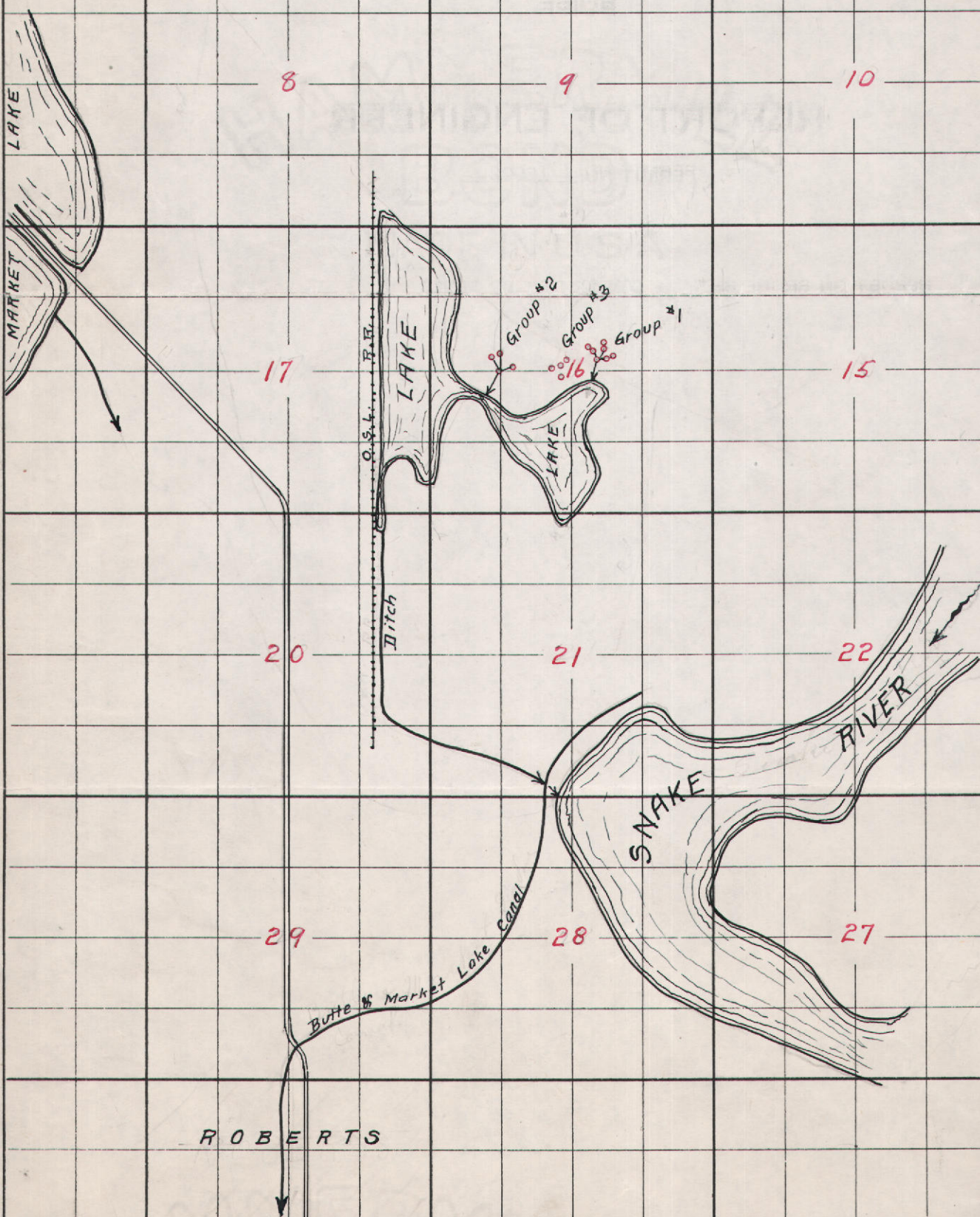
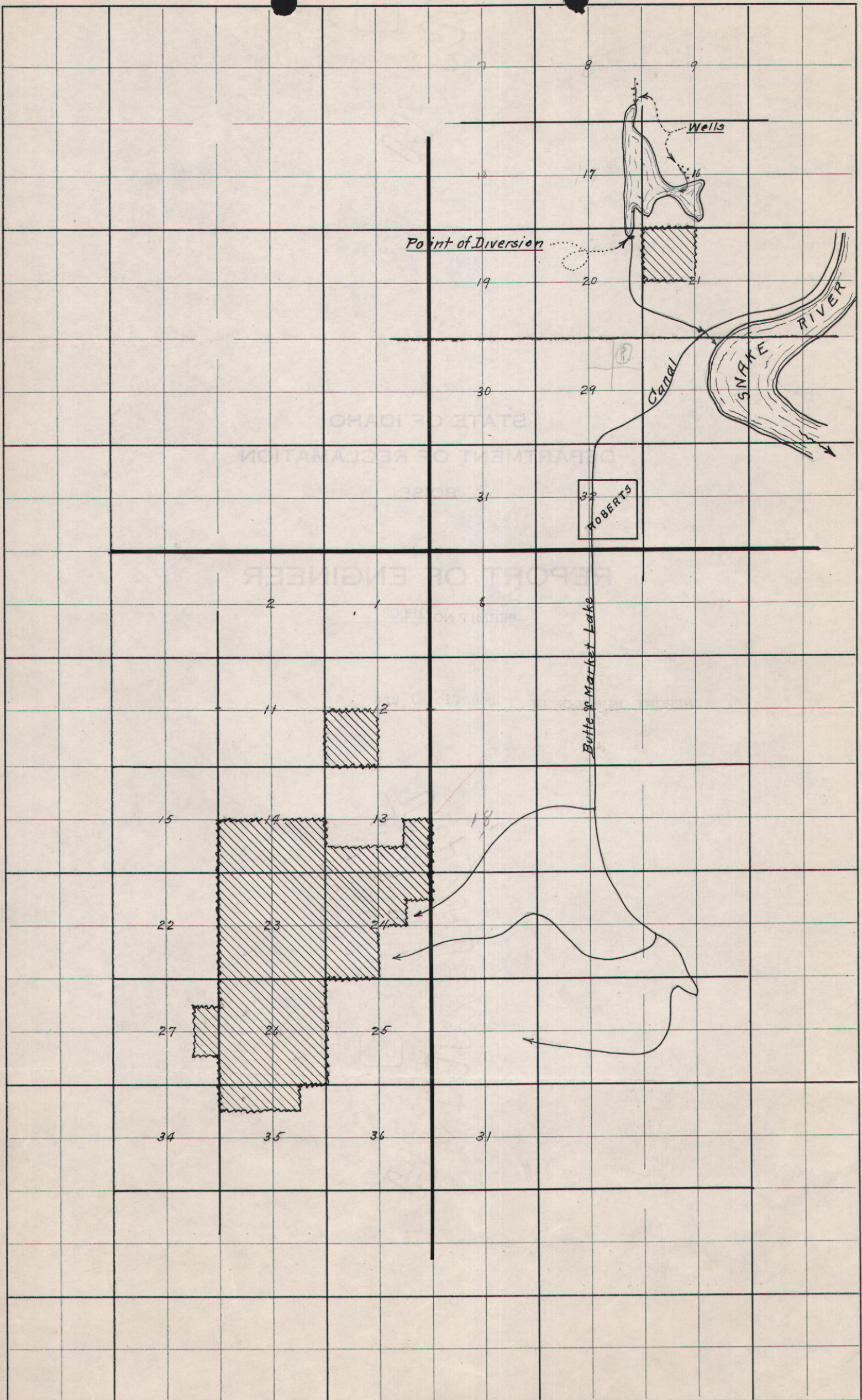
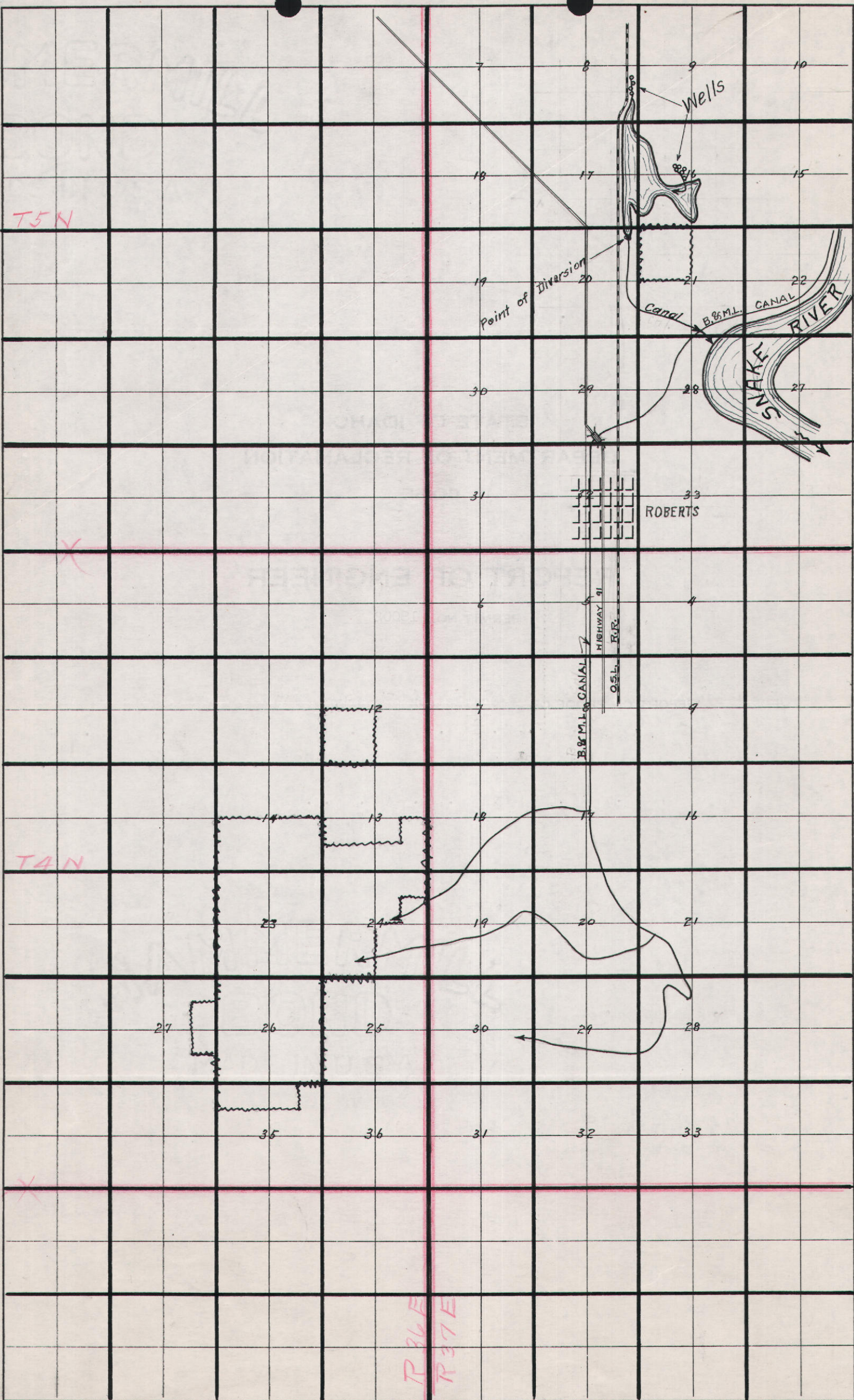
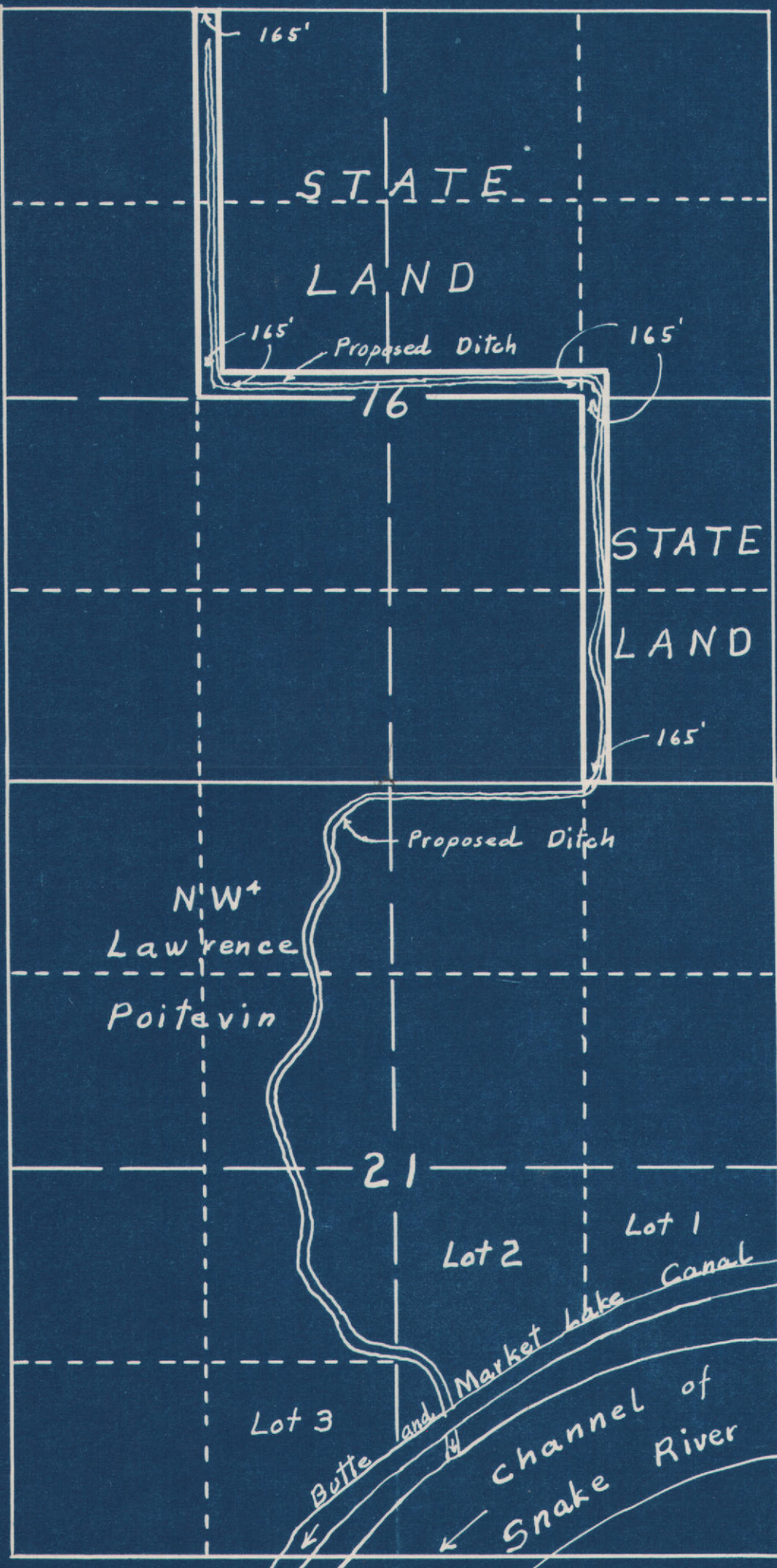


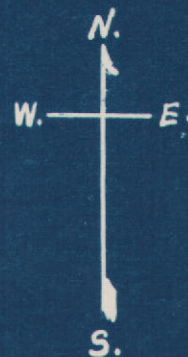








Map Of
Proposed Irrigation Water Development
In Sections 16 and 21 T.5 N. R.37 E.
Showing Proposed Ditch Right of Way.



Scale 1" = 1000'

I, E. Milton Christensen, a Civil Engineer, do hereby certify that the above map was prepared by me from a personal observation of the proposed right of way made on July 9, 1934, and from my contour notes made in 1921 of that part of section 16 lying West of the State Land and nearly all of section 21. As yet I have not made a profile survey of the proposed ditch, but was told that it would be done later. But from my knowledge of the contour of the land adjoining this State Land and my experience in building ditches and canals I would say that a feasible ditch could be made on the right of way as noted. There are a few narrow lava reefs that it would have to go through but most of them it could go around them. I wouldn't consider the cost excessive for the benefits to be gained. The cost of the proposed ditch in section 21 to put the water into Snake River would be very nominal following most of the way an old slough channel. The lands to be benefitted by the proposed irrigation water development and owned by Lawrence Poitevin et al are:

NW $\frac{1}{4}$	Sec. 21, T.5 N. R.37 E.
Lots 3 & 4, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,	" 13 T.4 N. R.36 E.
S $\frac{1}{2}$ SE $\frac{1}{4}$,	" 14 do do
ALL	" 23 do do
W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,	" 24 do do
W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,	" 26 do do
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,	" 27 do do

Approximate acreage 1640 Acres.

E. Milton Christensen
Civil Engineer.

July 13, 1934

Idaho Falls, Idaho.

State of Idaho

License and Certificate of Water Right

Water License No. 18002

Amount 9.5 second feet

Water District No.

Priority May 23, 1934

THIS IS TO CERTIFY that LAWRENCE POITEVIN and J. D. KENNEDY of Idaho Falls, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 23, 1934; that Permit No. 18002 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 20 second feet, was issued thereunder on January 12, 1939, showing that said works were completed on the 30th day of July, 1938; and that on the 30th day of August, 1943,

LAWRENCE POITEVIN and J.D. KENNEDY

of Idaho Falls, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of subterranean water collected in Sections 8, 16, 17 and 20, Township 5 North, Range 37 East, B.M. ~~a tributary of~~, for the purpose of irrigation and domestic use, under Use Permit No. 18002 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 ~~Commissioner of Reclamation~~ State Reclamation Engineer of Idaho and entered of record in Volume 7 of Licenses, at page 4265, on the 22nd day of May, 1945;

The right hereby confirmed dates from May 23, 1934;

The Point of Diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, Twp. 5 N., R. 37 E., B.M. Jefferson 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 9.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N.	37 E.	21	NW $\frac{1}{4}$	160	160
4 N.	37 E.	12	SW $\frac{1}{4}$	160	160
		13	SE $\frac{1}{4}$ SW $\frac{1}{4}$	80	80
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	80	80
		14	SE $\frac{1}{4}$	320	320
		23	All	640	640
		24	NE $\frac{1}{4}$ NE $\frac{1}{4}$	80	80
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			W $\frac{1}{2}$	320	320
		26	All	640	640
		27	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
		35	NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ NW $\frac{1}{4}$	80	80
					2760

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

State Reclamation Engineer

WITNESS the seal and signature of the ~~Commissioner of Reclamation~~ State Reclamation Engineer, affixed at Boise, Idaho, this 22nd day of May, 1945

MARK R. KULP

Commissioner of Reclamation
State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

35-2050

Application No. 25140

Permit No. 18002

District No.

1. Name of Applicant:
- LAWRENCE POITEVIN & J. D. KENNEDY**

Postoffice address: **Idaho Falls**County: **Bonneville**State: **Idaho**

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed:
- 40**
- cubic feet per second.

3. Source of water supply:
- 6 sec. ft., unnamed lake in Secs. 8, 9, 15, 16, 20 & 21, T. 5 N., R. 37 E.**
-
- 34 sec. ft., subterranean**
- which is a tributary of
- no stream**

4. Location of point of diversion:
- See accompanying plat**
- feet distant from the
-
- corner of Section , T. , R. , B. M., and is in the
-
- of Section , T. , R. , B. M., County of
- Jefferson**

5. Water is to be used for:
- Domestic and irrigation 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: \$
- 7500.00**

8. Kind of works:
- Most of the water is to be developed by means of deep wells, natural sloughs and channels will be utilized to carry water to existing canals and diversion means.**

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
- See / accompanying plat**
- 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
- 3**
- years.

13. The time required for the complete application of the water to the proposed use is
- 3**
- additional years.

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

after explained*

15. (a) Is reservoir to be used? **Yes, but only as herein-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.

Lawrence Poitevin & J. D. Kennedy Applicant.

By

O. A. Johannesen

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. May 23, 1934

Returned to applicant for correction: June 22, 1934

Corrected application received: August 17, 1934

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18002

Recorded in Book 65 Page 18002 Approved August 30, 1934

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 \$ 1,000.00 to be filed on or before October 29, 1934

Work to begin on or before 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 March 1, 1938

The whole of said work to be completed on or before August 30, 1937 July 31, 1938

Beneficial use of water appropriated in accordance herewith, to be made on or before August 30, 1940 July 31, 1941 Aug. 30, 1941

Witness my hand this 30th day of August, 1934.

R. W. FARIS

Commissioner of Reclamation.

Remarks: The applicants claim the right to appropriate and use six second feet of the surface water that accumulates upon Sections, 8, 9, 16, 17, 20 & 21, or upon portions of said sections, and which form an unnamed lake, and the other thirty-four second feet of water claimed and appropriated is subterranean water which is to be developed by means of 14 a series of deep wells, drilled upon various portions of the aforesaid sections.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 N	37 E	21					40	40	40	40									160
4 N	36 E	12									40	40	40	40					160
		13											40	40	40		40	40	200
		14									40	40	40	40	40	40	40	40	320
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		24	40	40	40		40	40	40	40	40	40	40	40					440
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27				40									40				80
		35		40			40	40											120

Total Number of Acres to be Irrigated..... 2,760

Remarks: The water will be conducted by means of a natural channel or slough which extends southeasterly and on the east side of the Oregon Short Line R. R. right of way and through portions of the said named sections, all of which are located in Township 5 North, Range 37, East Boise Meridian. The surface flow water obtained from natural lakes is conveyed into the proposed canal at the Northeast corner of the Northwest Quarter of Section 21, Township 5 North, Range 37, East Boise Meridian, all of which is more fully shown by the plat. The wells to be drilled are located along the route of the proposed canal, as shown by the plat. As the drilling of wells is always speculated, as to results, no definite location of any onewell, other than shown by the plat, can be given. * It is the intention of the applicants to carry the water into Snake River, and have the same stored in the American Falls Dam, and then by an exchange of waters, which is permitted, carry the water through the Butte & Market Lake Canal Company to the lands to be irrigated, the greater portion of which are now under cultivation and have an established canal and pumping system, but an inferior water right.

APPROVAL OF COMMISSIONER OF RECLAMATION

I, Paul L. Henry, Deputy 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. 18002 to July 31, 1938.

Witness my hand this 20th day of August, 1937.

PAUL L. HENRY

Deputy Commissioner of Reclamation

**AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION OF WATER RIGHT
PERMIT NO. 18002**

STATE OF IDAHO)
COUNTY OF BONNEVILLE) ss.

LAWRENCE POITEVIN, being first duly sworn, deposes and says: That his postoffice address is Idaho Falls, Idaho. That he is one of the owners of and using a certain water right, for 40 cubic feet per second of the water of unnamed springs and wells, County of Jefferson, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18002, issued by the Commissioner of Reclamation, dated August 30th, 1934, bearing date of priority of May 23, 1934, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 36, in the County of Jefferson and State of Idaho, to-wit: 2760 acres Twp. 4 N., R. 36 E. and Twp. 5 N., T. 37 E. B. M., as described in the application, and is the person (or representative of the person or persons) to whom such right was so issued. That said waters are now shown to be diverted from said sources in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 21, Twp. 5 N., R. 37 E., and conducted to the above described lands through the various ditches, as per map filed herewith and of this affidavit made a part; That affiant desired to change the point of diversion of said waters from the point above described to a point located in NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 20, Twp. 5 N., R. 37 E., and thereafter conduct same to the above described land through the various ditches as per map above referred to. That his reasons for desiring to make such change are as follows: The first located point of diversion was found to be not as practical as the second point. No one is injured by the change. Better results are accomplished by the change. That no one will be injured by such change and that such change will be made at affiant's own risk.

(Signed) LAWRENCE POITEVIN
Affiant

Subscribed and sworn to before me this 7th day of January, 1939

(SEAL)

(Signed) O. A. Johannessen
Notary Public

**PERMIT NO. 18002
CERTIFICATE OF COMPLETION OF WORKS**

TO ALL WHOM IT MAY CONCERN:

This is to certify that LAWRENCE POITEVIN & J. D. KENNEDY, of Idaho Falls, County of Bonneville, and State of Idaho, the holders of Permit No. 18002 issued upon Application No. 25140 bearing date of priority of May 23, 1934, authorizing the diversion of 20 second feet of the waters of an unnamed lake and wells, County of Jefferson, State of Idaho, for irrigation and domestic use purposes, have 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 20 second feet of the waters of an unnamed lake and wells; that the point of diversion of said waters is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T. 5 N., R. 37 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$ Sec. 21, T. 5 N., R. 37 E.; SW $\frac{1}{4}$ Sec. 12; S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13; S $\frac{1}{2}$ Sec. 14; All Sec. 23; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ Sec. 24; All Sec. 26; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 35; all in T. 4 N., R. 36 E. B. M.

Witness my hand this 12th day of January, A. D. 1939

Proof of Completion of Works made July 30, 1938
Certificate issued January 12, 1939

JAMES SPOFFORD
Commissioner of Reclamation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Permit No. 18002

APPLICATION FOR EXTENSION OF TIME FOR BENEFICIAL USE PROOF.

STATE OF IDAHO)
) ss.
County of Bonneville)

LAWRENCE POITEVIN, of Idaho Falls, Idaho, State of Idaho, being first duly sworn, upon his oath deposes and says: That he is one of the owners and holders of Permit to Appropriate the Public Waters of the State of Idaho, No. 18002. That under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by July 31, 1941. That he has heretofore put to beneficial use forty (40) second feet of water and has irrigated 2760 acres. That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit: Because of the nature of the source of supply, a desire to reduce operating and distribution costs and effect the utmost economy in use, it is necessary to have the advantage of the additional time requested before making proof of beneficial use. During the past two years applicants have found that economies both in distribution and use are possible, and it is desired to perfect these before submitting the final proof. WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making of proof of beneficial use under said permit to August 30, 1943.

Lawrence Poitevin /s/

Subscribed and sworn to before me this 30th day of July, 1941.

O. A. Johannessen, Notary Public
My commission expires, March 11, 1942.

SEAL

Date of receipt at office of Department of Reclamation 9:00A.M., July 31, 1941.

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, E. V. BERG, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 18002 to August 30, 1943.

Witness my hand this 2nd day of August, 1941

E.V. BERG /s/
Commissioner of Reclamation.

Recorded this 2nd day of August, 1941.

LICENSE ISSUED FOR 9.5 SEC. FT.
P. 4265

MEMORANDUM

DATE: JULY 28, 1992

TO: NORM

FROM: RON

RE: OWNER'S MUTUAL DEMAND FOR DELIVERY

The Owner's Mutual is a small company that is delivered surface water through a small canal known as the Kennedy. Our records show 27 cfs of rights of priority 1890 or earlier. In Water District 1 rights earlier than 1890 are normally not cut on the main Snake River. In addition the Kennedy has about 1450 AF of storage. Diversions to the Kennedy rarely exceed 27 cfs. Consequently, even in 1992 the Kennedy has only diverted about 35 AF of storage to date.

Owner's Mutual claims another right that I have never recognized. Apparently this right arises from a permit that was issued to Lawrence Poitevin and J.D. Kennedy in 1934 for "surface water from an unnamed lake and subterranean water" located in sections 8, 16, 17, and 20, Township 5 North, Range 37 E BM. Jefferson, County. In 1952 in a quiet title action filed against Lynn Crandell Owners mutual was decreed a perpetual right to use 6 cfs of water from the above described source for the irrigation of lands located west of Idaho Falls. The court determined that the water from this source was not tributary to the river and therefore could be co-mingled with Snake River water at a point near Roberts and run down the river for diversion through the Kennedy.

In 1972 the Idaho Dept. of Fish and Game constructed a dike that impounded the afore described waters. The watermaster's records at that time showed the following foot note:

Owners Mutual also has 2.5 sec.-ft. May 15, 1921, and 3.5 sec.-ft. May 23, 1934, Market Lake springs decree or as much thereof as they deliver to Snake River above Roberts.

Since the Kennedy carried sufficient water for all of the users including Owners Mutual little effort was made to divert this water for delivery to the Kennedy. After I became watermaster in 1978 representatives of the Owners Mutual contacted me on a couple of occasions to inquire about their "Poitevin" right. My position has been that the beneficial use of this water has ceased and therefore the right has ceased.

With the the determination of rights pending in the SRBA, Bill Taylor of Owners Mutual is now concerned about

losing something and is demanding that this water be diverted from the Market Lake wildlife management area to the Snake River for delivery to Owners Mutual. In view of Keith's position of Fox Creek, I am now attempting to deliver the water from Market Lake Springs to the Kennedy. The problem I am having is how to credit the water. The Kennedy is currently diverting 9 cfs of Snake River natural flow and no storage. In addition, all of the water coming to the River is being diverted by Fish and Game to prevent a reoccurrence of botulism in the East Springs Marsh. There can be no additional water diverted to the river that is not currently tributary. Herb Pollard, Region 6 Supervisor, in a letter dated July 21, 1992 argues that any right Owners Mutual may have had to use the waters of Market Lake springs has been forfeited.

Unless I hear from you with different instructions I intend to write Bill Taylor a letter and ask him to identify which Snake River rights Owners Mutual does not want delivered for the remainder of this year so the Poitevin right can be delivered. While I do not believe this source is independent from the Snake River, it appears that there would be no alternative but to credit up to 6 cfs of the water currently being diverted from the marsh to the Kennedy.



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401-2198
(208) 525-7290

RECEIVED

JUL 23 1992

Department of Water Resources
Eastern District Office

July 21, 1992

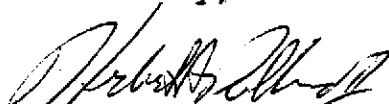
Mr Ron Carlson
Watermaster
Water District 1
150 Shoup Ave. Suite 15
Idaho Falls Idaho 83402

Dear Mr Carlson:

There is some confusion in water rights 35-2890 and 35-2050 that we purchased from Lawrence Poitevin. Mr Poitevin apparently transferred some interest in this right to Farm Credit Corp. prior to our purchase of the property in 1956, and this interest was conveyed to Owners Mutual Irrigation Company. We constructed a dike in 1972 that impounded these waters to create the East Springs Marsh at Market Lake WMA, and we have filed on these two rights with a change of use to wildlife. To our knowledge, the 6 cfs in question has not been delivered since we impounded the water in 1972, and possibly for several years prior. We think that Owners Mutual Irrigation Company has forfeited their right to the water through lack of use.

We are currently draining the East Springs Marsh to prevent a reoccurrence of botulism that has plagued us for the past several years. By draining the marsh this year we expect to control cattails and bullrushes which contribute to stagnant water and disease problems. The water released from East Springs Marsh should be considered as reverting to the original Snake River Water Right. We expect to drain the marsh every five to ten years, and we want to emphasize that this is for disease control and wildlife habitat improvement, and that it not be misconstrued as a delivery of the water in dispute.

Sincerely,


Herbert A. Pollard II
Supervisor
Region 6

Cecil D. Andrus / Governor
Jerry M. Conley / Director

Equal Opportunity Employer



Working for wildlife since 1938

RECEIVED

JUN 17 1992

Department of Water Resources
Eastern District Office

Owners Mutual Irrigation Co.
c/o Bill Taylor
4535 W. 81 N.
Idaho Falls, ID 83402
June 10, 1992

Mr. Ron Carlson
Watermaster District 01
150 Shoup Ave.
Idaho Falls, ID 83402

Dear Ron:

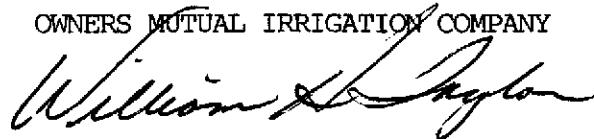
As you are aware, our Canal Company has a water right originating near Roberts from the Market Lake Springs. It was decreed in District Court in 1952 that our company has right to the first 6 second feet flowing from those springs, that this water would be diverted into the Snake River and re-diverted from the river for irrigation and domestic uses. It was further decreed that this water right is wholly independent of the Snake River or any of its tributaries.

We therefore demand that the water rights be delivered as described through the Great Western Canal to the Kennedy Ditch.

Thank you for your prompt attention to this matter.

Yours truly,

OWNERS MUTUAL IRRIGATION COMPANY



Bill Taylor, Secretary

Idaho License Numbers

18002

14161

*copied from original
held by Owners Mutual.
Emile Carlsson*

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TREMONT

* * * * *

OWNERS' MUTUAL IRRIGATION COMPANY,

Plaintiff,

-vs-

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND JUDGMENT.

LENN CRANDALL, as Water Master of Water
District No. 36 of the State of Idaho,

Defendant.

* * * * *

This cause came on regularly to be heard before the Court, sitting without a jury, in Chambers, at Idaho Falls, Idaho, upon plaintiff's complaint on file herein, on this 18th day of July, 1952, plaintiff appearing by its attorneys, Albaugh, Bloom, Barnard & Smith, and the defendant appearing not, either in person or by counsel, and it appearing to the satisfaction of the Court that the defendant above named was personally served with process herein, and that he has failed to answer plaintiff's complaint, or otherwise appear herein, and that the time allowed by law for making such appearance having expired, that the default of said defendant has been duly and regularly entered herein; and it further appearing that the plaintiff has caused a notice of the pendency of this action to be published in the manner and for the time provided by law, and as heretofore ordered by this Court; and the Court having heard the evidence introduced by and on behalf of the plaintiff and having duly considered the law and the evidence, and being fully advised in the premises, and it appearing to the Court that each and all of the material allegations in plaintiff's complaint are true and correct, the Court now makes the following

FINDINGS OF FACT

I

That plaintiff is a mutual cooperative irrigation corporation, organized and existing under the laws of the State of Idaho; that it owns and operates for the benefit of its stockholders, a system of irrigation

works embracing and irrigating the following described land, situated in Bonneville County, Idaho, to-wit:

The West Half of the Northeast Quarter, (W $\frac{1}{2}$ NE $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter, (NW $\frac{1}{4}$ SE $\frac{1}{4}$), and Northwest Quarter (NW $\frac{1}{4}$) of Section 11; and all that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section 11 lying North of the main Hibley Canal; all of Section 15; all in Township 3 North, Range 37 E.B.M., Bonneville County, Idaho,

which land and premises are situated within the boundaries of Water District No. 36 of the State of Idaho.

II

That the defendant is the duly appointed qualified and acting water master of Water District No. 36, embracing all of Bonneville County, Idaho, and all of the lands and points of diversion hereinafter described in Jefferson County, Idaho.

III

That the waters of Snake River and its tributaries were heretofore decreed in this Court in that certain action entitled Rexburg Irrigation Company, et al, Plaintiffs, vs Teton Irrigation Company, et al, Defendants, judgment therein being made and entered under date of December 16, 1910, and recorded in Book B of Judgments at Page 449 of the Records of Fremont County, Idaho; that the plaintiff herein was not a party to said action and did not appear therein, and the water rights hereinafter described were not adjudicated or decreed in said action.

IV

That plaintiff, for the purposes of this suit, accepts as binding upon it the said decree and the findings of fact and conclusions of law upon which it is based.

V

That all of the above described lands lying under plaintiff's said ditches and canals, are arid in character and require the artificial application of water for the purpose of producing profitable agricultural crops thereon, and that the waters and water rights hereinafter described are necessary for the development, reclamation and use of said lands.

VI

That on or about August 8, 1919, Dean & Company, a corporation, made application to the Commissioner of Reclamation of the State of Idaho, to appropriate and divert 20 cubic feet per second of water from unnamed lakes in Section 17, Township 5 North, Range 37, E.B.M., Jefferson County, Idaho; that said application thereafter was duly approved by said Commissioner of Reclamation, and proof of the application to beneficial use was made and the Department of Reclamation issued to Farm Credit Corporation, assignee of said Dean & Company, its license No. 14161, confirming in the Farm Credit Corporation the right to the use of 2.5 cubic feet per second of water under said permit with priority dating from May 15, 1921.

VII

That on or about August 30, 1934, Lawrence Poitevin and J. D. Kennedy made application to the Commissioner of Reclamation of the State of Idaho, for permit to appropriate and divert 40 cubic feet per second of surface water from an unnamed lake and subterranean water in sections 8, 16, 17 and 20, Township 5 North, Range 37, E.B.M., Jefferson County, Idaho; that said application was thereafter duly approved by said Commissioner of Reclamation and proof of beneficial use was duly made, and on or about the 22nd day of May, 1945, the Department of Reclamation of the State of Idaho issued to said Lawrence Poitevin and J. D. Kennedy its license No. 18002, confirming their right to the use of 9.5 cubic feet per second of water under said permit with priority dating from May 23, 1934.

VIII

That thereafter and heretofore, plaintiff acquired the first and prior perpetual right to use 6 cubic feet per second of the water evidenced and confirmed by said water licenses No. 18002 and No. 14161 by successive mesne conveyances and is now the owner of said right to use 6 cubic feet per second of said water with a proportionate interest in all diversion works constructed thereunder.

IX

That said water has been, and is diverted and conducted from the land described in paragraphs VI and VII, herein, by means of a canal running from said land to the Snake River and emptying into Snake River in Section 28, Township 5 North, Range 37 E.B.M., from whence it is carried and conducted in the channel of the Snake River to the diversion works of the Great Western Canal in Section 2, Township 3 North, Range 37 E.B.M. where it is rediverted from the Snake River through other and various canals to the land irrigated by plaintiff's canal system described in paragraph I herein.

X

That said water, so appropriated and used as aforesaid, is wholly independent of Snake River or any of its tributaries, and that all of said water which plaintiff may conduct into said river for rediversion and use in its canal system as aforesaid, and the right of plaintiff thereto, is prior and paramount to any claim thereon by any user or claimant of rights in the natural flow of Snake River or its tributaries.

XI

That the said appropriations of said subterranean waters and waters of unnamed lakes by plaintiff's predecessors in interest have never been denied, and have not lapsed for any reason whatsoever, and the rights acquired thereby have not been decreed or adjudicated; that by reason of the co-mingling of said water with the waters of Snake River, certain difficulties are likely to arise regarding the distribution thereof to the plaintiff unless the same are adjudicated by a summary decree of this Court.

From the foregoing findings of fact, the Court makes the following

CONCLUSION OF LAW

I

That the plaintiff is entitled to judgment herein adjudging and decreeing that the plaintiff is the owner of and has the first and prior right to use for the irrigation of the lands described in paragraph I herein, comprising its irrigation project, 6 cubic feet per second of the waters collected and brought into Snake River from Sections 8, 16, 17

and 20, Township 5 North, Range 37 E.B.M., under its said licenses, No. 13002 and No. 14161, and rediverted from the Snake River as set forth in paragraph IX hereof, and that said water is wholly independent of Snake River or any of its tributaries, and that all of said water which plaintiff may conduct into said river for rediversion and use in its canal system as aforesaid and the right of plaintiff thereto, is prior and paramount to any claim thereon by any user or claimant of rights in the natural flow of Snake River or its tributaries.

JUDGMENT

I

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff is the owner of and has the first and prior perpetual right to use 6 cubic feet per second of the water evidenced and confirmed by Idaho State water licenses No. 13002 and No. 14161, and to gather, divert and conduct the same from Sections 8, 16, 17 and 20, Township 4 North, Range 37, E.B.M., and into Snake River in Section 28, Township 5 North, Range 37, E.B.M., and to redivert the same from Snake River into the Great Western Canal in Section 2, Township 3 North, Range 37, E.B.M., and use for irrigation and domestic purposes on the following described lands situated in the County of Bonneville, State of Idaho, to-wit:

The West Half of the Northeast Quarter, ($\frac{1}{2}$ NE $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter, (N $\frac{1}{4}$ SE $\frac{1}{4}$), and Northwest Quarter (NW $\frac{1}{4}$) of Section 11; and all that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section 11 lying North of the main Hibley Canal; all of Section 15; all in Township 3 North, Range 37, E.B.M., Bonneville County, Idaho.

II

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said water so used and adjudicated as aforesaid is wholly independent of Snake River or any of its tributaries, and that all of said water which plaintiff may conduct into said river for rediversion and use in its canal system, as aforesaid, and the right of plaintiff thereto, is prior and paramount to any claim thereon by any user or any claimant of rights in the natural flow of Snake River or its tributaries, and that the defendant and all interested parties be, and they are hereby barred from asserting any right, or claim to the use of said water so

diverted into Snake River and co-mingled with the waters of Snake River.

III

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this summary adjudication of water rights is made under authority and in accordance with Section 42-1405, Idaho Code, and that the plaintiff pay its own costs incurred herein.

DONE IN CHAMBERS, at Idaho Falls, Idaho, this 18th day of July, 1952.

HENRY S. MARTIN
DISTRICT JUDGE

STATE OF IDAHO)
COUNTY OF FREMONT) ss

I, JACK A. STONE, Clerk of the District Court, and Ex-Officio Auditor and Recorder, in and for the County of Fremont, State of Idaho, do hereby certify that the above and foregoing is a full, true and correct copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT in the case of "Owners' Mutual Irrigation Company vs Lynn Grandall, as Water Master of Water District No. 36 of the State of Idaho", as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Court, this 21 day of July, 1952.

JACK A. STONE
CLERK

By Maubard, Deputy



216210

COMPLETED	
INDEXED	
RELEASED	
ASSIGNED	

STATE OF IDAHO }
County of Bonneville } ss No. _____
I hereby certify that the within instrument
was filed JUL 23 PM 2:57
Ex. 15 of MISS. Page 37 Fee 4.50
HARRY MOORE, County Recorder
By *David Hunting* Deputy
Request of *Chas. H. Blair*
Atty. at Law
Idaho Falls, Idaho.

WATER DEED AND CONTRACT

THIS INDENTURE AND AGREEMENT, made and entered into this 29th day of May, 1952, by and between LAWRENCE POITEVIN and MARGARET K. POITEVIN, his wife, of the County of Bonneville, State of Idaho, hereinafter designated the parties of the first part, and OWNERS' MUTUAL IRRIGATION COMPANY, an Idaho corporation, of Bonneville County, Idaho, hereinafter designated party of the second part, WITNESSETH:

WHEREAS, the parties of the first part are the owners of Idaho Water License #18002 issued by the Idaho Department of Reclamation on May 22, 1945, and confirming in first parties the right to use 9.5 cubic feet per second of the subterranean water collected in Sections 8, 16, 17 and 20 in Township 5 North, Range 37, East Boise Meridian, Jefferson County, Idaho, for the purpose of irrigation and domestic use with a priority of May 23, 1934, and are the owners of Idaho License #14161 issued by the Idaho Department of Reclamation on September 26, 1929, and confirming in Farm Credit Corporation the right to use 2.5 cubic feet per second of the subterranean water collected in Section 17, Township 5 North, Range 37, East Boise Meridian, Jefferson County, Idaho, for the purpose of irrigation and domestic use with a priority of May 15, 1921.

WHEREAS, the second party desires to obtain an additional and supplemental water supply for the irrigation of lands owned by its stockholders in Bonneville County, Idaho, and desires to purchase from first parties the perpetual right to use six cubic feet per second of said water evidenced by said water licenses #18002 and #14161, and first parties are willing to sell to second party said water right in an amount not to exceed six cubic feet per second;

NOW, THEREFORE, THIS AGREEMENT, WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00 and other good and valuable considerations, to them in hand paid by the party of the second part; the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and by these presents do grant, bargain, sell, and

convey unto the said party of the second part and to its successors and assigns forever, the first and prior perpetual right to use not to exceed six cubic feet per second of the water evidenced by said water licenses #18002 and #14161, together with the right to use all ditches, canals, and diversion works now owned and used by first parties for the diversion and transportation of said water, and said water shall be measured at the weir in first parties' canal situate near the Northwest Corner of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section Twenty-nine (29), Township Five (5) North, Range Thirty-seven (37), East Boise Meridian; provided, however, that second party, its successors and assigns, shall hereafter assist in maintaining, and pay its proportionate cost of maintaining, said diversion works, canals, and ditches used in carrying said water; it being understood and agreed that the carrying right and interest in said diversion works, ditches, and canals hereby granted to second party is not an exclusive right, and that first parties, their heirs and assigns, reserve and retain the right to use said diversion works, ditches, and canals for carrying water which first parties now own, or may hereafter develop.

It is further understood and agreed that first parties are the owners of the land on which said water is developed and collected, and that first parties may desire and determine to develop, collect, use, or sell additional water which may be hereafter developed and collected on said land owned by first parties, and first parties reserve the right to develop, collect, use, or sell any and all water developed or collected on said land over and above the six cubic feet per second hereby sold and transferred to second party; provided, however, that second party shall at all times have the first and prior right to said six cubic feet per second of water, and that first parties, in the development and collection of additional water, shall not interfere with or do any act or thing to impair the water right hereby conveyed to second party.

It is further understood and agreed that a part of the water hereby conveyed flows from wells situate on first parties' premises, and that first parties may, if they so desire, install pumps on said wells and thereby increase the flow and output of water therefrom, and that first parties

shall have the right to install said pumps and operate same at first parties' own cost and expense, and use, lease, or sell the additional water obtained therefrom, provided said six cubic feet per second of water is delivered to second party at the weir hereinbefore described. To have and to hold said water right unto the party of the second part, its successors and assigns, forever.

First parties represent and warrant to second party that they are the owners of said water right, and that they have not sold, assigned, transferred, or encumbered same, or any part thereof.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Lawrence Poitevin (SEAL)

Margaret K. Poitevin (SEAL)

STATE OF IDAHO)

County of Bonneville)

ss.

On this 29th day of May, 1952, before me, the undersigned, a Notary Public in and for State of Idaho, personally appeared LAWRENCE POITEVIN and MARGARET K. POITEVIN, his wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Ralph L. Albarracín
Notary Public for State of Idaho
Residing at Idaho Falls, Idaho



IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

OWNERS' MUTUAL IRRIGATION COMPANY,

Plaintiff,

-vs-

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND JUDGMENT.

LYNN CRANDALL, as Water Master of Water
District No. 36 of the State of Idaho,

Defendant.

This cause came on regularly to be heard before the Court, sitting without a jury, in Chambers, at Idaho Falls, Idaho, upon plaintiff's complaint on file herein, on this 18th day of July, 1952, plaintiff appearing by its attorneys, Albaugh, Bloom, Barnard & Smith, and the defendant appearing not, either in person or by counsel, and it appearing to the satisfaction of the Court that the defendant above named was personally served with process herein, and that he has failed to answer plaintiff's complaint, or otherwise appear herein, and that the time allowed by law for making such appearance having expired, that the default of said defendant has been duly and regularly entered herein; and it further appearing that the plaintiff has caused a notice of the pendency of this action to be published in the manner and for the time provided by law, and as heretofore ordered by this Court; and the Court having heard the evidence introduced by and on behalf of the plaintiff and having duly considered the law and the evidence, and being fully advised in the premises, and it appearing to the Court that each and all of the material allegations in plaintiff's complaint are true and correct, the Court now makes the following

FINDINGS OF FACT

I

That plaintiff is a mutual cooperative irrigation corporation, organized and existing under the laws of the State of Idaho; that it owns and operates for the benefit of its stockholders, a system of irrigation

works embracing and irrigating the following described land, situated in Bonneville County, Idaho, to-wit:

The West Half of the Northeast Quarter, (W $\frac{1}{2}$ NE $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter, (NW $\frac{1}{4}$ SE $\frac{1}{4}$), and Northwest Quarter (NW $\frac{1}{4}$) of Section 11; and all that part of the Southwest Quarter (SW $\frac{1}{4}$) of Section 11 lying North of the main Nibley Canal; all of Section 15; all in Township 3 North, Range 37 E.B.M., Bonneville County, Idaho,

which land and premises are situated within the boundaries of Water District No. 36 of the State of Idaho.

II

That the defendant is the duly appointed qualified and acting water master of Water District No. 36, embracing all of Bonneville County, Idaho, and all of the lands and points of diversion hereinafter described in Jefferson County, Idaho.

III

That the waters of Snake River and its tributaries were heretofore decreed in this Court in that certain action entitled Rexburg Irrigation Company, et al, Plaintiffs, vs Teton Irrigation Company, et al, Defendants, judgment therein being made and entered under date of December 16, 1910, and recorded in Book B of Judgments at Page 449 of the Records of Fremont County, Idaho; that the plaintiff herein was not a party to said action and did not appear therein, and the water rights hereinafter described were not adjudicated or decreed in said action.

IV

That plaintiff, for the purposes of this suit, accepts as binding upon it the said decree and the findings of fact and conclusions of law upon which it is based.

V

That all of the above described lands lying under plaintiff's said ditches and canals, are arid in character and require the artificial application of water for the purpose of producing profitable agricultural crops thereon, and that the waters and water rights hereinafter described are necessary for the development, reclamation and use of said lands.

VI

That on or about August 3, 1919, Dean & Company, a corporation, made application to the Commissioner of Reclamation of the State of Idaho, to appropriate and divert 20 cubic feet per second of water from unnamed lakes in Section 17, Township 5 North, Range 37, E.B.M., Jefferson County, Idaho; that said application thereafter was duly approved by said Commissioner of Reclamation, and proof of the application to beneficial use was made and the Department of Reclamation issued to Farm Credit Corporation, assignee of said Dean & Company, its license No. ³⁵⁻²⁸⁹⁰ 14161, confirming in the Farm Credit Corporation the right to the use of 2.5 cubic feet per second of water under said permit with priority dating from May 15, 1921.

VII

That on or about August 30, 1934, Lawrence Poitevin and J. D. Kennedy made application to the Commissioner of Reclamation of the State of Idaho, for permit to appropriate and divert 40 cubic feet per second of surface water from an unnamed lake and subterranean water in Sections 8, 16, 17 and 20, Township 5 North, Range 37, E.B.M., Jefferson County, Idaho; that said application was thereafter duly approved by said Commissioner of Reclamation and proof of beneficial use was duly made, and on or about the 22nd day of May, 1945, the Department of Reclamation of the State of Idaho issued to said Lawrence Poitevin and J. D. Kennedy its license No. ³⁵⁻²⁰⁵⁰ 18002, confirming their right to the use of 9.5 cubic feet per second of water under said permit with priority dating from May 23, 1934.

VIII

That thereafter and heretofore, plaintiff acquired the first and prior perpetual right to use 6 cubic feet per second of the water evidenced and confirmed by said water licenses No. 18002 and No. 14161 by successive mesne conveyances and is now the owner of said right to use 6 cubic feet per second of said water with a proportionate interest in all diversion works constructed thereunder.

IX

That said water has been, and is diverted and conducted from the land described in paragraphs VI and VII, herein, by means of a canal running from said land to the Snake River and emptying into Snake River in Section 28, Township 5 North, Range 37 E.B.M., from whence it is carried and conducted in the channel of the Snake River to the diversion works of the Great Western Canal in Section 2, Township 3 North, Range 37 E.B.M. where it is rediverted from the Snake River through other and various canals to the land irrigated by plaintiff's canal system described in paragraph I herein.

X

That said water, so appropriated and used as aforesaid, is wholly independent of Snake River or any of its tributaries, and that all of said water which plaintiff may conduct into said river for rediversion and use in its canal system as aforesaid, and the right of plaintiff thereto, is prior and paramount to any claim thereon by any user or claimant of rights in the natural flow of Snake River or its tributaries.

XI

That the said appropriations of said subterranean waters and waters of unnamed lakes by plaintiff's predecessors in interest have never been denied, and have not lapsed for any reason whatsoever, and the rights acquired thereby have not been decreed or adjudicated; that by reason of the co-mingling of said water with the waters of Snake River, certain difficulties are likely to arise regarding the distribution thereof to the plaintiff unless the same are adjudicated by a summary decree of this Court.

From the foregoing findings of fact, the Court makes the following:

CONCLUSIONS OF LAW

I

That the plaintiff is entitled to judgment herein adjudging and decreeing that the plaintiff is the owner of and has the first and prior right to use for the irrigation of the lands described in paragraph I herein, comprising its irrigation project, 6 cubic feet per second of the waters collected and brought into Snake River from sections 8, 16, 17

and 20, Township 5 North, Range 37 E.B.M., under its said licenses, No. 18002 and No. 14161, and rediverted from the Snake River as set forth in paragraph IX hereof, and that said water is wholly independent of Snake River or any of its tributaries, and that all of said water which plaintiff may conduct into said river for rediversion and use in its canal system as aforesaid and the right of plaintiff thereto, is prior and paramount to any claim thereon by any user or claimant of rights in the natural flow of Snake River or its tributaries.

JUDGMENT

I

35-0055
~~1-288~~
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff is the owner of and has the first and prior perpetual right to use 6 cubic feet per second of the water evidenced and confirmed by Idaho State water licenses No. 18002 and No. 14161, and to gather, divert and conduct the same from Sections 8, 16, 17 and 20, Township 4 North, Range 37, E.B.M., and into Snake River in Section 28, Township 5 North, Range 37, E.B.M., and to redivert the same from Snake River into the Great Western Canal in Section 2, Township 3 North, Range 37, E.B.M., and use for irrigation and domestic purposes on the following described lands situated in the County of Bonneville, State of Idaho, to-wit:

The West Half of the Northeast Quarter, ($W\frac{1}{2}NE\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter, ($N\frac{1}{4}SE\frac{1}{4}$), and Northwest Quarter ($NW\frac{1}{4}$) of Section 11; and all that part of the Southwest Quarter ($SW\frac{1}{4}$) of Section 11 lying North of the main Nibley Canal; all of Section 15; all in Township 3 North, Range 37, E.B.M., Bonneville County, Idaho.

II

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said water so used and adjudicated as aforesaid is wholly independent of Snake River or any of its tributaries, and that all of said water which plaintiff may conduct into said river for rediversion and use in its canal system, as aforesaid, and the right of plaintiff thereto, is prior and paramount to any claim thereon by any user or any claimant of rights in the natural flow of Snake River or its tributaries, and that the defendant and all interested parties be, and they are hereby barred from asserting any right, or claim to the use of said water so

diverted into Snake River and co-mingled with the waters of Snake River.

III

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this summary adjudication of water rights is made under authority and in accordance with Section 42-1405, Idaho Code, and that the plaintiff pay its own costs incurred herein.

DONE IN CHAMBERS, at Idaho Falls, Idaho, this 18th day of July, 1952.

HENRY S. MARTIN
DISTRICT JUDGE

STATE OF IDAHO)
 : ss
COUNTY OF FREMONT)

I, JACK A. STONE, Clerk of the District Court, and Ex-Officio Auditor and Recorder, in and for the County of Fremont, State of Idaho, do hereby certify that the above and foregoing is a full, true and correct copy of the FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT in the case of "Owners' Mutual Irrigation Company vs Lynn Grandall, as Water Master of Water District No. 36 of the State of Idaho", as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Court, this 21 day of July, 1952.

JACK A. STONE
CLERK

*By Maud Bird
deputy.*



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 7, 1992

Owners Mutual Irrigation Company
c/o Bill Taylor
4535 West 81 North
Idaho Falls, ID 83402

RE: Water Rights Nos. 35-2050 (old number 14161) and License No.
35-2890 (old number 18002)

Dear Mr. Taylor:

This office received a memorandum of inquiry from Ron Carlson, watermaster for Water District no. 01, asking whether he should deliver portions of water rights nos. 35-2050 and 35-2890 to the Owners Mutual Irrigation Company. He also forwarded a copy of a decree issued in 1952, which decreed 6.0 cfs of lake and subterranean water in the Market Lake area delivered by means of a ditch to the Snake River, and diverted from the Snake River and applied to lands irrigated by shareholders of the Owners Mutual Irrigation Company. The decree apparently affirms rights 35-2050 and 35-2890. Ron also forwarded a copy of a letter from the Idaho Department of Fish and Game contesting a claim of right by Owners Mutual.

Ron Carlson and Fish & Game both state that the water from Market Lake area has not been delivered to Owners Mutual for at least two decades. Fish & Game alleges that no water has been released from the lake except for purposes of draining the wetlands to prevent botulism since acquisition of the Market Lake property by Fish & Game in 1972.

Finally, Ron Carlson states that Owners Mutual owns sufficient Snake River rights to satisfy its needs, and he would have to curtail diversion of a Snake River water right in order to deliver the Market Lake water.

I have instructed the watermaster to deliver Owners Mutual's Snake River water rights, but have also instructed him not to deliver any water to Owners Mutual from Market Lake or associated springs because of long term nondelivery and possible forfeiture

Bill Taylor
August 7, 1992
Page - 2

of the rights. Nondelivery is consistent with past action of the watermaster. Market Lake water should not be delivered to Owners Mutual unless Owners Mutual is judged to own a valid right in the Snake River Basin Adjudication.

Respectfully,

A handwritten signature in cursive script, appearing to read "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

cc: Ron Carlson

WATER RIGHT NUMBER 35-2050 ✓

OWNER LAST NAME - POITEVIN
OWNER LAST NAME - KENNEDYADDRESS LINE 1 -
ADDRESS LINE 3 -

SOURCE - GROUNDWATER

STAGE - LICENSE

TOTAL DIV. VOLUME -

DIVERSION POINT - NENE 20 C5N 37E LOT

FROM - TO -

FROM - TO -

USE - IRRIGATION ✓

USE - IRRIGATION ✓

USE - IRRIGATION ✓

USE - IRRIGATION ✓

USE - IRRIGATION ✓

USE - IRRIGATION ✓

USE - IRRIGATION ✓

USE - IRRIGATION ✓

USE - IRRIGATION ✓

FIRST NAME - LAWRENCE
FIRST NAME - J. D.ORIG OWNER -
ORIG OWNER -

ADDRESS LINE 2 -

CITY - IDAHO FALLS ✓

STATE - ID ZIP CODE - 83401

TRIBUTARY OF -

PRIORITY - 05-23-1934

COUNTY - JEFFERSON

TOTAL DIV. RATE -

9.5000 -CFS

WATER DIST. -

OLE/CAREY ACT -

RIGHT BASIS -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. RATE -

9.5000 CFS

USE DIV. VOLUME -

.00 AFA

USE DIV. RATE -

.0000 CFS

USE DIV. VOLUME -

.00 AFA

PLACE OF USE - TWN 04N ✓ R1G 36E ✓ SEC 35 ✓ TRACT NENE ✓ LOT

AC 40 ✓ TRACT

NENE ✓ LOT

AC 40 ✓

TRACT NWN ✓ LOT

AC 40 ✓

PLACE OF USE - TWN 04N ✓ R1G 36E ✓ SEC 27 ✓ TRACT SENE ✓ LOT

AC 40 ✓ TRACT

NESE ✓ LOT

AC 40 ✓

PLACE OF USE - TWN 04N ✓ R1G 36E ✓ SEC 14 ✓ TRACT NESW ✓ LOT

AC 40 ✓ TRACT

NWSW ✓ LOT

AC 40 ✓

TRACT SWSW ✓ LOT

AC 40 ✓ TRACT

SESW ✓ LOT

AC 40 ✓

TRACT NESE ✓ LOT

AC 40 ✓ TRACT

NWSE ✓ LOT

AC 40 ✓

TRACT SWSE ✓ LOT

AC 40 ✓ TRACT

SESE ✓ LOT

AC 40 ✓

PLACE OF USE - TWN 04N ✓ R1G 36E ✓ SEC 13 ✓ TRACT SWSW ✓ LOT

AC 40 ✓ TRACT

SESW ✓ LOT

AC 40 ✓

TRACT NESE ✓ LOT

AC 40 ✓ TRACT

SWSE ✓ LOT

AC 40 ✓

TRACT SESE ✓ LOT

AC 40 ✓

PLACE OF USE - TWN 04N ✓ R1G 36E ✓ SEC 12 ✓ TRACT NESW ✓ LOT

AC 40 ✓ TRACT

NWSW ✓ LOT

AC 40 ✓

TRACT SWSW ✓ LOT

AC 40 ✓ TRACT

SESW ✓ LOT

AC 40 ✓

PLACE OF USE - TWN 04N ✓ R1G 37E ✓ SEC 21 ✓ TRACT NENE ✓ LOT

AC 40 ✓ TRACT

NWNW ✓ LOT

AC 40 ✓

TRACT SWSW ✓ LOT

AC 40 ✓ TRACT

SESW ✓ LOT

AC 40 ✓

PLACE OF USE - TWN 04N ✓ R1G 36E ✓ SEC 23 ✓ TRACT NENE ✓ LOT

AC 40 ✓ TRACT

NWNW ✓ LOT

AC 40 ✓

TRACT SWSW ✓ LOT

AC 40 ✓ TRACT

SESW ✓ LOT

AC 40 ✓

TRACT NESE ✓ LOT

AC 40 ✓ TRACT

NWSE ✓ LOT

AC 40 ✓

TRACT SWSE ✓ LOT

AC 40 ✓ TRACT

SESE ✓ LOT

AC 40 ✓

TRACT NENE ✓ LOT

AC 40 ✓ TRACT

NWNW ✓ LOT

AC 40 ✓

TRACT SWSW ✓ LOT

AC 40 ✓ TRACT

SESW ✓ LOT

AC 40 ✓

TRACT NESE ✓ LOT

AC 40 ✓ TRACT

NWSE ✓ LOT

AC 40 ✓

TRACT SWSE ✓ LOT

AC 40 ✓ TRACT

SESE ✓ LOT

AC 40 ✓

PLACE OF USE - TWN 04N ✓ R1G 36E ✓ SEC 24 ✓ TRACT NENE ✓ LOT

AC 40 ✓ TRACT

NWNW ✓ LOT

AC 40 ✓

TRACT SWSW ✓ LOT

AC 40 ✓ TRACT

SESW ✓ LOT

AC 40 ✓

TRACT NESE ✓ LOT

AC 40 ✓ TRACT

NWSE ✓ LOT

AC 40 ✓

TRACT SWSE ✓ LOT

AC 40 ✓ TRACT

SESE ✓ LOT

AC 40 ✓

TRACT NENE ✓ LOT

AC 40 ✓ TRACT

NWNW ✓ LOT

AC 40 ✓

TRACT SWSW ✓ LOT

AC 40 ✓ TRACT

SESW ✓ LOT

AC 40 ✓

TRACT NESE ✓ LOT

AC 40 ✓ TRACT

NWSE ✓ LOT

AC 40 ✓

TRACT SWSE ✓ LOT

AC 40 ✓ TRACT

SESE ✓ LOT

AC 40 ✓

PLACE OF USE - TWN 04N ✓ R1G 36E ✓ SEC 26 ✓ TRACT NENE ✓ LOT

AC 40 ✓ TRACT

NWNW ✓ LOT

AC 40 ✓

TRACT SWSW ✓ LOT

AC 40 ✓ TRACT

SESW ✓ LOT

AC 40 ✓

TRACT NESE ✓ LOT

AC 40 ✓ TRACT

NWSE ✓ LOT

AC 40 ✓

TRACT SWSE ✓ LOT

AC 40 ✓ TRACT

SESE ✓ LOT

AC 40 ✓

TRACT NENE ✓ LOT

AC 40 ✓ TRACT

NWNW ✓ LOT

AC 40 ✓

TRACT SWSW ✓ LOT

AC 40 ✓ TRACT

SESW ✓ LOT

AC 40 ✓

TRACT NESE ✓ LOT

AC 40 ✓ TRACT

NWSE ✓ LOT

AC 40 ✓

TRACT SWSE ✓ LOT

AC 40 ✓ TRACT

SESE ✓ LOT

AC 40 ✓

DATE -

TOTAL ACRES

2,760 ✓

DECREE NAME -

REMARKS - A PORTION OF THIS RT. APPEARS TO HAVE BEEN DECREED AS RT 35-0055.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 18002

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

September 21, 1943

Re: Permit No. 18002
Polterin & Kennedy

Mr. O. A. Johannessen
Attorney at Law
Idaho Falls, Idaho

Dear Mr. Johannessen:

We are sorry to have to return the depositions of holder and witnesses in connection with the beneficial use proof under the above numbered permit, for the following reason:

Question 4 in each of these depositions calls for the location of the point of diversion, and this is not given in any of these depositions.

We are therefore enclosing other forms for use in making corrected proofs.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

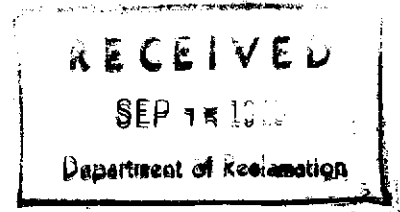
Chief Clerk

1
Encl.

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

September 14, 1943



Mr. James Spofford
State Reclamation Engineer
Boise, Idaho

Dear Mr. Spofford:

Your letter of the 8th has come to hand.
I am returning herewith the deposition of Lawrence
Poitevin and J. D. Kennedy and also the affidavit
of publication. I am very sorry that the signature
was over-looked. Hoping that they are now in due
order, I am

Yours very truly,

O. A. Johannesen

By *Martha Riechke*

OAJ:MMN

2 enc.

18002

Affidavit of Publication

The Rigby Star

STATE OF IDAHO,
County of Jefferson.

ss.

I, R. I. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, in Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for four consecutive issues thereof; first publication having been made on the

29th day of July, 1943

and last publication on the

19th day of Aug., 1943

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

R. I. Jones

Subscribed in my presence and sworn to before me this 13th

day of September, 1943

(SEAL)

Hope B. Jones

Notary Public for the State of Idaho, residence
and post office address: Rigby, Idaho.

My commission expires January 30th., 1946

Publication Fee \$ _____

18002

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

Notice is hereby given that at 10 a. m. on the 30th day of August, 1943, at Idaho Falls, County of Bonneville, State of Idaho, before O. A. Johannesen, a Notary Public, proof will be submitted of the application to beneficial use of forty cubic feet per second of the waters of unnamed lake and subterranean sources in accordance with the terms and conditions of Permit No. 18002 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 Lawrence Pottvin and J. D. Kennedy, Idaho Falls, Idaho.

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

The amount applied to beneficial use is 40 cubic feet per second.

The place where said water is used is NW 1/4 Sec. 21, Twp. 5 No. Ra. 37 E.B.M.; SW 1/4 Sec. 12, S 1/4 SW 1/4, NE 1/4 SE 1/4, and S 1/4 SE 1/4 Sec. 13; S 1/4 Sec. 14; all Sec. 28; N 1/2 NE 1/4, SW 1/4 NE 1/4, W 1/4 Sec. 24; all sec. 26; SE 1/4 NE 1/4, NE 1/4 SE 1/4 Sec. 27; N 1/4 NE 1/4, N 1/4 NW 1/4 Sec. 35; all in twp. 4 No. Ra. 36 E.B.M., Jefferson County, Idaho; containing 2760 acres.

The name of the canals or ditch or other works by which said water is conducted to such place of use in private canals and the main canal of the Butte and Market Lake Canal.

The right to take water from such works is based upon Permit No. 18002.

The source of supply from which such water is diverted is from a private lake fed by springs and subterranean sources by means of wells.

The date of priority which said user is prepared to establish is May 23, 1934.

JAMES SPOFFORD,
State Reclamation Engineer.

(37-40)

September 8, 1943

Re: Permit 18002
Poitevin & Kennedy

Mr. O. A. Johannesen
Attorney at Law
Idaho Falls, Idaho

Dear Mr. Johannesen:

We acknowledge receipt of letter signed by Martha Nishcoka, enclosing depositions of Lawrence Poitevin and two witnesses in connection with beneficial use proof under the above numbered permit.

However, the affidavit of publication was not enclosed; and the signature of Mr. Poitevin does not contain your Notarial acknowledgment of his signature, so we are returning same for this purpose.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer
By

Chief Clerk

A
Encl.

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

September 2, 1943



Mr. James Spofford
State Reclamation Engineer
Boise, Idaho

Dear Mr. Spofford:

In re: Permit No. 18002
Lawrence Poitevin &
J. D. Kennedy.

I enclose herewith the Deposition of Holder of Permit No. 18002 of Lawrence Poitevin and J. D. Kennedy. Also the two Deposition of Witnesses. These papers were delayed because of the fact that Mr. Johannesen was stricken with illness.

Hoping that the delay did not cause you any inconvenience and that they will be found in due order, I am

Yours very truly,

By Martha Nishitaka

;mn

enc.

18002

State of Idaho

DEPARTMENT OF RECLAMATION BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 18002
Foltevin & Kennedy

BOISE, IDAHO, August 20, 1943

Mr. O. A. Johannessen
Attorney at Law
Idaho Falls, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18002

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 30, 1943, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Idaho Falls, Idaho before O. A. Johannessen, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly.

JAMES SPOFFORD

Commissioner of Reclamation,
State Reclamation Engineer

18002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **July 26, 1943**

The Rigby Star
Rigby, Idaho

Gentlemen:-

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **August 30, 1943** the date set for proof, the expense of the publication to be paid by the applicant, **Lawrence Poitevin & J. D. Kennedy, Idaho Falls, Idaho** to whom you should furnish proof of publication on or prior to date for proof.

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

Very truly yours,

JAMES SPOFFORD

~~James Spofford~~
State Reclamation Engineer

18002

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Idaho Falls, Idaho. June 26th, 1943.

(P. O.) Idaho Falls, Idaho.

STATE RECLAMATION ENGINEER
TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
The Rigby Star of Rigby, Idaho, published in
the county in which the works are situated.

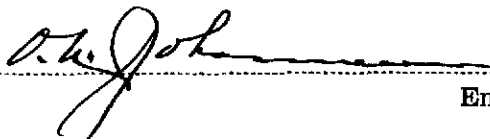
Lawrence Poitevin

J. D. Kennedy,

per

(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.

18002

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

Notice is hereby given that at 10 A. M. on the 30 . . . day of August, 1943,
 at Idaho Falls, County of Bonneville, State of Idaho, before
O. A. Johannesen, a Notary Public, proof will be submitted of the
 application to beneficial use of forty . . . cubic feet per second of the waters of unnamed
subterranean sources
lake and / in accordance with the terms and conditions of Permit No 18002 . .
 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
Laurance Poitevin and J. D. Kennedy
Idaho Falls, Idaho

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

The amount applied to beneficial use is 40 c.f.s.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) NW $\frac{1}{4}$ sec. 21, twp. 5 no. ra. 37 E.B.M.; SW $\frac{1}{4}$ sec. 12;
S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SW $\frac{1}{4}$ sec. 13; S $\frac{1}{2}$ sec. 14; all sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ sec. 24; all sec. 26; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 27; NW $\frac{1}{4}$ ME $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$ sec. 35; all in twp. 4 No. Ra. 36 E.B.M., Jefferson County,
Idaho; containing 2760 acres.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is private canals and the main canal of the Butte and Market Lake
Canal.

The right to take water from such works is based upon Permit No. 18002

The source of supply from which such water is diverted is from a private lake
fed by springs and subterranean sources by means of wells, ...

The date of priority which said user is prepared to establish is June 22, 1943
May 23, 1944

..... James Spafford
 Commissioner of Reclamation.
 State Reclamation Engineer

18002

✓
July 7, 1943

Re: Permit No. 18002
Lawrence Poltevin
& J. D. Kennedy

Mr. O. A. Johannesen
Attorney at law
Idaho Falls, Idaho

Dear Mr. Johannesen:

This will acknowledge receipt of duplicate notice, and authorization to have the notice published in the Rigby Star, in connection with beneficial use proof under the above numbered permit/

The notice will be sent to the newspaper with instructions to publish it once a week for four consecutive weeks prior to August 30, the date set for proof.

About ten days prior to that date we shall send you the forms of deposition, consisting of one for the holder and one for each of two witnesses, so that you will have them in ample time for the proof.

On that date, one or both of the permit holders, and two disinterested witnesses, who are familiar with the terms of the permit, and the works constructed thereunder, should appear at your office, for the purpose of executing the depositions.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

18002

A

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

June 26, 1943



Honorable James Spofford
State Reclamation Engineer
Boise, Idaho

Dear Mr. Spofford:-

In re: Permit No. 18002;
Poitevin and Kennedy

I enclose herewith Notice of Proof of Application of Water to beneficial use and designation of paper for publication in connection with the above-numbered permit. I trust that the same will be found in due order. Thanking you for your kind attention in the matter, I am

Yours very truly,

A handwritten signature in dark ink, appearing to read "O. A. Johannesen". The signature is written in a cursive style with a long horizontal line extending to the right.

enc.
CAJ:MMN

18002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Mr. Lawrence Poitevin and Mr.
J. D. Kennedy
Idaho Falls, Idaho

June 8, 1943

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 18002, 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 August 30, 1943, 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,

JAMES SPOTTFORD

~~Assistant Engineer, Reclamation~~
State Reclamation Engineer

18002

August 2, 1941

Re: 18002

Mr. C. A. Johannesen
Idaho Falls, Idaho

Dear Mr. Johannesen:

Mr. Peitevin's application for extension of time on beneficial use to August 30, 1943 has been approved by the commissioner and recorded on our permanent records. We are enclosing notice of approval which should be attached to the permit as it is a part of Mr. Peitiven's contract with the State of Idaho.

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

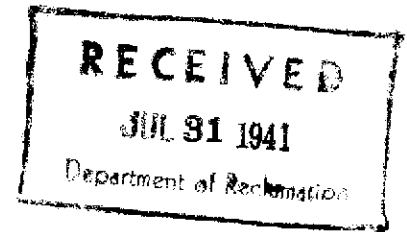
ml.
encl.

BY: Chief Clerk.

14002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

July 30th, 1941.



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

Dear Mr. Berg:-

Re: Permit # 18002, Poitevin et al.

I thank you for yours of the 24th with respect to the above permit and the additional time in which to submit proof of beneficial use.

Herewith I enclose formal application, and hope that the same will be found in due order and meet with your approval.

Thanking you, I am

Yours very truly,

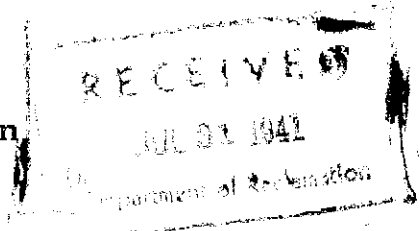
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A handwritten signature in cursive script, appearing to read "O. A. Johannesen".

18002

STATE OF IDAHO
Department of Reclamation

Permit No. 18002



Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Bonneville } SS

Lawrence Poitevin, of
State of Idaho, being first duly sworn, upon his oath deposes and says:
That he is the owner and holder of Permit to Appropriate the Public Waters of the State of
Idaho, No. 18002

That, under the terms and conditions of said permit, proof of beneficial use thereunder was re-
quired to be made by July 31, 1941, 19

That he has heretofore put to beneficial use forty (40) second feet of water
and has irrigated 2760 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time
the remainder of the water appropriated under his permit, to-wit: Because of the nature of
the source of supply, a desire to reduce operating and distribution
costs and effect the utmost economy in use, it is necessary to have
the advantage of the additional time requested before making proof of
beneficial use. During the past two years applicants have found that
economies both in distribution and use are possible, and it is desired
to perfect these before submitting the final proof.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making
of proof of beneficial use under said permit to August 30, 1943, 19

Subscribed and sworn to before me this 30th day of July, 1941

My commission expires March 11th, 1942.

Notary Public.

Date of receipt at office of Department of Reclamation 9:00 A. M. July 31, 1941

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, E. V. BERG, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the mak-
ing of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 18002, to
August 30, 1943, 19

Witness my hand this 2nd day of August, 1941

18002
Commissioner of Reclamation

July 24, 1941

Re: 18002

Mr. O. A. Johannessen
Idaho Falls, Idaho

Dear Mr. Johannessen: Poitevin, et al.

We are enclosing an extension of time on Beneficial Use proof until August 30, 1943 the full time that can be allowed to make proof. Please have the proper authorities fill out and sign the extension. Of course, proof can be made any time previous to the time set.

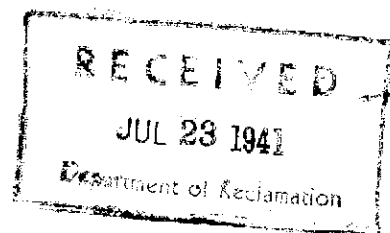
Very truly yours,
K. V. BERG.
Commissioner of Reclamation

ml
encl.

BY: Chief Clerk.

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO



July 22nd, 1941.

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

Dear Mr. Berg:-

Re: No. 18002, Poitevin et al.
No. 18014, Randall, now
Poitevin.

The time for final proof of use under the above permits is soon at hand. I note that the full time permissible was not given in the first instance. Proof of completion of works has been made. Mr. Poitevin, however, is anxious to secure some additional time in which to make proof of beneficial use. The water is being used through the Butte and Market Lake Canal, but there are some final arrangements that have not been completed and for that reason we are anxious to get the benefit of the remaining permissible time.

Will you be kind enough to grant Mr. Poitevin the additional time that is permissible in which to make this final proof.

Thanking you in advance for this, and awaiting an early reply, I am

Yours very truly,

A handwritten signature in cursive script, appearing to read "O. A. Johannesen".

18002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

May 10, 1941

Re: 18002

Lawrence Poltevin
& J. D. Kennedy
Idaho Falls, Idaho

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 18002, 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 July 31, 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

18002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18002

This proof is for Completion of Works

In Water District No. _____

1. Name of applicant Lawrence Poitevin & J. D. Kennedy.
2. Source of water supply: Subterranean and surface sources (Unnamed lake)
3. Location of point of diversion: Is in the Various points of Sections 8, 9, 15, 16, 20, & 21
T. 5 N. R. 37 E. County of Jefferson.

4. Describe works as they exist, giving dimensions and capacities of same: *Three groups of wells Group #1 has 3-20" & 4-10" cased wells, Group #2 has 3-10" cased wells with both groups discharging to a natural pond by trenches about 10 ft. deep. Group #3 has 4-10" cased wells not as yet trenched to the lake. Water diverts from lake via ditch 10 ft. wide x 2 ft. deep which discharges into the Butte & Market Lake Canal and thence to the lands to be irrigated. Capacity of works 20 Second feet.*

5. Water is used for: Domestic and Irrigation purposes.

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NW $\frac{1}{4}$, Sec. 21, T. 5 N., R. 37 E., B. M.; SW $\frac{1}{4}$, Sec. 12; S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13; S $\frac{1}{2}$ Sec. 14; all Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 24; All Sec. 26; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 35; all being in T. 4 N., R. 36 E., 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? Unknown
- Remarks: *Litigation which formerly delayed this work has been settled by cancellation of an adverse permit. (#18014)*

This examination was made on the 24th day of August, 1938

18002 16805 (Signed) Edith H. Dorman Examiner.

25
Lawrence Poitevin & J. D. Kennedy
Idaho Falls, Idaho

Permit No. 18002

Examination for Completion of Works

County Jefferson

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.

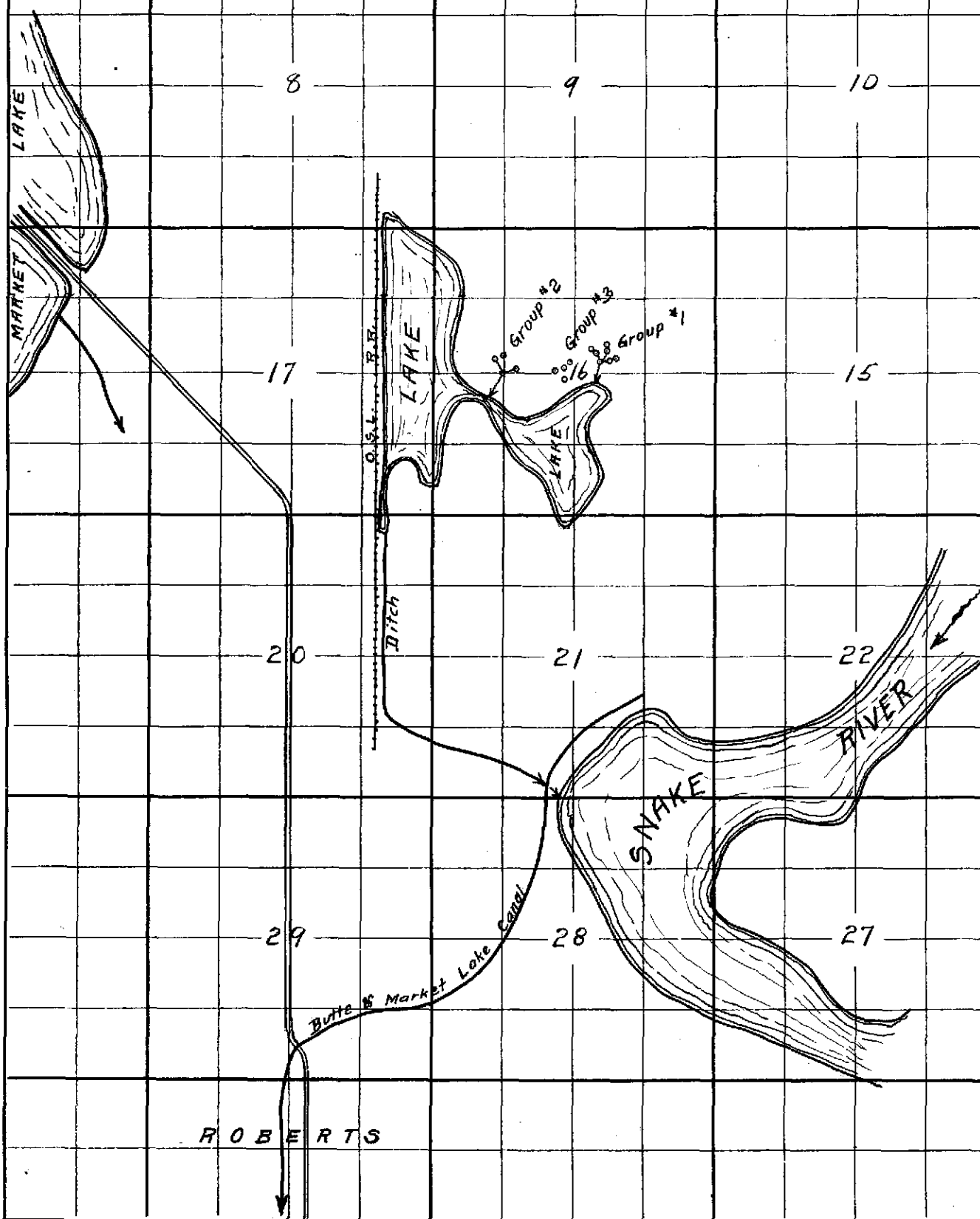
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18902

REPORT ON PROOF OF COMPLETION OF WORKS

of P&H 20 s.f.
Fee 3.00



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

18002

~~18002~~

~~16803~~

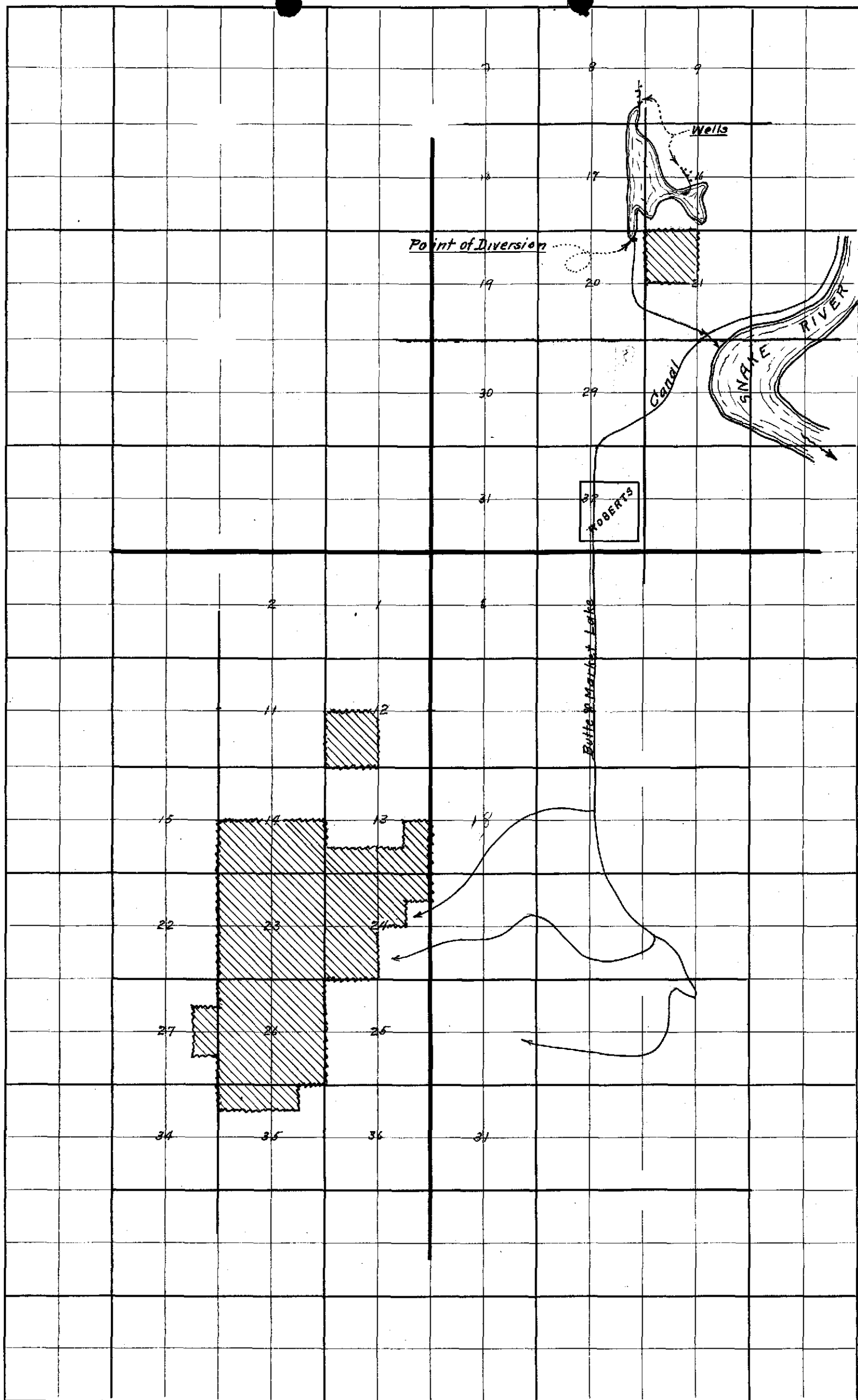
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18002

REPORT ON PROOF OF Beneficial use

9.5 cfs 1/30/45
MER



License for
9.555

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18002

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Lawrence Poitevin and J. D. Kennedy, Idaho Falls, Idaho
2. Source of water supply: Subterranean) Wells
3. Location of point of diversion: Is in the (See below) X of Section _____
T. _____ R. _____ County of Jefferson
4. Describe works as they exist, giving dimensions and capacities of same: Six Drilled Wells in Section 16 :- Three of 20" diameter, Two of 8", and one of 6" diameter, all of which are drilled in lava rock to depths of from 18 to 20 feet.
also
Four drilled wells in Section 8, all of which are of 20" diameter, and 20 feet in depth.
5. Water is used for: Irrigation and domestic use
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):
NW $\frac{1}{4}$ Section 21, Twp. 5 North, Range 37 East, B.M.
SW $\frac{1}{4}$ Section 12- Twp. 4 North, Range 36 East, B.M.
SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13 " "
S $\frac{1}{2}$ Section 14 " "
All Section 23 " "
NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ Section 24 " "
All Section 26 " "
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27 " "
NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35 " "
(Submit map on attached plat, showing location and details of above description.)
8. What large stream would the water here appropriated finally reach? Unknown

Remarks: This Permit has been subjected much litigation between "Poitevin, and Randall" who had a prior filing (18014) which was later relinquished to the State; The water supply involved therein failed to equal expectations, and is alleged to have been rented or sold from year to year to various parties for use on lands not designated herein; In which event a proof of Beneficial Use under the terms of Permit #18002 would appear to be impossible at this time.

- X Point of diversion on original application- NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21, T. 5 N., R. 37 E.; Amended to NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, T. 5 N., R. 37 E. But proof describes points of diversion as follows: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29; Twp. 5 N., R. 37 E., B.M.

This examination was made on the 16th. day of June, 1944

(Signed)

Leah J. Dolman

Examiner.

61
Lawrence Poitevin & J. D. Kennedy
Idaho Falls, Idaho

Permit No. 18002

Examination for Beneficial use

County Jefferson

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.

RECEIVED

FEB 27 1945

Department of Reclamation

May 22, 1945

Re: Permit No. 18002
Lawrence Poitevin & J. P. Kennedy

Mr. O. A. Johannesen
Attorney at Law
Idaho Falls, Idaho

Dear Mr. Johannesen:

Receipt of Mr. Poitevin's check for \$138.00 is acknowledged,
with your letter of May 17th, 1945.

Your questions- First, "Should the charge be for any further
acreage than that which the water will supply?" The devel-
oped water can be appurtenant only to the land in the 69
40-acre subdivisions specified in the application for permit,
and as the water is exchanged for stored water it is impossi-
ble to determine from a field examination just where the water
or exchanged water was applied, and we have no alternative to
following the terms of the permit.

Second, "If the \$138.00 is paid now, will this cover all
future charges in the event proof is made on additional water
claimed?" There will be no additional examination fees on
this permit.

Additional proof can be made at any time.

We are enclosing herewith License and Certificate of Water
Right, confirming the right of Lawrence Poitevin and J. P.
Kennedy to the use of 9.5 cubic feet per second of subterranean
water, collected in Sections 8, 16, 17 and 20, Township 5 North,
Range 37 East, B.M., and diverted in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20,
for irrigation and domestic use in Section 21, Township 5 North,
Range 37 East, B.M., and Sections 12, 13, 14, 23, 24, 26, 27
and 35, Township 4 North, Range 37 East, as described therein,
with priority of May 23, 1934. We also enclose Departmental
Receipt No. 18877 for the \$138.00 fee.

Very truly yours,

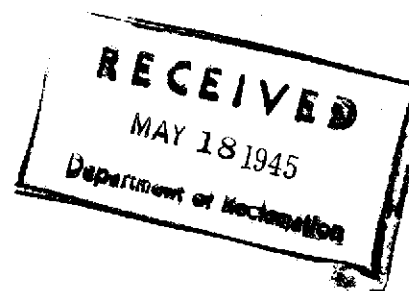
MA K R. KULP
State Reclamation Engineer

A:A
Encls.

18002

O. A. JOHANNESEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

May 17, 1945



Honorable Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

In re: Permit No. 18002

I thank you very much for your favor of April 30th informing me that the report has now been filed by the Field Engineer with respect to the matter of beneficial use of water claimed under the above permit.

I note that the report shows a maximum seasonal average of 9.5 cubic feet per second. From my personal observations, I am sure that many times this amount flows in the spring time and very early summer and much water could be stored and thereby be used. I presume that there will be no objection to offering additional proof with respect to such water.

The amount approved would not be more than the amount that would be required in about 600 acres of land. This would be fifteen 40-acre subdivisions. In view of the fact that the charge levied for the license is based upon sixty-nine 40-acre subdivisions, I am led to ask the following two questions:

First, should the charge be for any further acreage than that which the water will supply?

Second, if the \$138.00 is paid now, will this cover all future charges in the event proof is made on additional water claimed?

I am enclosing Mr. Poitevin's check for \$138.00, so that you will know that we are not delaying in this matter. However, it does seem that he should not be asked to pay a greater sum than that which would be based upon the possible acreage that can be irrigated with the amount of water allowed.

As before stated, 9.5 cubic feet per second would not be any more than enough for 600 acres or fifteen 40-acre subdivisions.

Thanking you for your kind consideration of this matter and awaiting your early reply, I am

Yours very truly,

18002

OAJ:MMN
enc.

✓
April 30, 1945

Re: Permit No. 18002

Mr. O. A. Johannesen
Attorney at Law
Idaho Falls, Idaho

Dear Mr. Johannesen:

We now have on file the report of our Field Engineer on examination for beneficial use under Permit No. 18002, in the names of Lawrence Poitevin and J. L. Kennedy.

This report shows a maximum seasonal average of 9.5 cubic feet per second (1943).

Therefore, upon receipt of the statutory fee of \$138.00, a license will be issued for this amount- 9.5 cubic feet per second.

The above fee is at the rate of \$2.00 for each of the 40-acre subdivisions shown in your permit and proof of beneficial use.

Very truly yours,

MARK R. KNIP
State Reclamation Engineer

K:A

18002

YEAR	MONTH	DAYS	24 HR.SEC.FT.	MEAN DELIVERY
I944	July Aug. Sept.	23 31 <u>16:570</u>	550	7.8 Sec.Ft.
I943	July Aug. Sept.	12 31 <u>6 : 49</u>	464	9.4 "
I942	June July Aug Sept	6 31 31 <u>12 : 80</u>	616	7.7 "
I941	May June July Aug Sept	8 30 31 31 <u>14 : 114</u>	834	7.3 "
I940	June July Aug Sept	15 31 31 <u>20 : 97</u>	526	5.4 "
I939	* * *	* * *	* * *	None
I938	Sept	<u>12 : 12</u>	33	2.7 "
<i>First Crandall Record</i> → I937	July Aug Sept	15 31 <u>30 : 76</u>	518	6.8 "

47.1

47.1 - 8 = 5.9 Mean Delivery.

"Market Lake Springs"
(Crandall)

P#18002 Claims 40 cfs - 6 from lake + 34 from subterranean
C.W. 20 cfs

18002 Max average 9.5 cfs - 1943
Max value 834 - 24 hrs sec ft 1941

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

Idaho Falls, Idaho.
Apr. 3, 1945.

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

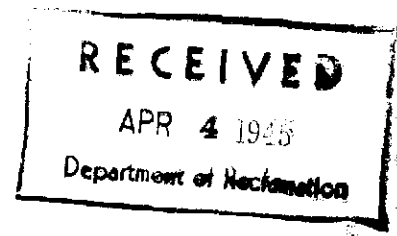
Dear Mr. Kulp,-

In reply to yours of the 2nd inst. enclosing copy of Proof of Beneficial Use under Permit NO. 18002 I would say that this water has been delivered to Snake River and used each year for a number of years past, generally on lands under the Kennedy ditch altho at times on lands under the Butte & Market Lake and other canals. We have considered the water as developed water that would otherwise drain underground west under the Snake River desert, and a record of the quantity each year appears in our annual reports on Plates 12-13, under the heading "Storage Inflow Heise to Shelley" "Market Lake". These quantities usually run from 7 to 10 sec.ft. measured where it dumps into the river, altho peak flows have been as high as 14 sec.ft. The water passes thru a swamp and drainage channel before being measured and some water is no doubt lost enroute from the wells to the point of measurement. We give them credit, however, only for the amount of water actually delivered to Snake River.

Yours truly,

Lynn Randall
Watermaster

CC: Lawrence Poitevin.



18002

April 2, 1945

Re: Permit No. 18002

Mr. Lynn Crandall, Watermaster
Water District No. 36
Idaho Falls, Idaho

Dear Mr. Crandall:

We are enclosing a copy of the deposition
of Lawrence Boitevin on proof of application
of water to beneficial use under Permit No.
18002.

Is any of this water exchanged through your
office?

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:A
Encl.

18002

September 30, 1943

Re: Permit No. 18002
Poitevin & Kennedy

Mr. O. A. Johannesen
Attorney at Law
Idaho Falls, Idaho

Dear Mr. Johannesen:

We acknowledge receipt of your letter of
September 28th, returning depositions for bene-
ficial use proof under the above numbered permit.

There seems to be some difference in the descrip-
tions given in these depositions and those shown on
the original permit record.

However, we shall hold the matter in abeyance until
we have a report from our Field Engineer on his
examination.

Very truly yours,

JAMES SPOTFORD
State Reclamation Engineer
By

Chief Clerk

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

September 28, 1943

Mr. James Spofford
State Reclamation Engineer
Boise, Idaho

Dear Mr. Spofford:

In re: Permit No. 18002

I am very sorry that the Proofs of Application of Water to Beneficial Use failed to show the points of diversion, and the points of diversion were duly discussed, but were to be supplied in a continuation of the answer to paragraph 4. Apparently we over-looked completing this answer. The new proofs, fully completed and signed, are enclosed herewith, and I hope that they will be found in due order.

Thanking you for your kindness in the matter,
I am

Yours very truly,

O. A. Johannesen
mm

OAJ:MMN

enclosures

18002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18002

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Lawrence Poitevin, Idaho Falls, Idaho, Farming and Merchandising,

P. O. Address, Idaho Falls, 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. Making this answer on behalf of myself and J. D. Kennedy.

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

Ans. No. of Permit - 18002. Date of priority, May 23rd, 1934.

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

Ans. Subterranean sources by means of wells and springs and surface water that accumulates in the form of a lake. The lake is supplied by drainage and also by springs. (See below as to points of diversion.)

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. There are 12 drilled wells. Of these 8 are being actively operated, and all of these are flowing. These wells are all 12 inch wells and range in depth from 20 to 25 feet. The wells are connected to a main ditch which is 6 feet wide at the bottom and 9 feet wide at the water line and 6 feet deep. The main ditch is 2½ miles long. The water is exchanged for other water in Butte and Market Lake Canal, through which canal system and private pumping plant the water is delivered to the place of use.

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

Ans. The water is used for domestic and irrigation purposes and is being used upon the following land: NW¼ Sec. 21, Twp. 5 No. Ra. 37 E.B.M.; SW¼ Sec. 12; S½SW¼, NE¼SE¼, and S½SE¼ Sec. 13; S½ Sec. 14; all Sec. 23; N½NE¼, SW¼NE¼, W½, Sec. 24; all sec. 26; SE¼NE¼, NE¼SE¼ Sec. 27; NW¼NE¼, N½NW¼ Sec. 35; all in Twp. 4 No., Ra. 36 E.B.M., Jefferson County, Idaho; containing 2760 acres.

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

Ans. to question no. 4, cont.- The points of diversion are located in the SW¼NE¼; NE¼NW¼; SE¼NW¼; NW¼SE¼; NE¼NE¼, Section 20, NE¼NE¼, Section 29, Township 5 North, Range 37 East Boise Meridian.

18002

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. One cubic second foot for each 50 acres of land.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.
Ans. I am one of the permit holders and associated with J. D. Kennedy.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. The land on which the water is used comprises 2760 acres of which the major portion is under irrigation and has produced crops for many years.

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. There is other water used upon the land but that water and the water developed under the permit is all necessary to properly irrigate the land upon which it is used. The other water is represented by stock in the Butte and Market Lake Canal Company

(Sign) *Lawrence J. Peterson*

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 Idaho Falls, County of Bonneville, State of Idaho, on this 30th day of August, A. D. 1943.

My commission expires March 11, 1946.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18002

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. Lester J. Van Leuven, Age 51, Roberts, Idaho, Route # 1.

Roberts, Idaho. -- Occupation, farmer.

Ques. 2. Are you acquainted with Lawrence Poltevin and J. D. Kennedy, the holder of Permit No. 18002? How long have you known him and where does he reside?

Ans. Yes. I have known both for many years last past. They both reside at Idaho Falls, Idaho

Ques. 3. Have you read or heard read said Permit No. 18002, 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. The applicants have a number of wells. Of these 8 are flowing. On their land there is also a number of springs and a shallow lake. The lake is supplied from natural surface drainage and from the springs. There is a ditch from the wells and lake to the Snake River. It is about 2½ miles long. The water is stored and is then exchanged for other stored water which is diverted to the Snake River into the Butte and Market Lake Canal and through that canal to the land.

(See below as to points of diversion)*

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. From 40-50 cubic feet per second.

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

Ans. The water is used for domestic and irrigation purposes and is used, by means of exchange, upon the following land: NW¼ Sec. 21, Twp. 5 No., Ra. 37 E.B.M.; SW¼ Sec. 12; S½SW¼, NE¼SE¼, and S½SE¼ Sec. 13; S½ Sec. 14; all Sec. 23; N½NE¼, SW¼NE¼, W½, Sec. 24; all sec. 26; SE¼NE¼, NE¼SE¼ Sec. 27; NW¼NE¼, N½NW¼ Sec. 35; all in Twp. 4 No., Ra. 36 E.B.M. Jefferson County, Idaho; containing 2760 acres.

*No. 4, cont.- Points of diversion are located in the SW¼NE¼; NE¼NW¼; SE¼NW¼; NW¼SE¼; in Section 16; NE¼NE¼, Sec. 20, NE¼NE¼, Sec. 29, Township 5 North, Range 37 East Boise Meridian.

18002

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. The land is a sandy loam, and will not produce crops unless irrigated. It takes a cubic second foot of water for each 50 acres of land to successfully grow crops.

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 land upon which the water is used has been in cultivation for many years. I have been it many times and have seen the water used upon the land.

(Signed)

Lester Van Lierue

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 Idaho Falls, County of Bonneville, State of Idaho, on this 30th day of August, A. D. 19 43.

O. W. Johanna

Notary Public.

My commission expires March 11, 1946.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18002

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. E. Milton Christensen, age 54, Idaho Falls, Idaho, Licensed
Civil Engineer, Idaho Falls, Idaho.

Ques. 2. Are you acquainted with Lawrence Poitevin and J. D. Kennedy, the holder of Permit No. 18002? How long have you known him and where does he reside?

Ans. Yes. I have known both for many years last past. They
both reside at Idaho Falls, Idaho.

Ques. 3. Have you read or heard read said Permit No. 18002, 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. The water is in part supplied by natural drainage into a shallow
lake which is supplied from springs. Other part of the water is from
wells. Eight wells are flowing. There is a main ditch approximately
2½ miles long that conveys the water from the wells, springs and lake
to Snake River. The water is stored and exchanged for other water
conducted to the land through the Butte and Market Lake Canal. Sec. 16;
Points of diversion are located in the SW¼NE¼; NE¼NW¼; SE¼NW¼; NW¼SE¼;
NE¼NE¼, Sec. 20, NE¼NE¼, Sec. 29, Twp. 5 N., Ra. 37 E.B.M.

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

Ans. 40 or more cubic feet per second.

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

Ans. The water is used for domestic and irrigation purposes and is
used, by means of exchange, upon the following land: NW¼ Sec. 21,
Twp. 5 No., Ra. 37 E.B.M.; SW¼ Sec. 12; S½SW¼, NE¼SE¼, and S½SE¼
Sec. 13; S½Sec. 14; all Sec. 23; N½NE¼, SW¼NE¼, W½, Sec. 24; all Sec.
26; SE¼NE¼, NE¼SE¼ Sec. 27; NW¼NE¼, N½NW¼ Sec. 35; all in Twp. 4 No.,
Ra. 36 E.B.M., Jefferson County, Idaho; containing 2760 acres.

18002

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. The land is arid in character; of a sandy loam type; it requires at least one miner's inch of water per acre for profitable cultivation.

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 land upon which the water is used has been in cultivation for many years. I have seen it many times and have seen the water used upon the land.

(Signed) E. Milton Christensen

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 Idaho Falls, County of Bonneville, State of Idaho, on this 30th day of August, A. D. 19 43.

My commission expires March 11, 1946.

O. W. Johansen

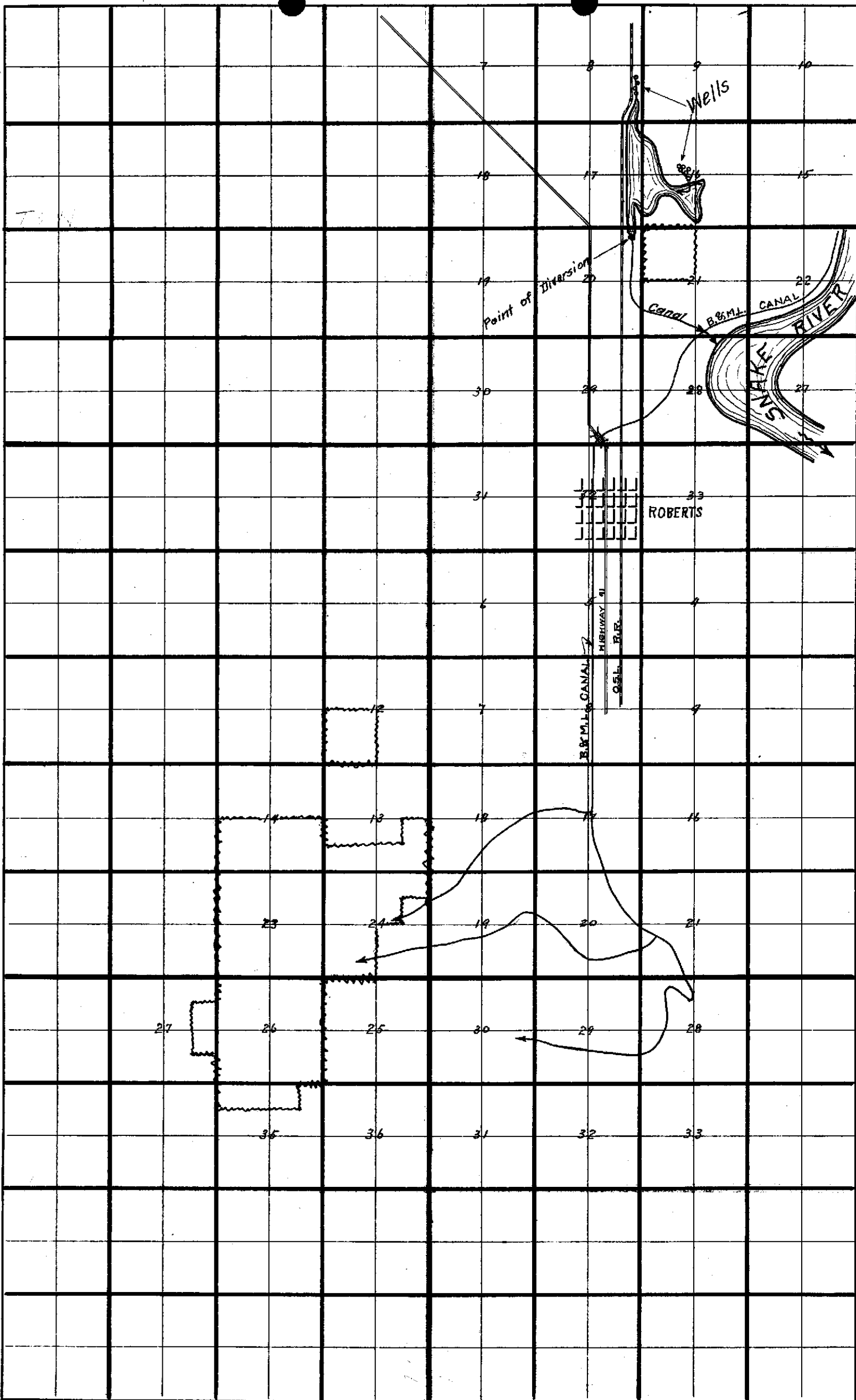
Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18002

REPORT ON PROOF OF Completion of Works



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18002

This proof is for Completion of Works

In Water District No.

1. Name of applicant LAWRENCE POITEVIN & J. D. KENNEDY

2. Source of water supply: An unnamed lake and wells

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20

T. 5 N. R. 37 E. County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: Six wells in Sec.

16: Three of 20" diameter x 18' deep, Two of 8" $\frac{3}{4}$ one of 6" diameter all drilled in lava rock. Also four drilled wells in Sec. 8. all of 20" diameter $\frac{3}{4}$ 20 ft depth

5. Water is used for: Irrigation and domestic use

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):

NW $\frac{1}{4}$ Sec. 21, T. 5 N., R. 37 E.; SW $\frac{1}{4}$ Sec. 12; S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13; S $\frac{1}{2}$ Sec. 14; All Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ Sec. 24; All Sec. 26; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 35; all in T. 4 N., R. 36 E., B.M.

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

8. What large stream would the water here appropriated finally reach? none

Remarks:

This examination was made on the 5th day of August, 1939

(Signed)

John L. Johnson
Examiner.
(J. Spifford present)
R. F. Torchack

Lawrence Poitevin & J.D.Kennedy

Permit No. 18002

Examination for Completion of Works

County Jefferson

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.
-

CAUTION

December 9, 1939

Re: Permit No. 18002

Mr. A. H. Boyce, Special Agent,
American Surety Company,
1212-1217 Walker Bank Bldg.
Salt Lake City, Utah.

Dear Sir:-

We are in receipt of your letter of December 7th, in regard to bond of \$1,000 issued in connection with the above numbered permit in the name of Lawrence Poitevin and J. D. Kennedy.

Our records show that the works required under this permit were completed and Certificate of Completion of Works was issued on January 12, 1939.

This will be your authority to cancel the bond as to future liability, effective from the above date, it being understood that the surety will remain liable for all past acts, in accordance with the terms of this bond.

Very truly yours,

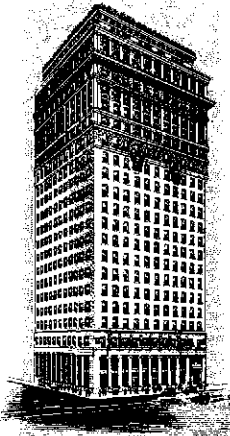
JAMES SPOTFORD
Commissioner of Reclamation

JLA

By

Deputy Commissioner

18002



COMPANY'S
HOME OFFICE BUILDING

American Surety Company *of New York*

F. W. LAFRENTZ
CHAIRMAN OF THE BOARD
A. F. LAFRENTZ
PRESIDENT

W. D. HABISH, MANAGER

SPECIAL AGENTS
JOHN A. HODSON LEWIS M. TERRY

BRANCH OFFICE FOR

UTAH, IDAHO, MONTANA AND NORTHEASTERN
NEVADA

1212-1217 WALKER BANK BUILDING

TELEPHONE WASATCH 965

SALT LAKE CITY, UTAH

December 7, 1939

AHB AB

Re: #915559-D Lawrence Pointevin and J. D.
Kennedy to State of Idaho
Water Permit Bond \$1,000.

Department of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

This company is surety on the bond shown in the caption
above.

It is our understanding that the principals have received
a certificate of completion of works so that the bond has
served its purpose and should be cancelled as to future
liability.

If our understanding is correct, will you please give us
authority to cancel this bond.

Very truly yours,

A. H. Boyce
A. H. BOYCE
Special Agent

Ch made 7-30-39

" 1-12-39

18002

James Spofford ~~XXXXXXXXXX~~

~~XXXXXXXXXXXX~~
C. A. Bettelisen

Re: Permit No. 18002

Mr. Lawrence Poitevin,
Idaho Falls, Idaho.

Dear Sir:-

We enclose herein Certificate of Completion of Works issued
under the above numbered permit to appropriate 20 second feet
of water from an unnamed lake and wells, in Clark County, Idaho,
for irrigation and domestic use/

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Deputy Commissioner

B:A
Enc.

18002

Affidavit for Change of Point of Diversion of Water Right

Permit No. 18002

STATE OF IDAHO,

County of Bonneville

ss.

Lawrence Poitevin, being first duly sworn, deposes and says: That his postoffice address is Idaho Falls, Idaho, ^{one of} That he is the owner of and using a certain water right, for 40 cubic feet per second of the water of unnamed springs and wells, County of Jefferson, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 18002, issued by the Commissioner of Reclamation, dated August 30th, 1934, bearing date of priority of May 23, 1934, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 36, in the County of Jefferson and State of Idaho, to-wit: 2760 acres Twp. 4 N. R. 36 E. and Twp. 5 N. R. 37 E.B.M., as described in the application.

and is the person (or representative of the person or persons) to whom such right was so issued, (or has become the owner thereof in the following manner:)

That said ^{are shown to be} waters are now diverted from said ^{sources} ~~stream~~ in the NE 1/4 of NW 1/4 of Sec. 21, Twp. 5 N., Range 37 E., and conducted to the above described lands through the ^{es} ~~various~~ ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters from the point above described to a point located in NE 1/4 of NE 1/4 of Sec. 20, Twp. 5 N., Range 37 E., and thereafter conduct same to the above described land through the various ~~ditches~~ ditches as per map above referred to;

That his reasons for desiring to make such change are as follows: The first located point of diversion was found to be not as practical as the second point. No one is injured by the change. Better results are accomplished by the change.

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

Lawrence Poitevin
Affiant.

Subscribed and sworn to before me this 7th day of January, 1939.

Lawrence Poitevin
O. H. Johnson
Notary Public.

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

18002

EAST SIDE LUMBER COMPANY

POITEVIN & SONS

IDAHO FALLS, IDAHO

January 7, 1939

JAN 9 1939

Hon. R. W. Farris
Commissioner of Reclamation
Boise, Idaho.

RE: Permit my #18002

Dear Sir:

Find enclosed affidavit for change of permit of diversion of water right covering permit #18002.

No doubt this will enable you to issue the certificate of completion which I am very anxious to get.

Yours very truly,

A large, stylized handwritten signature in cursive script, reading "L. Poitevin". The signature is written in dark ink and is positioned below the typed name "Poitevin".

18002

December 31, 1938

Re: Permit No. 18002.

Mr. L. Poitevin
Idaho Falls, Idaho

Dear Sir:

This will acknowledge receipt of the \$8.00 fee due this department in connection with the completion of works proof submitted under the above numbered permit. The Department's Receipt No. 18805 is herewith enclosed for this fee.

Upon further checking this permit, we find that your permit states that the point of diversion from the lake is at the NE corner of the NW $\frac{1}{4}$ of Section 21, T. 5 N., R. 37 E., B. M.; while Mr. Tolman's report shows that the point of diversion actually lies in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T. 5 N., R. 37 E., B. M. This matter of just where the point of diversion is located should be settled before the issuance of a certificate of completion of works under this permit, so we are enclosing an affidavit for change of point of diversion, which you will please execute and return to this office if you find that Mr. Tolman has located the point of diversion correctly.

As soon as this matter is straightened out, your permit will be in proper form for the issuance of a certificate of completion of works.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

jl
Encl.

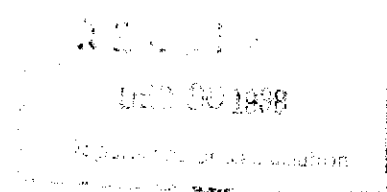
18002

EAST SIDE LUMBER COMPANY

POITEVIN & SONS

IDAHO FALLS, IDAHO

December 30, 1938



Hon. R. W. Farris
Commissioner of Reclamation
Boise, Idaho.

RE: Permit my #18002

Dear Sir:

To date I haven't received the formal certificate of completion of works covering my permit.

On November 22nd Mr. Johannesen wrote you regarding this and I mailed you a check as requested by your department.

I'm very anxious to get the certificate of completion, which will enable us to proceed with other matters connected with this project.

Thanking you for an early reply, I am

Yours very truly,

18002

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

December 7, 1938

Re: Permit No. 18002,
L. Poitevin & J. D. Kennedy.

Mr. C. A. Johannesen
Attorney at Law
Idaho Falls, Idaho

Dear Sir:

In answer to the inquiry made in your letter of November 22nd regarding the above numbered permit, we wish to advise you that we now have Mr. Tolman's report on the inspection he made in connection with the completion of works proof under this permit.

There is a statutory fee of \$8.00 due this department in connection with this completion of works proof, and as soon as we are in receipt of this fee, a certificate of completion of works will be issued the holders of this permit.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Jane Louck
Chief Clerk

jl
cc to Lawrence Poitevin ✓
cc to J. D. Kennedy

18002

December 7, 1938

Re: Permit No. 18002,
L. Poitevin & J. D. Kennedy.

Mr. O. A. Johannesen
Attorney at Law
Idaho Falls, Idaho

Dear Sir:

In answer to the inquiry made in your letter of November 22nd regarding the above numbered permit, we wish to advise you that we now have Mr. Tolman's report on the inspection he made in connection with the completion of works proof under this permit.

There is a statutory fee of \$8.00 due this department in connection with this completion of works proof, and as soon as we are in receipt of this fee, a certificate of completion of works will be issued the holders of this permit.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

jl
cc to Lawrence Poitevin
cc to J. D. Kennedy

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

November 22nd, 1938.

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

Dear Mr. Faris:-

Re: Permit #18002, Poitevin et al.

Will you kindly advise me as to whether or not Mr. Tolman has filed his report on the completion of works under this permit. Messrs. Kennedy and Poitevin are anxious to proceed with other matters connected with this water development, and which they can do under present weather conditions. To know that their proof has been accepted will greatly aid them in carrying on their project.

Thanking you for an early reply, I am

Yours very truly,

Oscar A. Johannesen

18002

August 19, 1938

Re: Permit No. 18002.

Lawrence Poltevin & J. D. Kennedy
Idaho Falls, Idaho

Dear Sirs:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses, and the affidavit of proof of publication from the newspaper, all in connection with proof of completion of works 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 the department has but one field engineer who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination so that you may show him over the grounds. After his report is on file in this office you will be further notified as to fees due before the issuance of your certificate of completion of works.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

jl
cc to O. A. Johannesen.

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

August 6th, 1938.

Hon. R. W. Faris, Commissioner,
Department of Reclamation,
Boise, Idaho.

Dear Mr. Faris:-

In Re. Permit No. 18002.

I enclose herewith the depositions of Mr. Poitevin and his two witnesses in support of claim of completion of works. The proof of publication has not as yet been received. Perhaps it has been mailed directly to you. If not, we will procure it and forward at the earliest.

Hoping that the papers will be found in due order, I am

Yours very truly,



3 enc.

18002

O. A. JOHANNESEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

Aug. 9th, 1938.

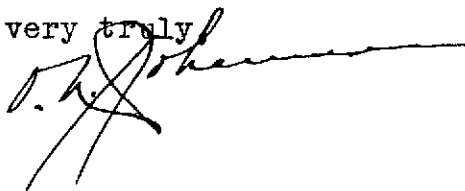
Hon. R. W. Faris, Commissioner
Department of Reclamation,
Boise, Idaho.

Re. Permit No. 18002, Poitevin.

Dear Mr. Faris:-

I enclose herewith Proof of Publication of
Notice of hearing in connection with the proof of completion
of works.

Yours very truly



18002

Affidavit of Publication

The Rigby Star

STATE OF IDAHO,
County of Jefferson.

ss.

NOTICE FOR PUBLICATION

Notice is hereby given that at 10 a. m., on the 30th day of July, 1938, at Idaho Falls, County of Bonneville, State of Idaho before O. A. Johannesen, a Notary Public, proof will be submitted of the completion of works for the diversion of 40 cubic feet per second of the waters from subterranean sources and surface sources (unnamed lake) in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Lawrence Poitevin and J. D. Kennedy.

2. The postoffice address of such person or principal place of business of such corporation is Idaho Falls, County of Bonneville, State of Idaho.

3. The number of such Permit is 18002, and the date set for the completion of such work is July 31st, 1938.

4. Said water is to be used for Domestic and irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 40 cubic feet per second.

6. The amount of lands for which said water is available is 2760 acres, particularly described as follows: NW $\frac{1}{4}$ Sec. 21, Tn. 5 N. R. 37 E. B. M.; SW $\frac{1}{4}$ Sec. 12, 8 $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, 8 $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13; 8 $\frac{1}{2}$ Sec. 14; all Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 24; all Sec. 26; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 35; all being in Td. 4 N. R. 36 E. B. M.

R. W. FARIS,

Commissioner of Reclamation.

(30-33)

I, R. I. Jones, do solemnly swear that I am the printer of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, in Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for four consecutive issues thereof; first publication having been made on the

16 day of June, 1938

and last publication on the

7 day of July, 1938

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches depth; and that there are at least two hundred bona fide subscribers in Jefferson County.

R. I. Jones

Subscribed in my presence and sworn to before me this 8th day

July 1938

(SEAL)

Hope B Jones

Notary Public for the State of Idaho, residence and post office address: Rigby, Idaho.

My commission expires January 30th., 1938

Publication Fee \$ 10.00

42

14002

PERMIT NO. 18002

AUG 8 1938
Department of Agriculture

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Lawrence J. Poitevin, Idaho Falls, Idaho, for himself and J. D. Kennedy, merchandising, farming and stock-raising.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. ✓

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

Ans. 18002; August 30th, 1934; 40 sec. ft. The water is from

surface and subterranean sources; there are various points of diversion, as shown by the plat filed with application.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. domestic and irrigation purposes. NW $\frac{1}{4}$, Sec. 21, T. 5 N. 37 E. SW $\frac{1}{4}$, Sec. 12; S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 13; S $\frac{1}{2}$, Sec. 14; all Sec. 23; NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$, W $\frac{1}{2}$, Sec. 24; all Sec. 26; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 27; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 35; all in T. 4 N. R. 36 E.B.M. containing 2760 acres.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes. Wells and main ditches or laterals have carried water from ^{said sources} into Snake River; other works have been completed for years.

* All works are sufficient for the amount of the appropriation.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes. Applicant has ^{also} acquired title to the land on which lake or reservoir is situated.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. * It is difficult to properly describe briefly the works that we have perfected, as we depend upon flowing wells, natural springs and artificial reservoir. The combination we have developed is more than sufficient to handle the water appropriated. We believe that they fully comply with the terms of the permit.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. 14 wells flowing water. 8 of these have been connected up, the other 6 are easily connected; ditches connect the wells and meet in main canal; a series of natural springs connected with wells and canal from 250 to 300 acres of artificial lake or reservoir; main canal from all these to Snake River. Capacity more than 50 sec. ft. water

is to be stored in American Falls Reservoir, and exchanged for other storage, and finally taken through Butte and Market Lake Canal. Cost to date over \$20,000.00

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 Idaho Falls

County of Bonneville, State of Idaho, on this 30th day of July A. D. 1938.

Notary Public.

My Commission expires March 11th, 1942.

OK. R.H.P.
18002

Permit No. 18002

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. E. Milton Christensen, Idaho Falls, Idaho, Civil Engineer,
address, 295 Fifth St., Idaho Falls.

Ques. 2. Are you acquainted with J. D. Kennedy, the
holder of Permit No. 18002, authorizing the diversion of 40 second-feet of the
surface and subterranean
waters of waters from un-named lake and underground sources, at
domestic and
for irrigation purposes? How long have you known him, and where does he reside?

Ans. many years. Reside at Idaho Falls.

Ques. 3. Have you read or heard read said Permit No. 18002, and are you familiar
with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to
be irrigated under said permit? If so, describe same, state its character, and give your
estimate of the amount of water required for its profitable cultivation.

Ans. Yes. Sometimes called a sandy loam, but is actually a volcanic
ash. It is the finest type of farming soil. Requires 1 miners inch
of water per acre for successful crop growing.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to con-
vey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of
their capacity.

Ans. There are 14 wells, 8 of which are connected up and the others
are easily connected up with the system of canals; there are a group
of springs, connected up with the wells; there is an artificial lake
or reservoir covering an area of about 250 acres; these are all con-
nected up with Snake River by a main canal. The water is then carried
to the American Falls Reservoir. By means of exchanges the water is
transferred into the Butte and Market Lake Canal, an old and well
established canal of ample capacity and thence to the main body of
the land described in the permit. The land adjoining the lake is
irrigated from small ditches from the lake.

I estimate the capacity of
the works to be in excess of
50 sec. ft. The Butte and
Market Lake Canal is, of course,
many, many times this.

(Sign here.)

E. Milton Christensen

I hereby certify that the foregoing testimony was read to the above subscriber before
its signing, that I believe him to be the person he represents himself to be, and that said
testimony was subscribed and sworn to before me, at my office in Idaho Falls, Idaho.
County of Bonneville, State of Idaho, on this 30th
day of July, A. D. 1938.

J. D. Johnson

18002

Permit No. 18002

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. A. F. Tomchack, Roberts, Idaho, farmer, live on my farm
in Jefferson County.Ques. 2. Are you acquainted with Lawrence Poitevin and J. D. Kennedy, the holder of Permit No. 18002, authorizing the diversion of 40 second-feet of the waters of surface and subterranean sources, at domestic and YES for irrigation purposes? How long have you known him, and where does he reside?Ans. Poitevin for about 10 yrs. Kennedy for about 33 yrs.
both reside at Idaho Falls, Idaho.Ques. 3. Have you read or heard read said Permit No. 18002, and are you familiar with its terms and conditions?Ans. YES.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. The land is of a sandy loam, a large part no under cultivation. Requires 1 miners inch per acre for successful irrigation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

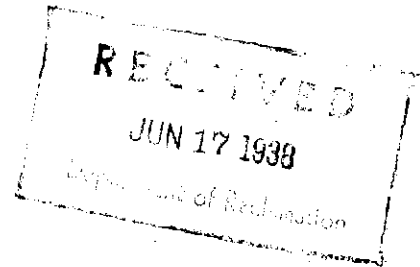
Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. There are 14 drilled wells of flowing water and a series of natural springs. Most of the ~~spring~~ wells and all of the springs have been connected together by ditches and all ~~wells~~ can be connected together. There is a reservoir of more than 250 acres of area. Water will stand in this from 4 to 5 ft. in depth. Main canal from these works to Snake River. The main canal will carry more than 40 sec. ft. of water. So far as the Butte and Market Lake Canal is concerned, it is an old and established canal of large capacity and will carry many thousands of inches of water. It is ample for this water in addition to what it now carries.

(Sign here.)

A. F. TomchackI hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls, Ida.County of Bonnerville, State of Idaho, on this 30th
day of July, A. D. 1938[Signature]
Notary Public.

18002



Started June 16th, 1938

NOTICE FOR PUBLICATION

Notice is hereby given that at 10 a. m., on the 30th day of July, 1938, at Idaho Falls, County of Bonneville, State of Idaho before O. A. Johannesen, a Notary Public, proof will be submitted of the completion of works for the diversion of 40 cubic feet per second of the waters from subterranean sources and surface sources (unnamed lake) in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Lawrence Pettevin and J. D. Kennedy.

2. The postoffice address of such person or principal place of business of such corporation is Idaho Falls, County of Bonneville, State of Idaho.

3. The number of such Permit is 15002, and the date set for the completion of such work is July 31st, 1938.

4. Said water is to be used for Domestic and Irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 40 cubic feet per second.

6. The amount of lands for which said water is available is 2760 acres, particularly described as follows: NW 1/4 Sec 21, Tp. 5 N. R. 37 E. B. M.; SW 1/4 Sec. 12, S 1/2 SW 1/4, NE 1/4 SE 1/4, S 1/2 SE 1/4 Sec. 13; S 1/2 Sec. 14; all Sec. 23; NE 1/4; SW 1/4 NE 1/4, NW 1/4, SW 1/4, Sec. 24; all Sec. 26; SE 1/4 NE 1/4, NE 1/4 SE 1/4 Sec. 27; NW 1/4 NE 1/4, N 1/2 NW 1/4 Sec. 35; all being in Tp. 4 N. R. 36 E. B. M.

R. W. FARIS,

Commissioner of Reclamation.

(30-33)

Star Want Ads

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

O. A. Johannesen
Attorney at Law
Idaho Falls, Idaho

Boise, Idaho, **July 20, 1938**

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. 18002.

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 the permit holder's rights:

1. On July 30, 1938, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Idaho Falls, Idaho, before O. A. Johannesen, 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,

R. W. FARIS
Commissioner of Reclamation

18002

June 10, 1938

Re: Permit No. 18002,
Lawrence Poitevin & J. D. Kennedy.

Mr. Oscar A. Johannessen
Attorney at Law
Idaho Falls, Idaho

Dear Mr. Johannessen:

This will acknowledge receipt of notice in duplicate for publication in connection with proof of completion of works, and also Mr. Poitevin's authorization to have the notice published in the Rigby Star, Rigby, Idaho, all in connection with Permit No. 18002.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to July 30, 1938. About ten days prior to this date depositions, consisting of one for the holder and one each for two witnesses, will be mailed to you so that you will have them in ample time for the proof.

On the date designated you should have the holders of the permit appear at your office with two disinterested witnesses who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

jl

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

June 4, 1938

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

Dear Mr. Faris:

In re: Permit #18002-Poitevin

I enclose herewith notice for publication as to completion of works in connection with the above permit and authorization for publication of the notice in the Rigby Star at Rigby, Idaho. I hope that the notices will be found in due order and that they will receive your usual kind attention.

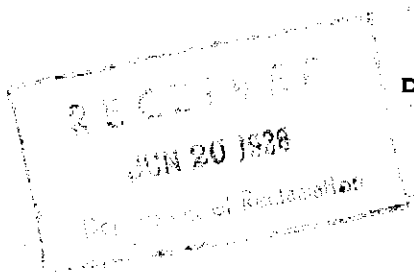
Yours very truly,



OAJ EM

18002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Date June 10, 1938

THE RIGBY STAR
Rigby, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to July 30, 1938, the date set for proof, the expense of the publication to be paid by the applicant, Lawrence Poitevin and J. D. Kennedy, of Idaho Falls, Idaho,

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

First pub June 16.

NOTICE FOR PUBLICATION

Notice is hereby given that at 10 a. m., on the 30th day of July, 1938, at Idaho Falls, County of Bonneville, State of Idaho before O. A. Johannessen, a Notary Public, proof will be submitted of the completion of works for the diversion of 40 cubic feet per second of the waters from subterranean sources and surface sources (unnamed lake) in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Lawrence Poitevin and J. D. Kennedy.

2. The postoffice address of such person or principal place of business of such corporation is Idaho Falls, County of Bonneville, State of Idaho.

3. The number of such Permit is 18002, and the date set for the completion of such work is July 31st, 1938.

4. Said water is to be used for Domestic and Irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 40 cubic feet per second.

6. The amount of lands for which said water is available is 2760 acres, particularly described as follows: NW $\frac{1}{4}$ Sec. 21, Tp. 5 N., R. 37 E., B. M.; SW $\frac{1}{4}$ Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13; S $\frac{1}{2}$ Sec. 14; all Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 24; all Sec. 26; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 28; all being in Tp. 4 N., R. 36 E., B. M.

R. W. FARIS,

Commissioner of Reclamation.

Rigby Star
18002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date June 10, 1938

THE RIGBY STAR
Rigby, Idaho

DEAR SIR:

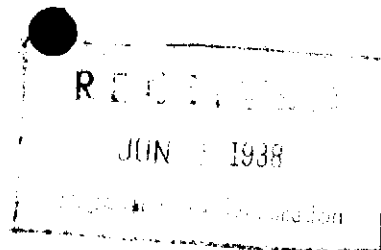
Enclosed you will find notice for publication once a week for four consecutive weeks prior to July 30, 1938, the date set for proof, the expense of the publication to be paid by the applicant, Lawrence Poitevin and J. D. Kennedy, of Idaho Falls, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 3rd, 1938.

(P. O.) Idaho Falls, Idaho.

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Rigby Star of Rigby, Idaho, published in the county in which the works are situated.

L. J. Scitwin

(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.

18002

Notice for Publication

Notice is hereby given that at 10 A. M., on the 30th day of July, 1938, at Idaho Falls, County of Bonneville, State of Idaho, before O. A. Johannesen, a Notary Public proof will be submitted of the completion of works for the diversion of 40 cubic feet per second of the waters ~~of~~ ^F ~~from subterranean sources~~ and surface sources (unnamed lake) in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Lawrence Poitevin and J. D. Kennedy

2. The postoffice address of such person or principal place of business of such corporation is Idaho Falls, County of Bonneville, State of Idaho.

3. The number of such Permit is 18002, and the date set for the completion of such work is July 31st, 1938.

4. Said water is to be used for Domestic and irrigation purposes purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 40 cubic feet per second.

6. The amount of lands for which said water is available is 2760 acres, particularly described as follows: NW $\frac{1}{4}$ Sec. 21, Tp. 5 N. R. 37 E.B.M.; SW $\frac{1}{4}$ Sec. 12; S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 13; S $\frac{1}{2}$ Sec. 14; all Sec. 23; N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 24; all Sec. 26; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 27; NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 35; all being in Tp. 4 N. R. 36 E.B.M.

E. W. ...
Commissioner of Reclamation.

18002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

O. A. Johannessen, Agent
Lawrence Poitevin & J. D. Kennedy
Idaho Falls, Idaho

Boise, Idaho
May 10, 1938

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 18002

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before July 31, 1938. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation.

18002

August 20, 1937

Re: Permits 18002 & 18014.

Mr. O. A. Johannesen
Attorney at Law
Idaho Falls, Idaho

Dear Mr. Johannesen:

I am herewith enclosing the approval of this department of the application for an extension of time in which to complete the works required under Permit 18002. Such extension is made to July 31, 1938.

I am also returning the assignment of F. A. Randall and his wife of Permit 18014 to Lawrence Poitevin, as well as the application of Mr. Poitevin for an extension of time under this permit. These instruments are being returned for the reason that Permit 18014 was relinquished to the State by F. A. Randall under date of May 24, 1937. Such relinquishment was witnessed by A. H. Koster, and it was received and filed for record in this department at 9:00 A. M. on May 26, 1937. It is my impression that Mr. Randall made this relinquishment to avoid further payment of the bond premium thereunder.

In view of the fact that it has been relinquished, there is no way, in my judgment, whereby it can be restored to active standing, since such relinquishment was effected entirely voluntarily on the part of the permit holder.

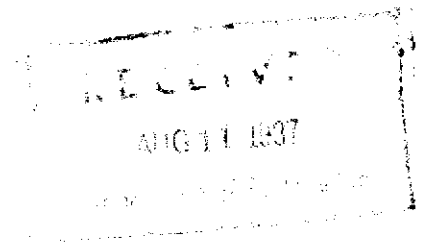
Very truly yours,

Deputy Commissioner of Reclamation

PLH:jl
Encl. (3)

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO



August 9, 1937

Re: Permit #18002, Poitevin & Kennedy;
Permit #18014, Randall, now Poitevin.

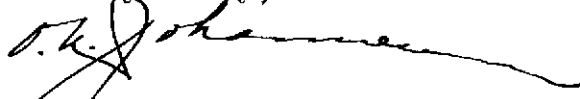
Hon. R. W. Faris, Commissioner of Reclamation
Boise, Idaho

Dear Mr. Faris:

I enclose herewith Applications for Extention of Time in which to complete the works under the above permits. I think you have become familiar with the situation and that you have personally seen the works that are being completed. Mr. Randall and Messrs. Poitevin and Kennedy were engaged in litigation for a number of years, over right-of-way. The case finally reached the Supreme Court. Four months ago Messrs. Poitevin and Kennedy decided to buy Mr. Randall's interest, and have been very active since then in completing the project.

I trust that the time requested is satisfactory, and that you will make order accordingly.

Yours very truly,


O.A. Johannesen

oaj.r
incl.

P.S. I am also enclosing the assignment from Randall to Poitevin. Will you please record it and advise me as to the fee?

18002

Permit No. 18002

Application for Extension of Time
FOR COMPLETION OF WORKS

RECEIVED

AUG 11 1937

Lawrence Poitevin, of Idaho Falls

State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 18002

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by August 30, 1937

That he has heretofore performed the following work described under said permit. Twelve
wells have been drilled; approximately three miles of canals have
been drilled; rights-of-way have been secured, and much other
work has been completed

costing \$20,000.00

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

Because of litigations, the work was delayed for a period of time.

It is necessary to drill additional wells and build laterals from
the wells to the main canal. This work is now under way, but will
require additional time to be completed.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the comple-
tion of works under said permit to July 31, 1938

Subscribed and sworn to before me this 9th day of August, 1937

My commission expires March 11, 1938

Notary Public.

Date of receipt at office of Department of Reclamation

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, Paul L. Henry, Deputy Commissioner of Reclamation of the State of Idaho, hereby extend the time for the com-
pletion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 18002 to
July 31, 1938

Witness my hand this 20th day of August

1937

18002

Paul L. Henry
Deputy Commissioner of Reclamation.

August 2, 1937

Re: Permit 18002,
Poitevin & Kennedy.

Mr. O. A. Johannesen
Attorney at Law
Idaho Falls, Idaho

Dear Mr. Johannesen:

In reply to your letter of July 29th, please be advised that the holders of the above permit are entitled to more time in which to complete the works required under their permit.

I am accordingly enclosing herewith the proper form for their application to extend the time to meet this requirement.

You say that sixty days more time will be needed, but it might be well to ask for at least six months and thereby insure ample time for them to complete the works and offer their proof.

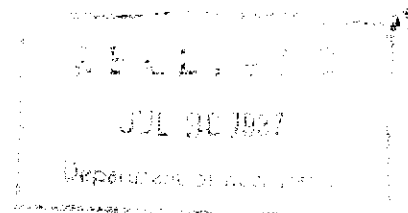
Very truly yours,

Deputy Commissioner of Reclamation

FLH:jl
Encl.

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO



July 29, 1937

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

In re: 18002, Poitevin and Kennedy

Dear Mr. Faris:

In talking with Messrs. Poitevin and Kennedy, I find that they will require an additional sixty days in which to complete their works; owing to a litigation which was carried to the Supreme Court of our state, they have been prevented from completing their works at an earlier date. Most of the wells before completed and rights-of-way having been secured, the work is being carried on as rapidly as possible.

Will it therefore be possible for them to have an additional sixty days in which to complete the works?

Thanking you for a reply by return mail, I am

Yours very truly,

O. A. Johannesen

oaj.r

18002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

O. A. Johannessen, Agent
Lawrence Poitevin & J. D. Kennedy
Idaho Falls, Idaho

Boise, Idaho

June 9, 1937

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 12002

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before August 30, 1937. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

R. W. PARIS

Commissioner of Reclamation.

18002

July 22, 1936

Re: Permit No. 18002
Lawrence Poitevin & J. D. Kennedy

O. A. JOHANNESSEN
Attorney-at-Law
Idaho Falls, Idaho

Dear Mr. Johannesen:

We are in receipt of your letter dated July 18th in which you inquire as to certain terms of the above permit.

The application to appropriate 40 cubic feet per second of subterranean waters in Jefferson County, was approved by the Commissioner of Reclamation on August 30, 1934. Bond was to be filed on or before October 29, 1934; one-fifth of the work was to have been completed by March 1, 1936; proof of completion of works will be due August 30, 1937; and beneficial use proof will be due on August 30, 1940.

Trusting that this is the information which you desire, we are

Very truly yours

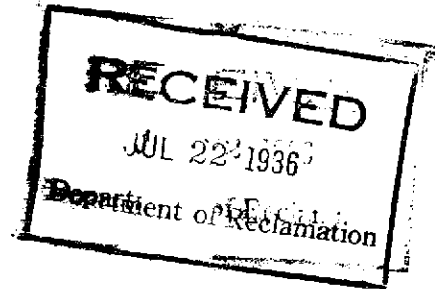
R. W. FARIS
Commissioner of Reclamation

by

Ass't Chief Clerk

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

July 18, 1936



Hon. R. W. Farris
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Farris:

Will you be kind enough to inform me as to when one-fifth of the work must be completed under the permit that was issued to Lawrence Poitevin et al. covering an application to appropriate 40 s.f. of subterranean and surface waters about four miles North of Roberts, Idaho. The application and permit was introduced as evidence in a trial, and I have not a copy of it, as it is part of the Court records.

Thanking you for this information by return mail, I am.

Yours very truly,

Oscar A. Johannesen

OAJ:lve

18002

December 10, 1935

On this date, in company with F. A. Randall and C. E. Crowley, I cruised the general situation in re Permit No. 18002, and noted the impossible layout of canal line as proposed under said Permit No. 18002 of Poitevan from wells adjacent to lands of F. A. Randall.

No wells shown as being drilled by Poitevan were artesian at this date, the water surface being approximately the same as the present lake level. A suit to quiet title and another to condemn right-of-way over Randall lands are now in Court, and there the issue will be settled as to which of two claimants has future use of the entire waters of a lake (covering perhaps 200 acres) which forms a natural catchment basin for a considerable subterranean supply.

The Poitevan right-of-way, procured from the State Land Board, involves very heavy and long cuts through lava, and apparently was designed only as a drilling claim to intercept spring and well flow now and previously enjoyed by Randall.


Field Engineer

Permit No. 18002
Lawrence Poitevin and J. D. Kennedy

18002

December 2, 1935

Re: PERMIT No. 18002

Mr. C. E. CROWLEY
Attorney
Idaho Falls, Idaho

Dear Mr. Crowley:

We have your letter dated November 30, 1935, with reference to an investigation and report concerning changes alleged to have been made by the permit holder with regard to proposed work.

Mr. F. A. Tolman, Field Engineer of this Department, is now in the southeastern part of this State and will get in touch with you and make such investigation before he returns. It may be a week or ten days before he reaches Idaho Falls.

Very truly yours,

Commissioner of Reclamation

RWF/mt

18002

Idaho Falls, Idaho
November 30th, 1935

Hon. R. W. Farris
Commissioner of Reclamation
State Capitol Building
Boise, Idaho

Re: Permit #18002

Dear Mr. Farris:

Pursuant to our conversation of today, on behalf of Mr. F. A. Randall, I respectfully request that you send a representative to Idaho Falls at your earliest convenience to make a personal investigation and report concerning the changes made by the parties to this permit concerning their proposed works of construction and point of diversion.

Please advise me, or Mr. Randall at Idaho Falls as to when you will be there, and Mr. Randall will take you out to the land and show you everything we talked about today,

Yours very truly



C. E. CROWLEY
Attorney for F. A. Randall

cec-c

*There is no snow on
the ground now*

C.E.C.

18002

April 26, 1935

RE: Permit No. 18002

MR. C. E. CROWLEY
Attorney at Law,
Idaho Falls, Idaho

Dear Sir:

We are enclosing herewith our office receipt in the amount of \$2.00, which was the amount submitted in payment of a certified copy of the above numbered permit, together with a blueprint of map submitted in connection with same.

Very truly yours,

R. W. RANIS
Commissioner of Reclamation

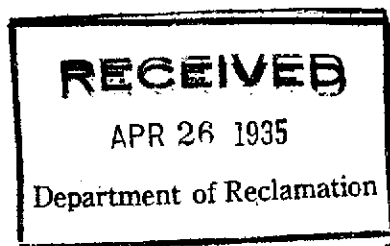
By _____
Assistant Chief Clerk

G
Encl.

18002

Chili 2nd

To pay for Certified copy
of Patented Water Permit
for F. A. Randall
B. E. L.



18002

April 23, 1936

Re: Permit No. 18002
Lawrence Poitevin & J. D. Kennedy

G.E.
MR. E. C. CROWLEY,
Attorney at Law,
Idaho Falls, Idaho

Dear Sir:

In conformance with the verbal request of Mr. F. A. Randall, under date of April 20th, we are enclosing herewith a certified copy of Permit No. 18002, together with a blueprint prepared from the tracing submitted in connection with the application for Permit No. 18002.

There is a charge of \$2.00 in connection with this copy, which you will please have Mr. Randall remit at his earliest convenience.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

18002

October 29, 1934

Re: Permit No. 18002
Pointevin & Kennedy

MR. C. A. JOHANNESEN,
Attorney & Counselor at Law,
Idaho Falls, Idaho

Dear Mr. Johannesen:

This will acknowledge receipt of the bond, in the amount of \$1,000.00, due in connection with the above mentioned permit. We are of the opinion that this bond fully complies with the statute and it will, therefore, be approved as of this date and placed in the file.

Very truly yours,

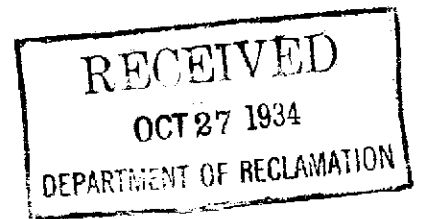
R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO
October 26, 1934



Hon. R. W. Ferris
Commission of Reclamation
Boise, Idaho

Dear Mr. Ferris:

In re: Permit No. 18002, Pointevin and Kennedy

I am very glad to enclose you herewith, bond of the two permittees in the above matter. This is executed by the American Surety Company of New York and I hope, is in due order.

Will you kindly acknowledge receipt?

Yours very truly,


O. A. Johannesen

OAJ:RD
ENC.

18002

STATUTORY AFFIDAVIT FOR CORPORATE SURETY--IDAHO

STATE OF IDAHO,)
) SS.
 COUNTY OF BONNEVILLE,)

On the _____ day of _____, 19____, personally appeared before me, a Notary Public in and for the County and State aforesaid, O. A. Johannesen to me known to be Attorney-in-fact of the AMERICAN SURETY COMPANY OF NEW YORK, who being by me duly sworn did depose and say: that he resided in the City of Idaho Falls, State of Idaho; that he is Attorney-in-fact of the AMERICAN SURETY COMPANY OF NEW YORK, the corporation described in and which executed the above instrument; that he knew the corporate seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by order of the Board of Trustees of said corporation; and that he signed his name thereto by like order; that said corporation has complied with Chapter Eleven of the Idaho Revised Codes and all other laws of the State of Idaho relating to surety companies and has also complied with the Act of Congress approved August Thirteenth, A. D. 1894, entitled: "An act relative to recognizances, stipulations, bonds and undertakings, and to allow certain corporations to be accepted as surety thereon," as amended March 23, 1910; and that the liabilities of said corporation do not exceed its assets as ascertained in the manner provided by law. And the said O. A. Johannesen further said that he was acquainted with O. F. Tandy and knew him to be one of the Agents of said corporation; that the signature of said O. F. Tandy subscribed to the said instrument is in the genuine handwriting of the said O. F. Tandy and was thereto subscribed by the like order of the said Board of Trustees, and in the presence of him, the said O. A. Johannesen, Attorney-in-fact. Affiant further says that the Insurance Commissioner of the State of Idaho, whose address is Boise, Idaho, has been appointed Attorney upon whom process for the State of Idaho may be served according to law.

Subscribed and sworn to before me this 26th day of October, 19 34.

O. A. Johannesen

G. H. Callan

 Notary Public.

September 22, 1934

Re: Permit No. 18002
Poltevin & Kennedy

MR. O. A. JOHANNESSEN, Agent
Idaho Falls,
Idaho

Dear Sir:

We are enclosing herewith bond notice which should have accompanied the above numbered permit when it was returned to you under date of August 30th.

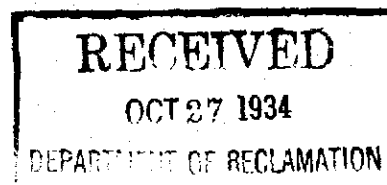
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

C
Encl.

18002



BOND OF PERMIT HOLDERS

KNOW ALL MEN BY THESE PRESENTS, That we Lawrence Pointevin, and J. D. Kennedy, of Idaho Falls, Bonneville County, State of Idaho, as Principals, and the American Surety Company of New York, a Corporation of the State of New York, duly authorized to do a Surety Business in the State of Idaho, are held and firmly bound unto the State of Idaho in the penal sum of One Thousand Dollars, (\$1,000.00), lawful money of the United States, for the use of whomsoever it may concern, for which sum well and truly to be paid, the said Principals hereby bind themselves, their heirs, executors, administrators and assigns, and the said Surety binds itself, and successors, jointly and severally, firmly by these presents.

IN WITNESS WHEREOF, the said Principals hereunto set their hands and the said Surety has caused these presents to be signed this 26th day of October, 1934.

THE CONDITION OF THIS OBLIGATION IS SUCH, that Whereas the Commissioner of Reclamation of the State of Idaho did on the 30th day of August, 1934, issue to the above-named Principals, water permit No. 18002, granting to the said Principals the right to appropriate and use 47 feet of water, as more fully set out in the said Permit of the Application thereof, and required that a Bond should be filed in the form of One Thousand Dollars, (\$1,000.00)

NOW THEREFORE, if the said Lawrence Pointevin and J. D. Kennedy shall well, truly and faithfully carry out the provisions of said Application ^{and} Permit in accordance with the terms thereof, then this obligation to be null and void and of no effect, otherwise to be and remain in full force and virtue.

Lawrence Pointevin

18002

J. Kennedy

AMERICAN SURETY COMPANY OF NEW YORK

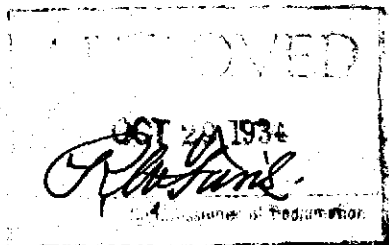
BY A. H. Johnson
Attorney-in-Fact

COUNTERSIGNED

D. F. Jandy

WITNESS

Reuben L. Cowder



18002

August 1, 1934

18002
Mr. O. A. JOHANNESSEN,
Attorney,
Idaho Falls, Idaho

Dear Mr. Johannesen:

This will acknowledge receipt of the tracing and blueprint forwarded to this office in connection with the application of Lawrence Poitevin to acquire certain rights of way over State lands, as required by law. You are correct in your understanding that this office does not require copies of the application.

This matter would have been attended to several days ago, but I have been out of town.

Very truly yours,

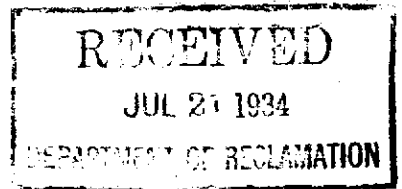
R. W. FARIS,
Commissioner of Reclamation

By Chief Clerk and Office Engineer

PLH/mt

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO



July 20, 1934

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

Dear Sir:

A few days ago I forwarded to Hon. Robert Coulter, State Land Commissioner, the application of Lawrence Poitevin to purchase certain rights of way over state lands, and, as required by the law, I am enclosing herewith copies of the tracing and blueprint filed with the Land Commissioner. As I understand it your office does not require copies of the application. If I am wrong in this, please advise me and copies will be sent.

The enclosed drawings are insufficient in so far as they attempt to describe all of the lands to be irrigated. There are additional lands, but the drawings had been completed before I had an opportunity to check up on this. However, when we return the application for water permit, the latter will show all of the lands, as will the maps accompanying it. Will you kindly acknowledge receipt of these copies. Thanking you for this, I am,

Yours very truly,


O. A. Johannesen

OAJ:JM
ENC.

18002

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18002

Boise, Idaho, **August 30, 1934**

Dear Sir:

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

MR. LAWRENCE POITEVIN & J. D. KENNEDY
Idaho Falls, Idaho

Mr. O. A. Johannessen, Agent

R. W. FARIS
Commissioner of Reclamation.

18002

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Permit No. 18002

NOTICE

You are advised that in order to keep this permit in force a bond in the sum of \$ 1,000.00 must be filed in the office of the Commissioner of Reclamation on or before October 29 1934 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

R. W. FARIS
Commissioner of Reclamation

18002

18002

June 25, 1934

Re: Application No. 25140
Lawrence Poitevin and J. D. Kennedy

MR. O. A. JOHANNESSEN, Attorney
Idaho Falls,
Idaho

Dear Mr. Johannesen:

The above application has been held a period of 30 days, as per your request, and is herewith being returned for completion and the required maps.

You say that of the 40 second feet claimed, 6 second feet will be diverted from an unnamed Lake and that the remainder will be derived from subterranean sources. Any application which claims more than 25 cubic feet per second requires the distance and bearing of each point of diversion from some Section corner. This should not be so difficult so far as the diversion from the unnamed lake is concerned. However, it will require considerable time to get this information for the individual wells, but I can see no way around it. You, no doubt, will have to attach a supplemental statement to the application in order to have sufficient room for this information.

A tracing must be prepared, as you know, by a licensed engineer, showing in detail the following particulars: each point of diversion, sources of supply, natural stream beds, ditches to be constructed and the portion of each 40 acre legal subdivision that will be irrigated.

This application, together with the necessary maps, must be in this office in fully completed form on or before August 21st.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

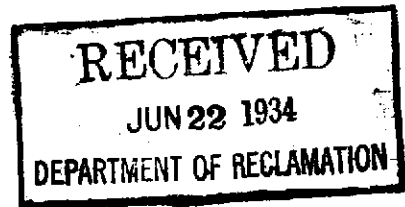
PLE:RG

Encl. Office Receipt for \$14.75

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

June 20, 1934



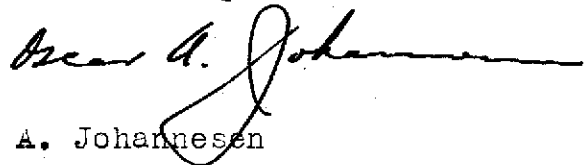
Hon. R. W. Faris
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Faris:

On May 22 I mailed to you the application of J. D. Kennedy and Lawrence Poitevin for permission to appropriate forty second feet of water in the vicinity of Roberts, and requested that you hold the application the permissible thirty days before returning for completion.

My clients inform me that they are now ready to go ahead with the work, and if you will therefore return the application for completion, it will be completed and returned back to you for your final approval and the issuance of the permit. Thanking you for your kind attention in the matter, I am,

Yours very truly,


O. A. Johannesen

OAJ:JM

18002

O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

May 22, 1934

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

Dear Mr. Faris:

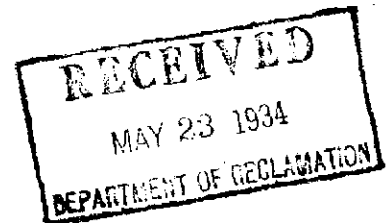
I enclose, herewith, an application of Lawrence Poitevin and J. D. Kennedy for permit to appropriate forty second feet of water, six second feet, of which is surface water and thirty-four second feet is subterranean water. I also enclose my check for \$14.75, covering the fees required.

Will you kindly hold the application the customary thirty days and return for completion. Thanking you for this I am,

Yours very truly,

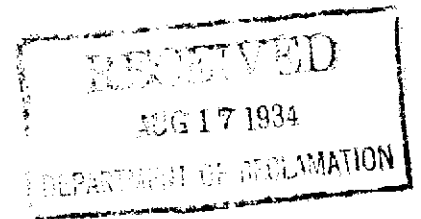
Oscar A. Johannesen
O. A. Johannesen

OAJ:JKM
Encs.



O. A. JOHANNESSEN
ATTORNEY AND COUNSELOR AT LAW
IDAHO FALLS, IDAHO

August 16, 1934



18002

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

Dear Mr. Faris:

In re: Application No. 25140- Poitevin, etal.

I am very glad to return herewith the completed application of Messrs. Lawrence Poitevin and J. D. Kennedy, and under separate cover I am mailing the necessary tracing and blueprint. I hope that these papers have now been completed to your satisfaction and in accordance with law and that the permit will be issued.

You, of course, realize, that in as much as the greater portion of the water appropriated is to be obtained through underground sources, it is quite impossible to fix with definiteness and permanency the location of any well or wells, as so frequently dry holes are obtained. I feel, however, that the accompanying plat fixes this with all the definiteness that can be done in any said situation, and fully complies with the procedure which has heretofore been established by your office.

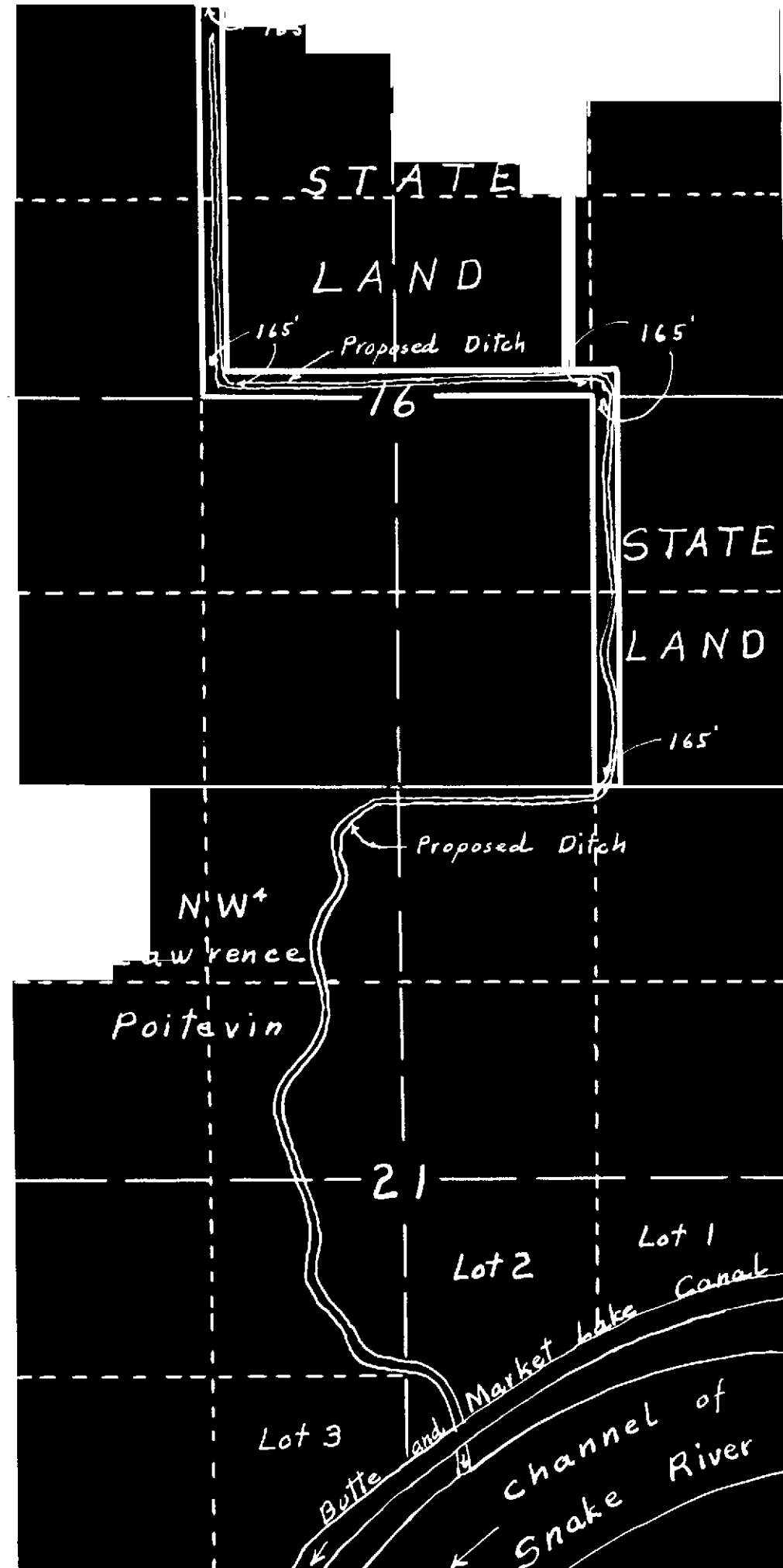
Should anything further be required, please advise me immediately so that the same can be supplied. With kindest personal wishes, I am,

Yours very truly,

O. A. Johannesen

OAJ:JM
ENC.

18002

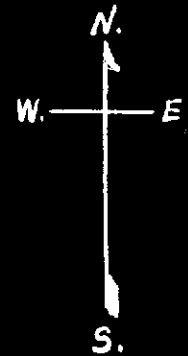


Map Of

Proposed Irrigation Water Development

In Sections 16 and 21 T.5 N. R.37

Showing Proposed Ditch Right of Way



Scale 1" = 1000'

I, E. Milton Christensen, a Civil Engineer, do hereby certify that the above map was prepared by me from a personal observation of the proposed right of way made on July 9, 1934, and from my contour notes made in 1921 of that part of section 16 lying West of the State Land and nearly all of section 21. As yet I have not made a profile survey of the proposed ditch, but am told that it would be done later. But from my knowledge of the contour of the land adjoining the State Land and my experience in building ditches and canals I would say that a feasible ditch can be made on the right of way as noted. There are a few narrow lava reefs that it would have to go around but most of them it could go around them. I consider the cost excessive for the benefits to be gained. The cost of the proposed ditch in section 21 to put the water into Snake River would be very nominal following most of the way an old slough channel. The lands to be benefitted by the proposed irrigation water development and owned by Lawrence Poitevin et al are:

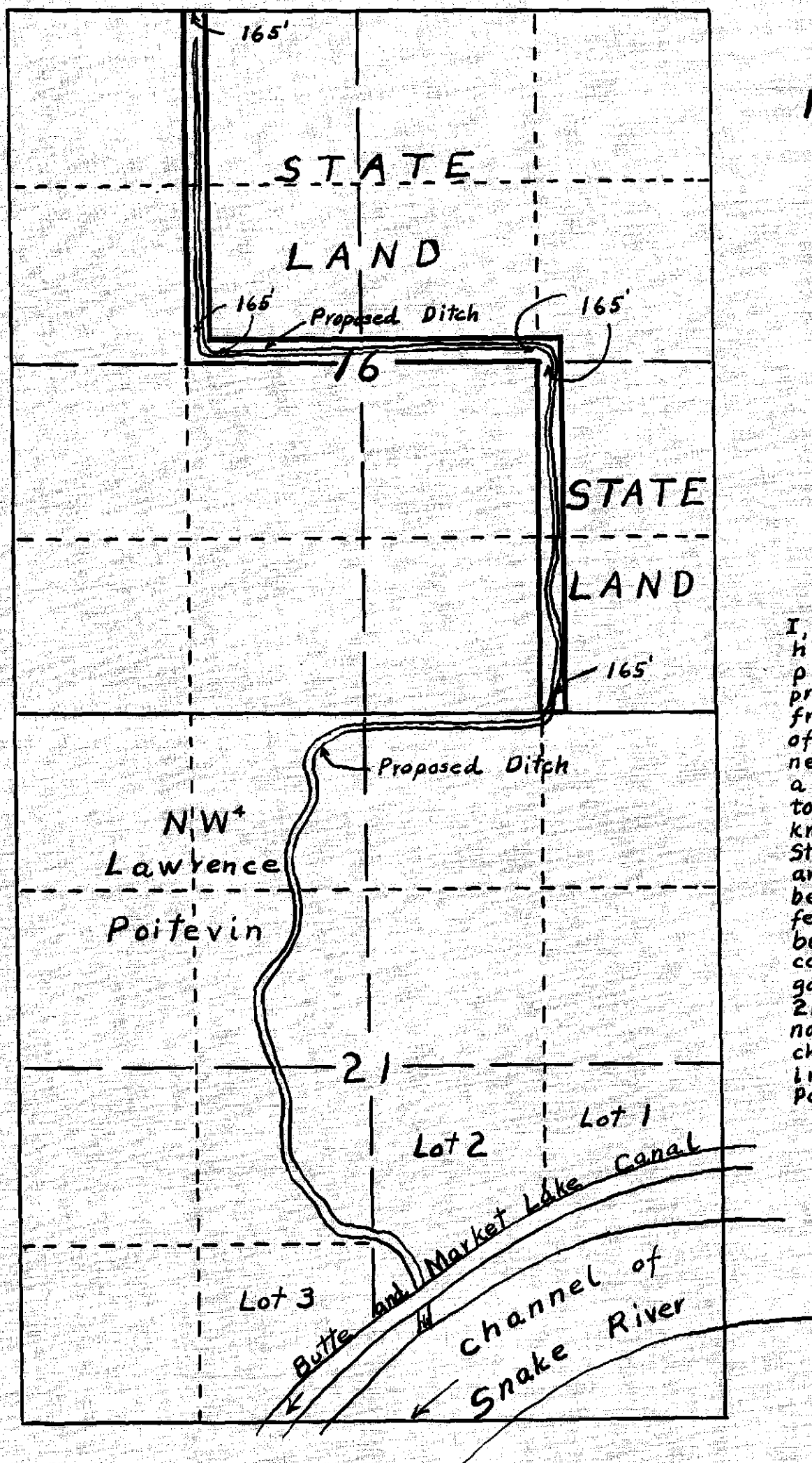
NW $\frac{1}{4}$	Sec. 21, T.5 N. R.37
Lots 3 & 4, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$	" 13 T.4 N. R.37
S $\frac{1}{2}$ SE $\frac{1}{4}$	" 14 "
ALL	" 23 "
W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$	" 24 "
W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$	" 26 "
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$	" 27 "

Approximate acreage 1640 Acres.

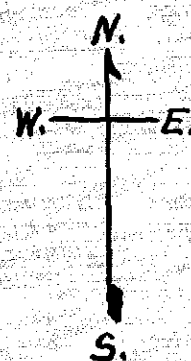
E. Milton Christensen
Civil Engineer.

July 13 1934

Idaho Falls, Id.



Map Of
Proposed Irrigation Water Development
In Sections 16 and 21 T.5N. R.37E.
Showing Proposed Ditch Right of Way



Scale 1" = 1000'

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NW $\frac{1}{4}$	Sec. 21, T.5 N. R.37 E.
Lots 3 & 4, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,	" 13, T.4 N. R.36 E.
S $\frac{1}{2}$ SE $\frac{1}{4}$,	" 14 do do
All	" 23 do do
W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$,	" 24 do do
W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,	" 26 do do
SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,	" 27 do do

Approximate acreage 1640 Acres.

E. Milton Christensen
Civil Engineer.

July 13, 1934

Idaho Falls, Idaho.