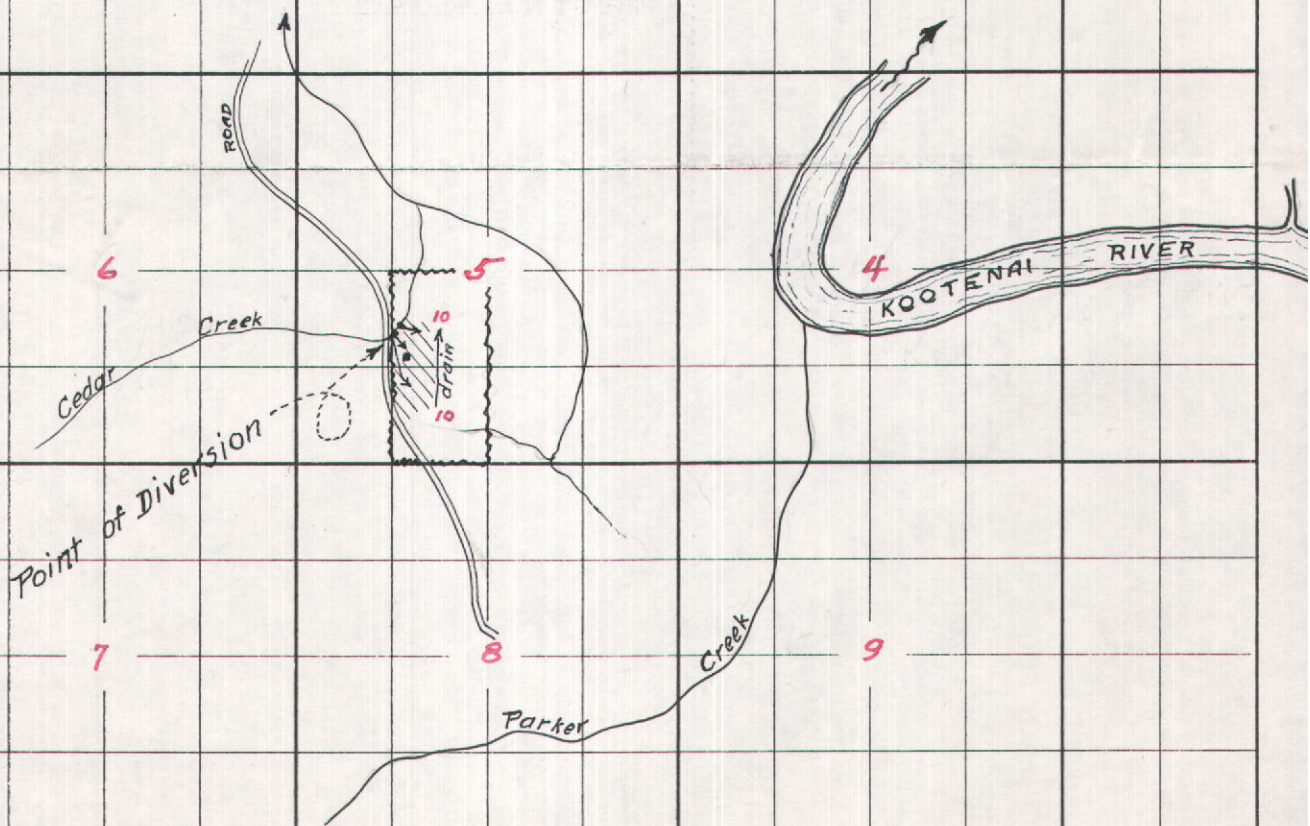




Notice For Publication
NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 4:30 P. M. on the 9th day of August, 1941, at Bonners Ferry, County of Boundary, State of Idaho, before N. W. Baker, a Notary Public of Boundary County, Bonners Ferry, Idaho, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of Cedar Creek, in accordance with the terms and conditions of Permit No. 17758 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 Ione C. Nickerson, c/o Sheriff's Office, Spokane, Wash.

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

The amount applied to beneficial use is one cubic foot per second.

The place where said water is used: E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, 64 N., Rge. 1 W. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is an open ditch together with a pipe line.

The right to take water from such works is based upon Permit No. 17758.

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

The date of priority which said user is prepared to establish is August 4, 1936.

E. V. BERG,
Commissioner of Reclamation.
First publication July 17, 1941.
4th and last pub. Aug. 7, 1941.

Affidavit of Publication

STATE OF IDAHO } ss.
County of Boundary }

RECEIVED

AUG 14 1941

Department of Reclamation

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

C. W. King
Proprietor 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 *E. V. Berg,*

Commissioner of Reclamation - for
Ione C. Nickerson

a *Notice of Proof Application of Water*
to Beneficial Use.

Notice for Publication, a printed copy of which is attached hereto was pub-

lished in said newspaper and not in a supplement thereof for *four*

consecutive issues, commencing with the issue dated *July 17,*

193*4*, and ending with the issued dated *August 7,* 193*4*.

C. W. King
Proprietor
~~Foreman~~

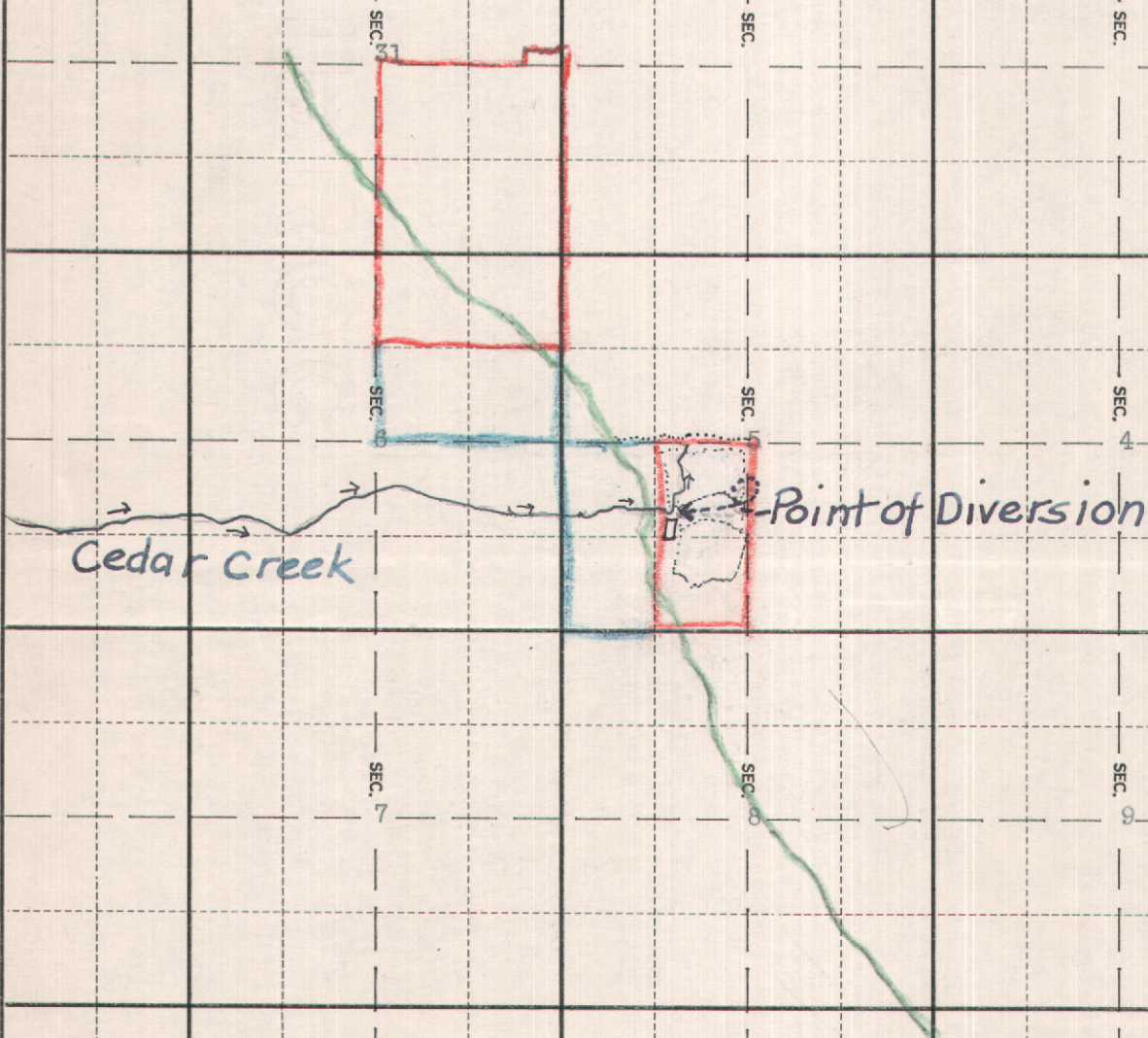
Subscribed and sworn to before me this *9* day of

August -, 193*4*, *Am. nally*

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

17758

Permit Map No. 17758
 As Approved
 FEB 1 1933
 R. W. PARIS
 Commissioner of Reclamation



Land lying South and West of the green line is hill land or mountains
 Land lying North and East of the green line is swamp land
 Line drawn in black ink is the course of the water of the spring which furnishes water for domestic purposes for the cabin shown in the center of the SW $\frac{1}{4}$ of said Sec. 5. The waters flow north from the cabin and empty into a drain ditch which traverses the north line of the SW $\frac{1}{4}$ of said section 5. This drain ditch empties into the Kootenai River. Am unable to learn the name of the spring, if any, but it is referred to as "Jim Bronson's Spring". I purchased the property from Mr. Bronson. I own the land traced in red and am contemplating the land traced in blue.

The two dotted areas in E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 5 are tracts I wish to irrigate, they being the only dry ground.

A portion of the reclamation drain ditch is shown on the north line of the SW $\frac{1}{4}$ of Sec. 5 and appears as a dotted line.

State of Idaho
License and Certificate of Water Right

Permit
Water License No. 17758
Water District No.

Amount .40 c.f.s.
Priority Aug. 4, 1936

THIS IS TO CERTIFY that IONE C. NICKERSON
of c/o Sheriff's Office, Spokane, Wash., made application for a permit to appropriate the
public waters of the State of Idaho, dated Aug. 4, 1936, 19 ; that Permit No. 17758
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.0 second feet, was issued thereunder on February 11, 1938, 19 , showing that said works
were completed on the 6th day of February, 19 38 ; and that on the 9th
day of August, 19 41 ,

IONE C. NICKERSON
of Spokane, State of Washington, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Cedar Creek
, a tributary of , for the purpose of irrigation and domestic
use , under Use Permit No. 17758 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4087, on the 16th day of January, 19 42 ;

The right hereby confirmed dates from August 4, 1936, 19 ;

The Point of Diversion is located
in the NE 1/4 SW 1/4, Sec. 5, Tp. 64 N, R. 1 W, B. M. Boundary Co.

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 .40
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
64 N	1 W	5	NE 1/4 SW 1/4 SE 1/4 SW 1/4	35 15 50	10 10 20

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 16th day of January, 19 42

L. V. BERG.
Commissioner of Reclamation

(SEAL)

98 2046

98-2046

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

Application No. 24885
Permit No. 17758
District No.

1. Name of Applicant: Ione C. Nickerson
c/o Sheriff's Office
Postoffice address: Spokane County: Spokane State: Washington
 I. If applicant is a corporation, give:
 (a) Date and place of incorporation:
 (b) Amount of capital stock:
 (c) Amount paid in:
 (d) Names and addresses of directors:
 II. The financial resources of the applicant are:
 (a) Cash on hand:
 (b) Treasury stock
 (c) Bonds to be issued:
 (d) Other resources:
2. Quantity of water claimed: One cubic feet per second.
3. Source of water supply: Cedar Creek which is a tributary of
4. Location of point of diversion: feet distant from the
 corner of Section , T. , R. , B. M., and is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
 of Section 5 , T. 64 N. , R. 1 W. , B. M., County of Boundary
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: \$ 25.00
8. Kind of works: Pipe line or flume
9. Height of dam feet; length of dam at top feet; length of dam at bottom
 feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom feet; width at water line feet; depth of water
 feet; dimensions of flume:
 Diameter of pipe inches; length of conduit miles.
 Average grade per mile feet.
12. The time required for the completion of such work is two 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.

Ione C. Nickerson *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. January 26, 1933

Returned to applicant for correction: January 27, 1933

Corrected application received: February 1, 1933

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17758

Recorded in Book 64 Page 17758 Approved February 1, 1933

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 April 2, 1933 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 February 1, 1934

The whole of said work to be completed on or before	February 1, 1934
	February 1, 1935

Beneficial use of water appropriated in accordance herewith, to be made on or before February 1, 1935

Witness my hand this 1st day of February, 1933

R. W. FARIS
Commissioner of Reclamation.

14 Remarks: "Cedar Creek, after coming onto my place, turns North just past my cabin and empties into a drain in District No. 10, Reclamation, and then flows into the Kootenai River. It is not in use by any person and never has been except the former owner of this property in ESW of said Section."

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
64 N	1 W	5									35				15				50
											Total number of acres to be irrigated.....								50
"Upon proper request of the holder of the above											numbered permit, I have this 25th day of Jan-								
uary, 1934, extended the time for completion of works											thereunder to the 1st day of February, 1938.								
											R. W. FARIS Commissioner of Reclamation.								

											Permit No. 17758								
											CERTIFICATE OF COMPLETION OF WORKS								
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that IONE C. NICKERSON of Spokane, County of Spokane, and State of Washington, the holder of Permit No. 17758, issued upon Application No. 24885 bearing date of priority of January 26, 1933, authorizing the diversion of one (1) second foot of the waters of Cedar Creek, County of Boundary, 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 one (1) second foot of the waters of said Cedar Creek; that the point of diversion of said waters is in the NE¼ SW¼ of Section 5, T. 64 N., R. 1 W., B. M., County of Boundary; and that the lands proposed to be irrigated by the use of said water are described as follows, to wit: NE¼ SW¼ and SE¼ SW¼ of Section 5, T. 64 N., R. 1 W., B. M.																			
Witness my hand this 11th day of February, A. D. 1938.																			
											R. W. FARIS Commissioner of Reclamation								
Proof of completion of works made February 6, 1938																			
Certificate of completion of works issued February 11, 1938.																			
LICENSE ISSUED FOR .40 SEC. FT. JAN 15 1942 #4087																			

January 31, 1942

Re: 17758

Mrs. Ione C. Nickerson
c/o Sheriff's Office
Spokane, Wash.

Dear Mrs. Nickerson:

We are enclosing License and Certificate No. 4087 for .40 cubic feet per second of the waters of Cedar Creek for irrigation and domestic use on the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 5, Twp. 64 N., Rge. 1 W. with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 5, Twp. 64N. Rge. 1 W. and a priority date of August 4, 1936.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: CHIEF CLERK.

Encl.
encl.
Receipt #18078 for \$4.00.

17758

January 17, 1942

Re: 17758

Mrs. Ione G. Nickerson
c/o Sheriff's Office
Spokane, Wash.

Dear Mr. Nickerson:

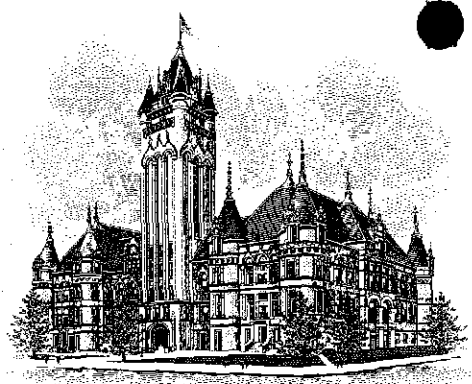
We have issued your license as of today, which we are holding until we receive your remittance of \$4.00 for the beneficial use of water on two forty acre subdivisions. Our engineer filed his report with us yesterday.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: Chief Clark

ml.

17758



SPOKANE COUNTY COURT HOUSE

SPOKANE COUNTY

OFFICE OF
RALPH BUCKLEY
COUNTY SHERIFF

JAMES E. CANNON JOHN P. GRIFFIN
UNDER SHERIFF CHIEF CRIMINAL DEPUTY
IONE C. NICKERSON
CHIEF CIVIL DEPUTY

DAY BDWY. 1141 NIGHT BDWY. 0054
SPOKANE, WASHINGTON

RECEIVED
JAN 15 1942
Department of Reclamation

January 14, 1942

Department of Reclamation,
Boise,
Idaho.

Dear Sirs: In re Water Right - Ione C. Nickerson
Boundary County, Idaho.

Will you be kind enough to advise me when I may expect the issuance of a water license, which constitutes a perpetual water right to the waters of Cedar, or Bronson Creek, in Boundary County Idaho.

It has been quite some time since I completed my proof of beneficial use and I am very anxious to complete this matter, therefore shall appreciate hearing from you. If there is anything further that I am to do I shall appreciate being advised.

Thanking you for past favors, I am,

Very truly yours,

Ione C. Nickerson
Chief Clerk

17758

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17758

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Mrs. Ione C. Nickerson, c/o Sheriff's Office, Spokane, Wash.
2. Source of water supply: Cedar Creek
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5
T. 64 N R. 1 W County of Boundary
4. Describe works as they exist, giving dimensions and capacities of same: Diversion is by means of three small dams, two of which are of about 3Ft. in height X 8Ft. in length; the lower one diverts through 1 $\frac{1}{2}$ and 1 inch pipe to a garden plot, while the intermediate one diverts into a pipe line serving house and lawn. The upper dam is of concrete and serves for flood control or irrigation as occasion demands.
5. Water is used for: irrigation and domestic
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 5, 64 N, Rge. 1 W.

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

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

Remarks: Stream flow at time of this examination was approximately 0.3 Second Feet, and occasionally "dries up in midsummer"

This examination was made on the 16th day of October, 1941

(Signed)

Ed A. Nelson

Examiner.

Mrs. Ione Nickerson
c/o Sheriff's Office
Spokane, Wash.
Permit No. 17758

Examination for Beneficial Use

County Boundary

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.

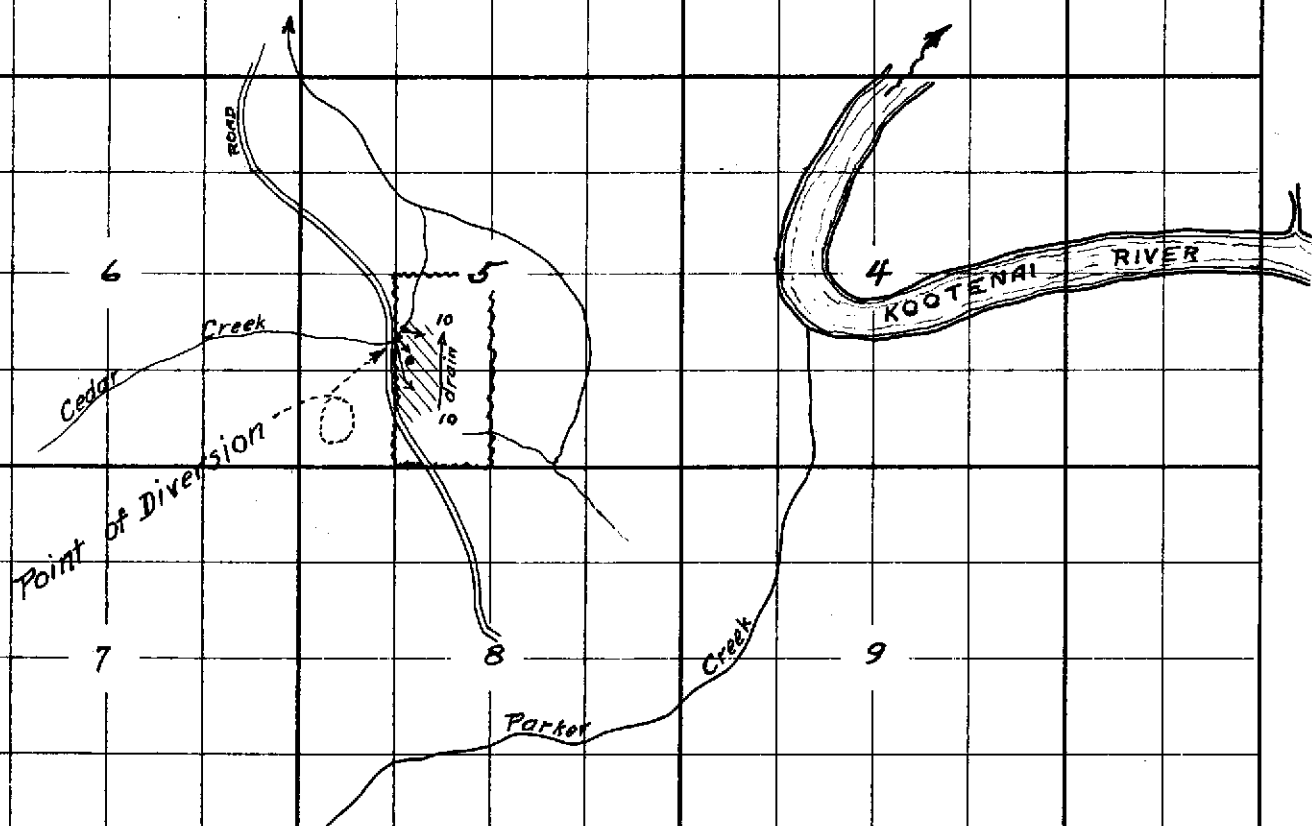
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17758

REPORT ON PROOF OF Beneficial Use

*Chd. for 140 c.f.s.
Fees - \$9.00
J.R. 10/17*



August 21, 1941

Re: 17758

Mrs. Ione Nickerson
c/o Sheriff's Office
Spokane, Wash.

Dear Mrs. Nickerson:

This will acknowledge receipt of the depositions of the holder, depositions of two witnesses, and the affidavit of proof of publication from the Bonners Ferry Herald all in connection with Beneficial Use proof under the above numbered permit.

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

However, Mr. Tolman, field engineer for the Department, will try and contact you at the time set for examination, so that you may arrange to show him over the grounds.

When the engineer's report is filed, you will be notified of the amount due for Beneficial Use proof and upon receipt of your remittance, a license will be issued.

Very truly yours,
E. V. BERG.
Commissioner

BY: Chief Clerk.

nl.

17758

Notice For Publication
NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 4:30 P. M. on the 9th day of August, 1941, at Bonners Ferry, County of Boundary, State of Idaho, before N. W. Baker, a Notary Public of Boundary County, Bonners Ferry, Idaho, proof will be submitted of the application to beneficial use of one cubic foot per second of the waters of Cedar Creek, in accordance with the terms and conditions of Permit No. 17758 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 Lars C. Nickerson, c/o Sheriff's Office, Spokane, Wash.

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

The amount applied to beneficial use is one cubic foot per second.

The place where said water is used: E1/4SW1/4, Sec. 5, 64 N., Rge. 1 W. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is an open ditch together with a pipe line.

The right to take water from such works is based upon Permit No. 17758.

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

The date of priority which said user is prepared to establish is August 4, 1936.

E. V. BERG,
Commissioner of Reclamation.
First publication July 17, 1941.
4th and last pub. Aug. 7, 1941.

Affidavit of Publication

STATE OF IDAHO } ss.
County of Boundary }

RECEIVED

AUG 14 1941

Department of Reclamation

C. W. King
being first duly sworn upon his oath, deposes and says: That he is the

Proprietor 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 E. V. Berg,

Commissioner of Reclamation - for
Lars C. Nickerson

a Notice of Proof Application of Water
to Beneficial Use.

Notice for Publication, a printed copy of which is attached hereto was pub-

lished in said newspaper and not in a supplement thereof for Four

consecutive issues, commencing with the issue dated July 17,

1941, and ending with the issued dated August 7, 1941

C. W. King
Proprietor
~~Foreman~~

Subscribed and sworn to before me this 9 day of

August, 1941

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

17758

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED

AUG 14 1941

Department of Reclamation

Permit No. 17758

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Ione C. Nickerson, wife of H.F. Nickerson, house wife & stenographer home on land described herein, but at present working at Sheriff's Office, Spokane, Washington, being present address.

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

Ans. _____

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

Ans. No. 17558, date Feb. 1, 1933, priority as of that date, have used the water since 1931.

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

Ans. Cedar Creek is the source of supply; diversion point is close to center of SW $\frac{1}{4}$ of sd Sec. 5-64-1W

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. We have two small dams in the stream of wood, and one small concrete dam; connected with the wood dams we have steel pipe and the concrete dam connects with an open ditch. We figure we have sufficient works to carry the cubic foot of water asked for. To lower dam we have connected 216 feet of steel pipe which is being used to irrigate garden and berries; to middle dam we have about 165 ft steel pipe for house use, trees and stock; and upper or concrete dam carries water for proposed irrigation and stock, and diverts surplus water, if any, in extreme high water.

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 and domestic use and stock in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ 5-64-1W; and have irrigated about 20 acres, at times, and have flooded all low land in this forty acres for fires and also for irrigating wild hay, when needed. Most of this land is natural meadow land and probably thirty acres have been cultivated. We are constantly clearing more land and since this application was made have bought the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of this Section; also own the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ sd section.

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

Ans. _____

17758

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

Ans. One second foot, however Creek does not carry nearly that much water at all times.

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. Same

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

Ans. Water has been used on this ranch for eight years, for irrigating small garden, cattle, horses and domestic use, off and on.

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. This water has never been used by any person other than the owner of the SW $\frac{1}{4}$, (which I now own) to my knowledge; as it flows from Government land onto my property. I have applied for a power right on this same stream, but there would not be sufficient water for power during a portion of the year.

(Sign) *Jone C. Nickerson*

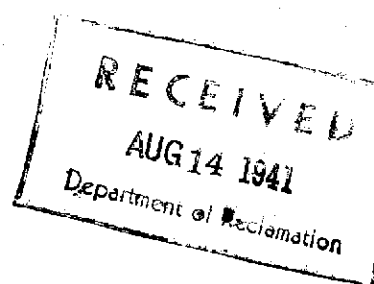
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in _____, County of _____, State of Idaho, on this 2th day of August, A. D. 19 41.

[Signature]

My commission expires March 9, 1946.

Notary Public for the State of Idaho
Residing at Bonners Ferry.
Commission Expires March 9, 1945.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 17758

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 age 40, Farmer, Copeland, Idaho

Ques. 2. Are you acquainted with Ione C. Nickerson, the holder of Permit No. 17758? How long have you known ^{her} him and where does she reside?

Ans. Yes. 1930. Spokane. Wn-

Ques. 3. Have you read or heard read said Permit No. 17758, and are you familiar with its provisions and conditions? Yes

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. Cedar Creek, near center of SW $\frac{1}{4}$ of Sec 5-64-1W; steel pipe and open ditch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. one second, foot.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Domestic and irrigation. in the NE Sw/Section 5.64. 1W/

Appromiately. 26aces Cutjvaded lad. and have been yseing the water
on about three Acres.

17758

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

Ans. ----- Domestic use.

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. 10 time the natural flow of the stream

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. The last six years/

thru pipes and open ditches, in th summer months the full amount of the stream.

(Signed)

Ray Sims

I hereby certify that the foregoing testimony was read to the above subbscriber 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 day of 9th of August, A. D. 1941.

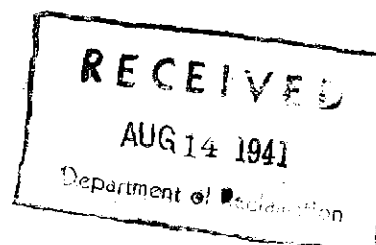
M. J. Butler

Notary Public.

My commission expires Meh. 9, 1941

Notary Public for the State of Idaho
Residing at Bonners Ferry.
Commission Expires March 9, 1945.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 17758

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. Elmer Brackett, age 60 residence Copeland, Idaho.

Ques. 2. Are you acquainted with Ione C. Nickerson, the holder of Permit No. 17758? How long have you known ^{her} him and where does he reside?

Ans. since 1934 and the ranch is her home but she is at present working in Spokane, Washington. Her husband resides on the place.

Ques. 3. Have you read or heard read said Permit No. 17758, 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.

Cedar Creek; place of diversion near center of SW $\frac{1}{4}$ 5-64-1W.

Ans. Dam No. 1 (fartherest down stream) has 216 feet of steel pipe attached
Dam No. 2, (middle dam) has 165 ft steel pipe attached.
Dam No. 3, (concrete dam) has an open ditch therefrom.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. One ^{SECOND} cubic foot of water; but at times the flow of this creek is almost stopped; for instance a forest fire on government land decreased this stream terribly, and it freezes almost solid in severe winters.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Domestic and irrigation in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ 5-64-1W

Much of this ranch is hill land but the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 5 is mostly a natural meadow, now partially cultivated.

17758

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

Ans. Domestic use

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. _____

~~550-10~~ Meadow land and some hill land. Believe we will need one ~~square foot of water; but the stream will not always have that much~~ water. (This is according to the Government mans estimate.)

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. I have been employed on this place for several years and have done the irrigating as well as watering of the horses and cattle, and at times there have been over seventy head.

(Signed) Elmer Brackett

I hereby certify that the foregoing testimony was read to the above subbscriber 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 day of August 9th., A. D. 19 41

My commission expires March 9. 1941

Wm. Bullock
Notary Public.
Notary Public for the State of Idaho
Residing at Bonnors Ferry.
Commission Expires March 9, 1945.

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

July 29, 1941
Boise, Idaho,

Re 17758

Mr. N. B. Baker
Bonners Ferry, Idaho

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17758

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 August 9, 1941, 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 Bonners Ferry before N. B. Baker, 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,

E. V. BERG.
Commissioner of Reclamation.

17758

July 15, 1941

Re: 17758

Mrs. Ione Nickerson
c/o Sheriff's Office
Spokane, Wash.

Dear Mrs. Nickerson:

Yesterday we forwarded by airmail your notice of publication to the Bonners Ferry Herald with notice to bill you at Spokane for the fee. We inserted the name of N. B. Baker as the Notary Public, but we do not have a street address for Mr. Baker. I presume that you will be able to locate him in the directory.

We are returning your check for the publication fee as it is always paid by the individual making proof. I really don't know the amount of a beneficial use publication fee.

On the 29th of July, depositions will be mailed to Mr. Baker, so all you will have to do, is to appear with two witnesses and make your proof.

Very truly yours,
E. V. BE RG.
Commissioner of Reclamation.

BY: Chief Clerk.

ml.
encl.

17758

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: 1775 8

Bonnars Ferry Herald
Bonnars Ferry, Idaho

Date July 14, 1941

Dear Sir:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 9, 1941, the date set for proof, the expense of the publication to be paid by the applicant, Mrs. Ione Nickerson, Sheriff's Office, Spokane, Wash.

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.

Very truly yours,

E. V. BERG.

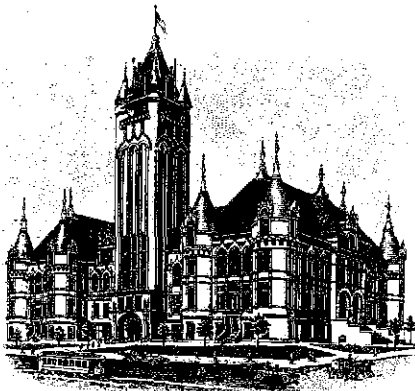
Commissioner of Reclamation

17758

JAMES E. CANNON,
CHIEF DEPUTY

RALPH BUCKLEY
SHERIFF

JOHN P. GRIFFIN, CHIEF CRIMINAL DEPUTY
IONE C. NICKERSON, CHIEF CLERK



SPOKANE COUNTY COURT HOUSE



Spokane, Wash.

July 11, 1941

State of Idaho
Department of Reclamation,
Boise, Idaho.

Dear Sirs:

Attention Maude Lile, Chief Clerk

In re: Permit 17758

I wish to thank you for your prompt reply to my letter of recent date in the above matter.

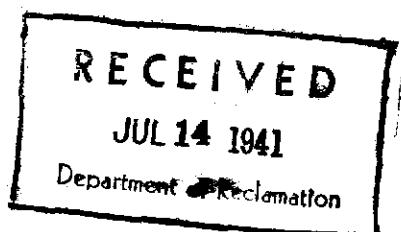
I have done the best I could to fill out the blanks sent me and return them herewith. If there is any correction to make will you be kind enough to make them for me. In your letter to me I note the third line states "it should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof." If the date of proof is set for August 9th, 1941, would that date be okay? If not, kindly change it for me and notify me and I shall appreciate it very much for I do not want to slip up in any manner on this water right knowing that another party has tried to obtain my right.

Very truly yours,

Mrs. Ione C. Nickerson

Chief Clerk

Note: In my notice for Publication I set the hour at 4:30 P.M. as I understand that I must be in Bonners Ferry personally on the 9th and could not reach there on that date at an earlier hour unless absolutely necessary. Kindly advise me if that is all right. I enclose my check in the sum of \$10.00 and you may advise me if this is not sufficient.



N.B. Baker
17758

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 1, 1941

(P. O.) Sheriff's Office, Spokane, Washington

TO THE COMMISSIONER OF RECLAMATION:

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.

Done C. Nickerson

(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.

17758

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

Notice is hereby given that at **4:30 P.M.** on the **9th** day of **August**, 19**41**,
 at **Donners Ferry**, County of **Boundary**, State of Idaho, before
N. B. Baker,
 a **Notary Public of Boundary County, Donners Ferry, Idaho**, proof will be submitted of the
 application to beneficial use of **one** cubic feet per second of the waters of **Cedar Creek**
 in accordance with the terms and conditions of Permit No. **17758**
 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.....
Iona C. Nickerson, c/o Sheriff's office, Spokane, Wash.

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

The amount applied to beneficial use is **one cubic foot per second**.

The place where said water is used (if for irrigation give full and accurate description of the
 land) **E. 1/4, Sec. 5, S. 4 N., R. 1 W., B. 1 E.**

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

The right to take water from such works is based upon Permit No. **17758**.

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

The date of priority which said user is prepared to establish is **August 4, 1936**.

E. V. BERG.

Commissioner of Reclamation.

17758

August 5, 1941

Re: 17758, 19043.

Senator Ray Sims
Copeland, Idaho

Dear Senator Sims:

We received your letter of July 29th. regarding the water rights of Ione Nickerson and Frank Moens. Each of these parties have a filing on Cedar or Bronson Creek, but your letter intimates there is something irregular in connection with the Moens filing. Will you please state the reasons for your suspicions in this matter and we will attempt to make an investigation.

With personal regards to you, I am

Sincerely

E. V. BERG.
Commissioner of Reclamation.

EVB:ml.

17758

Frank August Moens filed on 2 cubic feet per second of the waters of Bronson Creek under date of July 26, 1940. Completion of works proof due March 10, 1941 and was made on Febr. 5, 1941. Beneficial Use proof is due March 10, 1942.

Very truly yours

ROY W. THOMPSON.

RWT:ml.

17758

RAY SIMS
SENATOR, BOUNDARY COUNTY
HOME ADDRESS:
BONNERS FERRY, IDAHO

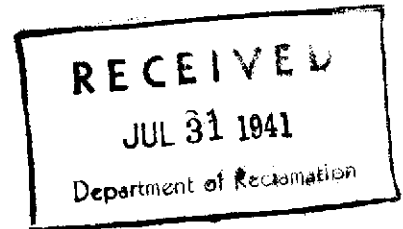
State of Idaho

SENATE CHAMBER
TWENTY-SIXTH SESSION
BOISE

Copeland, Idaho
July 29, 1941

COMMITTEES:
EDUCATIONAL
INSTITUTIONS,
CHAIRMAN
COUNTIES AND
COUNTY BOUNDARIES
HIGHWAYS, BRIDGES
AND FERRIES
IRRIGATION AND
WATER RESOURCES
MILITARY AND
INDIAN AFFAIRS

Department of Reclamation
E.V. Berg, Commissioner
Boise, Idaho.



Dear Sir:

I am writting you in regards to a power right and water right made by Ione Nickerson and also the water right filed by Frank Moens on Cedar or Bronson Creek in Boundary County.

I would like to meet with you or some person from your department the next time you are in Bonners Ferry as I beleive the filing by Frank Moens needs some investigation.

Nickersons are neighbors of mine and they showed me Mr. Roy Thompson's letter of July 3, 1941.

Yours truly,

Ray Sims

Ray Sims.

*Completion of Works program made
2-3-41*

*Beneficiaries pay due
3-10-42*

17758

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE
July 10, 1941

Re: 17758

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 17758, which should be filled out and returned to this office at least 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 Aug. 9, 1941, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

E. V. BERG.

Commissioner of Reclamation

We have taken the liberty to set the date of proof as August 9th because of the required four weeks for publication in a Boundary County newspaper of your choice. We have changed your priority date to correspond with the 9th of August proof date or August 4, 1938 instead of January 26, 1933, as you are late 3 yrs., 6 months, and 8 days on your Beneficial Use proof.

Very truly yours,

Chief Clerk.

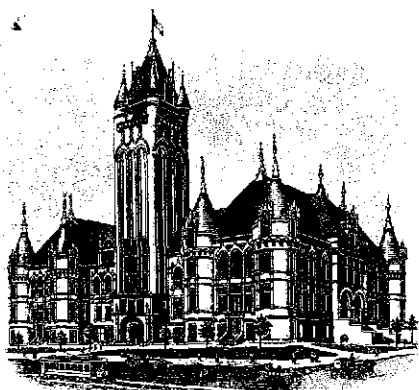
ml.

17758

JAMES E. CANNON,
CHIEF DEPUTY

RALPH BUCKLEY
SHERIFF

JOHN P. GRIFFIN, CHIEF CRIMINAL DEPUTY
IONE C. NICKERSON, CHIEF CLERK



SPOKANE COUNTY COURT HOUSE



Spokane, Wash.

July 7, 1941

Mr. E. V. Berg,
Commissioner of Reclamation
Boise, Idaho.

Dear Mr. Berg: In re: Permit No. 17758

I wish to thank you for your letter of July 3, 1941 in answer to my letter of June 30th, 1941.

Will you kindly rush me a blank and instructions so I may fill out the Proof of Beneficial Use of Waters of Cedar or Bronson Creek under the above permit?

I shall also return same to you by air mail together with the necessary fee for I do not want to lose my prior right to this stream, which I trust I still have.

Thanking you, I am,

Ione C. Nickerson

Very truly yours,

Note: Do you have a field representative in the Bonners Ferry District, and if so, would it be possible to have him look over the ground with me? As I am away from the property much of the time I would like to hear from you before a call was made there, if that is part of your work to check up on the completion. I can be reached at the sheriff's office in Spokane for the next couple of weeks.

17758

July 3, 1941

Re: 18142 & 17758.

Mr. Ione C. Nickerson
Sheriff's Office
Spokane, Wash.

Dear Mr. Nickerson:

We acknowledge receipt of your letter of June 30th in which you ask for information regarding water filings made by yourself and also by Frank August Loens on Cedar or Bronson Creeks in Boundary County.

The status of permits numbers 18142 & 17758 are as follows:

Permit No., 18142: applicant, Ione C. Nickerson; amount, 1 cubic foot per second; completion of works proof was due July 17, 1940; permit canceled, December 20, 1940. The permit was canceled because the five year limit allowed by the statutes for proof of completion of works expired on July 17, 1940, and no reply was made to departmental letters sent out under dates of May 2nd and Nov. 9th, 1940. Letter stating cancellation of permit registered to you under date of Dec. 23, 1940.

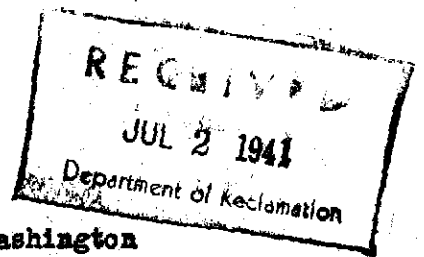
Permit No., 17758; applicant, Ione C. Nickerson; amount, 1 cubic foot per second; completion of works proof made Febr. 11, 1938; Beneficial use proof due, Febr. 11, 1938, has not been made; beneficial use proof can be made at any time. However, your priority right date will be extended the same length of time that your proof is late. It would be better that you made proof as soon as possible. Necessary papers for making beneficial use proof will be mailed you upon request.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation.

BY: ROY W. THOMPSON
Deputy Commissioner.

RM:ml.

17758



Spokane, Washington
June 30, 1941

State of Idaho
Department of Reclamation
Boise
Idaho.

Gentlemen: In re: Water Right Application No. 24885, Permit No. 17758
 In re: Power Right No. 25366 No. 18142

Word has just reached me that a Mr. Moen has obtained a Water Right on land adjacent to the land described in the above permit No. 17758 on Cedar or Bronson Creek and it is stated that he had prior rights over me. I cannot believe this rumor and thought best to write to you. As far as I know both of my rights are still in force, as I never doubted for a minute but what I had carried out all the terms of my agreement.

In checking over my files I find that the last letter I wrote to you was dated Sept. 17, 1937. Copy of that letter is enclosed and pertained to the power right. An answer from your department is enclosed, and that letter I took as final. This small stream which on several occasions has completely stopped flowing, is very vital to me or our property and not for a minute did I intend to lose my rights thereunder. If I have done so will you be kind enough to advise me what I can do to protect myself. In your letter you state "no proof required in connection with this matter etc." and for that reason I had completely dropped the matter believing that I had done all that was required of me.

For your information, - about two years ago the PWA were given the right to go upon my land and construct my dam and flume,; which work was done in consideration of a right-of-way across my property for construction of a drain ditch for Drainage District No. 10, Boundary County, Idaho. (Mr. Moen is a District Commissioner in this district and had knowledge of and was a party to this right given by me.) Cedar Creek, or Bronson Creek, does not have a normal flow of over a foot of water and is fed by numerous small springs which rises on Government Land and flows from the government land directly upon my property and empties into a drain ditch on my land, and from there flows into the Kootenai River. I cannot see how another party could or would have any use of the water. If they have obtained a right it would only be for the purpose of damaging my place, as there has been considerable litigation effecting this district - in fact matters are not yet final.

I shall appreciate it very much, and gladly pay for any trouble you are put to if you will advise me the true status of this matter. Have applications been made on this stream? And if so, what can I do to protect myself outside of employing legal advice. I have family connections high in the service of the State of Idaho who I am certain will be glad to help me if I need help in this matter, but your assistance will be gladly received.

Very truly yours,

Dave C. Nickerson

Address: Sheriff's Office, Spokane, Wn

17758

February 12, 1938

Re: Permit No. 17758.

IONE C. NICKERSON
c/o Sheriff's Office
Spokane, Washington

Dear Sir:

We are herewith enclosing Certificate of Completion of Works issued under the above permit to appropriate water from Cedar Creek in Boundary County for irrigation and domestic purposes.

The Department's Receipt No. 16530 for the \$5.00 fee remitted in connection with this proof is also enclosed.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

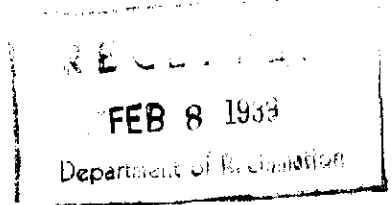
By

Chief Clerk

j1
Encl.

17758

Permit No. 17758



STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

Washington
STATE OF ~~WASHINGTON~~ }
County of Spokane } SS

Ione C. Nickerson, 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. 17758, and that his ^{temporary} postoffice address is W. 1215 Mallon, Spokane, ~~State of~~ Washington, (Home located at Copeland, Idaho)

Second: That the name of the stream from which said water is to be diverted is Cedar Creek (sometimes called Bronson Creek)

Third: That the point of diversion of said water is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 5, Tp. 64 N. R. 1 WBM Boundary County, Idaho,

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Feb. 1, 1938.

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

Sixth: That on the date above mentioned, the works constructed under said permit were ~~xxxx~~ fully completed and consisted of the following:

I. Kind of works: Installation of pipe line and ditching
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work: Small ditches, (not over 2 feet wide) and 2 to 4" pipes, ^{now in use}
(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

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

(b) Capacity of reservoir none acre feet.

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

(d) Conduit width at bottom feet, width at water line
(State whether ditch, flume or pipe.)

feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use one cu. ft per second feet of water. (However doubt if there is that much water in the stream except at time of spring thaw.)

Eighth: That water appropriated under said permit is available for 50 acres of land described as follows:

The NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and 15 acres in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 5, Twp. 64, Range 1, East, R.M. in Boundary County, Idaho.

Ninth: Remarks: That since I did not find it necessary to do any installation work except the construction of ditches and purchase of heavy canvas hose to convey the water to the place of intended use am wondering if it is not possible for me to complete my perpetual right to the use of this water. My work is all done and has been for some time.

Ione C. Nickerson

(Sign here)

Subscribed and sworn to before me this 6th day of Feb. 1938

K. E. Smith

My commission expires Nov 17th 1939

Notary Public.

17758

OK. P.P.D.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Ione C. Nickerson
c/o Sheriff's Office
Spokane, Washington

Boise, Idaho, **December 8, 1937**

Dear Sir:—

Under the terms of your permit No. 17758 you are required to complete your diversion works on or before February 1, 1938. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00 a Certificate of Completion 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,

R. W. FARIS

Commissioner of Reclamation.

17758

September 29, 1937

Re: Permit No. 17758

IONE C. NICKERSON
W 1215 Mallon
Spokane, Washington

Dear Madam:

I have your letter of September 17, with reference to the above permit which states that you are desirous of offering proof of completion of works at once.

In spite of the fact that this proof is not due until February 1, 1938, there is no objection to your going ahead with it as soon as possible, and I am accordingly enclosing herewith the proper form for your proof. No publication will be required at this time so it will suffice for you to go before a Notary Public, complete the affidavit and mail it to this Department, with a fee of five dollars (\$5.00).

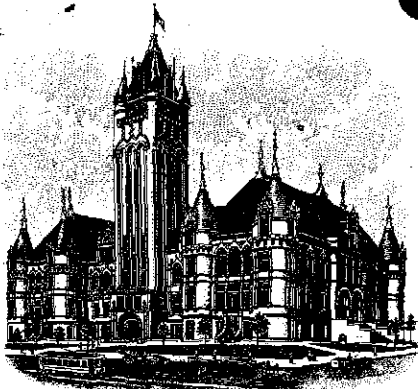
Later, when you offer final proof, a publication will be required and a field examination will follow submission of your proof.

Yours very truly,

PAUL L. HENRY,
Deputy Commissioner

PLH/ci
Enc.

17758



SPOKANE COUNTY COURT HOUSE

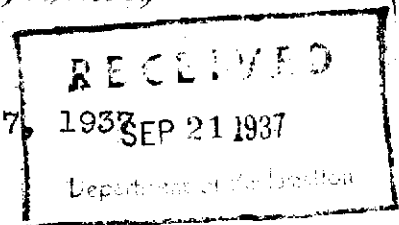
G. G. MILES
SHERIFF

HARRY HUSE, CHIEF DEPUTY
IONE C. NICKERSON, CHIEF CLERK
ALMA C. SUNDIN, FORECLOSURE CLERK



Spokane, Wash.

September 17, 1937



Bureau of Water Resources,
Boise,
Idaho.

Dear Sirs:

In re Permit No. 18142 - Application No. 25366

I wish to advise you that I have completed one-fifth or more of the work under the above permit, which one-fifth thereof was to have been completed by January, 1938.

I am not advised as to what proof, if any, I should furnish you and shall appreciate hearing from you.

Thanking you, I am,

Very truly yours,

Ione C. Nickerson

Mail address: W 1215 Mallon,
Spokane, Washington

17758

January 26, 1934

Re: Permit No. 17758

IONE C. NICKERSON
Sheriff's Office,
Spokane, Washington

Dear Madam:

We are enclosing herewith the approval of the Commissioner of Reclamation of the State of Idaho extending the time for completion of works to be constructed under the above permit to February 1, 1938, which has been made a matter of record in this office.

I am sorry that I overlooked your recent inquiry concerning your right to also appropriate the waters of the stream mentioned in your permit for power purposes. When any one obtains a permit to appropriate the waters of this state certain purposes must be specified and whatever these purposes are they cannot be changed for the reason that other rights might have been initiated during the lapse of time, from the issuance of the permit to the time when such change was desired, which would be injured if a prior appropriator were permitted to change his permit. Furthermore, there is a special provision in the Idaho Statutes relative to the appropriation of water for power which provides that before any such application can be approved by this department due notice thereof must be given either by posting in this office in a conspicuous place or by publication in the county wherein the works, constructed under such application, are to be located. Consequently you will have to make another application for permit to appropriate the water in question for power purposes. That is, unless you wish to use the water without a state permit. It would not be unlawful for you to do this, since one may acquire a right on what is known as a prescriptive basis which is nothing more than the acquisition of a right through usage. But the only disadvantage in pursuing such a procedure is the fact that your right would not be on record and it would have to be confirmed by a court decree before it would be put there.

If you decide that you would like to make another application for permit for the purposes outlined, we shall be glad to mail you the proper forms upon being advised to that effect.

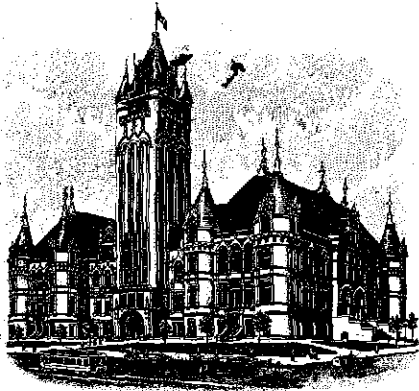
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

17758

G. G. MILES
SHERIFFHARRY HUSE, CHIEF DEPUTY
JONE C. NICKERSON, CHIEF CLERK
JAMES G. GUNDIN, FORECLOSURE CLERK

SPOKANE COUNTY COURT HOUSE

*Spokane, Wash.*

January 22, 1934

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

In re Permit No. 17758

Herewith form of extension which was sent me and which I have filled out to the best of my ability.

In my letter to you a week ago I asked regarding a right to install some form of power on this stream to furnish lights for my own use, and I trust at your convenience you will advise me in this respect.

Thanking you for past favors, I am,

Very truly yours,

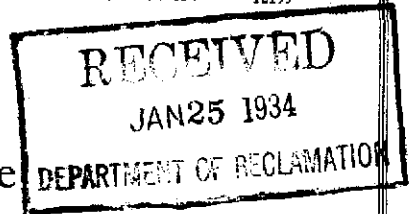
Jone C. Nickerson

Note: My husband and I claim Idaho as our home, and he lives there but I am temporarily away due to my work here in this office.

17758

Form No. 4
Permit No. 17758

Application for Extension of Time
FOR COMPLETION OF WORKS



Ione C. Nickerson, Sheriff's Office, of Spokane
State of Washington, being first duly sworn, upon ^{her} oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 17758

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by February 1, 1935

That she has heretofore performed the following work described under said permit:
Has installed an iron pipe connected with the stream known as Cedar
Creek, which pipe terminates at a point near my cabin home, and is used
for domestic and irrigation. Have also done some ditching in this
connection.

costing \$about \$25.00

THAT he is unable to complete the remainder of the work within the required time, for the fol-
lowing reasons, to-wit:

This land lies in Drainage District No. 10, Reclaimed land, and was
completely flooded by the breaking of the dykes of the Kootenai River.
The road to this property was completely covered on June 20th, 1933, and
the only possible means of ingress and egress was at that time blocked off,
and has been much of the time since, making it impossible to get my stock
back on the land this season, therefore impossible for me to be there
myself, although keep a man there to look after the place.

WHEREFORE, ^{she} asks that the Commissioner of Reclamation extend the time for the com-
pletion of construction work under said permit, to February 1, 1938

Ione C. Nickerson

Subscribed and sworn to before me this 22nd day of January, 1934

W. C. Steinmetz

My commission expires Notary Public.

Date of receipt at Department of Reclamation.

Jan. 25, 1934

APPROVAL OF COMMISSIONER OF RECLAMATION

I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, hereby extend the time for
the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 17758,
to February 1, 1938

Witness my hand this 25th day of January

1934
R. W. Faris
Commissioner of Reclamation.

17758

By

January 20, 1934

Re: Permit No. 17758

IONE C. NICKERSON, Chief Clerk
Office of County Sheriff
Spokane, Washington

Dear Madam:

We have your letter dated January 17, 1934, in which you say that you have been unable to complete 1/5 of the work required under the terms of the above permit, due to conditions over which you have had no control and that you are, therefore, desirous of obtaining an extension of time in which to do said work. There is no provision for extending the time in which to comply with the 1/5 provision of the permit. However, you asked for only two years in which to complete the whole of the work at the time when you made application and you are, therefore, entitled to three more years in which to complete all of the work, if you are in need of it. By obtaining an extension of time for the whole work the time for completing 1/5 of it would automatically be extended, since the law provides in every instance that the permit holder may be allowed one-half of the total time taken for the completion of 1/5 of it.

We are, accordingly, inclosing the proper form for your application. No fee need accompany your application when it is returned to this department.

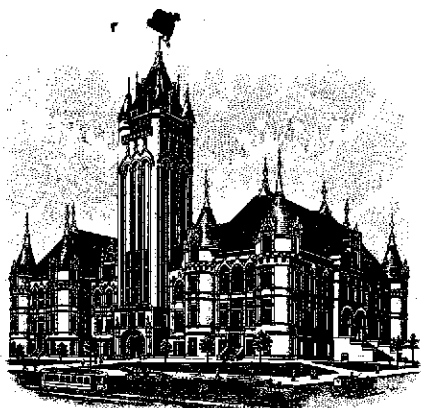
Very truly yours,

R. B. PARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

17758

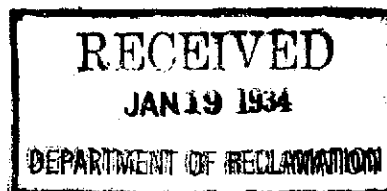
G. G. MILES
SHERIFFHARRY HUSE, CHIEF DEPUTY
IONE C. NICKERSON, CHIEF CLERK
ALMA C. SUNDIN, FORECLOSURE CLERK

SPOKANE COUNTY COURT HOUSE

*Spokane, Wash.*

January 17, 1934

Department of Reclamation,
State of Idaho,
Boise,
Idaho.



Gentlemen:

At this time I hold a Permit for use of the waters of Cedar Creek, Boundary County, Idaho, Permit No. 17758, which was allowed me on February 1, 1933.

The land to be benefitted by this permit lies in Drainage District No. 10, of said County, and this district was completely flooded by the breaking of the dykes on the 20th of June, 1933, and considerable of the land was covered by from five to 15 and possibly 20 feet of water. Since that time it has been impossible to get on the land, with the exception of a very small portion thereof which lies on the hillside, and it has not been possible to reach that portion but just a short time early in the fall. It has therefore been impossible to do any of the work planned, with the exception of a little clearing on the hillside. The Government have been giving us some aid in rehabilitating the dykes, but the great loss was from the crops. We are therefore unable at this time to complete the work we planned to do. We found, however, that by installing an iron pipe we could get water to the house for domestic use, and also could irrigate a small garden spot, about 100 feet square, by the same method.

I notice my permit gives me only until February 1934 to complete one-fifth thereof. I doubt if this has been done, and I would very much appreciate it if this time could be extended.

I would also like to apply for the right to construct some kind of a small power plant for lighting, and shall appreciate any information you can give me for that purpose.

Very truly yours,

IONE C. Nickerson

17758

2 granted

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17758

Boise, Idaho,

Dear Sir:

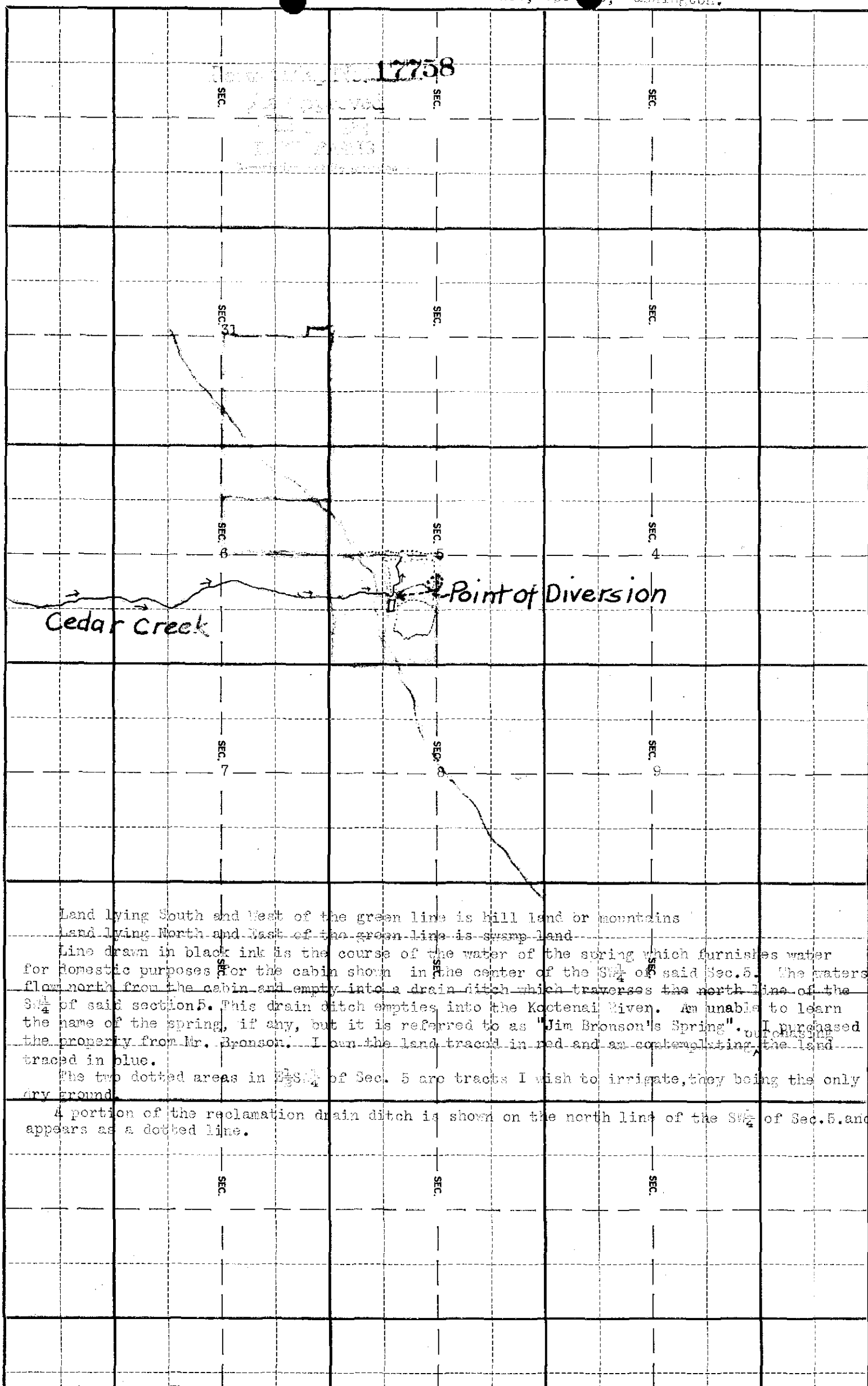
February 1, 1933

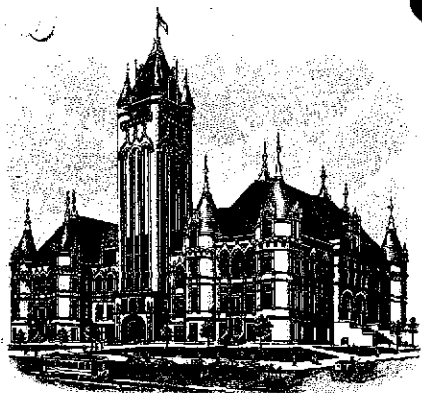
I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the third page.

Ione C. Nickerson
Sheriff's Office
Spokane, Washington

R. W. FARIS
Commissioner of Reclamation.

17758



G. G. MILES
SHERIFFHARRY HUSE, CHIEF DEPUTY
IONE C. NICKERSON, CHIEF CLERK
ALMA C. SUNDIN, FORECLOSURE CLERK

SPOKANE COUNTY COURT HOUSE

17758

*Spokane, Wash.*

January 30, 1933

Mr. E. D. Paris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir: In re: Application for Permit NO. 24885

Your letter of the 27th inst., received, for which I thank you.

I have followed out the suggestions in your letter and believe the changes advisable.

If it is possible to give me some idea of the length of time before this application will be allowed or rejected, I shall appreciate hearing from you. Am going to make the county commissioners of Boundary County, where this land is located, an offer to put an adjoining piece of land up for sale, but before doing so would like to know the outcome of this application.

A stamped envelope is enclosed for your reply.

Very truly yours,

Ione C. Nickerson

Chief Clerk

N

17758

