read said Permit No. R859, 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 con-
veying water from point of diversion to place of use.

Ans. Smith Lake and outlet stream, place of diversion Northeast quarter, Section 2,

Township 62 North, Range 1 E.B.M. Concrete dam at outlet of Smith Lake with 12"

outlet pipe and screw type valve. At the point of diversion there is installed a

20 horse power electric motor and pump and excavation for holding water covers ap-
proximately 1/4 acre and is approximately 10 ft. deep. Water is conveyed from the

Ques. 5. How many second feet of water do you estimate said works will safely convey ^{point of diversion to place of use by} ~~the~~ steel pipe
duct to place of use, and how much water have you seen being so conveyed?

Ans. 1 cu. ft. 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 im-
provements which have been made as a direct result of said use.

Ans. Irrigation 128 acres. Northeast quarter of Section 2, Township 62 North, Range 2

E.B.M. West of Highway No. 95. Cultivated land, portable sprinkler irrigation

system. Concrete dam at Smith Lake with 6" outlet pipe and screw type valve.

R-859

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

Ans. dry cleared bench land, two to two and one-half acre feet per acre.

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. Dry cleared bench land, two to two and one-half acre feet per acre.

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

Ans. None

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. I was employed by W. J. Nixon to construct the dam at Smith Lake in the Fall of 1951 and have seen the irrigation system in operation and the water applied to the land many times each season during the years 1952, 1953, 1954 and 1955.

(Signed)

Alto Roy Clark

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 Donners Ferry, County of Boundary, State of Idaho, on this 17th day of October, A. D. 19 55.

Joe C. Vernon
JOE C. VERNON
NOTARY PUBLIC

Notary Public.

My commission expires

My Commission Expires MAR. 29, 1959



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

October 24, 1955

RE: Permit No. R-859

RECEIVED
OCT 31 1955
Department of Reclamation

Bonniers Ferry Herald
Bonniers Ferry
Idaho

Gentlemen:

We return the affidavit of publication which Mr. W. J. Nixon sent us in connection with the proof on Permit No. R-859 with the request that you submit an affidavit containing a clipping of the entire notice. If you will refer to your issue of September 22, 1955, from which we have a clipping, you will note that several paragraphs are omitted from the clipping attached to the affidavit of publication.

This is important so we ask that you kindly give the matter your prompt attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson

Chief Clerk

A:hll
Enc.

P-859

September 16, 1955

RE: Permit No. R-859

Mr. W. J. Nixon
Bonners Ferry
Idaho

Dear Mr. Nixon:

In accordance with your letter of September 13, 1955, we have completed the notice for Beneficial Use on your Permit No. R-859 to be made October 17, 1955, and have sent a copy of the notice to the Bonners Ferry Herald with instructions to publish it once a week for four weeks prior to that date and to send you the Affidavit of Publication together with statement of costs.

At the time set you should appear before Mr. Joe Vernon, Notary Public, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

R-859

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. R-859

Date: September 16, 1955

Bonnars Ferry Herald

Bonnars Ferry, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **October 17, 1955** the date set for proof, the expense of the publication to be paid by the applicant, **W. J. Nixon** of **Bonnars Ferry, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

R-859

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

Notice is hereby given that at 9:00 A. M. on the 17th day of October, 19 ,
at Bonnars Ferry, County of Boundary, State of Idaho, before
Joe Vernon, Notary Public, proof will be submitted of the
application to beneficial use of one cubic foot per second of the waters of an un-named branch of
Flaming Creek, an outlet stream from Smith Lake, and 240 acre feet per annum storage in
Smith Lake in accordance with the terms and conditions of Permit No. R-859
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are _____
W. J. Nixon, Bonners Ferry, Idaho.

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

The amount applied to beneficial use is one cubic foot per second stream flow and 240 acre feet
per annum storage.

The place where said water is used (in for irrigation, give full and accurate description of the lands irrigated)
Northeast quarter Section 2, Township 62 North, Range 1 East, B. M., West of
Highway 95.

The name of the canal or ditch or other works by which said water is conducted to such place of use is _____
None

The right to take water from such works is based upon Permit No. R-859

The source of supply from which such water is diverted is Smith Lake and outlet stream.

The date of priority which said user is prepared to establish is September 15, 1950

MARK R. KULP

State Reclamation Engineer.

R-859

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 15, 1955

(P. O.) Bonnors Ferry, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

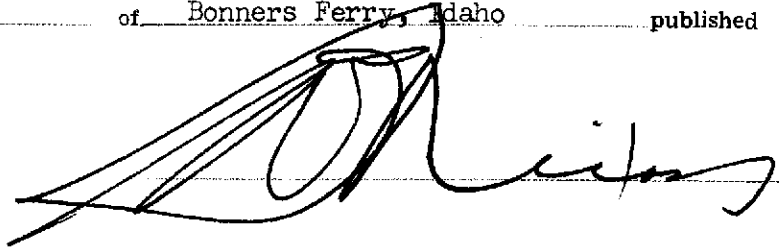
You are hereby authorized to have the attached notice published at my expense in the

Bonnors Ferry Herald

of Bonnors Ferry, Idaho

published in

the county in which the works are situated.



(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.

R-859

W. J. NIXON
ATTORNEY AT LAW
BONNERS FERRY, IDAHO

OFFICE TELEPHONE NO. 3061
RESIDENCE TELEPHONE 2196

OFFICES K. V. CREAMERY
BUILDING

September 13, 1955

RECEIVED
SEP 16 1955
Department of Reclamation

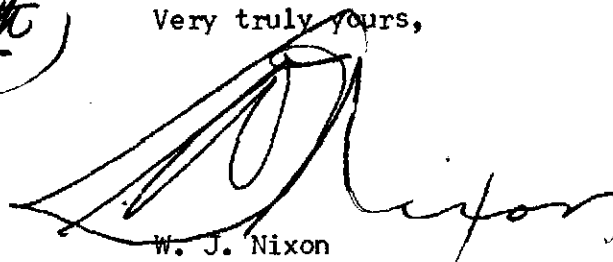
Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Permit No. R-859

Dear Mr. Kulp:

Replying to your letter of September 2nd, will state
that October 17th at 9:00 A. M. will be satisfactory
for a date for the hearing in this matter.

(17th) Very truly yours,


W. J. Nixon

R-859

September 13, 1955

Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Permit No. R-859

Dear Mr. Kulp:

Replying to your letter of September 2nd, will state that October 10th at 9:00 A. M. will be satisfactory for a date for the hearing in this matter.

Very truly yours,

W. J. Nixon

R-859



ROBERT E. SMYLLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

September 2, 1955

RE: Permit No. R-859

Mr. W. J. Nixon
Attorney at Law
Bonners Ferry, Idaho

Dear Mr. Nixon:

I have your letter of August 2, 1955, calling attention to Paragraph 9 of your application for permit which was approved and Permit No. R-859 issued.

It has been some years since we have issued combined storage and direct flow permits and licenses and our assumption on Paragraph 9 was that the one cubic foot per second claimed was not necessarily claimed under the storage permit -- otherwise, we would have required an additional direct flow permit.

Since the present situation might be attributed to our lack of understanding of your understanding of Paragraph 9, we will accept your views and upon satisfactory proofs, issue licenses for both direct flow and storage.

The delay in arriving at this solution will require the setting of a new date for submission of proofs. If you will advise us of a satisfactory later date, we can complete the notice and send a copy to the Bonners Ferry Herald with instruction in regard to publishing.

Very truly yours,

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

K:hll

Oct 10, 1955

R-859

✓
September 2, 1955

RE: Permit No. R-859

Mr. W. J. Nixon
Attorney at Law
Bonners Ferry, Idaho

Dear Mr. Nixon:

I have your letter of August 2, 1955, calling attention to Paragraph 9 of your application for permit which was approved and Permit No. R-859 issued.

It has been some years since we have issued combined storage and direct flow permits and licenses and our assumption on Paragraph 9 was that the one cubic foot per second claimed was not necessarily claimed under the storage permit -- otherwise, we would have required an additional direct flow permit.

Since the present situation might be attributed to our lack of understanding of your understanding of Paragraph 9, we will accept your views and upon satisfactory proofs, issue licenses for both direct flow and storage.

The delay in arriving at this solution will require the setting of a new date for submission of proofs. If you will advise us of a satisfactory later date, we can complete the notice and send a copy to the Bonners Ferry Herald with instruction in regard to publishing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:hll

R-859

W. J. NIXON
ATTORNEY AT LAW
BONNERS FERRY, IDAHO

OFFICE TELEPHONE NO. 3061
RESIDENCE TELEPHONE 2196

OFFICES K. V. CREAMERY
BUILDING

Aug. 2, 1955

RECEIVED
AUG 4 1955
Department of Reclamation

Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Attention: Jenny L. Anderson, Chief Clerk

Dear Miss Anderson:

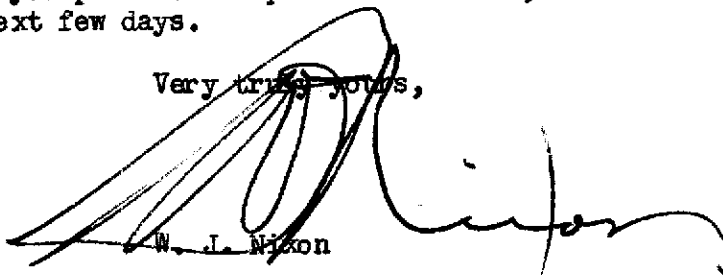
Re: Permit No. R 859

Replying to your letter of July 22nd, 1955, I wish to call your attention to Paragraph 9 of my original application, which was approved by the State Reclamation Engineer and reads as follows: "Amount of water claimed from unnamed branch of Flemming (Creek) in addition to that stored in reservoir at Smith Lake is one cubic feet per second."

I have been using the natural flow of this stream since the spring of 1951 and believe that my proof should show the appropriation of this water. Some years it is not important, since the stream is dry before I start irrigating; however, other years there is a good flow, which I use to supplement the storage in Smith Lake. If you have not already mailed the publication to the Bonners Ferry Herald, I believe that it should show that I am appropriating water from this stream, in addition to the Smith Lake storage.

I will forward you proof of completion of works, Form (15-R) within the next few days.

Very truly yours,


W. J. Nixon

WJN:av

R-859

✓
July 22, 1955

RE: Permit No. R-859

Mr. W. J. Nixon
Bonners Ferry
Idaho

Dear Mr. Nixon:

We are in receipt of duplicate notice for proof of beneficial use on Permit No. R-859 to be made September 17 before Joe Vernon, Notary Public.

This notice claims 240 acre feet from Smith Lake and outlet stream and 1 cubic foot per second stream flow.

Your Permit only calls for the 240 acre feet storage and the notice will be corrected accordingly and a copy sent to the Bonners Ferry Herald in time for the four weeks publication prior to September 17 with instructions to publish once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

You, of course, understand that your proof of completion of works, for which Form 15-R was enclosed in our letter of July 1, must also be completed and returned to this Department.

On September 17, the date set for proof of beneficial use, you should appear before Mr. Joe Vernon together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

R-859

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

Notice is hereby given that at 9:00 A. M. on the 17th day of Sept - September, 1955,
at Bonnars Ferry, County of Boundary, State of Idaho, before
Joe Vernon - R-859, proof will be submitted of the
application to beneficial use of one cubic feet per second of the waters of unnamed branch of Fleming Cr.,
outlet stream from Smith Lake; also 240 acre feet of storage on Smith Lake
in accordance with the terms and conditions of Permit No. R-859
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
W. J. Nixon, Bonners Ferry, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 1 cu. ft. per second stream flow and 240 acre ft. storage.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
NE 1/4 of Section 2, Township 62 North, Range 1 E. B. M., west of Highway 95.

The name of the canal or ditch or other works by which said water is conducted to such place of use is
None

The right to take water from such works is based upon Permit No. R-859

The source of supply from which such water is diverted is Smith Lake and outlet stream

The date of priority which said user is prepared to establish is September 15, 1950

State Reclamation Engineer.

R-859

W. J. NIXON
ATTORNEY AT LAW
BONNERS FERRY, IDAHO

OFFICE TELEPHONE NO. 3061
RESIDENCE TELEPHONE 2196

OFFICES K. V. CREAMERY
BUILDING

August 25, 1955

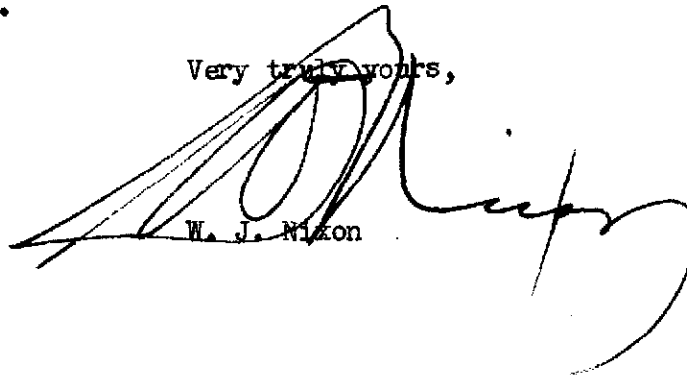
RECEIVED
AUG 29 1955
Department of Reclamation

State Reclamation Engineer
State House
Boise, Idaho

Dear Sir: Re: Permit No. R859

Enclosed herewith, find Form 15-R, which has been
executed by me.

Very truly yours,



W. J. Nixon

WJN:av
Enc.

R-859

Permit No. R-⁸⁵⁹~~889~~

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. W. J. Nixon, Bonners Ferry, Idaho, attorney - farmer

Ques. 2. If acting on 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, acre feet of water you claim for storage, and source of same.

Ans. R859, Sept. 29, 1950. 240 acre feet storage in Smith Lake and one cubic foot per second from unnamed branch of Flemming Creek (outlet stream from Smith Lake)

Ques. 4. Under terms of permit construction was required to be completed by September

29, 1955.

Ques. 5. Construction was actually completed on the date of June 15, 19 52.

Ques. 6. Does the construction fully comply with the specifications? Yes

Ques. 7. Of what material was the dam built? Concrete - 12" outlet pipe - 12" valve

Ques. 8. State whether or not the water has been turned into your reservoir, and if so, when and to what extent.

Ans. Fuel storage 1952 - 1953-1954-and 1955

Ques. 9. The capacity of the reservoir is 240 acre feet.

Ques. 10. The area of the high water line of the reservoir is 30 acres.

Ques. 11. The height of the dam above bottom of reservoir is 8 feet, above low water is 8 feet.

Ques. 12. The dimensions of the spillway are 6"x24" and the bottom of the spillway is 6" ~~feet~~ below the top of the dam.

Ques. 13. Dimensions of the reservoir outlet are 12" pipe

Ques. 14. Describe the gate and control unit.

Ans. 12" steel screw valve

Ques. 15. The reservoir outlet is made of steel screw valve

Ques. 16. Is the reservoir filled through a feeder canal? No

Ques. 17. If so, where is the point of diversion for same?

Ans. 1/4 1/4 Section, Twp. Range.

R-859

Ques. 18. Does the feeder canal comply with the specifications in the permit?

Ques. 19. If not, explain

Ques. 20. Cost of constructing feeder canal? \$..... Cost of reservoir? \$250.00 (Does not include costs below reservoir.)

Ques. 21. State whether or not the works from reservoir outlet to place of use are fully completed, and whether or not they comply with the specifications in permit. If not, explain. Yes, completed in compliance with permit, except that the water will not be piped all the way from the reservoir to the place of use as originally planned. The water is released at the reservoir and allowed to follow the natural course of the unnamed branch of Flemming Creek, except for a distance of approximately 2000 feet where ditch and steel pipe is used.

Ques. 22. Water has ~~been~~ been delivered to place of intended use? Yes

Ques. 23. Give description of dam, state dimensions, and give slope of face both upstream and downstream. Also method and material for protecting against wave action.

Ans. Concrete dam $3\frac{1}{2}$ ' wide 3' thick at base; twelve feet wide 8" thick at top; $8\frac{1}{2}$ ' high; slope $3\frac{1}{4}$ to 8" all on upstream side.

Ques. 24. State the purpose for which the water is to be used and give the place of use, and if for irrigation, state the number of acres, and give the legal description of same.

Ans. Irrigation: 143 acres in NE $\frac{1}{4}$, Section 2, West of Highway No. 95, Township 62 North, Range 1 E. B. M.

(Sign here)

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 Bonners Ferry, County of Boundary, State of Idaho, on this 25th day of August A. D. 1955.

My commission expires.....

Estella Wright
Notary Public

Notary Public for the State of Idaho
residing at Bonners Ferry, Idaho.

My Commission Expires 12/6/1955

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Mr. W.J. Nixon
Bonners Ferry
Idaho

BOISE

July 1, 1955

Dear Sir:

Under the terms of your permit No. R-859 you are required to complete your diversion works and make proof of beneficial use on or before September 29, 1955.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or 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.

We 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 29, 1955, 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.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

R-859

W. J. NIXON

ATTORNEY AT LAW
BONNERS FERRY, IDAHO

ASSOCIATE
STEPHEN BISTLINE

OFFICES
COURTHOUSE

October 20, 1950

RECEIVED
OCT 21 1950
BONNERS FERRY, IDAHO

Mr. Mark R. Kulp,
State Reclamation Engineer,
Boise, Idaho.

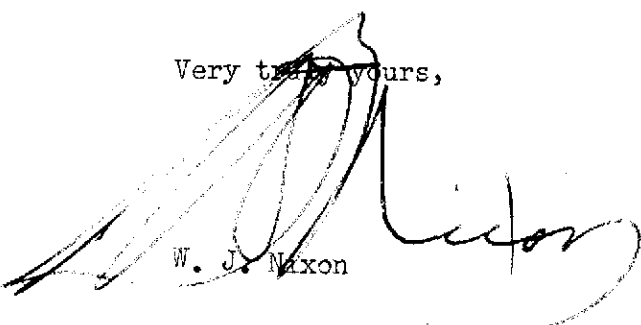
Re: Permit No. R-859.

Dear Mr. Kulp:

I have been out of town and found your letter, dated October 5, upon my return. I am very anxious to construct the dam at the outlet of Smith Lake this fall so that I can put on some storage next year. Will probably not make the dam over four, or at the most, five feet high this time. The dam will be made of concrete with a 12" steel pipe and valve and will be in solid rock.

I note that you state that if a formal application for a waiver is made, you will have one of your engineers look over the project and make recommendation. I do not know whether or not you have a form of application for waiver but I have prepared an application which may be sufficient.

Very truly yours,


W. J. Nixon

WJN/nt

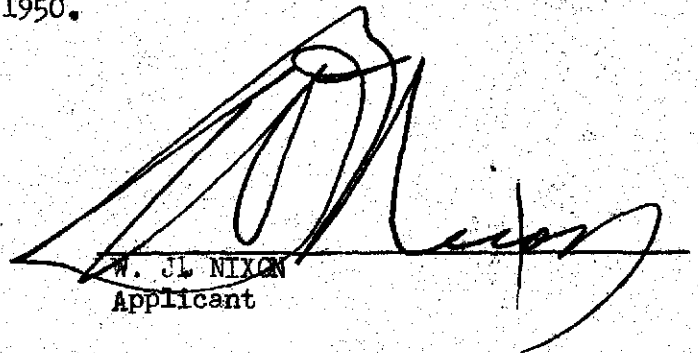
Called on Nixon
10/25/50
MREK
GTC

R-859

APPLICATION FOR WAIVER OF THE PROVISIONS OF SECTION 42-1707 Idaho
CODE, RELATING TO PLANS AND SPECIFICATIONS OF STORAGE DAM.

BE IT KNOWN that the undersigned hereby makes application for a waiver
of the provisions of Section 42-1707 Idaho Code, and permit for construction
of a dam of concrete, 5 feet in height, in solid rock at the outlet of Smith
Lake, more particularly described in Application No. 29417, Permit No. R-859.
The dam will be constructed of concrete and will be approximately 4 feet in
width at the base and 6 feet in width at the top of the dam. The base of the
dam will be $3\frac{1}{2}$ feet thick and approximately 8 inches thick on top.

Dated this 20th day of October, 1950.



W. J. NIXON
Applicant

R-859

October 5, 1950

Re: Permit No. R-859

Mr. W. J. Nixon
Attorney at Law
Bonners Ferry, Idaho

Dear Mr. Nixon:

We enclose Permit No. R-859, together with
Departmental Receipt No. 22687 for the \$6.00 filing fee.

Although the dam is less than ten feet in height,
yet it calls for the storage of more than 100 acre feet
of water, which would require plans and specifications to
be approved by this Department before construction is com-
menced.

However, if you care to make a formal request for a
waiver of this provision, we will have one of our engineers
look the project over and make a recommendation in regard
thereto.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

R-859

W. J. NIXON

ATTORNEY AT LAW
BONNERS FERRY, IDAHO

ASSOCIATE
STEPHEN BISTLINE

September 22, 1950

OFFICES
COURTHOUSE

RECEIVED
SEP 25 1950
9 am
Department of Reclamation

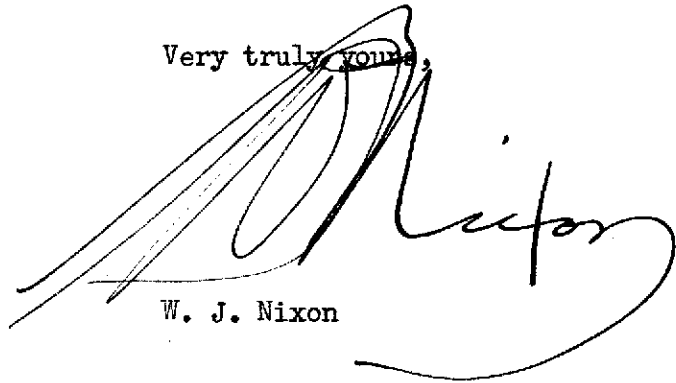
Mr. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Re: Application No. 29417

Dear Mr. Kulp:

In accordance with your request I
have made application on the proper form,
which I am enclosing herewith.

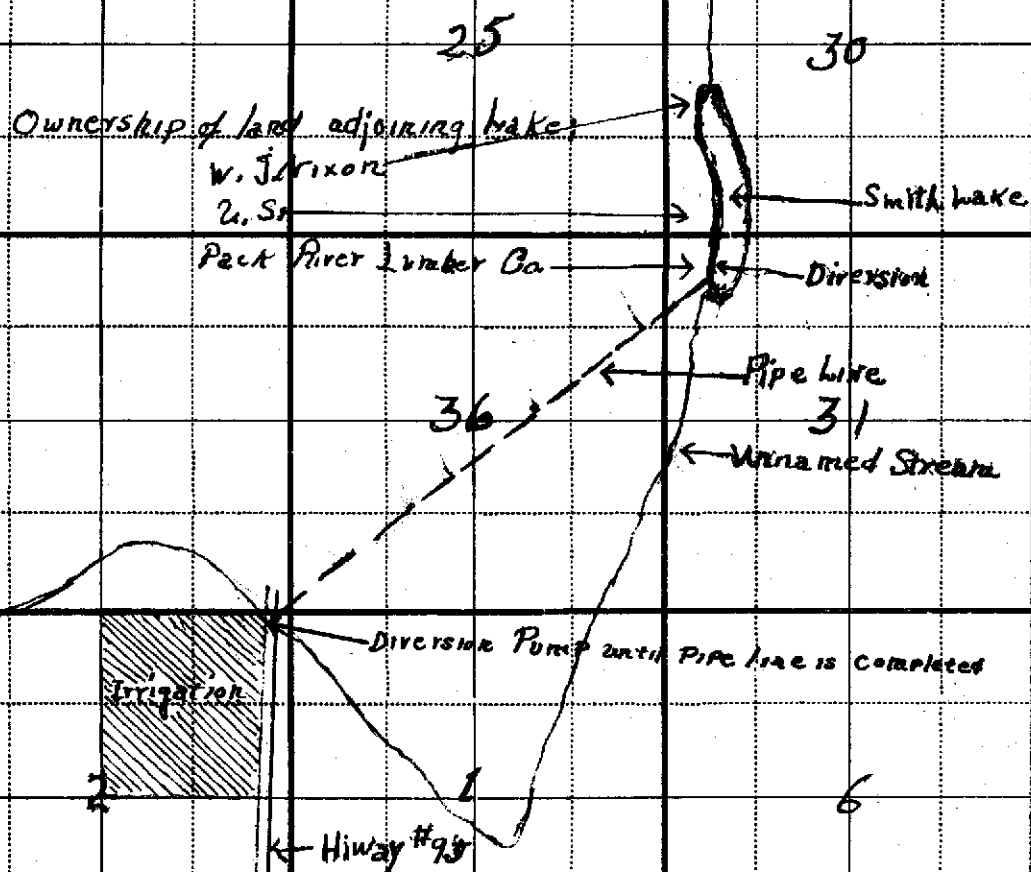
Very truly yours,



W. J. Nixon

WJN/nt
enc. 1

P 859



Permit Map No. R-859
As Approved
SEP 29 1950
MARK R. KULP
State Reclamation Engineer

September 19, 1950

Re: Application No. 29417

Mr. W. J. Nixon
Bonners Ferry, Idaho

Dear Mr. Nixon:

We acknowledge receipt of your letter of September 13, 1950, enclosing application to appropriate 240 acre feet of water from Smith Lake, accompanied by your check for the \$5.00 filing fee.

Since this application is to store water, the filing should be made on Form No. 2 enclosed instead of Form No. 1.

It will not be necessary to submit other sketch maps, however.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

R-859

W. J. NIXON

ATTORNEY AT LAW
BONNERS FERRY, IDAHO

ASSOCIATE
STEPHEN BISTLINE

OFFICES
COURTHOUSE

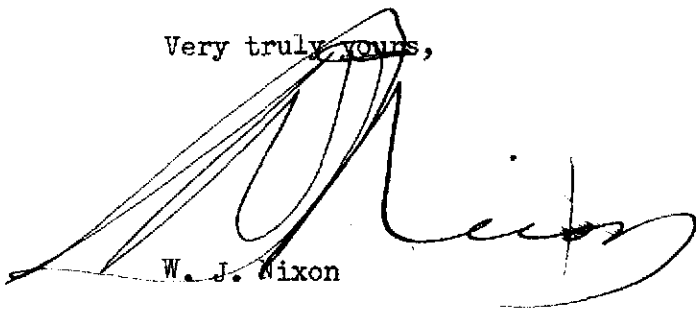
September 13, 1950

Mr. Mark R. Kulp,
State Reclamation Engineer,
Boise, Idaho.

Dear Mr. Kulp:

I am enclosing herewith my application to appropriate water stored on Smith Lake. As explained in my application the water will be pumped from an unnamed stream, which is the outlet from Smith Lake, at the point of use. When pipe is available the water will be piped as explained in the application. I am also enclosing herewith my check in the amount of \$5.00 to cover filing fees.

Very truly yours,



W. J. Nixon

WJN/nt
enc.

RECEIVED
SEP 15 1950
Department of Reclamation

R-857

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

Notice is hereby given that at 10:00 a. m. on the 26th day of March, 1955, at Bonners Ferry, County of Boundary, State of Idaho, before H. I. Monks—Notary Public, proof will be submitted of the application to beneficial use of Thirty (30) Acre ft. per annum of the waters of Mission Creek in accordance with the terms and conditions of Permit No. R-746 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are R. Lee Wallen and Fred Ahlborn—Star Rte. No. 2 Bonners Ferry, Idaho.

The use to which said water has been applied is Domestic Irrigation and Power.

The amount applied to beneficial use is Thirty Acre feet per annum.

The place where said water is used S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 5 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8 Twp. 64 N. R. 1 East BM.

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

The right to take water from such works is based upon Permit No. R-746.

The source of supply from which such water is diverted is Mission Creek.

The date of priority which said user is prepared to establish is Feb. 23, 1945.

MARK R. KULP

State Reclamation Engineer

First publication Feb. 24, 1955

Last publication March 17, 1955

2-3-55

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

Notice is hereby given that at 9:00 a. m. on the 17th day of October, 1955, at Bonners Ferry, County of Boundary, State of Idaho, before Joe Vernon, Notary Public, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of an unnamed branch of Fleming Creek, an outlet stream from Smith Lake, and 240 acre feet per annum storage in Smith Lake in accordance with the terms and conditions of Permit No. R-859 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are W. J. Nixon, Bonners Ferry, Idaho.

The use to which said water has been applied is Irrigation.

The amount applied to beneficial use is one cubic foot per second stream flow and 240 acre feet per annum storage.

The place where said water is used Northeast quarter Section 2, Township 62 North, Range 1 East, B. M., West of Highway 95.

The name of the canal or ditch or other works by which said water is conducted to such place of use is none.

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

R-859. The place where said water is diverted is Smith Lake and outlet stream.

The date of priority which said user is prepared to establish is September 15, 1950.

MARK R. KULP R-859

State Reclamation Engineer

First publication Sept. 22, 1955

Last publication Oct. 13, 1955