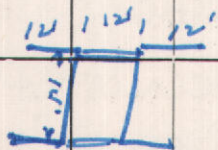


7/19/66

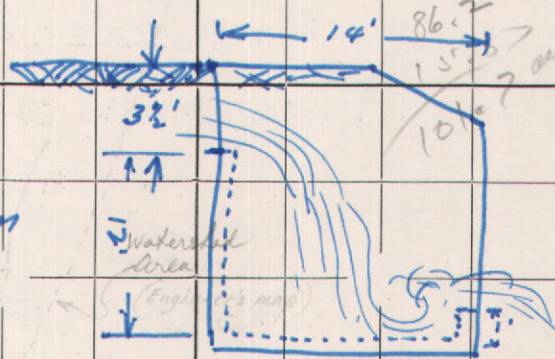
New Concrete double wing wall Spillway Structure installed 10/22/62 (SCS Engineering)

Top of structure is same height as dam. Crest of spillway is $3\frac{1}{2}'$ below top. x 12' wide. with a center support for flash boards. Water drops 12' from spillway crest to floor of structure. there is a 1' high lip on the down side of spillway then through a ditch cut through hillside to natural channel. No apparent erosion from last years Flood run off on spillway channel

Top View



Side View



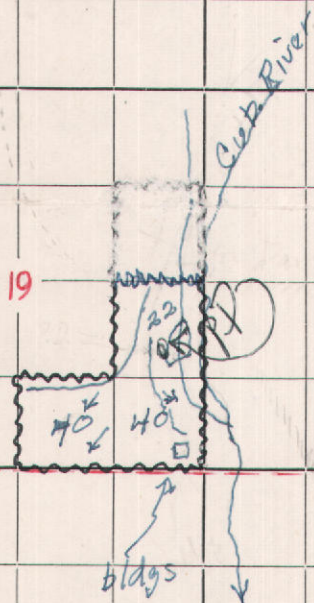
R-40E.

The upstream side of Dam has been riprapped with coarse gravel. In good condition

License should be issued.

Larry Johnson

T.
16
S.



FRANKLIN

Surface area = 6.2 acres.

Capacity = 42 acre Feet.

Q = 42 acre feet

Sub divisions = Three

Area = 102 acres.

See above

Some of coverage is on an exchange basis with Cub River water.

Water is pumped into same ditches that carries the Cub River water.

New Spillway built on east
abutment - 10-22-62

Concrete wing wall structure
(SCS spec)

12' wide x $3\frac{1}{2}$ ' high structure
to crest of dam. water drops
12' into spill chamber then into
ditch cut into hillside

Outside covered with gravel
pypap.





TUESDAY
JUNE 1954

1

Reports not received
not finished as of
this date 4-3-54
1811

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Alon E. Smith

, being duly sworn,

deposes and says:

That he is the *Publisher* of

THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *four* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 16

, 19*55*, and ending

with the issue of

July 7

, 19*55*

Alon E. Smith

Fees, \$ *21.50*

Subscribed and sworn to before me this *18* day

of *July* 19*55*
P. M. Condie

Notary Public, Residing at Preston, Idaho

My Commission Expires *Nov. 29*, 19*58*

NOTICE FOR PUBLICATION Notice of Proof Application of Water To Beneficial Use

Notice is hereby given that at nine a.m. on the 18th day of July, 1955, at Preston, County of Franklin, State of Idaho, before P. M. Condie Notary Public, proof will be submitted of the application to beneficial use of seventy-five acre feet of the waters of un-named stream (run-off and waste water) in accordance with the terms and conditions of Permit No. R915 heretofore issued by the Reclamation Department of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are W. D. LeFevre, Franklin, Idaho.

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

The amount applied to beneficial use is seventy-five acre feet per annum.

The place where said water is used 35 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 30 acres in SE $\frac{1}{4}$ of SE $\frac{1}{4}$, and 5 acres in SE $\frac{1}{4}$ of NE $\frac{1}{4}$, of Section 19, Township 16 South, Range 40 East of Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Pipe line and sprinkling system.

The right to take water from such works is based upon Permit No. R 915.

The source of supply from which such water is diverted is an un-named stream (run-off and waste water).

The date of priority which said user is prepared to establish is July 31, 1953.

MARK R. KULP
State Reclamation Engineer.
24-27c

THE PRESTON CITIZEN

PRINTING
PUBLISHING
OFFICE SUPPLIES

FRANKLIN
COUNTY'S
ONLY NEWSPAPER
ESTABLISHED IN 1892

SERVING A
TERRITORY
OF OVER
10,000 PEOPLE

MEMBER
AUDIT
BUREAU
OF CIRCULATIONS

PRESTON, IDAHO

DON E. SMITH
Publisher

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MARK R. KULP
State Reclamation Engineer.

R-915

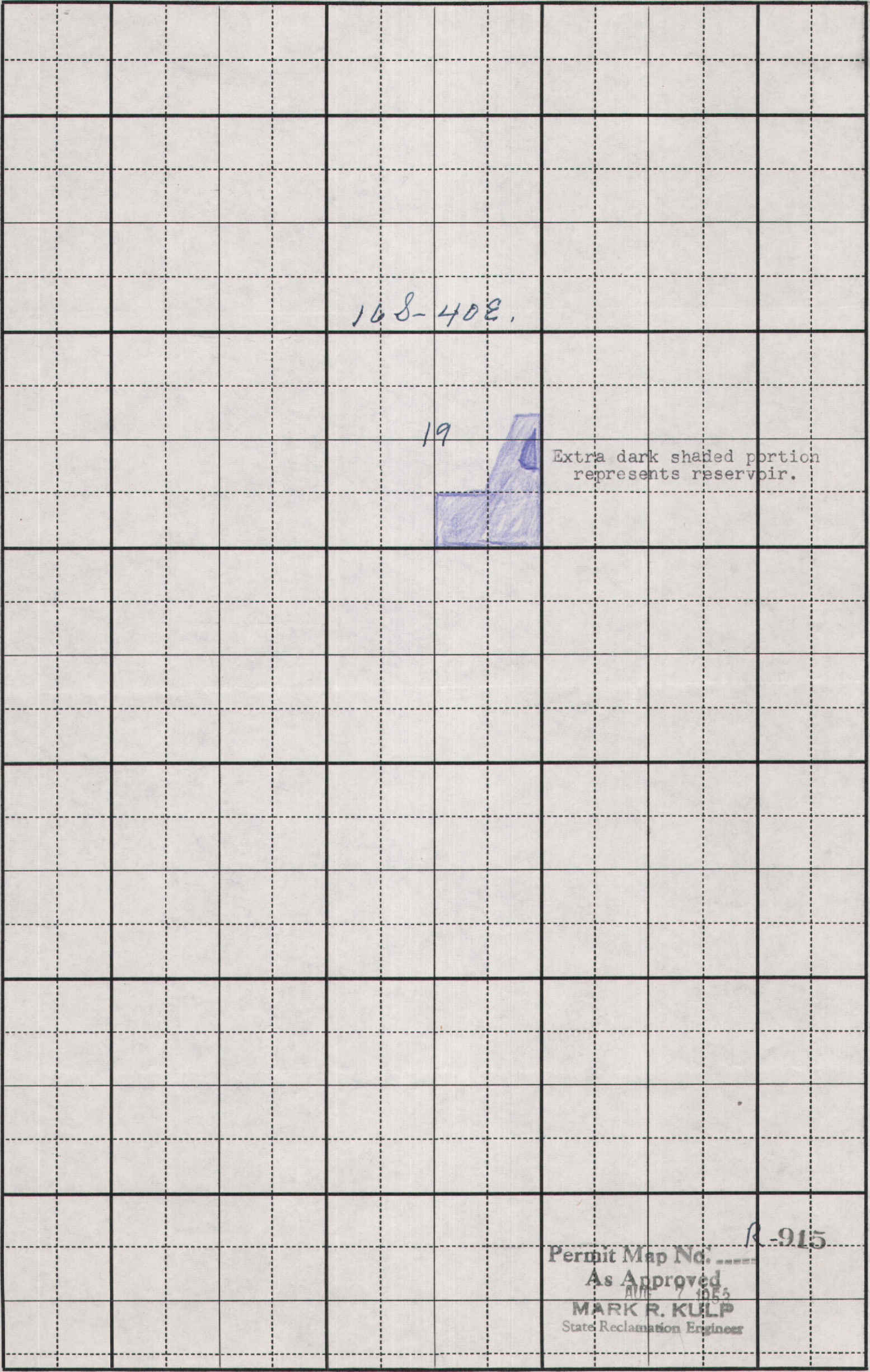
24-27c

RECEIVED
JUN 28 1955
Department of Reclamation

R-915

NAME OF APPLICANT W. D. LeFevre

Form No. 0



Permit Map No. R-915
As Approved 7 1953
MARK R. KULP
State Reclamation Engineer

State of Idaho

License and Certificate of Water Right

Water License No. R-915 Priority July 23, 1953 Amount 42 acre feet

THIS IS TO CERTIFY that

W. D. LE FEVRE

of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 23, 19 53; that Permit No. R-915 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 42 acre ~~second~~ feet, was issued thereunder on August 16, 19 54, showing that said works were completed on the 2nd day of August, 19 54; and that on the 18th day of July, 19 55

W. D. LA FEVRE

of Franklin, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of an unnamed stream

a tributary of for the purpose of irrigation, under Use Permit No. R-915 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses, at Page 8599, on the 17th day of November, 19 66.

The right hereby confirmed dates from July 23, 19 53.

The Point of Diversion is located

in the NE 1/4 SE 1/4, Sec. 19, Twp. 16 S, R. 40 E, B.M. Franklin 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 42 acre ~~second~~ feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S	40 E	19	NE 1/4 SE 1/4	35	22
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	30	40
			Total number of acres to be irrigated:		102

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 17th day of November, 19 66.

Jack A. Bennett
Assistant State Reclamation Engineer.

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. R-915

To W. D. LeFevre
Franklin, Idaho

Source of Supply unnamed stream

Franklin County

Amount 42 acre feet ~~3300 ft~~

Point of Diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19,
T. 16 S, R. 40 E, B.M.

Place of Use NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 19,
T. 16 S, R. 40 E, B.M.

Purpose irrigation

Date of Priority July 23, 1953

Recorded November 17, 1966

in Book 13 of Licenses, Page 8599

R-915

State of Idaho
License and Certificate of Water Right

Water License No. R-915 Amount 42 acre feet
Water District No. _____ Priority July 23, 1953

THIS IS TO CERTIFY that W. D. LE FEVRE
of Preston, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 23, 19 53; that Permit No. R-915
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
42 acre ~~second~~ feet, was issued thereunder on August 16, 19 54, showing that said works
were completed on the 2nd day of August, 19 54; and that on the 18th
day of July, 19 55,
W. D. LE FEVRE

of Franklin, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Unnamed Stream
, a tributary of _____, for the purpose of irrigation
, under Use Permit No. R-915 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8599, on the 17 day of November, 19 66;
The right hereby confirmed dates from July 23, 19 53;

The Point of Diversion is located
in the NE 1/4 SE 1/4, Sec. 19, Tp. 16 S, R. 40 E, B. M. Franklin 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 42 acre ~~cubic~~ feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 S	40 E	19	NE 1/4 SE 1/4	35	22
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	30	40
			Total number of acres to be irrigated:		102

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
17th day of November, 19 66.

/s/ JACK A. BARNETT
Assistant State Reclamation Engineer.

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. G-29196Amount 6.25 c.f.s.

Water District No. _____

Priority December 8, 1960

THIS IS TO CERTIFY that SACHS MIKAMI and DAN S. MIKAMI
of Idaho Falls, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated December 8, 19 60; that Permit No. G-29196
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6.25 second feet, was issued thereunder on November 21, 19 66, showing that said works
were completed on the 13th day of December, 19 65; and that on the 13th
day of December, 19 65,

SACHS MIKAMI and DAN S. MIKAMI
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 a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-29196 of the Department of Reclamation,
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
13 of Licenses at page 8600, on the 21 day of November, 19 66;
The right hereby confirmed dates from December 8, 19 60;
The Point of Diversion is located

in the SE 1/4 NW 1/4, Sec. 17, Tp. 3N, R. 37E, B. M. County of Bonneville.

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 6.25 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N	37 E	8	NW 1/4 SW 1/4	20	10
			SW 1/4 SW 1/4	20	21
			E 1/2 SW 1/4	80	80
			W 1/2	320	320
		17	Total number of acres to be irrigated:		431

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
21st day of November, 19 66.

S/ R. KEITH HIGGINSON

State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

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

13- 2294

Application No. R 32132
Permit No. R 915

1. Name of Applicant: W. D. LE FEVRE

Postoffice address: Preston

County Franklin

State Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: \$

(c) Amount paid in: \$

(d) Names and addresses of directors:

II. The financial resources of the corporation are:

(a) Cash on hand: \$

(b) Treasury Stock: \$

(c) Bonds to be issued: \$

(d) Other resources:

2. Quantity of water to be stored: seventy-five acre feet per annum.

3. Source of water supply is Unnamed stream, run-off, waste water (Creek) (River) (Spring), a tributary of River.

4. The outlet of the proposed reservoir is located approx. 1750 feet distant from the Southwest corner of Section 19, Township 16 S., Range 40 E., B. M. and is in the NE 1/4 of SE 1/4 of Section 19, Township 16 S., Range 40 E., B. M. County of Franklin

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

- (a) The reservoir is located in the channel of unnamed drainage way on applicant's land (Creek) (River). The reservoir will be on applicant's property into which will run the spring runoff from surrounding
- (b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located feet distant from land, waste water, and applicant will turn in his irrigation water from ^{cul} ~~beaver~~ River when not in use elsewhere the corner of Section, Township, Range, B. M., and is in the 1/4 of 1/4 of

Section, Township, Range B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

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

(b) The reservoir capacity is thirty-six acre feet.

7. Height of reservoir dam 20 feet, length at top 240 feet, length at bottom 10 feet, size of outlet feet

by 10 feet. The dam is to be constructed of materials as follows: earth, concrete and rock riprap spillway. Also 8 or 10" pipe by which water will be diverted for irrigation; also a trickle tube to hold water at maximum (If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.) elevation.

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

(Creek) (River)? Yes, will pump out of reservoir onto his own land.

- (b) Water stored in reservoir will be carried in the channel of none (Creek,) (River,) a distance Will be carried by pipe from reservoir to land to be irrigated. of miles to point of diversion located (bearing) feet, distant from the corner of Section Township, Range, B. M., and in the 1/4 of 1/4 of Section Township, Range B. M.

9. (a) Area of watershed above dam site square miles

(b) Estimated maximum flow of stream cubic feet per second.

10. Water is to be used for irrigation purposes.

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

(a) Point of use of water feet, distant from Corner of Section, Township, Range (bearing) B. M. and is in the 1/4 of 1/4 of Section, Township, Range, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point feet (bearing) distant from the corner of Section, Township, Range, B. M. in the 1/4 of 1/4 of Section, Township, Range, B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No.

, which is hereby referred to and made a part hereof. Carried by pipe as above stated.

13. Kind of diversion works: Pipe

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

14. Height of diversion dam: none feet, length at top feet, length at bottom feet. The dam is to be constructed

of materials as follows:

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

15. Size of headgate: Width 8 or 10" outlet pipe with Calco type gate.
feet, Height feet.
16. Diversion Canal: Width at bottom Small ditch to carry water to pasture adjoining reservoir
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.
17. Estimated cost of Works: Storage Works: \$ Diversion Works: \$
18. Time required for completion of work thirty days years.
19. Time required for complete application of water to proposed beneficial use is one years.
20. The land to be irrigated is described in the following tabulation:

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

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16 S.	40 E.	19				5									35		40	30	110

Total Number of Acres to be Irrigated 110

21. Existing rights and/or valid permits appurtenant to lands described in Sec. 20 are Have 300 shares of stock in Rub River Irrigation Co. which gives 12 hours per week, three second feet flow.

Remarks:

Detailed maps, etc. will be furnished by the U. S. Soil Conservation Service at Preston, Idaho, as soon as prepared, which will be in about two weeks.

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

W. D. LE FEVRE

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 a.m. July 23, 1953

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE RECLAMATION ENGINEER

The number of this permit is R 915

Recorded in book R 4, page 915 Approved August 7, 1953

This is to certify that I have examined the within application for a permit to construct a reservoir and appropriate and store the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$, to be filed on or before

Work to begin on or before October 7, 1953 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before November 7, 1953

The whole of said work to be completed on or before February 7, 1954

Beneficial use of water stored in accordance herewith, to be made on or before February 7, 1955

Witness my hand this 7th day of August, 1953.

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN

Governor of the State of Idaho,

and IRA H. MASTERS

Secretary of State of the State of Idaho, have caused this instrument to be executed in

the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 7th

August, 1953.

Countersigned:

STATE OF IDAHO

(SEAL)

By LEN JORDAN

IRA H. MASTERS
Secretary of State.

Governor.

Permit No. R-915
APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer 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. R-915 to July 31, 1954.

WITNESS my hand this 12th day of June, 1954.

MARK R. KULP
State Reclamation Engineer

Permit No. R-915
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that W. D. LE FEVRE of Preston, County of Franklin and State of Idaho, the holder of Permit No. R-915, issued upon Application No. R-32132, bearing date of priority of July 23, 1953, authorizing the construction of a reservoir, with the right to appropriate and store 75 acre feet per annum of the waters of an un-named stream (runoff-waste water) a tributary of - - , in the County of Franklin, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 42 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, Township 16 S., Range 40 E., and that the place of use, or the lands proposed to be irrigated by the use of said water, are described as follows, to-wit: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 19, Twp. 16 South, Range 40 East, B.M.

Witness my hand this 16th day of August, 1954.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made August 2, 1954.
Certificate of Completion of Works issued August 16, 1954.

LICENSE ISSUED FOR 42 ^{AC. FT.} SEC. FT.
LICENSE PAGE NO. 8599.

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. R-915 / 13-2294
Old No. New No.

Record

1, 2 & 3 Original Owner: W. D. Le FerreAddress: Preston Id

Present Owner:

Address:

4. A. Source of Water Unnamed Stream

B. Tributary of:

5. A. Stage (A,P,L,D,S,J):

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 7-23-1953D. County: FRANKLIN

E. Total Diversion Rate:

F. Total Diversion Volume: 42 AFA

G. Transfer/Amendment (P,T of A or blank):

? → H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NESE</u>	<u>19</u>	<u>16S</u>	<u>40E</u>	<u>-</u>	<u>-</u>

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for AS purposes. Amount 42
(cfs or AC-FT/yr)

from _____ to _____ for AR purposes. Amount 42 AF

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: AS

TWP	RANGE	SEC.	NE%				NW%				SW%				SE%			
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SE%	SW%
16S	40E	19													22		40	40

9. A. Decree Name: -

B. Decree Date: -

10. Remarks: -

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use: -

13. A. Proof Due Date: -

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: R-915

F. Proof Made (P or blank): -

G. Field Exam Made (P,R,F or blank):-

H. Conditions of Approval: -

14. Diversion Means (brief narrative):

June
~~May~~ 1967

N O T E

Plans, specifications, and drawings have been withdrawn from this
file and entered into the Records of Dams file.

Permit No. R-915
DJ

R-915

November 17, 1966

Re: Permit No. R-915

W. D. LaFevre
Franklin, Idaho

Dear Mr. LaFevre:

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

Also enclosed is departmental receipt No. R-33470 in the
amount of \$6.00 covering the fees.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:nw

Enclosure

R-915

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

October 12, 1966

Re: Permit No. R-915

RECEIVED
OCT 17 1966

Department of Reclamation

W. D. LaFevre
Franklin, Idaho

Dear Mr. LaFevre:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. R-915 shows the dam is capable of conveying 8.4 miner's inches, or 42 a.f. ~~xxxxxx~~ of water for the irrigation of 102 acres.

Upon receipt of the statutory fee of \$ 6.00 -based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of July 23, 1953 to the use of 42 a.f. ~~second foot~~ of surface water with the point of diversion in NE $\frac{1}{4}$ SE $\frac{1}{4}$, for irrigation of 102 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 19, T. 16 S, R. 40 E, B.M.

Very truly yours,


M. Russell Bosch
Office Manager

MRB:nw

R-915



Jan 14-57

Not yet answered.

wrote to Co. Auditor for
copy of decree.

R-915

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. R-915

REPORT ON PROOF OF Beneficial Use

W. D. LaFEVRE, Franklin, Idaho

*This has been in court and verdict given
in favor of Mr Le Fevre. May be appealed.*

*Actually he should make provision for water to
by pass his dam in the irrigation season*

No one home on Sept 13-56

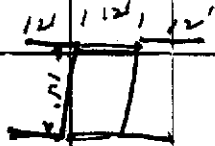
Changes not yet made.

7/19/66

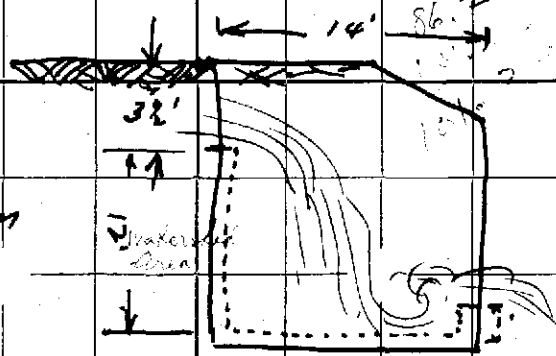
New Concrete double wing wall Spillway Structure installed 10/22/62 (SCS Engineering)

Top of structure is same height as dam. Crest of spillway is $3\frac{1}{2}'$ below top, x 12' wide. with a center support for flash boards. Water drops 12' from spillway crest to floor of structure. there is a 1' high lip on the down side of spillway ~~bottom~~ through a ditch cut through hillside to natural channel. No apparent erosion from last years Flood run off on spillway channel

Top View



Side View



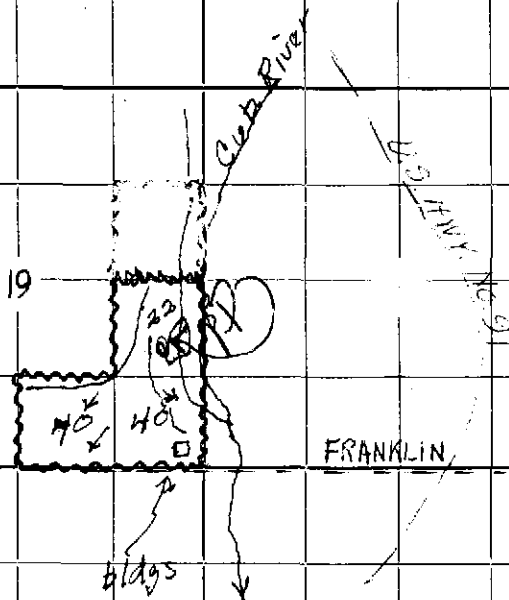
R-40E.

The upstream side of Dam has been riprapped with Coarse Gravel. In good condition

License should be issued.

Layman

T
16
S



Surface area = 6.2 acres.

Capacity = 42 acre Feet.

$Q = 42$ acre feet

Sub divisions = Three

Area = 102 acres.

See above

Some of coverage is on an exchange basis with Cub River water.

Water is pumped into same ditches that carries his Cub River water

Do not issue a license
until the dam is repaired
and a bypass installed.

E. N. H.

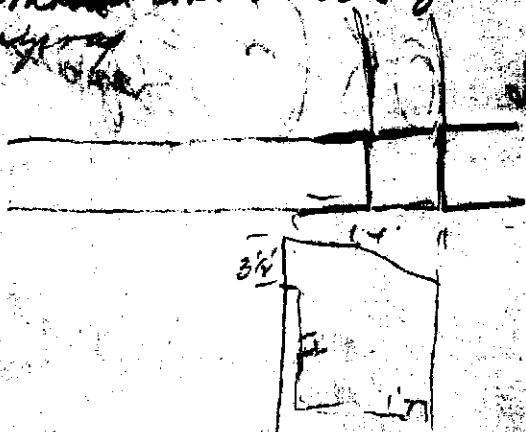
Dec 5-56

New Spillway built on east
abutment - 10 - 22 ft

Concrete wing wall structure
(SCS spec)

12' wide x 3 1/2' high
to crest of dam. Water drops
12' into spill chamber then into
detention basin below

Protective covered with gravel



License would
be issued upon
favorable report on
exam and payment
of \$6 fees.

7/19/66 OK for Jim
Sagorin

R-915



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

Permit No. R-915This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant W. D. LaFevre, Franklin, Idaho
2. Source of water supply: Un-named stream formed by runoff and waste water outlet
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19
T. 16 S. R. 40 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: There is a dam across a natural draw designed and engineered by S.C.S. All waters used is by use of a Fairbanks-Morse Centrifugal 6" in by 4" out driven by a Fairbanks Morse 20 hp horizontal Motor, serial No. 570272. Whole mounted on a concrete platform 8' by 8' over a well with a pipe connection into the bottom of the reservoir. There is, however, a suction hose that extends into the pond the end of which is supported by a barrel float.

5. Water is used for: Irrigation

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, Twp. 16 South, Range 40 East, B. M.

NOTE: Proof does not include SE $\frac{1}{4}$ NE $\frac{1}{4}$ although in permit and notice.

See the map

Cub R Canal Co. vs LaFevre
(Franklin Club River Pump Co)

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

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

Remarks: NOTE: The company that operate the Cub River pumps claim that this is taking some of their water and the case has just recently been in court. Judge Carver gave a decision giving Mr. Lefevre the right to store without requiring

Dam h = 18 $\frac{1}{2}$ ' Freeboard = 3 $\frac{1}{2}$ ' Spillway = 8' w x 120' l

Dam L = 270' Trickle Spillway is 5' w x 5' l x 18" h with 18" vertical

Dam w = 9' (top) drop into 12" concrete pipe

Almost more water than spillway could handle has come thru

Badly eroded on downstream end. Trickle spillway has

partly washed out. No rip rap yet. Case has been in court. any release downstream, the claim being that there was no water flowing in during the irrigation season.

This examination was made on the 29 day of March, 1956

(Signed) E. M. Humphrey Examiner.

allow repairs and
rip rap before approval.

Rechecked 7/19/66 L. J. Johnson

12" spill pipe
Concrete spill 5' x 18" x 15"
12" vert. drop.

dam 270' l. x 16' h. x 9' w.

Main Spillway = 8' w x 120' l
Freight = 3' h.

slopes 2:1 & 3:1.

42 acre feet capy.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
AUG 9 1966

Department of Reclamation

W. D. LaFevre,
Franklin, Idaho
Permit No. R-915
2302 Franklin
Examination for Beneficial use

County Franklin
19-16 S. - 40 E.

Q2 75.0 Acre-Feet.

S = Un-named Stream

P.D. = Approx. 1750' SW from the
SW. Cor. of Sec. 19, T. 16 S. - R. 40 E.

Use = Irrigation

Priority = July 23, 1953

Due = Feb. 7, 1955
(C/W Oct. 1 to July 31, 1954)

C/W Aug 2, 1954

B/U - July 18, 1955 (due 7-31-55)

C/W = 8-16-54

Cone. platform 8' x 8'
F. more 20 hp. hor.
3 ph. 220 V. 57 amps
570272

F. more Cent. pump
6" in. x 4" out.

6" flex hose and 4" x 20"
1/4" Kannel float on end
direct to 20. thru 8"
steel pipe 400' l

50' = lift
28' = "

Pond = 7 acres surface
20' deep.

h = 18 1/2'

January 14, 1957

County Auditor
Preston,
Idaho

Dear Sir:

This Department needs a certified copy of the decree issued in the case of the Cub River Canal Company vs. W. D. La Fevre.

This was a suit over waters impounded in a small reservoir on Mr. La Fevre's farm.

If there is a charge for this, please bill this Department for same.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:ab



ROBERT E. SMYLLIE
GOVERNOR

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

BOISE

August 30, 1956

RECEIVED
JAN 9 - 1957
Department of Reclamation

RE: Permit No. R-915

Mr. W. D. LaFevre
Franklin
Idaho

Dear Mr. LaFevre:

I intend to be in the Preston-Franklin area Thursday and Friday, September 13 and 14. While in that area, I intend to make an inspection on the dam at your reservoir.

I will probably make the inspection on Thursday afternoon; if not Thursday afternoon, I will make it Friday morning.

I will drive to the farm.

Please be prepared to accompany me on the inspection or have someone there to represent you.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

Did you make this inspection, I looked for you, but did see you come. If you did was things O.K. Yours Truly W.D. LaFevre

R-915

March 19, 1956

RE: Permit No. R-915

Mr. W. D. LeFevre
Franklin
Idaho

Dear Mr. LeFevre:

Inspection is required by law in connection with any permit being brought to license within the State of Idaho. Unless hindered by bad weather, I intend to make inspection in connection with your permit on Thursday evening or Friday morning, March 29 or 30.

Please be prepared to accompany me on the inspection.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

R-915

TUESDAY
JUNE 1954

1

Reports not received
not furnished as of
this date 4-3-56
1877

March 15, 1956

RE: Permit No. R-915
W. D. LeFevre

Mr. P. M. Condie
P. O. Box 346
Preston, Idaho

Dear Mr. Condie:

Acknowledging your letter of March 9, 1956, requesting the status of the above captioned Permit.

Our files disclose that Beneficial Use proof was made on July 18, 1955, and your License is being held up pending the Engineers Inspection of said Beneficial Use.

This inspection has not been made by this Department prior to this date and the same will be drawn to the attention of Mr. E. N. Humphrey, who makes said inspection, that the same be made as early in the spring as possible.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:cu

R-915

P. M. CONDIE
ATTORNEY AT LAW
PRESTON, IDAHO

Box 346

LICENSED ABSTRACTER

RECEIVED
MAR 12 1956
Department of Reclamation

March 9, 1956.

Department of Reclamation,
Boise, Idaho.

Gentlemen:

Re: Permit No. R-915, W. D. LeFevre

Will you please advise me the status of this matter? Proof of application of water to a beneficial use was made in July, 1955. The Certificate has not been received.

Very truly,

P. M. Condie

R-915

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 13, 1955

(P. O.) Franklin, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

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

Preston Citizen

of

Preston, Idaho,

published in

the county in which the works are situated.

W. H. Levere

(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.

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

Notice is hereby given that at nine A. M. on the 18th day of July, 1955,
at Preston, County of Franklin, State of Idaho, before
P. M. Condie, Notary Public, proof will be submitted of the
application to beneficial use of seventy-five acre ~~feet~~ ~~annum~~ of the waters of un-named stream
(run-off and waste water)
in accordance with the terms and conditions of Permit No. R915
heretofore issued by the Reclamation Department of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

W. D. LePevre, Franklin, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is seventy-five acre feet per annum

The place where said water is used ~~(For irrigation, give full and accurate description of the lands irrigated)~~

35 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, 40 acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 30 acres in SE $\frac{1}{4}$ of
SE $\frac{1}{4}$, and 5 acres in SE $\frac{1}{4}$ of NE $\frac{1}{4}$, of Section 19, Township 16 South, Range
40 East of Boise Meridian.

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

Pipe line and sprinkling system

The right to take water from such works is based upon Permit No. R 915

The source of supply from which such water is diverted is an un-named stream.

(run-off and waste water).

The date of priority which said user is prepared to establish is July 31, 1953

MARK R. KULP

State Reclamation Engineer.

R-915

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. R-915

Date: June 14, 1955

Preston Citizen

Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **July 18, 1955** the date set for proof, the expense of the publication to be paid by the applicant, **W. D. Le Fevre** of **Franklin, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

R-915

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Alan E. Smith

, being duly sworn,

deposes and says:

That he is the *Publisher* of

THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *four* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

June 16

, 19*55*, and ending

with the issue of *July 7*, 19*55*

Alan E. Smith

Fees, \$ *21.50*

Subscribed and sworn to before me this *18* day

of *July*, 19*55*

A. M. LeCombe
Notary Public, Residing at Preston, Idaho

My Commission Expires *Nov. 29 - 1958*

NOTICE FOR PUBLICATION

Notice of Proof Application of Water To Beneficial Use

Notice is hereby given that at nine a.m. on the 18th day of July, 1955, at Preston, County of Franklin, State of Idaho, before P. M. Condie, Notary Public, proof will be submitted of the application to beneficial use of seventy-five acre feet of the water of an unnamed stream (run-off and waste water) in accordance with the terms and conditions of Permit No. R915 heretofore issued by the Reclamation Department of the State of Idaho. The name and postoffice address of the person or corporation holding said permit are W. D. LeFevre, Franklin, Idaho.

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

The amount applied to beneficial use is seventy-five acre feet per annum.

The place where said water is used 35 acres in NE1/4 of SE1/4, 40 acres in SW1/4 of SE1/4, 30 acres in SE1/4 of SE1/4, and 5 acres in SE1/4 of NE1/4, of Section 19, Township 16 South, Range 40 East of Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Pipe line and sprinkling system.

The right to take water from such works is based upon Permit No. R 915.

The source of water from which such water is diverted is an unnamed stream (run-off and waste water).

The date of priority which said user is prepared to establish is July 31, 1953.

MARK R. KULP

State Reclamation Engineer.

24-27c

R-915

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 19 1955

Department of Reclamation

Permit No. R915

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. W. D. LeFevre, residing at Franklin, Idaho which is post office address. I am a farmer.

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

Ans.

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

Ans. No. R915, date of priority July 23, 1953.

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

2 Ans. Unnamed stream formed by waste water and runoff water; mostly from water during non-irrigation season., water is impounded in reservoir.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. I have an ~~Ammer~~ Fairbanks-Morse Pump which pumps water from reservoir through 400 feet of ten inch pipe to place of use. Part of the water is emptied into a ditch and the other part is conveyed to a further point. Flooding rather than sprinkling is the method used for irrigation. Works will convey three second feet of water and this much is used for the irrigation of my land.

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

Ans. Irrigation. The water is used to irrigate 40 acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$, 30 acres in SE $\frac{1}{4}$ of SE $\frac{1}{4}$, and 5 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 19, Tp. 16 South, Range 40 E. B. M. I expect to increase the amount of land to be irrigated as I am able to impound more water.

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

Ans. _____

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

Ans. Three cubic feet per second of water is needed when pumping; 75 acre feet is required for this purpose, in addition to other water available.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

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

Ans. All of the water I am able to impound, I use for the purpose of irrigation of the land described. I use this as a supplemental supply in connection with other irrigation water I obtain from Cub River Irrigation Company.

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. I hold a high water right in Cub River Irrigation Company which supplies me with all the water I need in the spring of the year; I have 12 hours of water a week, three second feet, during other part of irrigation season from Cub River Irrigation Company represented by stock in said company. It took all of this water and my reservoir water to irrigation 75 acres in 1954 and 1955 so far; depending on the season I should be able to irrigate more land.

(Sign) W. D. LeVore

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 Preston, County of Franklin,

State of Idaho, on this 18th day of July, A. D. 1955.

F. M. Candie

My commission expires July 29, 1958.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. R915.

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. R. Vincent Milligan, age 29 years, Smithfield, Utah, occupation teacher and engineering student.

Ques. 2. Are you acquainted with W. D. LeFevre, the holder of Permit No. R915? How long have you known him and where does he reside?

Ans. Yes, five years. He resides at Franklin, Idaho.

Ques. 3. Have you read or heard read said Permit No. R915, 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. Unnamed stream, run-off and waste water; place of diversion approximately 1750 feet Southwest from the Southwest corner of Section 19, Township 16 South, Range 40 East of Boise Meridian. Works of conveyance: An electric pump and 400 feet of ten inch pipe. Water is impounded in a reservoir from which it is pumped.

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. Three ~~km~~ cubic feet per second and I have seen this much so conveyed.

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

Ans. Irrigation of land. Water has been and is being used on 40 acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$, and 30 acres in SE $\frac{1}{4}$ of SE $\frac{1}{4}$, and 5 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, Township 16 South, Range 40 East of Boise Meridian.

It is possible to water additional land from this source as water is available.

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. Clay soil. All of the water available is necessary for the proper irrigation of the land of the applicant; could profitably use more water.

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

Ans. None

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen applicant using three second feet of water to irrigate the land described herein on July 16, 1955, diverted as aforesaid.

(Signed) *R. Vincent McMillan*

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 Preston,
County of Franklin, State of Idaho, on this 18 day of July,
A. D. 19 55.

A. M. Gaudin
Notary Public.

My commission expires Nov. 29, 1958.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. R915

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. Cecil Woodward, 73 years, residence and post office address: Franklin, Idaho, occupation farmer.

Ques. 2. Are you acquainted with W. D. LeFevre, the holder of Permit No. R 915? How long have you known him and where does he reside?

Ans. Yes, 25 years. He resides at Franklin, Idaho.

Ques. 3. Have you read or heard read said Permit No. R 915, 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. Unnamed stream, run-off and waste water ; place of diversion approximately 1750 feet Southwest from the Southwest corner of Section 19, Township 16 South, Range 40 East of Boise Meridian. Works of conveyance: An electric pump, and 400 feet of ten inch pipe. Water is impounded in a reservoir from which it is pumped.

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. Three cubic feet per second and I have seen this much so conveyed.

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

Ans. Irrigation of land; Used as follows: 75 acres: 40 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$, 30 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 19, Tp. 16 South, Range 40 E. B. M. Possible to water additional land.

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. Clay soil. All of the water available is necessary for the proper irrigation of this land. Could profitably use more water than he has.

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

Ans. None.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Have seen applicant using three second feet of water to irrigate the land described herein, from the reservoir of the applicant, covered by said permit, in ~~1950~~ 1954, and 1955.

(Signed)

Cecil Woodward

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 Preston,
County of Franklin, State of Idaho, on this 18th day of July,
A. D. 1955.

T. M. Beaudie

Notary Public.

My commission expires Nov. 29, 1958.

✓
July 19, 1955

RE: Permit No. R-915

Mr. W. D. LeFevre
Franklin
Idaho

Dear Mr. LeFevre:

We have received from Mr. P. M. Condie the depositions of yourself and two witnesses also affidavit of publication in the Preston Citizen all in proof of beneficial use on your Permit No. R-915.

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
cc - Mr. P. M. Condie

R-915

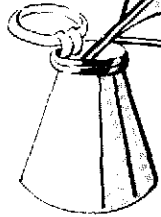
THE PRESTON CITIZEN

PRINTING
PUBLISHING
OFFICE SUPPLIES

FRANKLIN
COUNTY'S
ONLY NEWSPAPER
ESTABLISHED IN 1892

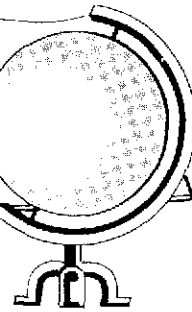
SERVING A
TERRITORY
OF OVER
10,000 PEOPLE

MEMBER
AUDIT
BUREAU
OF CIRCULATIONS



PRESTON, IDAHO

DON E. SMITH
Publisher



NOTICE FOR PUBLICATION

Notice of Proof Application Water To Beneficial Use

Notice is hereby given that at nine a.m. on the 18th day of July, 1955, at Preston, County of Franklin, State of Idaho, before P. M. Condie Notary Public, proof will be submitted of the application to beneficial use of seventy-five acre feet of the water of an unnamed stream (run-off and waste water) in accordance with the terms and conditions of Permit No. R915 heretofore issued by the Reclamation Department of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are W. D. LeFevre, Franklin, Idaho.

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

The amount applied to beneficial use is seventy-five acre feet per annum.

The place where said water is used 35 acres in NW 1/4 of SE 1/4, 40 acres in SW 1/4 of SE 1/4, 30 acres in SE 1/4 of SW 1/4, and 5 acres in SE 1/4 of NE 1/4 of Section 19, Township 33 South, Range 40 East of Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Pipe line and sprinkling system.

The right to take water from such works is based upon Permit No. R 915.

The source of supply from which such water is diverted is an unnamed stream (run-off and waste water).

The date of priority which said user is prepared to establish is July 31, 1953.

MARK R. KULP
State Reclamation Engineer.

R-915

24-27c

RECEIVED
JUN 28 1955
Department of Reclamation

R-915

June 28, 1955

RE: Permit No. R-915

Preston Citizen
Preston
Idaho

Gentlemen:

We have checked notice on Permit No. R-915 of W. D. Le Fevre and find same to be correct with one exception. In the fourth paragraph there is a slight error in the spelling of the word Beneficial.

Please make this correction in your subsequent issues.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu

R-915

✓
June 14, 1955

RE: Permit No. R-915

Mr. P. M. Condie
Attorney At Law
Preston, Idaho

Dear Mr. Condie:

We have completed the notice for Beneficial Use on Permit No. R-915 of W. D. LeFevre to show the priority to be established as of July 31, 1953. The Extension of Time will make no difference in the priority.

A copy of the notice is being sent to the Preston Citizen with instructions to publish it once a week for four weeks prior to July 18 and to send Mr. LeFevre the Affidavit of Publication together with statement of costs.

We enclose the forms of deposition to be executed by Mr. LeFevre and two disinterested witnesses in making this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:ou
Enc.

R-915

Please fill in the date of priority. An extension of time was given and applicant does not know how this would affect priority date.

RECEIVED
JUN 14 1955

Department of Reclamation

R-915

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Mr. W. D. LeFevre
Preston
Idaho

May 1, 1955

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. R-915. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This 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 not later than July 31, 1955, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

R-915

August 17, 1954

RE: Permit No. R-915

Mr. W. D. LeFevre
Franklin
Idaho

Dear Mr. LeFevre:

We enclose Certificate of Completion of Works issued on your Permit No. R-915 for the construction of a reservoir and the storage and appropriation of 75 acre feet of water from an un-named stream (runoff-waste water) with point of outlet in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19, Township 16 S., Range 40 E., B.M. for irrigation of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ of said section.

We also enclose departmental receipt No. 26842 for the \$5.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Encls.

R-915



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

BOISE

August 9, 1954

RE: Permit No. R-915

RECEIVED
AUG 13 1954
Department of Reclamation

Mr. W. D. LeFevre
Franklin
Idaho

Dear Mr. LeFevre:

We acknowledge receipt of your deposition in proof of completion of works on Permit No. R-915.

However, you failed to enclose the statutory fee of \$5.00 in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:hll

R-915

Permit No. R- 915.

RECEIVED
AUG 6 1954Department of Reclamation
W. J. C.

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. W. D. LeFevre, residence: Franklin, Idaho, farmer.Post Office Address: Franklin, Idaho.

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

Ans. _____

Ques. 3. State number and date of permit, acre feet of water you claim for storage, and source of same.

Ans. No. R 915, dated August 7th, 1953.Ques. 4. Under terms of permit construction was required to be completed by Feb. 7, 1954 but time was extended to July 31, 1954.Ques. 5. Construction was actually completed on the date of July 31st, 19 54.Ques. 6. Does the construction fully comply with the specifications? yes.Ques. 7. Of what material was the dam built? Clay, with concrete -reinforcedspillway, which empties into concrete pipe; emergency spillway with concrete core, as per specifications on file.

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

Ans. Yes; about April 15th, 1954, and reservoir filled, and water used and being used by pumping therefrom onto land of the applicant.Ques. 9. The capacity of the reservoir is 42 acre feet.Ques. 10. The area of the high water line of the reservoir is 6 acres.Ques. 11. The height of the dam above bottom of reservoir is 25 feet, above low water is 18 feet.Ques. 12. The dimensions of the spillway are 12 inch pipe and the bottom of the spillway is 3.5 feet below the top of the dam.Ques. 13. Dimensions of the reservoir outlet are Water pumped

Ques. 14. Describe the gate and control unit.

Ans. Only control unit is in spillway which is open to permit water to flow out of reservoir when it is filled to certain level.

Ques. 15. The reservoir outlet is made of _____

Ques. 16. Is the reservoir filled through a feeder canal? yes, irrigation ditch from Cub River Irrigation Company canal

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

Ans. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section, 7 Twp. 16 S. Range 40 E. B. M.

Reservoir is also filled from runoff water in the spring. and during non irrigation period, also from runoff from own land.

R-915

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

Ques. 19. If not, explain _____

Ques. 20. Cost of constructing feeder canal? already built Cost of reservoir? \$ 3000.00

Ques. 21. State whether or not the works from reservoir outlet to place of use are fully completed, and whether or not they comply with the specifications in permit. If not, explain.

Ans. yes to both questions.

Ques. 22. Water has (~~been~~) been delivered to place of intended use? yes

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

Ans. Dam is three to one slope face of dam, and 2 to 1 downstream side.
Clay construction. It is intended to rip rap face of dam with lime
rock, but this has not been done to date. No wave action to date.

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

Ans. 5 Acres
Irrigation. SE $\frac{1}{4}$ NE $\frac{1}{4}$; 35 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$; 40 acres in SW $\frac{1}{4}$ of SE $\frac{1}{4}$;
and 30 acres in SE $\frac{1}{4}$ of SE $\frac{1}{4}$; Section ~~16~~ 19, Tp. 16 S., R. 40 E. B. M.

(Sign here) *J. H. Lefevre*

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 Preston, County of Franklin, State of Idaho, on this second day of August, A. D. 19 54.

T. M. Gaudin
Notary Public

My commission expires Nov. 29, 1954.

July 26, 1954

RE: Permit No. R-915

Mr. P. M. Condie
Attorney at law
Preston, Idaho

Dear Mr. Condie:

In reply to your request of July 23rd we enclose form for making
proof of Completion of Works on Permit No. R-915 in the name of W. D.
LeFevre.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A;br
Enc.

R-915

P. M. CONDIE
ATTORNEY AT LAW
PRESTON, IDAHO

LICENSED ABTRACTER

RECEIVED
JUL 26 1954
Department of Reclamation

July 23, 1954.

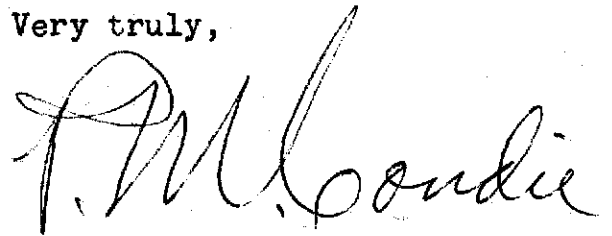
Department of Reclamation,
Boise, Idaho.

Gentlemen:

Re: Permit No. R-915
W. D. LeFevre

Please send blank for proof of completion of works. This is
to be made by July 31, 1954.

Very truly,



7-31-54

R-915

June 15

Adknowledging receipt of Notice of Proof of
Application of Water for W. D. LeFevre, Franklin,
Idaho. This will be published four times beginning
June 23.

RECEIVED
JUN 16 1955

Department of Reclamation

The Preston Citizen

R-915



THIS SIDE OF CARD IS FOR ADDRESS



Jeanne L. Anderson
Department of Reclamation
State of Idaho
Boise, Idaho

July 17, 1954

Mr. Victor Peterson, Watermaster
Water District No. 5-H
Preston, Idaho

Dear Mr. Peterson:

We wish to thank you for the detailed information relative to the
Le Fever Dam.

It seems from your letter that about the only way they can settle
the controversy is by court action.

You state that there is some question on water rights connected
up with this drain across which Mr. Le Fever has constructed a dam, and
that you would like some advice as to your duties as watermaster in this
case.

From the information we have on hand, this is all Greek to us,
therefore, you will probably have to work things out in the best manner
that you can according to the terms of the decree and at the writers first
opportunity he will try and call on you where we can go over the situation
on the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:br

Department of Reclamation

RECEIVED
JUL 15 1954

Department of Reclamation

Preston Idaho

July 14-54

Gentlemen,

In answer to your letter of July 12 concerning case of Mr. D.W. LaFever of Franklin.

I went immediately as requested by Mr. Baum, and got Mr. Ray Morrison, he called the rest of the Board members of the ~~Cub~~ Franklin Cub River Pumping Co. and we went to the Reservoir of Mr. LaFever, you probably have size & Capacity of this Reservoir, 25' Dam - 42 Acre Feet Capacity, Built on natural Drain with no outlet at bottom of Dam. I asked Mr. LaFever what his plans were in regard to the Franklin Pumping Co water. He said he would dig a bypass channel as you will note on the sketch I have inclosed. This the Franklin Cub River Pumping Co Officers agreed would have to be at his own risk, and their acceptance would depend on whether or not, it would allow the free flow of their water. This bypass has not been made and the Franklin Cub River Pumping Co is entering suit against Mr. LaFever. In their complaint they are praying for a Pipe outlet at the bottom of LaFever Dam, so as to permit the free flow of their water down the Hollow, and not impound the water during the Frig season.

I would suggest the State Dam Inspector visit this Dam at his earliest convenience.

There is also some question of water rights in this Drain it is a se saw deal between LaFever - R Parkinson

R-915

and the Franklin Cub River Pumping Co. Mr Parkinson claims the water, and runs some canal water down this Drain to Inigate his Farm. Franklin Cub River Pumping Co. is also filing suite against him, to clear up the water right between them. I would like your advice on my duty as water master in this case.

I told Mr La Fave I thought he should release some water to the Franklin Cub River Pumps, until such time as he could complete the bypass. There is quite a difference of opinion as to how much water flows down this Drain, the flow is all from excess irrigation from a few Farms, so it is variable. Mr La Fave did release what water that would go over the spill way.

I hope I have given you some knowledge of the situation and will await your advice.

Yours Truly
Victor Peterson
Preston Ida.

North

Natural Drain

County Road

D.W. LaFever Farm.

Ditch

R. Parkinson Farm.

East

Proposed by pass

West

Spillway

DAM

Cud River

R-915

R-915

July 12, 1954

✓
Mr. Victor Peterson, Watermaster
Water District No. 5-H
Preston, Idaho

Dear Mr. Peterson:

This Department is in receipt of a copy of a letter addressed to you by Attorney O. R. Baum of Pocatello, and also a copy of a letter addressed to Mr. D. W. Le Fever of Franklin.

This Department would appreciate hearing from you relative to the facts in the case and if any work which should have been completed on said reservoir has been done or if any work was necessary to be done.

An early reply would be very much appreciated.

Thanking you for this information, we are

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:br

R-915

July 1, 1954

Mr. D. W. Lefever
Franklin, Idaho

My dear Sir:

This office represents the Franklin Cub River Pumping Company and this morning my attention has been called to the fact that you have constructed a reservoir across a tributary of the main river, that you are impounding irrigation water during the irrigation season.

If I have been correctly informed you have constructed the reservoir that has no gate or opening at the bottom so that the inflow can pass through the reservoir.

You are perhaps aware of the fact that one constructing a reservoir where the natural flow, or water that has been utilized, flows that appropriate and adequate measuring devices must be had so that the flow can be measured and sufficient water released equal to the amount entering the reservoir.

The officers of the company that I represent dislike very much to institute an action against you but will be compelled to do so, and the action will be instituted promptly if you do not arrange to permit the water to pass through the reservoir so that the company will not be deprived of the return flows, the run-offs and the natural flow that they have been utilizing since long before 1919.

The company is without water and the pumps will have to be closed down, hence we shall expect immediate action on your part, otherwise we will, during the week, institute the necessary and appropriate action. We understand likewise that you are not utilizing this water at the present time.

Very truly yours,

O. R. BAUM

ORB:tb

LAW
OFFICES
O. R. BAUM
POCATELLO
IDAHO

RUBY Y. BROWN
ASSOCIATE

R-915

JULY 1, 1954

RECEIVED
JUL 2 1954
Department of Reclamation

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

Dear Kulp:

Enclosed please find copy of letter I have written
to Lefever, also copy of letter written to Water Master Peterson.
You may advise.

Sincerely yours,



O. R. BAUM

ORE:tb
Encls.

LAW
OFFICES
O. R. BAUM
POCATELLO
IDAHO

RUBY Y. BROWN
ASSOCIATE

R-915

July 1, 1954

Mr. Victor Peterson
Water Master District 5
Preston, Idaho

Dear Mr. Peterson:

Subjoined hereto you will find copy of letter I
have this day written to Mr. Lefever.

If I am correct in the premises, and I believe I
am, I think you will find that Mr. Lefever has a reservoir that
is not in accordance with the provisions of the statutes of Idaho,
and that he is unlawfully impounding water.

We are asking Mr. Kulp to intercede in the matter
and see if something cannot be done quickly and promptly.

Will you view the premises and confer with Mr.
Morrison, President of the Franklin Cub River Pumping Company?

Very truly yours,

O. R. BAUM

ORB:tb
Encl.

LAW
OFFICES
O. R. BAUM
POCATELLO
IDAHO

RUBY Y. BROWN
ASSOCIATE

R-915

Permit No. R-915

Application for Extension of Time FOR COMPLETION OF WORKS

W. D. LeFevre, of Preston

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. R-915

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by February 7, 1954.

That he has heretofore performed the following work described under said permit

All work has been completed excepting the emergency spillway.

The dam, pipe, trickle tube, ^{power} and pump have been installed at a cost
of \$4200.00.

costing \$ 4200.00.

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

Due to farm work have been unable to complete the emergency spillway
to-date. Time only has held up completion of project.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the completion of works under said permit to July 31st, 19 54.

Subscribed and sworn to before me this 10th day of June, 1954.

My commission expires April 18, 1955.

Date of receipt at office of Department of Reclamation

STATE

APPROVAL OF ~~COMMISSIONER OF~~ RECLAMATION, ENGINEER

I, Mark R. Kulp

~~Commissioner of~~ State

~~Engineer~~

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. R-915 to

July 31, 19 54

Witness my hand this 12th day of June

Mark R Kulp
State Reclamation Engineer

R-915

June 15, 1954

RE: Permit No. R-915

Mr. W. D. LeFevre
Preston
Idaho

Dear Mr. LeFevre:

We enclose approval of the State Reclamation Engineer of your application for extension of time for completion of works on Permit No. R-915 to July 31, 1954.

This should be attached to the original permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

R-915

✓
June 1, 1954

RE: Permit No. R-915

Mr. W. D. LeFevre
Preston
Idaho

Dear Mr. LeFevre:

In checking your permit record No. R-915 we find that you have not made proof of Completion of Works which was due on or before February 7, 1954.

If your dam was completed you should submit proof on the form enclosed which should be signed before a Notary Public and returned to this Department. The proof should state definitely that the works were completed on or before February 7, 1954.

On the other hand if the works were not completed you may apply for an extension on the form enclosed.

In either event the matter should be taken care of promptly if your permit is to be continued in good standing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Encls.

R-915

November 23, 1958

RE: Permit NO. R-915

Mr. Frank K. Mucens, Regional Engineer
Soil Conservation Service
209 S. W. 5th Ave.
Portland 4, Oregon

Dear Mr. Mucens:

Enclosed find approved plans of the Le Fevre Dam.

We are returning them for use in construction. They should be put with Permit No. R-915 held by Mr. Le Fevre, as they actually constitute part of the Permit.

I would warn against building when the earth is frozen.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H/re
Enc.
CO/ Mr. P. M. Condie
↓

R-915

UNITED STATES
DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Pacific Region

RECEIVED
NOV 23 1953
Department of Reclamation

209 S. W. 5th Ave.
Portland 4, Oregon
November 20, 1953

R-915

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

Re: LeFevre Dam, Franklin SCD,
Idaho

Dear Mr. Kulp:

Approval is requested for the plans of the LeFevre
Dam.

Two copies of the plans, one set of specifications
and one copy of the compaction curve for the fill
material are enclosed.

Sincerely,

Frank Mueens

Frank K. Mueens
Regional Engineer

Enclosures

R-915

✓
September 24, 1953

RE: Permit No. R-915

Mr. P. M. Condie
Box 346
Preston, Idaho

Dear Mr. Condie:

Reference is made to your letter of September 23, 1953, in regard to Permit No. R-915 in the name of W. D. LeFevre.

It is a statutory requirement that construction begin within 60 days of the date of the permit, but in a case such as this obviously the work cannot begin until plans have been submitted and approved by this department.

The application stated that 30 days would be required to complete the works and so 6 months were allowed or until February 7, 1954. However, an extension of time can be obtained up to 5 years from the date of approval, or until August 7, 1958. An application for such extension should be made on the form enclosed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg
Enc.

R-915

P. M. CONDIE,
ATTORNEY AT LAW
PRESTON, IDAHO

RECEIVED
SEP 24 1953
Department of Reclamation

LICENSED ABSTRACTER

Sept. 23, 1953.

Department of Reclamation,
Boise, Idaho.

Gentlemen:

Re: Permit No. R-915.

Your letter of September 16th with permit duly received.

We note that work must be started by October 7th which will be impossible as the plans will not be ready by then; also it will likely be impossible to complete the work by next March 7th, inasmuch as we will have the winter season ahead and we are advised that this work cannot be done during the cold weather.

What is your suggestion? Will you grant further time?

Very truly,

P. M. Condie

C/W

2-7-54

R-915

P. M. CONDIE
ATTORNEY AT LAW
PRESTON, IDAHO

LICENSED ABSTRACTER

RECEIVED
SEP 10 1953

Department of Reclamation

Sept. 9, 1953.

Department of Reclamation,
Statehouse,
Boise, Idaho.

Gentlemen:

Mr. W. D. LeFevre filed with you an application to appropriate and store water. Some difficulty has arisen with the conservation people who are supplying the plans. They suggest that Mr. LeFevre obtain a storage permit and let the plans be approved later.

Will you please supply me with any forms necessary for this purpose? Or can such a permit be issued on his present application?

Very truly,

P. M. Condie

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40 L. en 8-13 42

R-915

September 16, 1953

RE: Permit No. R-915

Mr. P. M. Condie
Box 346
Preston, Idaho

Dear Mr. Condie:

We have your letter of September 9, 1953, in regard to application filed by Mr. W. D. LeFevre.

This application has been approved for a storage permit and we return same herewith together with departmental receipt No. 26108 for the \$5.00 filing fee.

However, before any construction is commenced, it will be necessary for plans and specifications to be submitted in duplicate for approval by this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

R-915

August 26, 1953

RE: Application No. R-32132

Mr. P. M. Condie
Box 346
Preston, Idaho

Dear Mr. Condie:

We have your letter of August 25, 1953, in regard to application for storage permit recently filed for Mr. W. D. LaFevre.

We have not yet received the maps which were to be furnished by the Soil Conservation Service.

As to the rights of the Franklin Cub River Pumping Company, they have a decreed right for 5 cubic feet per second; also License No. 14447 for 20 cubic feet per second. They also have a 31 and 41 Court Decree prohibiting interference with certain springs and return flows.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

R-915

P. M. CONDIE
ATTORNEY AT LAW
PRESTON, IDAHO

LICENSED ABSTRACTER

August 25, 1953.

Department of Reclamation,
Boise, Idaho.

Gentlemen:

With reference to application for permit filed by W. D. LeFevre recently and which was filed subject to maps being furnished by the Soil Conservation Service. It is my understanding that the maps have been filed with you and that they will be somewhat different from the application. You are authorized to make any changes necessary to make the application conform to the maps.

A question has arisen as to what is covered by the filing of Franklin Pumping Co., or some such name. Mr. LeFevre will get most of his water from the spring runoff and from his irrigation water which he will turn into the reservoir when not needed. Generally there is little other water available. It is not Mr. LeFevre's intention to interfere with the Franklin Pumping Co. rights.

Very truly,

P. M. Condie

RECEIVED
AUG 26 1953
Department of Reclamation

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0-767 4- was C C T A C S-10
be A C
NC 3141 mark
M. W. C. de 9-11 C
R-915

August 7, 1953

RE: Permit No. R-915

Franklin Cub River Pumping Company
Franklin
Idaho

ATT: Mr. L. W. Hatch, Secretary

Dear Mr. Hatch:

Permit No. R-915 has already been approved for the appropriation of 75 acre feet of waste water and runoff of an unnamed stream by W. D. LeFevre.

This department has little discretion in approving a properly executed application for permit, as the permit issued is for unappropriated water only. Existing rights take precedence over any rights granted by a permit. No matter how the existing rights may have been acquired or whether or not they are a matter of official record.

The statutes do not provide for the advertising of applications for permits for small amounts or for protests against the issuance of permits for small amounts whose applications have not been advertised.

Since there may be some public water present at certain times which is subject to appropriation, we could not act on a protest against the approval of the application and the issuance of a license especially when the permit does not give permission to interfere with existing rights.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

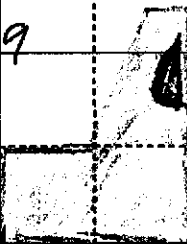
K:fg

See file in W.D. 5-H.

R-915

168-402.

19



Extra dark shaded portion
represents reservoir.

Permit Map No. **R-915**
As Approved
MARK R. KULP
State Reclamation Engineer