

R-40E.

65 acres
total

TO GRACE. →

P.D.S. or Springs.

T.
H.
S.



Subdivisions = 5

Area = 65 acres.

Q = 65 inches.

Mr Miles is not taking any water from the Spring referred to by H. Smith. There is a second spring in the same fort. He was told not to start a controversy over that spring.

He has plenty of water without it.

Affidavit of Publication

County of Caribou,

State of Idaho

Charlotte Wilcox

being first duly sworn

on her oath, states:

That she is principal clerk of the Soda Springs Sun, a newspaper of general circulation printed and published in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and

not in any supplement thereof for four successive weekly issues thereof, the date of the first publication being the

29th day of April, 1954.

the date of the last publication being the 20th

day of May, 1954. Charlotte Wilcox

Subscribed and sworn to before me this 1st

day of June, 1954.

(SEAL)

S. J. Rauhew
Notary Public, residing at Soda Springs, Idaho.
My Commission expires the 1st day of July, 1956.

COST. _____ lines at _____ cents a line for the first

insertion and _____ cents a line for each of _____

subsequent insertions, total \$ _____

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 1st day of June, 1954, at Soda Springs, County of Caribou, State of Idaho, before F. J. Rasmussen, Notary Public, proof will be submitted of the application to beneficial use of 2.10 cubic feet per second of the waters of unnamed springs in accordance with the terms and conditions of Permit No. 21110 heretofore issued by the Bureau of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Wesley A. Miles, Grace, Idaho.

The use to which said water has been applied is Irrigation, Domestic and Stock Watering.

The amount applied to beneficial use is 2.10 c. f. s.

The place where said water is used Sec. 2, Twp. 11 S. 40 E. B. M. NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3 Twp. 11 S. 40 E. B. M. SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Totalling some 120 acres.

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

The right to take water from such works is based upon Permit No. 21110.

The source of supply from which such water is diverted is Unnamed Springs.

The date of priority which said user is prepared to establish is June 13, 1949.

MARK R. KULP
State Reclamation Engineer
Published in the Caribou County Sun, April 29, May 6, 13, 20, 1954. 21110

21110

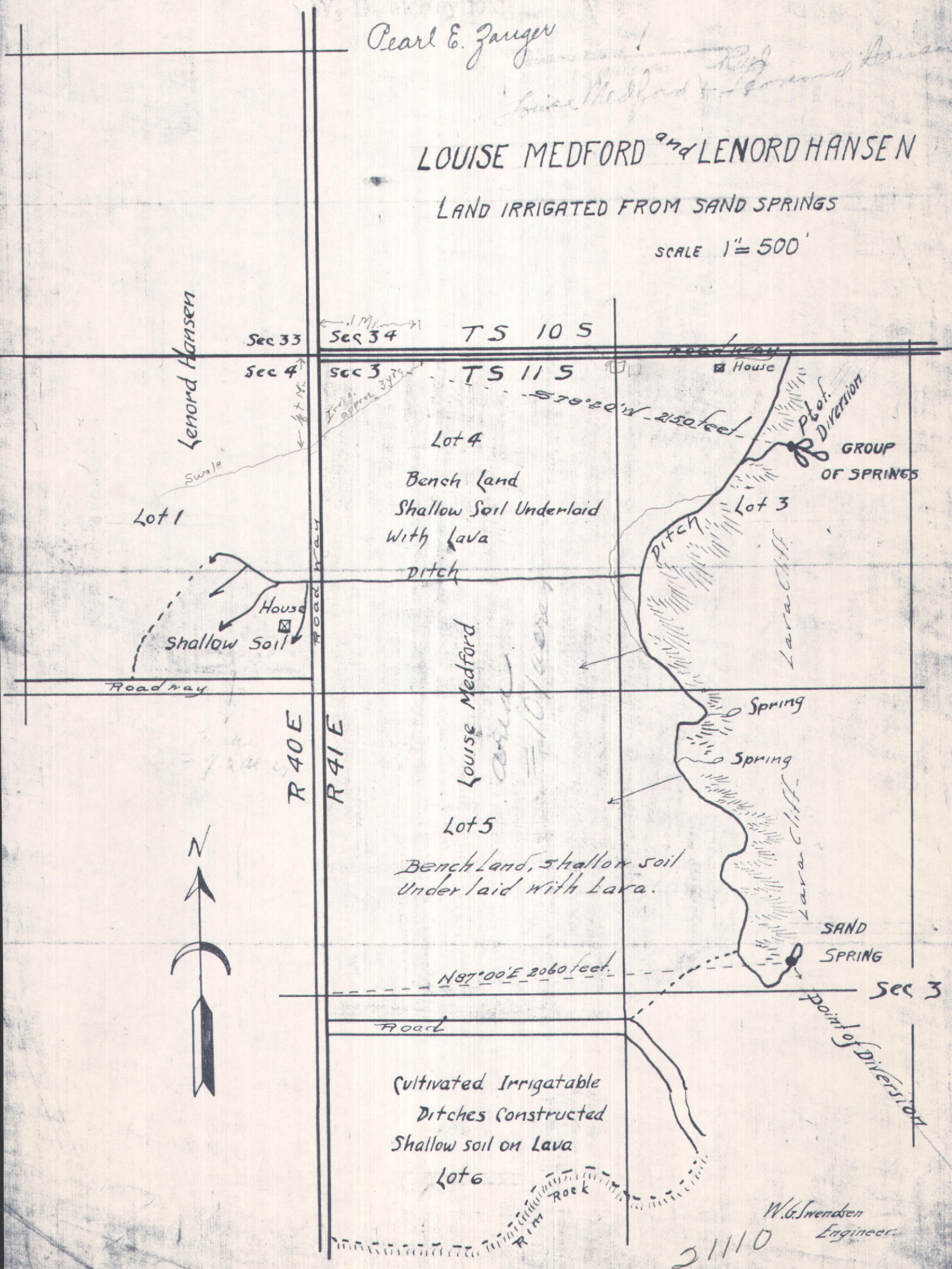
Reprinted from original
in Court Records
Mar 12-57 E.H.H.

Pearl E. Zanger

LOUISE MEDFORD and LENORD HANSEN

LAND IRRIGATED FROM SAND SPRINGS

SCALE 1" = 500'



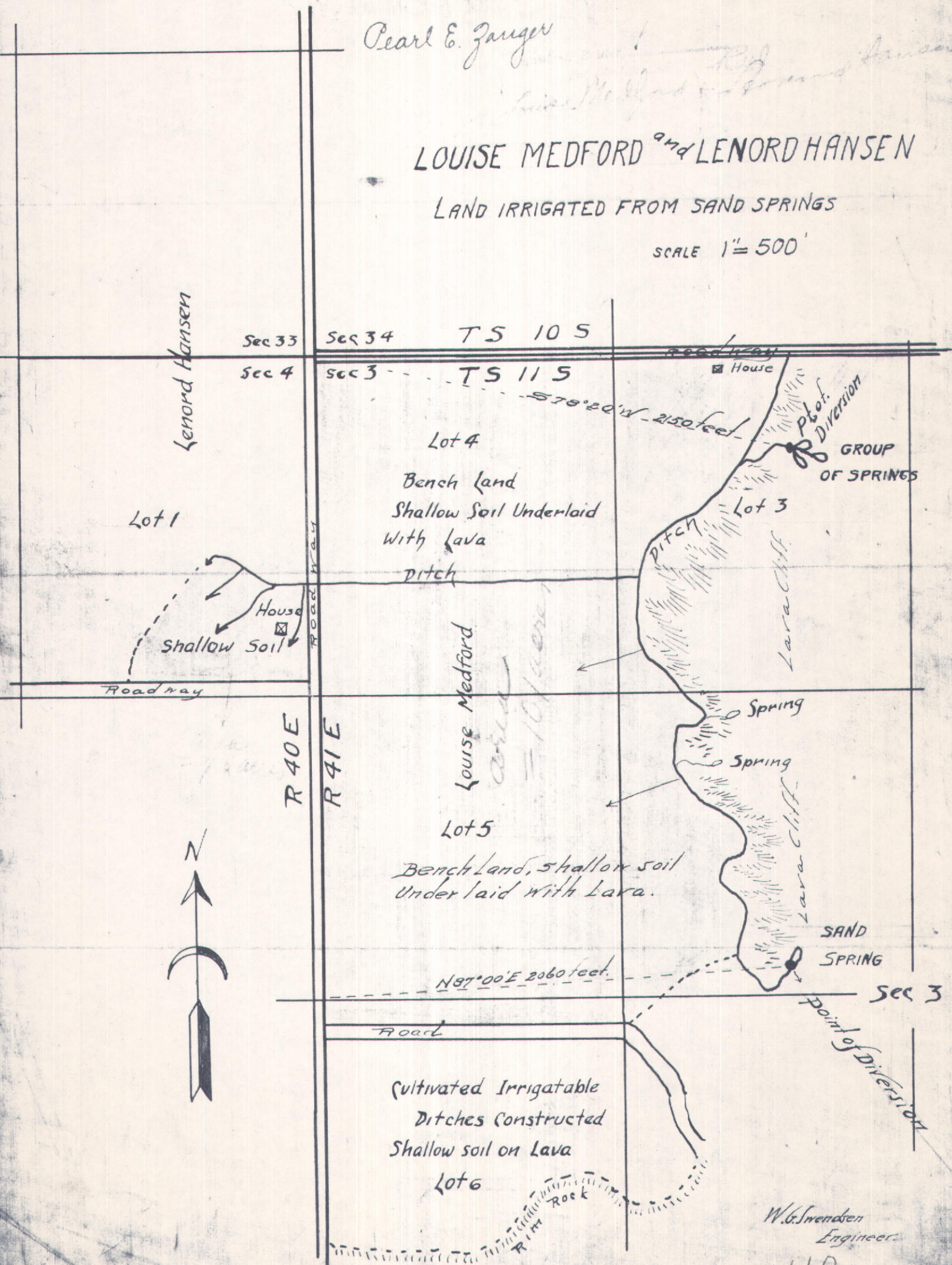
Blueprinted from original
in Court Records. Mar 12-57
E.H.H.

Pearl E. Zanger

LOUISE MEDFORD and LENORD HANSEN

LAND IRRIGATED FROM SAND SPRINGS

SCALE 1" = 500'



W.G. Swendsen
Engineer

21110

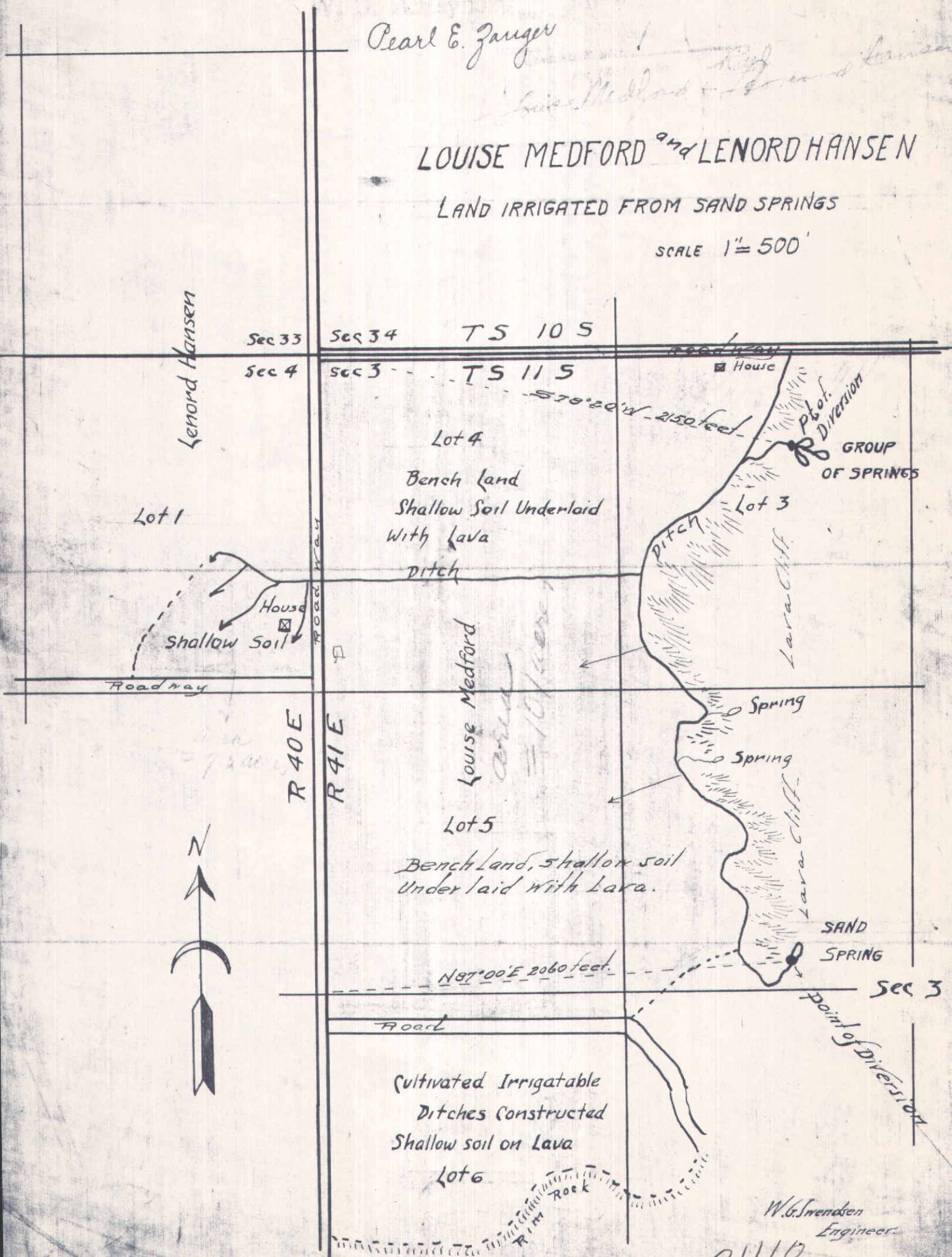
Blueprinted from
original in
Court Records
Mar 12-57
E.H.H.

Pearl E. Zanger

LOUISE MEDFORD and LENORD HANSEN

LAND IRRIGATED FROM SAND SPRINGS

SCALE 1" = 500'



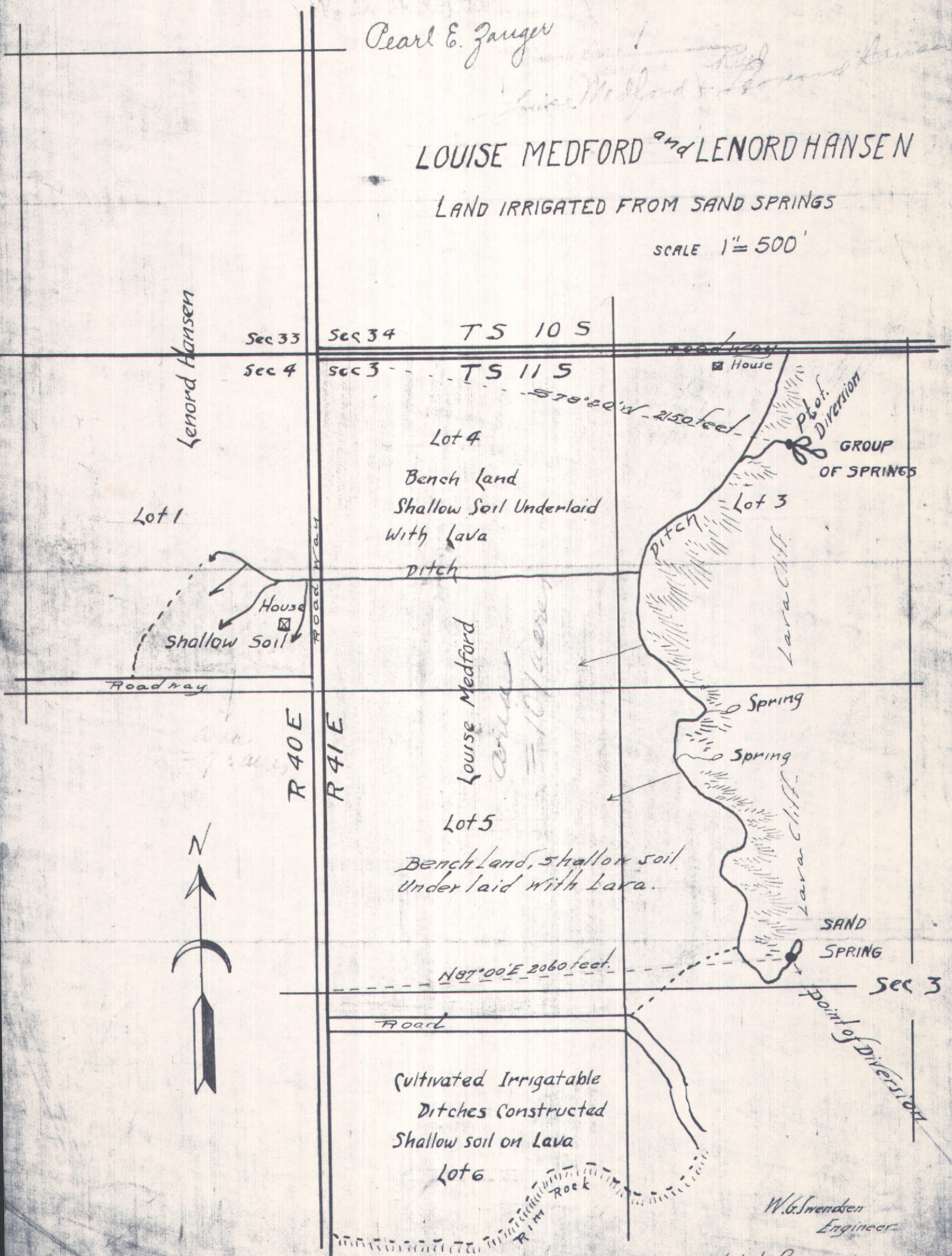
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Original in Court Records
Mar 12-51 E.T.H.

Pearl E. Zanger

LOUISE MEDFORD and LENORD HANSEN

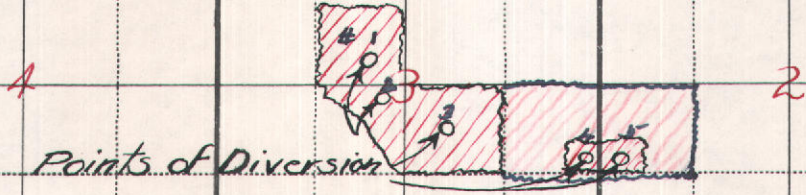
LAND IRRIGATED FROM SAND SPRINGS

SCALE 1" = 500'



21110

T. 11 S., R. 40 E.



9 10 11

Permit Map No. 21110
As Approved
JUN 22 1949
MARK R. KULP
State Reclamation Engineer

5414

State of Idaho
License and Certificate of Water Right

Water License No. 21110

Amount 1.3 second feet

Water District No.

Priority June 13, 1949

THIS IS TO CERTIFY that WESLEY A. MILES

of Grace, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 13, 1949; that Permit No. 21110 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.3 second feet, was issued thereunder on November 26, 1954, showing that said works were completed on the 1st day of June, 1954; and that on the 1st day of June, 1954,

WESLEY A. MILES

of Grace, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a group of springs, a tributary of Bear River, for the purpose of irrigation, domestic and stock water, under Use Permit No. 21110 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

9 of Licenses at page 5414, on the 26th day of November, 1954;

The right hereby confirmed dates from June 13, 1949;

The Point of Diversion are located in the SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4, NW 1/4 SE 1/4 Section 3; and in the NW 1/4 SW 1/4, Sec. 2, Tp. 11 S., R. 40 E., B. M. Caribou 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 1.3 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	40 E.	2	NW 1/4 SW 1/4	4	8
		3	SE 1/4 NW 1/4	33	10
			NE 1/4 SW 1/4	25	40
			NW 1/4 SE 1/4	8	2
			NW 1/4 SE 1/4	35	5
			Number of Acres Actually Irrigated		65

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

26th day of November, 1954.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

13-2156

APPLICATION No. 28777
PERMIT No. 21110
DISTRICT No.

1. Name of Applicant: WESLEY A. MILES

Postoffice address: Grace

County: Caribou

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:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 2.10 cubic feet per second. (See Remarks)

3. Source of water supply: Group of springs rising on ownland which is a tributary of Bear River

4. Location of point of diversion: See Remarks feet distant from the

corner of Section , T. , R. , B.M., and is in the

of Section s 2 & 3 T. 11 S. , R. 40 E., B.M., County of Caribou

5. Water is to be used for Irrigation, domestic and stock watering.

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: \$ 200.00

8. Kind of works: Ditches

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 1 feet; width at water line 3 feet; depth of water 1 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 Five (5) years.

13. The time required for the complete application of the water to the proposed use is None additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Full right from Last Chance Canal Co.

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

WESLEY O. MILES

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 1:00 P. M. June 13, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21110

Recorded in Book 76

Page 21110

Approved June 22, 1949

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

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

Work to begin on or before August 22, 1949

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 December 22, 1951

The whole of said work to be completed on or before June 22, 1954

Beneficial use of water appropriated in accordance herewith, to be made on or before June 22, 1954

WITNESS My hand this 22nd day of June, 1949

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, D. S. WHITEHEAD, Acting Governor of the State of Idaho,

and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this.....22nd

day of June, 19⁴⁹

STATE OF IDAHO

Countersigned:

(SEAL)

By _____ D. S. WHITEHEAD

Acting Governor.

By J. D. "CY" PRICE

Secretary of State.

REMARKS:		Location of springs	Quantity of water claimed
14.	Spring No. 1-	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Twp. 11 S., Range 40 E., B.M.	0.66 c.f.s.
	Spring No. 2-	NE $\frac{1}{4}$ SW $\frac{1}{4}$ " 3 " "	0.50 "
	Spring No. 3-	NW $\frac{1}{4}$ SE $\frac{1}{4}$ " 3 " "	0.70 "
	Spring No. 4-	NE $\frac{1}{4}$ SE $\frac{1}{4}$ " 3 " "	0.16 "
	Spring No. 5-	NW $\frac{1}{4}$ SW $\frac{1}{4}$ " 2 " "	0.08 "

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 $\frac{1}{4}$	
11 S.	40 E.	2 3																4 101	
							33				25				8 35				105
											Total Number of Acres to be Irrigated -								105
							Permit No. 21110												
							CERTIFICATE OF COMPLETION OF WORKS												
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that WESLEY A. MILES of Grace, County of Caribou, and State of Idaho, the holder of Permit No. 21110, issued upon Application No. 28777 bearing date of priority of June 13, 1949, authorizing the diversion of 2.10 second feet of the waters of a group of springs, tributary to Bear River County of Caribou, State of Idaho, for irrigation, domestic and stock purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.3 second feet of the waters of said springs; that the points of diversion of said waters are in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3; and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2; Township 11 South, Range 40 East B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3; NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2; All in Township 11 South, Range 40 East, B.M.																			
Witness my hand this 26th day of November, A. D. 1954.																			
MARK R. KULP State Reclamation Engineer																			
Proof of Completion of Works made June 1, 1954 Certificate of Completion of Works issued November 26, 1954.																			
LICENSE ISSUED FOR 1.3 SEC. FT. Page 5414																			

✓
December 1, 1954

RE: Permit No. 21110

Mr. Wesley A. Miles
Grace,
Idaho

Dear Mr. Miles:

We enclose Certificate of Completion of Works also Licence and Certificate of Water Right issued under Permit No. 21110 confirming your right to the use of 1.3 second feet of water from a group of springs with points of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, Township 11 South, Range 40 East B.M. with priority of June 13, 1949, for irrigation, domestic and stock watering use on the same subdivisions.

We also enclose departmental receipt No. 27065 for the \$5.00 paid in connection with Completion of Works proof and receipt No. 27064 for the \$10.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21110

October 22, 1954

RE: Permit No. 21110

Mr. Francis J. Rasmussen
Attorney at Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

This is in reply to your letter of October 13, 1954, for Mr. Wesley A. Miles.

Mr. Miles accompanied me on the inspection in regard to Permit No. 21110 and was in accord with the report which I submitted.

Regarding the domestic use of the water, there was no indication of domestic use in the area listed as place of use.

In regard to stock water, an additional quantity for such is not considered necessary since the springs flow uncontrolled in the pastures at all times of the year.

Unless it can be proved that a mistake was made in the report in the above numbered permit, there is no possibility of Mr. Miles getting additional water under this Permit.

In checking over this file I note that the Chief Clerk has over-looked the fact that the \$5.00 fee for completion of works, required by law, has never been paid and this will be necessary before both completion of works and License can be issued. This fee is in addition to any charges reported by this department to Mr. Miles in her letter of September 17, 1954.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

Hshll
cc Mr. Wesley A. Miles

21110

FRANCIS J. RASMUSSEN

Attorney at Law

Soda Springs, Idaho

October 13, 1954

RECEIVED
OCT 14 1954

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. 21110, Wesley A. Miles

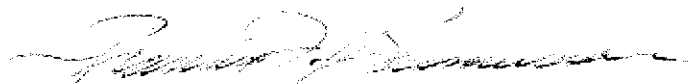
Dear Sirs:

In your letter of September 17, 1954, you state that the applicant is allowed 65 inches or 1.3 C.F.S. of water as per his beneficial use in irrigation.

Referring you to the application, you will note that said application is for the uses of irrigation and domestic. The domestic use being for the use in the applicants home and for stock watering. Therefore we feel that the applicant has a definite need and use for more water than that specified in your letter. It is the applicants opinion that he needs at least 20 inches more than you stated to compensate for the domestic use together with the 65 inches for irrigation use.

Please consider this as soon as possible and advise Mr. Miles of any extra amount he owes for filing for the extra water.

Sincerely yours,



Francis J. Rasmussen

OK for 11/3 - 11/3

21110

September 17, 1954

Re: Permit No. 21110

Mr. Wesley A. Miles
Grace
Idaho

Dear Mr. Miles:

The report of our field engineer on examination for beneficial use on Permit No. 21110 is now on file and shows that you have irrigated 65 acres in the NW¹SW² Section 2, SE¹NW¹, NE¹SW² and N¹SE¹ Section 3, Township 11 South, Range 40 East B.M. from un-named springs located in the same area.

A license can therefore be issued for 65 inches or 1.3 second feet of water from these springs upon receipt of the statutory fee of \$10.00, which is at the rate of \$2.00 for each 40 acre subdivision in which the land is located.

Very truly yours,

MARK R. KULP
STATE RECLAMATION ENGINEER
By

Chief Clerk

A:hll

21110

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21110

REPORT ON PROOF OF Beneficial Use

WESLEY A. MILES, Grace, Idaho

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1000

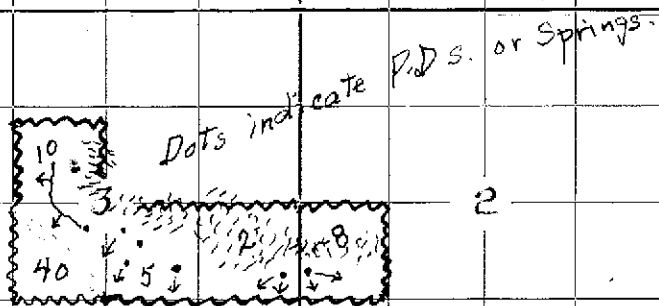
1.3 12 110 110

1.3 11 110

1.3 11 110

R-ACE.

T.
H.
S.



Subdivisions = 5

Area = 65 acres.

Q = 65 inches.

Mr Miles is not taking any water from the Spring referred to by H. Smith. There is a second spring in the same fort. He was told not to start a controversy over that spring.

He has plenty of water without it.

Form 23

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

Permit No. 21110

This proof is for Beneficial Use In Water District No.

1. Name of applicant Wesley A. Miles, Grace, Idaho
2. Source of water supply: Un-named springs (Five)
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2
T1 S. R. 40 E. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: This is entirely a gravity system. Water breaks out in springs under the lava in more places than indicated on Mr. Miles' Permit. He has opened these springs and ditched so that the water is spreading out over the hill side and especially in the bottom. To irrigated is a difficult job and Mr. Miles has made considerable progress in irrigating and reclaiming this land. He contemplates putting in a sprinkler system.

5. Water is used for: Irrigation, domestic and stock watering.

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):

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2;

SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3;

Twp. 11 S., Range 40 E., B.M.

See the map

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

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

Remarks: This is an old Indian hunting ground and in digging one of the ditches out they uncovered a dead Indian.

There is a whole series of springs breaks out under the lava. New ones break out occasionally. Much of ground is rough and steep except the one forty

This examination was made on the 2nd day of September, 19 54

(Signed) E. N. Humphrey Examiner.

21110

Wesley A. Miles
Grace, Idaho
Permit No. 21110

Examination for Beneficial Use

County Caribou

283, - 11S-40E

Q = 2.1 c.f.s.

S = Springs

P.D. = SE. NW., NE. SW., NW. SE., NE. SE., Sec. 3,
NW. SW., Sec. 2, all in T. 11S - R. 40E.

Use = Irrigation, Domestic,
and Stock

Priority = June 13, 1949
Date = June 22, 1954

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
SEP 8 1954
Department of Reclamation

August 30, 1954

RE: Permit No. 21110

Mr. Wesley A. Miles
Grace
Idaho

Dear Mr. Miles:

I intend to make inspection in connection with your permit No. 21110, as required by law, on Thursday, September 2.

Please be prepared to accompany me on the inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:br

21110

June 15, 1954

RE: Permit No. 21110

Mr. Francis J. Rasmussen
Attorney at Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

We acknowledge receipt of your letter of June 14 enclosing depositions of Wesley A. Miles and two witnesses also affidavit of publication in the Caribou County Sun, all submitted in proof of beneficial use on Permit No. 21110 in the name of Wesley A. Miles. We also have on file the protest of Mr. David E. Smith in connection with one of the springs described in Permit No. 21110.

As previously advised, the entire matter will be investigated by this department before final action is taken. We cannot state at this time just when the field examination will be made but our field engineer will try and contact Mr. Miles as well as Mr. Smith at the time set for such examination.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

cc Mr. Wesley A. Miles

21110

FRANCIS J. RASMUSSEN

Attorney at Law

Soda Springs, Idaho

June 14, 1954

RECEIVED
JUN 15 1954
Department of Reclamation

State of Idaho
Department of Reclamation
Bosie, Idaho

Re: Permit No. 21110

Dear Sirs:

Please find enclosed the necessary affidavits
for the above permit.

In reference to the protest and previous
agreement heretofore mentioned. The engineer
advocating same was either Mr. Humphreys or Mr.
Pugmire.

Sincerely yours,


Francis J. Rasmussen

FJR:gw

21110

Affidavit of Publication

County of Caribou,

State of Idaho

Charlotte Wilcox

being first duly sworn

on her oath, states:

That she is principal clerk of the Soda Springs Sun, a newspaper of general circulation printed and published in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and

not in any supplement thereof for four successive weekly issues thereof, the date of the first publication being the

29th day of April, 1954,

the date of the last publication being the 20th

day of May, 1954.

Subscribed and sworn to before me this 1st

day of June, 1954.

(SEAL)

Notary Public, residing at Soda Springs, Idaho.
My Commission expires the 1st
day of July, 1956.

COST. _____ lines at _____ cents a line for the first

insertion and _____ cents a line for each of _____

subsequent insertions, total \$ _____

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 1st day of June, 1954, at Soda Springs, County of Caribou, State of Idaho, before F. J. Rasmussen, Notary Public, proof will be submitted of the application to beneficial use of 2.10 cubic feet per second of the waters of unnamed springs in accordance with the terms and conditions of Permit No. 21110 heretofore issued by the Bureau of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Wesley A. Miles, Grace, Idaho.

The use to which said water has been applied is Irrigation, Domestic and Stock Watering.

The amount applied to beneficial use is 2.10 c. f. s.

The place where said water is used Sec. 2, Twp. 11 S. 40 E. B. M. NW 1/4 SW 1/4 Sec. 3 Twp. 11 S. 40 E. B. M. SE 1/4 NW 1/4 NE 1/4 SW 1/4, NE 1/4 SE 1/4, NW 1/4 SE 1/4. Totalling some 120 acres.

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

The right to take water from such works is based upon Permit No. 21110.

The source of supply from which such water is diverted is Unnamed Springs.

The date of priority which said user is prepared to establish is June 13, 1949.

MARK R. KULP
State Reclamation Engineer
Published in the Caribou County Sun, April 29, May 6, 13, 20, 1954. 21110

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. _____

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Dee Miles Farmer, Grace, Idaho

Ques. 2. Are you acquainted with Wesley A. Miles, the holder of Permit No. 21110? How long have you known him and where does he reside?

Ans. I have known Wesley Miles for 30 years, he resides at Grace, Idaho

Ques. 3. Have you read or heard read said Permit No. 21110, and are you familiar with its provisions and conditions?

Ans. Yes I have read it.

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. See bottom or reverse side.

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. 4 feet

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

Ans. Used for Irrigation, Domestic and stock watering. Plan of Use:

SE¹/₄ NW¹/₄; NE¹/₄ SW¹/₄; NE¹/₄ SE¹/₄; NW¹/₄ SE¹/₄ in Sect 3, T11S, R10E2m; and NW¹/₄ SW¹/₄ Sect w, T11S, R10E2m
Land is used for pasture land - Grasses have been planted for Pasture.

21110

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

Ans. No

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. Pasture Land - 3 c.f.s. necessary for proper irrigation.

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

Ans. None.

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

Ans. I saw said application to beneficial use of all water of the springs, being less than 2.10 c.f.s. on May 29, 1954

(Signed) H. Miles

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 Soda Springs, Idaho, County of Carleton, State of Idaho, on this 1st day of June, A. D. 19 54.

J. J. Bauman
Notary Public.

My commission expires 4-10-57

No. 4

Quantity of water claimed:

Spring No. 1, .56 c.f.s.

Spring No. 2, .50 c.f.s.

Spring No. 3, .70 c.f.s.

Spring No. 4, .16 c.f.s.

Spring No. 5, .10 c.f.s.

Location of Springs are as follows:

Spring No. 1, in SE¹/₄ NW¹/₄ Section, 3, Twp 11S R. 10E

Spring No. 2, in NE¹/₄ SW¹/₄ Section, " " "

Spring No. 3, in NW¹/₄ SE¹/₄ Section 3, " " "

Spring No. 4, in NE¹/₄ SE¹/₄ Section 3, Twp 11S R. 10E

Spring No. 5, in NW¹/₄ SW¹/₄ Section 2, " " "

21110

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. _____

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Wesley A. Miles, Grace, Idaho 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. No

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

Ans. 21110 June 22, 1949

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

Ans. See attached sheet. See bottom of reverse side.

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.

Ans. Earthen ditch. Ditch can convey 4 cubic feet per second.

Miles ditch

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. Used for Irrigation, Domestic and stock watering. Plan of use.

SE¹₄, NW¹₄, NE¹₄, SW¹₄; NE¹₄; SE¹₄; NW¹₄ SE¹₄ in Sect. 3, T11 S, R40E E1; and NW¹₄ SW¹₄ Sect 2,
T11S, R40E, E1. Land is used for pasture land. Grasses have been planted for
pasture.

21110

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

Ans. No.

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

Ans. 2.10 c.f.s.

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. For irrigation of the land for pasture and stock watering as they pasture. Has been working on works and using water since permit was granted.

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

Ans. None.

(Sign)

Wesley Miles

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 Shoshone County of Caribou, State of Idaho, on this 1st day of June,

A. D. 1954,

My commission expires

4-10-57

J. J. Rasmussen
Notary Public

No. 4

Quantity of water claimed,

Spring No. 1, .66 c.f.s.

Spring No. 2, .50 c.f.s.

Spring No. 3, .70 c.f.s.

Spring No. 4, .16 c.f.s.

Spring No. 5, .08 c.f.s.

Location of Springs are as follows.

Spring No. 1, in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section, 3, Twp. 11S R40E.

Spring No. 2, in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, Twp 11S R40E.

Spring No. 3, in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, " " "

Spring No. 4, in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, " " "

Spring No. 5, in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, " " "

21110

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. _____

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Lloyd Burton, Farmer, Grace, Idaho

Ques. 2. Are you acquainted with Wesley A. Miles --, the holder of Permit No. 21110? How long have you known him and where does he reside?

Ans. I have known Wesley A. Miles 40 years. He resides at Grace, Idaho

Ques. 3. Have you read or heard read said Permit No. 21110, and are you familiar with its provisions and conditions?

Ans. Yes I have read it.

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. See bottom of reverse side.

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. 4 feet

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

Ans. Used for Irrigation, Domestic and stock watering. Plan of Use:
SE $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$ in Sect 3, T11S, R40E 1M; and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sect 2,
T11S, R40E 1M. Land is used for pasture land-- Grasses have been planted
for pasture.

21110

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

Ans. No

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. Pasture Land. 3 c.f.s. necessary for proper irrigation

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

Ans. None.

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

Ans. I saw said application to beneficial use of all water of the Springs, being less than 2.10 c.f.s. on May 29, 1954

(Signed)

Lloyd Burton

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 Soda Springs

County of Carbon, State of Idaho, on this 1st day of June, A. D. 1954.

P. J. [Signature]

Notary Public.

My commission expires 4-10-57

No. 4.

Quantity of water claimed:

Spring No. 1, .66 c.f.s.
Spring No. 2, .50 c.f.s.
Spring No. 3, .70 c.f.s.
Spring No. 4, .16 c.f.s.
Spring No. 5, .08 c.f.s.

Location of Springs are as follows:

Spring No. 1, in SE 1/4 Section, 3, Twp 11S R14E
Spring No. 2, in NE 1/4 Section, 3, " " " "
Spring No. 3, in NW 1/4 Section, 3, " " " "
Spring No. 4, in NE 1/4 Section, 3, " " " "
Spring No. 5, in NW 1/4 Section, 2, " " " "

21110

June 4, 1954

RE: Permit No. 21110

Mr. Francis J. Rasmussen
Attorney at Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

In reply to your letter of June 2 in regard to the above numbered permit in the name of Wesley A. Miles.

We have no record of any agreement between Mr. Miles and David Smith, but we do have Mr. Smith's protest in connection with Mr. Miles appropriation of water from the springs, to which we have replied that a complete investigation would be made before final action is taken.

Meanwhile, the affidavits of Mr. Miles and two witnesses in proof of beneficial use should be transmitted promptly to this office together with affidavit of publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

21110

FRANCIS J. RASMUSSEN

Attorney at Law

Soda Springs, Idaho

June 2, 1954

RECEIVED
JUN 3 1954
Department of Reclamation

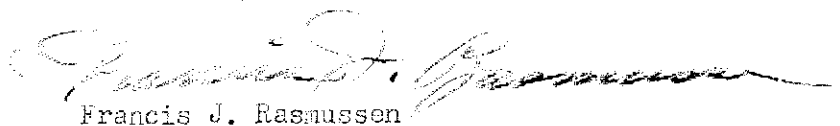
Department of Reclamation
State House
Bosie, Idaho

Dear Sirs:

I am writing you with reference to permit No. 21110, issued to Wesley A. Miles, to detect if said permit was ever amended by an agreement between said Wesley A. Miles and David Smith.

Mr. Miles has made an affidavit of application to beneficial use, and has furnished supporting affidavit. However, Mr. Smith has protested this.

Sincerely yours,


Francis J. Rasmussen

21110

May 20, 1954

RE: Permit No 21110

Mr. David E. Smith
Grace
Idaho

Dear Mr. Smith:

We have your letter of May 19 in regard to proof to be made on Permit No. 21110 in the name of Wesley A. Miles for water from un-named springs which you think may possibly include the spring described in your Permit No. 21131.

Until a field inspection is made by an engineer from this department there is no way of determining whether these two permits include the same spring.

However, in order to have a record of your claim in the event that it is the same spring, you should make a formal protest as provided by statute stating clearly your claim and signing same before a Notary Public. This protest should be filed in this department prior to June 1, the date set for making proofs on Permit No. 21110.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:hl1

21110

Grace Ida. 5-19-54

Mr Mark R Keep

Dear Sir On May 11-54

I called at your office to
see about the water Permit
no 21130 Mr Wesley A Melles
Grace Ida is filing on.

According to our Permit
no 21131 the unnamed
spring is the same as

our filings. He is filing
on several springs
that is R. just as

he best include one
spring. We talked to
Mr Thompson and
he said he would ^{on 11/10}
take the matter up
with you, when you got

got back to Boise

This is the last week
for Publication in
the Caribou County
Sun so I think we
had better check with
you again.

Hoping all is OK
and that you will
take care of this
matter for me. Yours
David E. Smith
Graceland,

RECEIVED
MAY 20 1954

Department of Reclamation

21110

#21110

DATE May 8, 1954

FROM Thompson,

TO Humphrey,

SUBJECT

Mr. and Mrs. David E. Smith from Grace Idaho, made a trip into Boise just to check up on water permit No. 21110 in the name of Wesley A. Miles, as it looked to them like (taken from the publication) that he was prooving up on water from the same spring as Smith had a license on, with an earlier priority. In checking over Smith licence I find that said filing is on spring decreed by Bear River decree. By your notes I also assume that you have talked to Miles, and he has stated to you that he would release all claim to the Smith spring, Smith wants to be shure that Miles does not take any water from his spring , and if there was any chance that he could, he wishes to protest Miles proof of beneficial proof prior to June 1, the date of Hearing Pearsonly I do not see the reason for the Smith filing , since the water of said spring is covered by decree.

SIGNATURE

21110

✓
April 26, 1954

RE: Permit No. 21110

Mr. Wesley A. Miles
Grace
Idaho

Dear Mr. Miles:

We have sent to the Caribou County Sun notice of beneficial use proof to be made on your Permit No. 21110 June 1, 1954, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Encs.

21110

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permit No. 21110

Date: April 26, 1954

Caribou County Sun

Soda Springs, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to June 1, 1954 the date set for proof, the expense of the publication to be paid by the applicant, Wesley A. Miles of Grace 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

21110

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

Notice is hereby given that at 10:00 A. M. on the 1st day of June, 1954,
at Soda Springs, County of Caribou, State of Idaho, before
F. J. Rasmussen, Notary Public, proof will be submitted of the
application to beneficial use of 2.10 cubic feet per second of the waters of unnamed springs
in accordance with the terms and conditions of Permit No. 21110
heretofore issued by the Bureau of Reclamation of the State of Idaho.

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

A. Miles Grace, Idaho

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

The amount applied to beneficial use is 2.10 c.f.s.

The place where said water is used (If for irrigation, give full and accurate description of the lands irrigated.)
~~Information given above is not a description of the land to be irrigated~~
Sec. 2, Twp 11S. 40E.B.M. NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3 Twp. 11 S. 40 E.B.M. SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Totalling some 120 acres.

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

The right to take water from such works is based upon Permit No. 21110

The source of supply from which such water is diverted is Unnamed Springs

The date of priority which said user is prepared to establish is 1940 June 13, 1949

MARK R. KULP

State Reclamation Engineer.

21110

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 22, 1954

(P. O.) Grace, 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
formerly
Caribou County Sun (Soda Springs Sun) of Soda Springs, Idaho published in
the county in which the works are situated.

Wesley A. Miles

(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.

21110

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Mr. Wesley A. Miles

BOISE

April 1, 1954

Grace, Idaho

Dear Sir:

Under the terms of your permit No. 21110 you are required to complete your diversion works and make proof of beneficial use on or before June 22, 1954.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is June 22, 1954, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

21110

January 2, 1955

RE: Permit No. 21110

Mr. Wesley Miles
Grace
Idaho

Dear Mr. Miles:

You do have Permit No. 21110 covering the waters mentioned in your recent letter. I checked it on my return to the office and should have written you, although I thought that you understood,

However, no harm has been done to you. The permit allows you until June of 1954 in which to make proofs of completion of works and beneficial use. This office would have notified you at that time. These are the last two steps necessary to bring your permit to license (which is what you want).

Now if you have your ground all irrigated, and are using the water to the full amount you intend and want to bring it to license at this time, just drop this office a letter saying that you are ready to make both proofs mentioned above and the necessary papers will be sent you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

21110

Grace 2 dals

Mr. E. N. Humphrey, State Deputy Sec. Gen.
I am writing to you in regards to promise
made to me by you to decree the water I have
used for the last 15 years in my pasture.
I hope to hear from you in regards to
this matter I remain

Mr. Weeluf writes
Grace 2 dals.

21110

Priority = Jan 13-1949

Q = 2-10 cfs.

Proof of compl = Jan 22-54

B. N. Proof = " " "

Area = 113 40 E S. 2 NW SW = 4 a.

SS SE NW = 33 a

NE SW = 25 a

NE SE = 8 a

NW SE = 35 a

Total 105 a

RECEIVED
JAN 2 1953
Department of Reclamation

P.D. = Springs in Sec 3
and Sec 2

21110

Sand Spring is out by decree. (See the file)

OFFICE OF
Clerk of United States District Court
District of Idaho
Boise, Idaho
March 12, 1951

Received of Ed. M. Bryan, Clerk of the U. S. District Court,
on oral order of Judge Clark, the following: Defendants'
Exhibit No. 1, filed July 26, 1919, marked "Land Irrigated
from Sand Springs", a map or tracing of certain land; and
Cross Complaint of Claimants on Sand Springs (Sometimes
known as Pats Hollow), both in the case of Utah Power &
Light Co. vs. The Lash Chance Canal Co., Ltd.

E. M. Humphrey
Deputy State Recl. Engr.

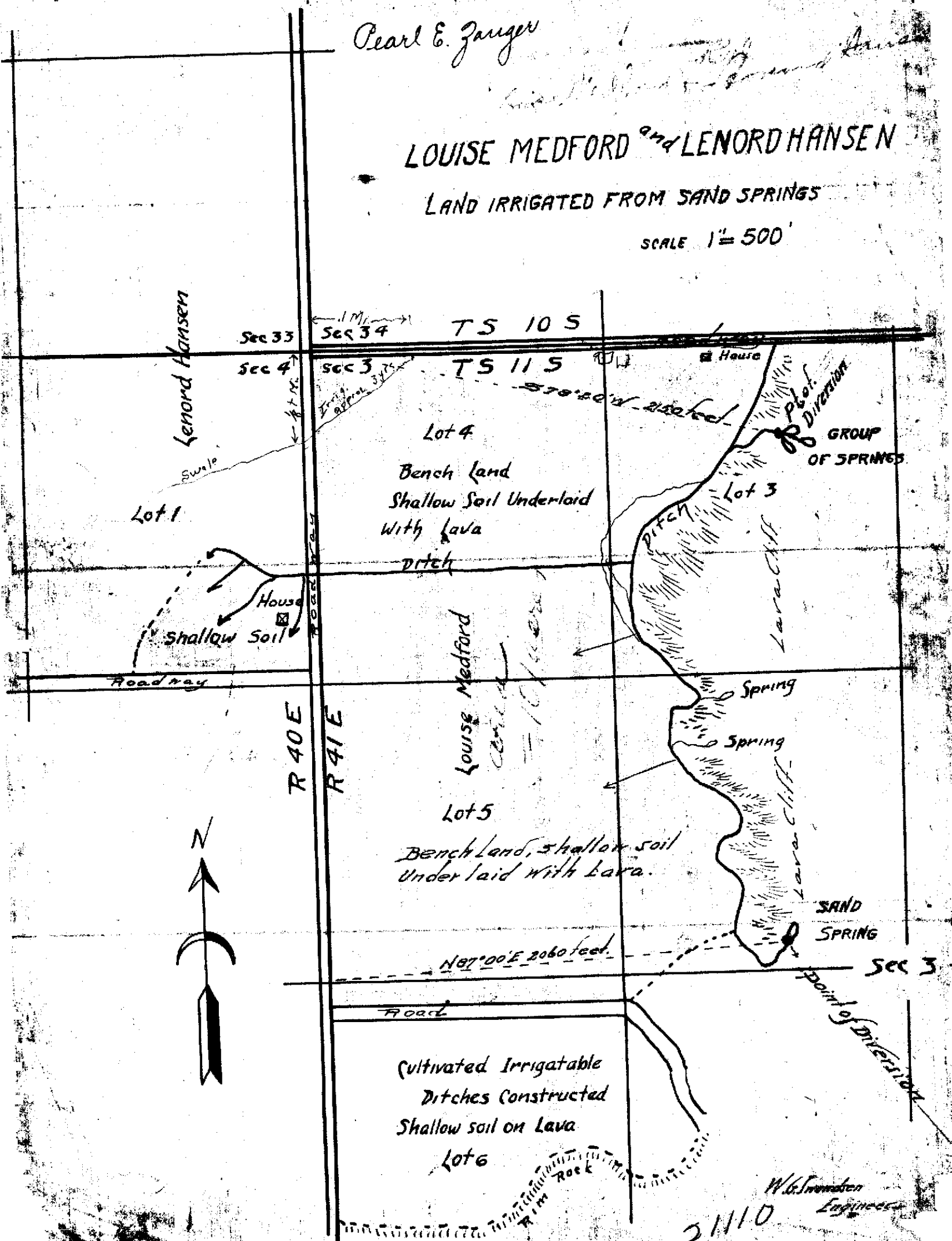
21116

Mar 12 - 57 E. J. K.

Wm. H. Wood & Son and J. H. Wood

LAND IRRIGATED FROM SAND SPRINGS

SCALE 1" = 500'



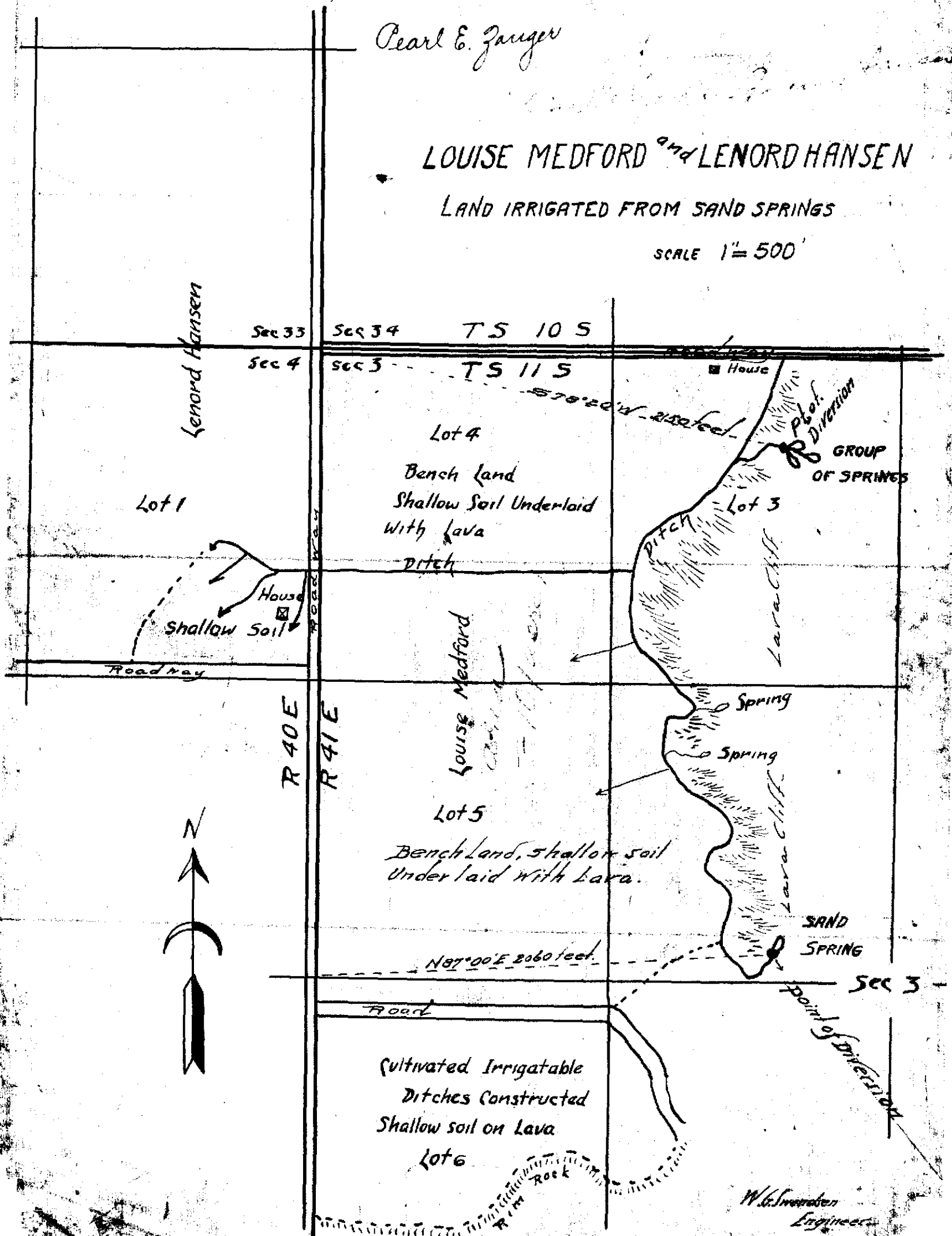
Blueprinted from original
in Court Records - Mar 12-57
E.H.H.

Pearl E. Janger

LOUISE MEDFORD and LENORD HANSEN

LAND IRRIGATED FROM SAND SPRINGS

SCALE 1" = 500'



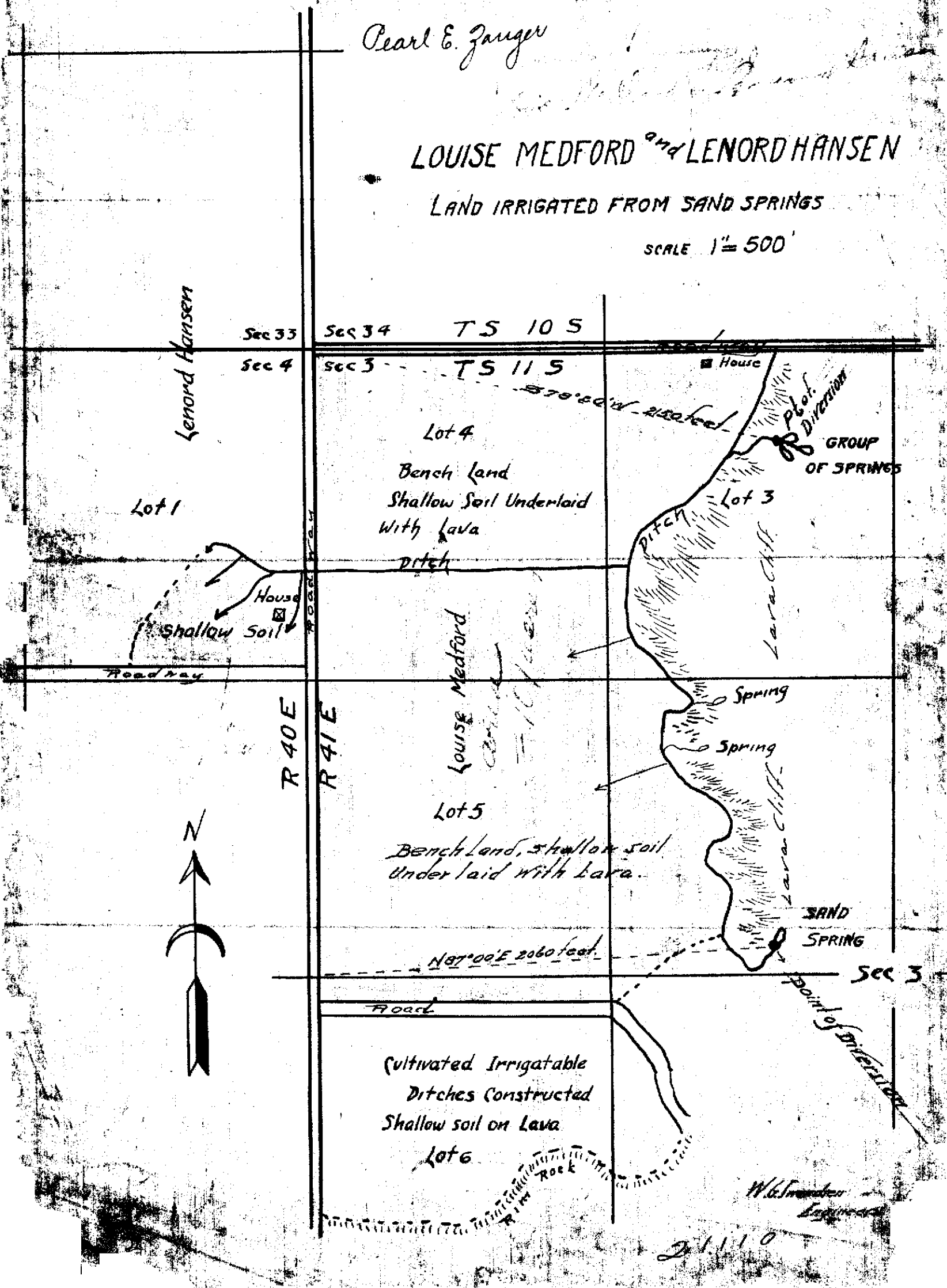
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original in ~~Curt Post~~
Mar 12-51 E.T.H.

Pearl E. Zanger

LOUISE MEDFORD and LENORD HANSEN

LAND IRRIGATED FROM SAND SPRINGS

SCALE 1" = 500'



*Copied from original
in Court Records on
Mar 12-37
E. H. H.*

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF IDAHO, EASTERN DIVISION.

UTAH POWER & LIGHT COMPANY,
a corporation,

Plaintiff.

vs.

THE LAST CHANCE CANAL
COMPANY, LIMITED, a cor-
poration, et al.

Defendants.

CROSS COMPLAINT OF
CLAIMANTS ON SAND
SPRINGS (SOMETIMES
KNOWN AS PATS HOLLOW)

COME NOW LEONARD HANSEN AND LOUISE MEDFORD and by way
of cross-complaint herein alleges:

I.

Adopt and incorporate as a part of their said answer
and cross complaint the terms, provisions and conditions of that
certain stipulation made and entered into by and between the
solicitors for the various defendants and solicitors for the
plaintiff herein, which said stipulation is on file herein.

II.

That said defendants and cross complainants are the
owners, respectively, in the possession and entitled to the
possession of the following described real property, situate in
Bennecko County, Idaho, to-wit:

LEONARD HANSEN.

Lot one (1) Section four
Township eleven South,
Range forty East, B. B.
& M. and the Southeast
quarter of the Southeast
quarter Section thirty-
three, Township eleven
South, Range forty East,
B. B. & M.

21110

LOUISE MEDFORD

Lots Three, Four, Five
and Six in the Southeast
quarter of the Northwest
quarter and the Northeast
quarter of the Southwest
quarter of Section three,
Township Eleven South,
Range forty East, B. B. & M.

III.

That said defendant LEONARD HANSEN together with said
defendant LOUISE MEDFORD is the owner of the following appropri-
ations and of all rights acquired thereunder.

(a) That certain appropriation made on the 22nd day of May
1884 by the predecessors in interest of this cross complainant
and said Louise Medford, viz. Patrick McHarava for sixty (60)
inches per second of time of the waters of said Sand Springs,
(Sometimes known as Pats Hollow) a tributary of Bear River, with
point of diversion from said creek at a point near the head of
such springs and North eighty-seven (87) degrees 0 minutes East,
2060 feet from the quarter section corner on the east boundary
of Section four (4) Township eleven (11) South, Range forty (40)
East, B. B. & M.

Said appropriation was made by posting on said 22nd day of
May 1884 a notice in writing in a conspicuous place at the point
of diversion in said notice described; and said notice stated
among other things that said appropriator claimed for irrigation
purposes said amount of water in said notice set out to be used
for such purposes upon said lands heretofore described and other
contiguous lands and said notice further set out such other facts
as were required to be stated by the laws of the State of Idaho
then in force and effect for notices of appropriation. Within
a period of ten (10) days after the posting of said notice, same

was filed for record in the office of the County Recorder of what is now Bannock County, State of Idaho being the county in which were and are situated the points of diversion in said notice. Within sixty (60) days after the posting of said notice the predecessors in interest of the defendant herein as described in said notice of appropriation, commenced the excavation and construction of works thereunder by which they intended to divert the water so appropriated which work of construction was and ever since has been prosecuted diligently and uninterruptedly, except when temporarily interrupted by snow, rain or cold weather.

IV.

Said defendants directly and through their predecessors in interest on or about the year 1884 constructed a ditch known as the Medford-Hansen Ditch having point of diversion at the head of such springs, a tributary of Bear River in the Southeast quarter of the Northwest quarter of Section three (3) Township eleven (11) South, Range forty (40) East, B. B. & M., and conducted through said ditch eight hundred (800) inches of water to and upon the land hereinbefore described which said water thus conducted has been employed and used ever since said time and is now being used upon said land for irrigation, domestic and culinary purposes.

V.

That said water so appropriated, within the time allowed by the laws of the State of Idaho for putting such water to beneficial use was applied to beneficial uses, to-wit: irrigation, domestic and culinary and other uses during each irrigation season on said lands hereinbefore described or such part thereof as the said quantity of water sufficed to irrigate and such water and whole

Thereof is necessary for the successful cultivation and irrigation of the lands above described and other lands entitled to and susceptible of irrigation from said system of works.

WHEREFORE, The said defendants and cross-complainants pray:

(1) That the plaintiff be granted to relief under its amended bill of complaint which impairs, conflicts with or prejudices the right of said defendants and cross-complainants to the waters so claimed by them.

(2) That it be decreed that these defendants and cross-complainants are the owners and are entitled to the use of said waters so claimed by them and that their right in and to the use of said waters be established and quieted as against the claims of the plaintiff and all persons claiming by, through or under it and against all other persons whomsoever who are parties to this suit; and that the said plaintiff and all such other parties be enjoined and restrained from asserting any right in or to said waters in any manner adverse to these cross-complainants.

(3) That said defendants and cross-complaints have such other relief in the premises as shall seem to be in accordance with equity and that they recover their costs herein.

J. H. PETERSON and H. A. BAKER

Attorneys for said defendants
and cross-complainants.

21110

Copied from original in
Court Records Mar 12-51
E. H. H.

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF IDAHO, EASTERN DIVISION.

-----o-----
UTAH POWER & LIGHT COMPANY, :
a corporation, :

Plaintiff. :

vs. :

THE LAST CHANCE CANAL :
COMPANY, LIMITED, a cor- :
poration, et al. :

CROSS COMPLAINT OF
CLAIMANTS ON SAND
SPRINGS (SOMETIMES
KNOWN AS PAT'S HOLLOW)

Defendants.
-----o-----

COME NOW LEONARD HANSEN AND LOUISE MEYER and by way
of cross-complaint herein alleges:

I.

Adopt and incorporate as a part of their said answer
and cross complaint the terms, provisions and conditions of that
certain stipulation made and entered into by and between the
solicitors for the various defendants and solicitors for the
plaintiff herein, which said stipulation is on file herein.

II.

That said defendants and cross complainants are the
owners, respectively, in the possession and entitled to the
possession of the following described real property, situate in
Bannock County, Idaho, to-wit:

LEONARD HANSEN.

Lot one (1) Section four
Township eleven South,
Range forty East, B. B.
& M. and the Southeast
quarter of the Southeast
quarter Section thirty-
three, Township eleven
South, Range forty East,
B. B. & M.

21110

LOUISE MEDFORD

Lots Three, Four, Five
and Six in the Southeast
quarter of the Northwest
quarter and the Northeast
quarter of the Southwest
quarter of Section three,
Township Eleven South,
Range forty East, B. B. & M.

III.

That said defendant LEONARD HANSEN together with said
defendant LOUISE MEDFORD is the owner of the following appropri-
tions and of all rights acquired thereunder.

(a) That certain appropriation made on the 22nd day of May
1884 by the predecessors in interest of this cross complainant
and said Louise Medford, viz. Patrick McNarava for sixty (60)
inches per second of time of the waters of said Sand Springs,

(Sometimes known as Pata Hollow) a tributary of Bear River, with
point of diversion from said creek at a point near the head of
such springs and North eighty-seven (87) degrees 0 minutes East,
2060 feet from the quarter section corner on the east boundary
of Section four (4) Township eleven (11) South, Range forty (40)
East, B. B. & M.

Said appropriation was made by posting on said 22nd day of
May 1884 a notice in writing in a conspicuous place at the point
of diversion in said notice described; and said notice stated
among other things that said appropriator claimed for irrigation
purposes said amount of water in said notice set out to be used
for such purposes upon said lands heretofore described and other
contiguous lands and said notice further set out such other facts
as were required to be stated by the laws of the State of Idaho
then in force and effect for notices of appropriation. Within
a period of ten (10) days after the posting of said notice, same

was filed for record in the office of the County Recorder of what is now Bannock County, State of Idaho being the county in which were and are situated the points of diversion in said notice. Within sixty (60) days after the posting of said notice the predecessors in interest of the defendant herein as described in said notice of appropriation, commenced the excavation and construction of works thereunder by which they intended to divert the water so appropriated which work of construction was and ever since has been prosecuted diligently and uninterruptedly, except when temporarily interrupted by snow, rain or cold weather.

IV.

Said defendants directly and through their predecessors in interest on or about the year 1884 constructed a ditch known as the Medford-Hansen Ditch having point of diversion at the head of such springs, a tributary of Bear River in the Southeast quarter of the Northwest quarter of Section three (3) Township eleven (11) South, Range forty (40) East, B. B. & M., and conducted through said ditch eight hundred (800) inches of water to and upon the land hereinbefore described which said water thus conducted has been employed and used ever since said time and is now being used upon said land for irrigation, domestic and culinary purposes.

V.

That said water so appropriated, within the time allowed by the laws of the State of Idaho for putting such water to beneficial use was applied to beneficial uses, to-wit: irrigation, domestic and culinary and other uses during each irrigation season on said lands hereinbefore described or such part thereof as the said quantity of water sufficed to irrigate and such water and whole

Thereof is necessary for the successful cultivation and irrigation of the lands above described and other lands entitled to and susceptible of irrigation from said system of works.

WHEREFORE, The said defendants and cross-complainants pray:

(1) That the plaintiff be granted to relief under its amended bill of complaint which impairs, conflicts with or prejudices the right of said defendants and cross-complainants to the waters so claimed by them.

(2) That it be decreed that these defendants and cross-complainants are the owners and are entitled to the use of said waters so claimed by them and that their right in and to the use of said waters be established and quieted as against the claims of the plaintiff and all persons claiming by, through or under it and against all other persons whomsoever who are parties to this suit; and that the said plaintiff and all such other parties be enjoined and restrained from asserting any right in or to said waters in any manner adverse to these cross-complainants.

(3) That said defendants and cross-complaints have such other relief in the premises as shall seem to be in accordance with equity and that they recover their costs herein.

J. H. PETERSON and H. A. BAKER

Attorneys for said defendants
and cross-complainants.

21110

Grace, Idaho

Mar 1, 1951

State Reclamation
Attention

Mark P. Harp

In connection with my
Permit No 21110 I wish to with-
draw my filing on spring area & back
Yours Truly

Wesley Miles

21110

Shreve, Idaho

Jan 12 - 1951

Mr. E. M. Humphrey

Dear Mr. Humphrey

In answer to your letter of Jan. 11.
1951.

I am sure an inspection can be
made if done with in the next few
days, The weather has been fine
most all. The roads are open through the
Valley.

If you could drop me a notice when
you were coming I would be home

Hoping to see you soon

I remain

Wesley Miles

RECEIVED
JAN 15 1951
Department of Reclamation

21110

P.S. my ranch is 5 miles
west of Shreve and 1 1/4
miles west of center of
station. Shreve is
30 or 40 miles from
Shreve.

January 11, 1951

Re: Permit No. 21110

Mr. Wesley Miles
Grace, Idaho

Dear Mr. Miles:

Answering your letter of January 7, 1951,
I wish to advise that I will be in your region on
an inspection trip before too long, and will call
on you at that time.

Do the roads remain open so that one can
make inspection there during the winter?

If I get there while snow is on the ground,
can a satisfactory inspection be made?

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

21110

January 11, 1951

Re: Permit No. 21110

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Grace, Idaho

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Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

21110

Grace Clark

Jan. 7 - 1951

Mr. Mark A. Kulp.

State Reclamation Engineer

Dear Sir.

I am writing to you in
regards to application no. 28777 or

Permit no. 21110.

To inform you that the
water in the group of springs
that I was given permission to
use has been diverted from
old channel in ditch and
now have about 40 acres under
irrigation

This project isn't complete yet but
was going to get an A.C.P. Payment
for construction of these new
head ditches, so have had the
inspector for the O.C.P. give me
a receipt for what he saw, and am
sending it to you.
if additional information is wanted

21110

RECEIVED
JAN 10 1951
Department of Reclamation

The A.C.P. office at Soda Spring
has a map to show points of
diversion, length of Ditch also
Beneficial use of water to the
ground for pasture

Mr. David Smith and myself.
have had trouble in who has
first right to the water in
spring no 1 of my permit, I filed
first then gave him permission to
file on spring no 1.

Early in the season this spring is
small but by July 1 about 4 second ft
emerges. can one man hold this much
water above his filing or is the amount
to be divided in a ratio so the amount
he has filed on.

hoping you can furnish me with
this information if remain,

Yours truly
Alley on the

No. 2 10 - Miles -

Spring -

H1 - SSWW Sec. 3 - 115-40E 0.666666

6-13-49

No. 2 1131 - David & Smith 2.2.015.

Adm.

SSW Sec. 3 -

Permanence from Miles

6-23-49

2/1/0

UNITED STATES DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

Soda Springs, Idaho

January 5, 1951

To Whom it may Concern:

In checking ACP Compliance on Wesley Miles's Farm we find that he has developed the springs on his range land and has constructed ditches so that he is irrigating approximately forty (40) acres of Range Land.

This inspection was made in December 1950.

Respectfully yours,

Albert Bjorkman

*This inspection is for Springs no. 1, 2, and 3.
of N.E. 1/4 SW. 1/4 Section 3. Twp. 11.3. 40. E.*

21110

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

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. 21110

Date June 24, 1949

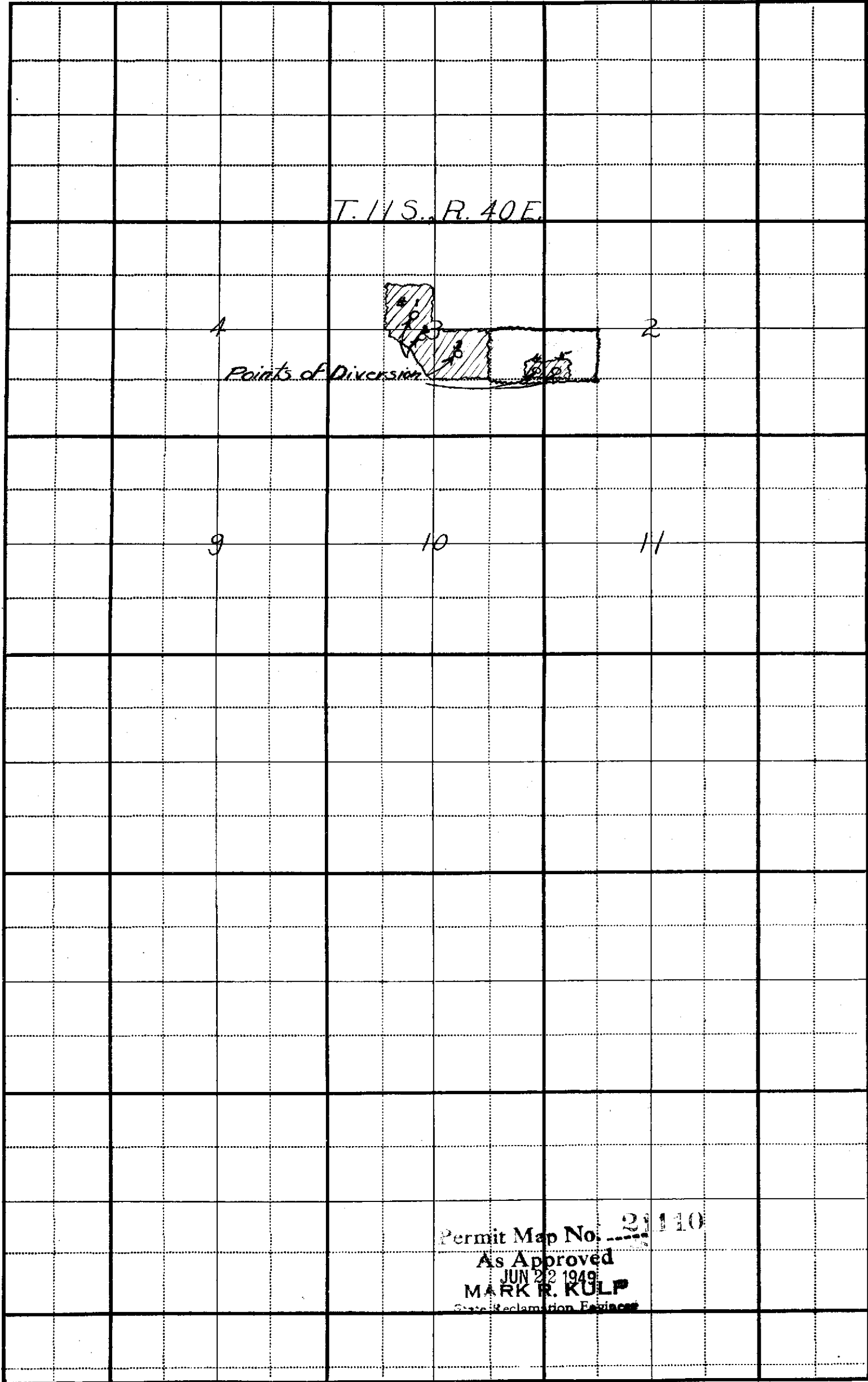
We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Wesley A. Miles
Grace, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental Receipt No. 21591

21110



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

Notice is hereby given that at 10:00 A. M. on the 1st day of June, 1954, at Soda Springs, County of Caribou, State of Idaho, before F. J. Rasmussen, Notary Public, proof will be submitted of the application to beneficial use of 2.10 cubic feet per second of the waters of unnamed springs in accordance with the terms and conditions of Permit No. 21110 heretofore issued by the Bureau of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Wesley A. Miles, Grace, Idaho.

The use to which said water has been applied is Irrigation, Domestic and Stock Watering.

The amount applied to beneficial use is 2.10 c. f. s.

The place where said water is used Sec. 2, Twp. 11 S. 40 E. B. M. NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3 Twp. 11 S. 40 E. B. M. SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Totalling some 120 acres.

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

The right to take water from such works is based upon Permit No. 21110.

The source of supply from which such water is diverted is Unnamed Springs.

The date of priority which said user is prepared to establish is June 13, 1949.

5/6/54 MARK R. KULP
State Reclamation Engineer
Published in the Caribou County Sun, April 29, May 6, 13, 20, 1954.

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

Notice is hereby given that at 10:00 A. M. on the 1st day of June, 1954, at Soda Springs, County of Caribou, State of Idaho, before F. J. Rasmussen, Notary Public, proof will be submitted of the application to beneficial use of 2.10 cubic feet per second of the waters of unnamed springs in accordance with the terms and conditions of Permit No. 21110 heretofore issued by the Bureau of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Wesley A. Miles, Grace, Idaho.

The use to which said water has been applied is Irrigation, Domestic and Stock Watering.

The amount applied to beneficial use is 2.10 c. f. s.

The place where said water is used Sec. 2, Twp. 11 S. 40 E. B. M. NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3 Twp. 11 S. 40 E. B. M. SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Totalling some 120 acres.

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

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MARK R. KULP
State Reclamation Engineer
Published in the Caribou County Sun, April 29, May 6, 13, 20, 1954.

4/29/54