

$$\begin{array}{r} 787 \\ 746 \\ \hline \end{array}$$

$$\begin{array}{r} 41 \\ \hline \end{array}$$

$$08$$

$$746$$

$$754$$

$$14$$

$$3016$$

$$754$$

$$\begin{array}{r} 9 \overline{) 105.56} \\ 11.7 = 12'' \end{array}$$

$$3$$

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$$\begin{array}{r} 274 \\ 46 \end{array}$$

$$787$$

$$746$$

$$\begin{array}{r} 41 \\ \hline \end{array}$$

$$08$$

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$$\begin{array}{r} 9 \overline{) 105.56} \\ 11.7 = 12'' = 2406 \end{array}$$

46

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PD

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13 ac.

ker.

61 17.16
20 21

17 16

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Bonner,

ss.

P. K. Woods

being duly sworn, says that he is the Publisher
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been
continuously and uninterruptedly published in said County during
a period of 78 consecutive weeks prior to the first publication of
the annexed notice for publication, is a newspaper of general cir-
culation made up of at least eight pages of at least seven columns
each, printed from typematter or stereotyped forms of at least
nineteen and three-fourths inches depth, has at least 1250 bona fide
subscribers living within said Bonner County, and is published at
regular weekly intervals. That the annexed is a true copy of the
notice for publication in the case of

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE (John Bahler)

as it was published in the regular and entire issue of said paper
for a period of four consecutive weeks, commencing on
the 26th day of September, 19 63,
and _____
_____ ending on the 17th day of October, 19 63,
and that said notice was published in said newspaper proper, and
not in supplement form.

P.K. Woods

Subscribed and sworn to before me this

17th day of October, 19 63.

George C. Connelly
Notary Public for Idaho,
Residing at Priest River, Idaho.

RECEIVED
OCT 31 1963

Department of Reclamation

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

Notice is hereby given that at 10:00 A.M. on the 25th day of October, 1963, at Priest River, County of Bonner, State of Idaho, before Fred F. Kondo, a Notary Public, proof will be submitted of the application to beneficial use of 3.0 cubic feet per second of the waters of Priest River in accordance with the terms and conditions of Permit No. 23223 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit is John Bahler, Priest River, Coolin Route, Idaho.

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

The amount applied to beneficial use is 3.0 second feet.

The point of diversion of said water is NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 57 North, Range 4, West of Boise Meridian.

The place where said water is used (LEGAL DESCRIPTION) 160 acres in the SE $\frac{1}{4}$ of Section

17, Township 57 North, Range 4, West of Boise Meridian.

The date of priority which said user is prepared to establish is October 30, 1952.

Carl E. Tappan
State Reclamation Engineer. 39-4t

23223

State of Idaho
License and Certificate of Water Right

Water License No. 23223

Amount 0.24 c.f.s.

Water District No. _____

Priority October 30, 1952

THIS IS TO CERTIFY that JOHN BAHLER
of Priest River, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 30, 19 52; that Permit No. 23223
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
3.0 second feet, was issued thereunder on October 25, 19 57, showing that said works
were completed on the 28th day of September, 19 57; and that on the 25th
day of October, 19 63,

JOHN BAHLER

of Priest River, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Priest
River, a tributary of Pend Oreille River, for the purpose of irrigation
, under Use Permit No. 23223 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
13 of Licenses at page 7987, on the 14 day of September, 19 64;
The right hereby confirmed dates from October 30, 19 52;

The Point of Diversion is located
in the NW 1/4 SE 1/4, Sec. 17, Tp. 57 N., R. 4 W., B. M. Bonner County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.24 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
57 N.	4 W.	17	NW 1/4 SE 1/4	40	12
			SW 1/4 SE 1/4	40	13
			Total number of acres to be irrigated:		25

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

14th day of September, 19 64.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT 97-2038

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 30995
 PERMIT No. 23223
 DISTRICT No.

1. Name of Applicant: JOHN BAHLER

Postoffice address: Priest River, Coolin Route

County: Bonner

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: Three (3)

cubic feet per second.

3. Source of water supply: Priest River

which is a tributary of Pend Oreille River

4. Location of point of diversion: 2890

feet distant from the S. E.

corner of Section 17, T. 57 N., R. 4 W., B. M., and is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$
 of Section 17, T. 57 N., R. 4 W., B. M., County of Bonner

5. Water is to be used for Sprinkler irrigation

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: \$ 4,000.00

8. Kind of works: Pipe

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 4 & 6 inches; length of conduit miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is Six (6) additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (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 water of the State of Idaho as herein set forth.

JOHN BAHLER *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. October 30, 1952

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 23223

Recorded in Book 83 Page 23223 Approved November 19, 1952

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 January 19, 1953 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 **May 19, 1955**

The whole of said work to be completed on or before November 19, 1957

Beneficial use of water appropriated in accordance herewith, to be made on or before November 19, 1963

WITNESS My hand this 19th day of November, 1952

E. N. HUMPHREY
Deputy State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, 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 19th.....

day of November, 19 52.

STATE OF IDAHO

(SEAL) By IRA H. MASTERS Secretary of State.

REMARKS: The water applied for in this permit is to be pumped from a sloop that is back water from Priest River.

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
57 N.	4 W.	17													40	40	40	40	160
			Permit No. 23223 Certificate of Completion of Works																
			TO ALL WHOM IT MAY CONCERN: This is to certify that JOHN BAHLER of Priest River, County of Bonner, and State of Idaho, the holder of Permit No. 23223, issued upon Application No. 30995 bearing date of priority of October 30, 1952, authorizing the diversion of 3.0 second feet of the waters of Priest River County of Bonner, State of Idaho, for sprinkler 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 3.0 second feet of the waters of Priest River that the point of diversion of said waters NW1/4SE1/4 of Section 17, Township 57 North, Range 4 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 160 acres in the SE1/4 of Section 17, Township 57 North, Range 4 West, B.M. Proof of Completion of Works made: September 28, 1957. Witness my hand this 25th day of October, A.D. 1957 /s/ Mark R. Kulp State Reclamation Engineer Proof of Completion of Works made: September 28, 1957 Certificate of Completion of Works issued: October 25, 1957.																

September 14, 1964

RE: Permit No. 23223

John Bahler
Rt 6
Priest River, Idaho

Dear Mr. Bahler:

Enclosed is the License and Certificate of Water Right on the
above numbered permit.

Also enclosed is departmental receipt No. 32429 in the
amount of \$4.00 covering the fee.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

Enc. license
receipt

23223

Sept. 8th - 1964

Dear Sir:

Thank you kindly for your
letter of Aug. 28th.

Inclosed find check of
\$4.00 to cover cost of license
& water right.

Very truly yours,

John Bahler

Ref # 6

Print River, Idaho

SEP 10 1964

RECEIVED BY THE STATE

#23223

August 28, 1964

Re: Permit No. 23223

John Bahler
Rt 6
Priest River, Idaho

Dear Mr. Bahler:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 23223 shows the pump & sprinklers ~~are~~ capable of conveying 12 miner's inches, or 0.24 c.f.s. of water for the irrigation of 25 acres.

Upon receipt of the statutory fee of \$ 4.00 -based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of October 30, 1952 to the use of .24 second feet of surface water with the point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17 from Priest River for irrigation of 25 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 17, T. 57 N., R. 4 W., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

23223

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

Permit No. 23223

This proof is for Beneficial Use

In Water District No.

1. Name of applicant John Bahler

2. Source of water supply: Priest River

3. Location of point of diversion: Is in the NW 1/4 SE 1/4 of Section 17

T. 57 N R. 4 W.B.M. County of Bonner

4. Describe works as they exist, giving dimensions and capacities of same: 5 HP Wagner Motor
L 86 5070 direct connection to a Deming Centrifugal pump # 213103
2" x 1 1/2" pipe. 4" suction reduced to 2" 1 1/2" outlet increased
to 4" portable main line - 14. 1/2" x 3/4" nipple - (approximately 10'
actual head)

5. Water is used for: sprinkler 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):

SE 1/4 Sec. 17., Twp. 57 N., Rge. 4 W.B.M.

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

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

Remarks: Mr. John Bahler along

Measured by taking pressure reading along lateral

This examination was made on the 19 day of August, 1964

(Signed) L. J. Johnson Examiner.

John Bahler
Route #6 v
Priest River, Idaho
Permit No. 23223

Examination for.....Beneficial Use.....

County.....Bonner

Sec. 17 T. 57N R. 4 WBM

Quantity: 3.0 C.F.S.

Source: Priest River

P.D.: NWSE, 17-57N-4W

Use: Irrigation

Filed: 10-30-52

Due: 11-19-57 e/w
11-19-63 B/w

Extension:

Completion of Works: 10-25-57

Other Rights: None

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
AUG 26 1954

Department of Natural Resources

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 23223

REPORT ON PROOF OF Beneficial Use

John Bahler , Rt. #6, Priest River, Idaho

$$\begin{array}{r} 787 \\ 746 \\ \hline 41 \\ 08 \end{array}$$

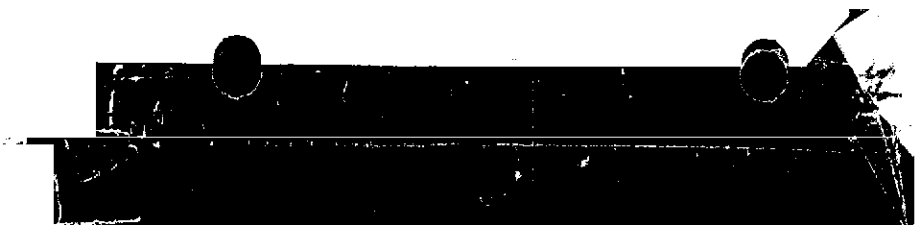
$$\begin{array}{r} 746 \\ 754 \\ \hline 14 \\ 3016 \\ 754 \\ \hline 9 \overline{) 10556} \\ 117 = 12'' \end{array}$$

- 3
~~1~~
~~44~~
 44
 45
 47
 46

$$\begin{array}{r} \sqrt{274} \\ 46 \end{array}$$

$$\begin{array}{r} 787 \\ 746 \\ \hline 41 \\ 08 \end{array}$$

$$\begin{array}{r} 746 \\ 754 \\ \hline 14 \\ 3016 \\ 754 \\ \hline 9 \overline{) 10556} \\ 117 = 12'' = 246 \end{array}$$



1M April 1962

January 24, 1964

Re: Permit No. 23223

Mr. John Bahler
Route #6
Priest River, Idaho

Dear Mr. Bahler:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the PRIEST RIVER TIMES, all submitted in proof of completion of works and beneficial use on Permit No. 23223.

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.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:
cc: Fred F. Kondo, Attorney
Priest River, Idaho

23223

November 8, 1963

Re: Permit No. 23223
John Bahler

Fred F. Kondo, Attorney
Priest River, Idaho

Dear Mr. Kondo:

We received the supplemental deposition of Mr. Bahler in regard to land irrigated under his above noted permit.

We receive several hundred depositions in this office each year. I do not remember a set of depositions with such glaring discrepancies.

Originally the depositions showed about 24 acres irrigated and 3.0 second feet of water being used. That is sufficient water for about ten times the 24 acres.

The supplemental deposition shows he is irrigating 160 acres. The 5 H. P. motor and pump with 15 sprinkler heads could cover that area, if the ground was level, once in the ordinary irrigation season, if the sprinklers were moved three times a day, as it would require about 200 sets. That 160 acres is not level, according to our maps.

Mr. Bahler could be irrigating about 5 acres in the SW¹/₄SE¹/₄, and the balance in the NW¹/₄SE¹/₄, Sec. 17, T. 57 N., R. 4 W.

It would be appreciated if future depositions are more realistic.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

23223

FRED F. KONDO

ATTORNEY-AT-LAW

Telephone Building

PRIEST RIVER, IDAHO

November 6, 1963

Mr. Carl E. Tappan
State Reclamation Engineer
State of Idaho
Boise, Idaho

Re: Permit No. 23223
(John Bahler)

Dear Mr. Tappan:

Please find enclosed herewith a supplemental deposition of John Bahler, the holder under above described permit. As you will note therefrom, the original deposition has been supplemented to show that irrigated land covers all of the acreage in each of the 40-acre subdivision of the Southeast Quarter of said Section 17.

Yours very truly,



Fred F. Kondo

FK:ml
Encl.

23223

PERMIT NO. 23223

SUPPLEMENTAL DEPOSITION OF HOLDER

STATE OF IDAHO,)
: ss.
County of Bonner,)

JOHN BAHLER, being first duly sworn, deposes and on his oath
says:

That this deposition is to supplement his original deposition, taken
October 25, 1963.

Holder hereby states that the location of the lands irrigated by the
waters covered by this permit is described as follows:

40 Acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17,
Township 57 North, Range 4, W.B.M.;

40 Acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 17;

40 Acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 17; and

40 Acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. 17, all
in Bonner County, Idaho.

John Bahler.

Subscribed and sworn to before me this 6th day of November, 1963.

David D. Kaul.
Notary Public, in and for the State of Idaho,
residing at Priest River, therein.

23223

November 1, 1963

Re: Permit No. 23223
John Bahler

Fred F. Kondo
Attorney at Law
Priest River, Idaho

Dear Mr. Kondo:

We received the depositions of holder and two witnesses with affidavit of publication in regard to above noted permit.

The location of the land is described as 24 acres in the SW1/4, Sec. 17, T. 57 N., R. 4 W. We believe the land should be described as on the application, acres in each 40-acre subdivision.

Kindly obtain the information from Mr. Bahler in order that it may be attached to his desposition.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

23223

FRED F. KONDO
ATTORNEY-AT-LAW
Telephone Building
PRIEST RIVER, IDAHO

October 29, 1963

Mr. Carl E. Tappan
State Reclamation Engineer
State of Idaho
Boise, Idaho

Re: Permit No. 23223
(John Bahler)

Dear Mr. Tappan:

Please be advised that the deposition of the Holder, John Bahler, and his two witnesses, were taken Friday, October 25th, at the hour of 10:00 A. M.

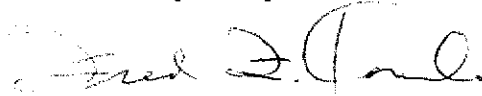
You will find enclosed herewith the following:

1. Deposition of Holder.
2. Deposition of witness, Frank H. Anselmo, Jr.
3. Deposition of witness, Don B. Van Vleet.
4. Affidavit of publication of notice of Proof of Application of Water To Beneficial Use.

Said depositions have all been signed and notarized by me.

I trust that you will find these depositions and affidavit to be in order, and if not please advise this office.

Yours very truly,


Fred F. Kondo

FK:ml

Encl.

Cc: Mr. John Bahler

23223

RECEIVED
OCT 31 1952

STATE OF IDAHO
DEPARTMENT OF RECLAMATION Department of Reclamation
BOISE, IDAHO

✓
Permit No. 23223

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. JOHN BAHLER; Occupation, farmer; and Residence and
post-office address: Route #6, Priest River, Idaho

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

Ans. _____

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

Ans. Number of permit: 23223. Date of permit: Nov. 12, 1952
Date of Priority Oct. 30, 1952

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

Ans. Source: Slough off of the Priest River. Point of diversion
is approx. 1000' South & 100' East of NW corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 17, Township 57 North, Range 4, W. 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.

Ans. Works consists of #262 single phase Dening 5 h.p. motor & pump
unit; 4" alum pipe from slough to pump and 3" alum pipe from
pump to sprinkler system; laterals are also 3" alum pipe.
Sprinkler system uses 15 - #40 Rainbird sprinkler heads.

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. Water is used for irrigating approximately 24 acres owned by
holder located in SE $\frac{1}{4}$ of said Section 17, T. 57, N. R. 4 WBM.
Land irrigated is cultivated.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. _____

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

Ans. _____

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

Ans. 3.0 second feet of water

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. Since date of permit, holder has irrigated above described cultivated lands. Use is annual during each growing season, and amount used is 3.0 second feet of water.

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. None

(Sign) John Bahler

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 Priest River, County of Bonner,

State of Idaho, on this 25th day of October, A. D. 19 63,

David J. Toms
Notary Public, in and for State of Idaho, residing at Priest River.

My commission expires June 23, 1966.

23223

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23223

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. Don B. Van Vleet; Age, 43 years. Present occupation,
Chief of Police, Priest River, Idaho. Formerly owned farm
adjoining Bahler farm. Residence & PO Address: Priest River,
Idaho

Ques. 2. Are you acquainted with John Bahler, the
holder of Permit No. 23223? How long have you known him and where does
he reside?

Ans. Have known Mr. Bahler for 18 years.
Mr. Bahler resides on Route #6, Priest River, Idaho, formerly
called "Coolin Route".

Ques. 3. Have you read or heard read said Permit No. 23223, 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. Source: Slough off of the Priest River. Point of diversion is
located approximately 1000' South and 100' East of the NW corner of
NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, T. 57, N. R. 4, WBM. Diversion works consists of
5 h.p. pump unit, 4" main line; and 3" irrigation lines.

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. 3.0 second feet

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. Water is used for irrigating approximately 24 acres (cultivated)
owned by Mr. Bahler in SE $\frac{1}{4}$ of said Section 17.

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

Ans. _____

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

Ans. Land upon which this water is used has not been reclaimed.

Amount of water needed for its profitable cultivation is 3.0
second feet.

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 interest

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. Have actually witnessed Mr. Bahler using 3.0 second feet
of water since date of priority, namely, Oct. 30, 1952.

(Signed)

Don B. Van Vleet

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 Priest River, County of Bonner, State of Idaho, on this 25 day of October, A. D. 1963.

Fred E. Kondo

Notary Public.

My commission expires June 23, 1966.

23223

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23223

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. Frank H. Anselmo, Jr.; Age, 41 years. Present occupation; Owner of
Kaniksu Tractor & Implement; Residence & P. O. Address: Priest River, Idaho.

Ques. 2. Are you acquainted with John Bahler, the
holder of Permit No. 23223? How long have you known him and where does
he reside?

Ans. Have known Mr. Bahler for 11 years. Mr. Bahler resides on Route #6,
Priest River, Idaho, formerly called "Coolin Route".

Ques. 3. Have you read or heard read said Permit No. 23223, 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. Source: Slough off of the Priest River. Point of diversion is located
approximately 1000' South and 100' East of the NW corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
Sec. 17, T. 57, N. R. 4, WBM. Diversion work consists of 5 h. p. pump
unit, 4" main line; and 3" irrigation lines.

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. 3.0 second feet

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. Water is used for irrigation approximately 24 acres (cultivated) owned by
Mr. Bahler in SE $\frac{1}{4}$ of said Section 17.

23223

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

Ans. _____

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

Ans. Land upon which this water is used has not been reclaimed. Amount of water needed for its profitable cultivation is 3.0 second feet.

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 interest

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. Have actually witnessed Mr. Bahler using 3.0 second feet of water
since date of priority, namely, October 30, 1952.

(Signed) *Paul H. Quisenberry Jr.*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Priest River, County of Bonner, State of Idaho, on this 25th day of October, A. D. 19 63.

David E. Kord

Notary Public.

My commission expires June 23, 1966.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Bonner,

ss.

P. K. Woods

being duly sworn, says that he is the Publisher
of the PRIEST RIVER TIMES, a weekly newspaper printed and
published at Priest River, Bonner County, Idaho, and has been
continuously and uninterruptedly published in said County during
a period of 78 consecutive weeks prior to the first publication of
the annexed notice for publication, is a newspaper of general cir-
culation made up of at least eight pages of at least seven columns
each, printed from typematter or stereotyped forms of at least
nineteen and three-fourths inches depth, has at least 1250 bona fide
subscribers living within said Bonner County, and is published at
regular weekly intervals. That the annexed is a true copy of the
notice for publication in the case of

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE (John Bahler)

as it was published in the regular and entire issue of said paper
for a period of four consecutive weeks, commencing on
the 26th day of September, 19 63,
and _____
_____ ending on the 17th day of October, 19 63,
and that said notice was published in said newspaper proper, and
not in supplement form.

P. K. Woods

Subscribed and sworn to before me this

17th day of October, 19 63.

George C. Connelly
Notary Public for Idaho,

Residing at Priest River, Idaho.

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

Notice is hereby given that at
10:00 A.M. on the 25th day of
October, 1963, at Priest River,
County of Bonner, State of Ida-
ho, before Fred F. Kondo, a Not-
ary Public, proof will be submit-
ted of the application to benefic-
ial use of 3.0 cubic feet per sec-
ond of the waters of Priest River
in accordance with the terms
and conditions of Permit No.
23223 heretofore issued by the
Department of Reclamation of
the State of Idaho.

The name and post office ad-
dress of the person or corporation
holding said permit is John Bah-
ler, Priest River, Coolin Route,
Idaho.

The use to which said water
has been applied is sprinkler ir-
rigation.

The amount applied to benefi-
cial use is 3.0 second feet.

The point of diversion of said
water is NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section
17, Township 57 North, Range 4,
West of Boise Meridian.

The place where said water is
used (LEGAL DESCRIPTION)
160 acres in the SE $\frac{1}{4}$ of Section

17, Township 57 North, Range 4,
West of Boise Meridian.

The date of priority which
said user is prepared to establish
is October 30, 1952.

Carl E. Tappan

State Reclamation Engin-
eer.

38-41

23223

September 19, 1963

Re: Permit No. 23223
John Bahler

Mr. Fred F. Kondo,
Attorney at Law,
Priest River, Idaho.

Dear Mr. Kondo:

This acknowledges the Notice of Proof of ~~Completion of Work and~~ Application of Water to Beneficial Use under Permit No. 23223, in the name of John Bahler. Final Proof is to be made before you, as Notary on the 25th day of October, 19 63, at 10:00 o'clock A.M., at Priest River, Idaho.

As of this date we have mailed the Notice to the Priest River Times Priest River, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

~~GEORGE S. STAFF~~
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

23223

EPR:pmk
Enc.
cc: Applicant

Re: Permit No. 23223
John Bahler

Date: September 19, 1963

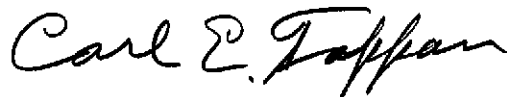
Priest River Times
Priest River, Idaho.

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to October 25, 1963 the date set for proof; the expense of the publication is to be paid by the applicant's attorney, Fred F. Kondo of Priest River, 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 or tear sheet of the first publication.**

Very truly yours,



CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

CET:pmk

23223

FRED F. KONDO
ATTORNEY-AT-LAW
Telephone Building
PRIEST RIVER, IDAHO

September 17, 1963

RECEIVED
SEP 18 1963

Department of Reclamation

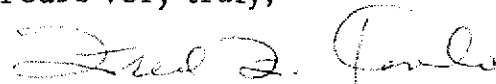
State Reclamation Engineer
State of Idaho
Boise, Idaho

Dear Sir:

Please find enclosed herewith both copies of the notice for publication on the hearing set on Mr. Bahler's application for giving proof of application of water to beneficial use. As you will note therefrom, the hearing has been set for October 25, 1963 at 10:00 o'clock A. M. in my office.

Also enclosed is the authorization signed by Mr. Bahler, allowing you to publish this notice in the Priest River Times at his expense.

Yours very truly,



Fred F. Kondo

FK:ml
Encl.

23223

RECEIVED
SEP 18 1963
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 16, 1963

(P. O.) Priest River, 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 Priest River Times of
Priest River, Idaho published in the
county in which the works are situated.

John Bahler

(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

23223

RECEIVED
OCT 30 1953

Department of Reclamation

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

Notice is hereby given that at 10:00 A.M. on the 25th day of October, 1963,
at Priest River, County of Bonner, State of Idaho, before
Fred F. Kondo, a Notary Public, proof will be submitted of the
application to beneficial use of 3.0 cubic feet per second of the waters of
Priest River in accordance with the terms and conditions of
Permit No. 23223 heretofore issued by the Department of Reclamation of the State of
Idaho.

The name and post office address of the person or corporation holding said permit is
John Bahler Priest River, Bonner Co., Idaho

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

The amount applied to beneficial use is 3.0 second feet

The point of diversion of said water is NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 57
North, Range 4, West of Boise Meridian

The place where said water is used (LEGAL DESCRIPTION) 160 acres in the SE $\frac{1}{4}$ of
Section 17, Township 57 North, Range 4, West of Boise Meridian

The date of priority which said user is prepared to establish is October 30, 1952

CARL E. TAPEAN
State Reclamation Engineer

23223

CR

STATE OF IDAHO
DEPARTMENT OF RECLAMATIONRe: Permit No. **23223**
John Bahler

Date:

Aug. 30, 1963**John Bahler**
Coolin Route
Priest River, Idaho

Dear Mr. Bahler

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 23223 is due not later than Nov. 19, 1963. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated - by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published.

Also enclosed is Form 11, which is the authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,


CARL E. TAPPAN
State Reclamation Engineer

23223

Enc. Form 10 A- 11

October 25, 1957

Re: Permit No. 23223

Mr. John Bahler
Coolin Route
Priest River, Idaho

Dear Mr. Bahler:

Enclosed is the Certificate of Completion of Works issued under Permit No. 23223 for the diversion fo 3.0 second feet of water from Priest River with the point of diversion in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, for irrigation of 160 acres in the SE $\frac{1}{4}$ of Section 17, Township 57 North, Range 4 West, B.M.

Enclosed also is departmental receipt #28822 for \$5.00 issued as receipt of the fee for the Certificate of Completion of Works.

The record of your permit shows the land to be in Section 17, Township 57 North, Range 4 West, B.M. We herein authorize you to make the correction on the original permit.

Proof of beneficial use is not due until November 19, 1963. You may, however, make this proof at any time previous to that date if you have all your land under irrigation. If not, it will be wise for you to allow yourself the allotted time. If you do wish to make this proof at this time, you may request the forms for doing so.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

23223

RECEIVED

Sept. 30th 195,

Dear Sir. - OCT 2 1955

Inclosed find check to cover
fee \$5.00

On our copy of the application
for permit there was an error
made in the discription of the
land. It should be R4W
instead of R4E. It is filled
in with ink on our copy.
What would you advise us to
do.

Would like information
on the last proof - as we are
using the water.

Thank you.

23223

John Babler

STATE OF IDAHO

Department of Reclamation

OK Enc. #522
RECEIVED
 OCT. 2 1957
 Department of Reclamation

RECEIVED
 OCT 2 1957
 Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Bonner

ss.

John Baler

....., 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. 23223, and that his postoffice address is Coolin Rte. Priest River, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Priest River.

Third: That the point of diversion of said water is 2890 ft. from the SE corner of Sec. 17 T57 NR4WBM & is in the NW 1/4 SE 1/4 of Sec. 17 Twp 57 NR4WBM, Bonner Co. Idaho.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Nov. 19, 1957 ~~Jan. 19, 1958~~, 19.....

Fifth: That the use for which said water is intended is Sprinkler Irrigation.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: pipe

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:.....

(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.....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 4 1/2 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 3 cubic feet per second feet of water.

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: 40 acres in NE 1/4, 40 acres in NW 1/4, 40 acres in SW 1/4 and 40 acres in SE 1/4 of SE 1/4 of Sec. 17 Twp 57 NR4WBM of Bonner County, Idaho.

Ninth: Remarks: That.....

John Baler
 (Sign Here)

Subscribed and sworn to before me this 28th day of Sept., 19 57

My commission expires Aug. 1 1958

George Waldman
 Notary Public.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

RE: Permit No. 23223

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. John Bahler
Coolin Route
Priest River, Idaho

Boise, Idaho **September 1, 1957**

Dear Sir:-

Under the terms of your permit No. 23223 you are required to complete your diversion works on or before November 19, 1957. 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,

MARK R. KULP

State Reclamation Engineer

23223

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 23223

Date November 26, 1952

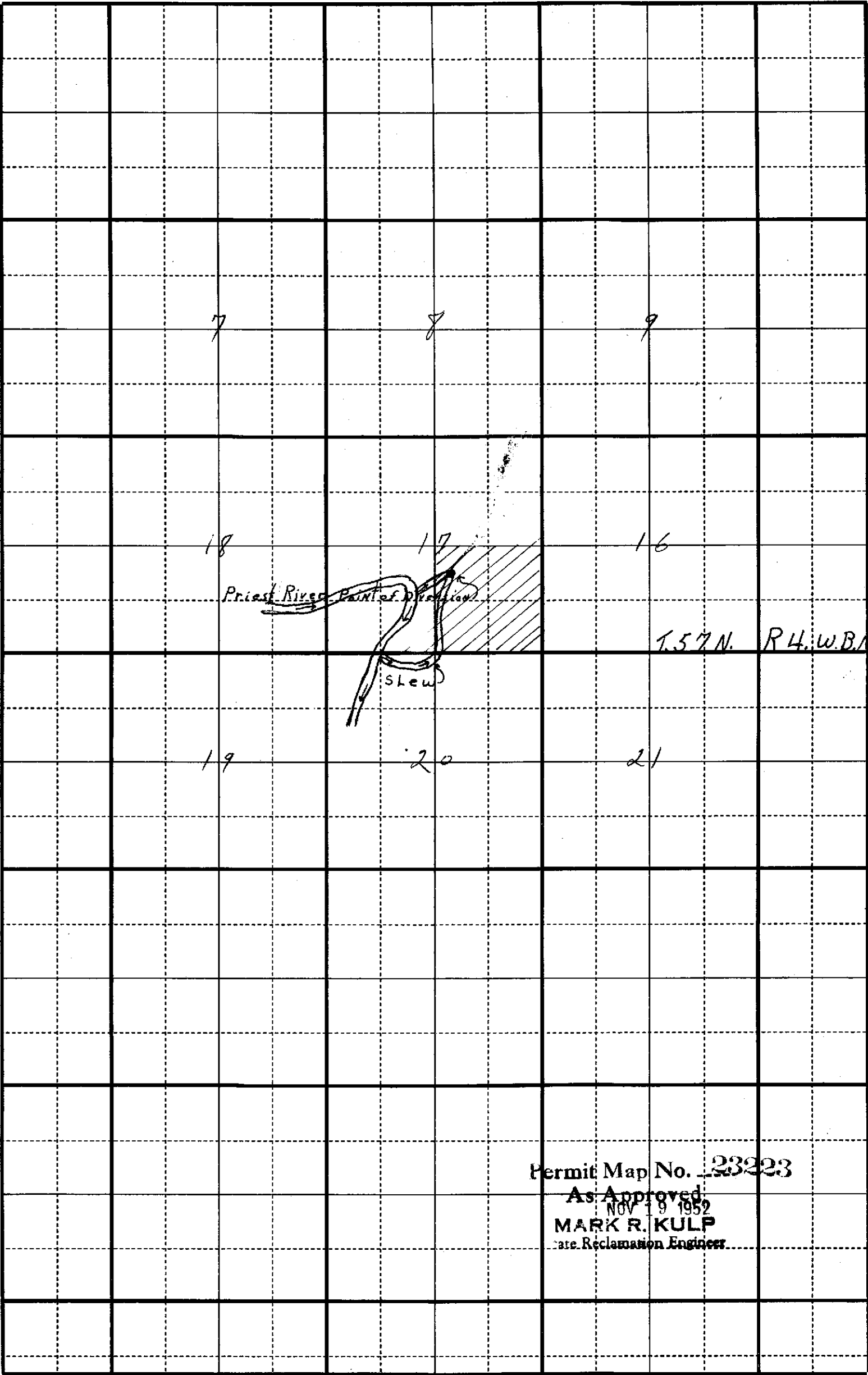
We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SALE as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. John Bahler
Coolin Route
Priest River, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental receipt No. 25100 for \$5.50 filing fee.

23223



Permit Map No. 23223
As Approved
NOV 19 1952
MARK R. KULP
State Reclamation Engineer

Thank you kindly for your
service. Inclosed find check.

Mrs. John Dahler
Coolin St.
Priest River Idaho

23223

RECEIVED
NOV 7 1952
Department of Reclamation



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

October 30, 1952

Mr. John Bahler
Coolin Route
Priest River, Idaho

Dear Mr. Bahler:

We acknowledge receipt of your application for permit to appropriate 3 second feet of water from Priest River.

We return your check, for the \$5.50 fee, made to the order of the U. S. Department of Agriculture, and request that you send another check made to the order of the Department of Reclamation.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson
Chief Clerk

A:fg
Enc.

23223

October 30, 1952

Mr. John Bahler
Coolin Route
Priest River, Idaho

Dear Mr. Bahler:

We acknowledge receipt of your application for permit to appropriate 3 second feet of water from Priest River.

We return your check, for the \$5.50 fee, made to the order of the U. S. Department of Agriculture, and request that you send another check made to the order of the Department of Reclamation.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

23223

October 10, 1952

Mr. John Bahler
Priest River
Idaho

Dear Mr. Bahler:

In reply to your letter of October 9, 1952, we enclose a form of application for permit to appropriate the public waters of the State of Idaho together with a pamphlet giving regulations and instructions in regard to filing same.

When this application is approved, it will be signed by the proper State Officials and sent you as a use permit under which you may proceed with the construction of the work described in the application. In order to complete your water right, two proofs are required as follows:

First, proof of completion of works which is made by affidavit before a Notary Public. The time required for making this proof should be stated under Question 12 in the application.

The final proof is made when the water has been completely applied for irrigation or whatever purpose it is intended. Notice of such proof must be published for four consecutive weeks in a county newspaper at your expense, and at the time set for proof, depositions are to be executed by yourself and two witnesses in proof of such beneficial use. The additional time required for making this proof should be stated under Question 13 of the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

fg
Enc.

23223

Priest River, Ida.
Oct. 9th 1952

Dear Mr. Rulp,

Would you please send
me two forms to apply for
a water right.

Thank you kindly,

John Bahler

Priest River, Idaho

RECEIVED
OCT 10 1952

Department of Reclamation

23223

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

Notice is hereby given that at 10:00 A.M. on the 25th day of October, 1963, at Priest River, County of Bonner, State of Idaho, before Fred F. Kondo, a Notary Public, proof will be submitted of the application to beneficial use of 3.0 cubic feet per second of the waters of Priest River in accordance with the terms and conditions of Permit No. 23223 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit is John Bahler, Priest River, Coolin Route, Idaho.

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

The amount applied to beneficial use is 3.0 second feet.

The point of diversion of said water is NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 57 North, Range 4, west of Boise Meridian.

The place where said water is used (LEGAL DESCRIPTION) 160 acres in the SE $\frac{1}{4}$ of Section 17, Township 57 North, Range 4, West of Boise Meridian.

The date of priority which said user is prepared to establish is October 30, 1952.

Carl E. Tappan
State Reclamation Engineer.
39-41