

February 21, 1940

Re: Permit No. 18434

Mr. George E. Burgi,
No. 147 North 1st West,
Preston, Idaho.

Dear Sir:-

We are enclosing herewith License and Certificate of Water Right issued under the above numbered permit, confirming the right of N. R. Nelson, of Preston, Idaho, to the use of 0.1 second foot of water from two springs and an unnamed stream, tributary to Bear River in high water, with a date of priority of April 21, 1937, for irrigation upon the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, Township 15 South, Range 39 East, B. M.

The Department's Receipt No. 17297 for the \$2.00 fee paid in connection with final proof is also enclosed.

Very truly yours,

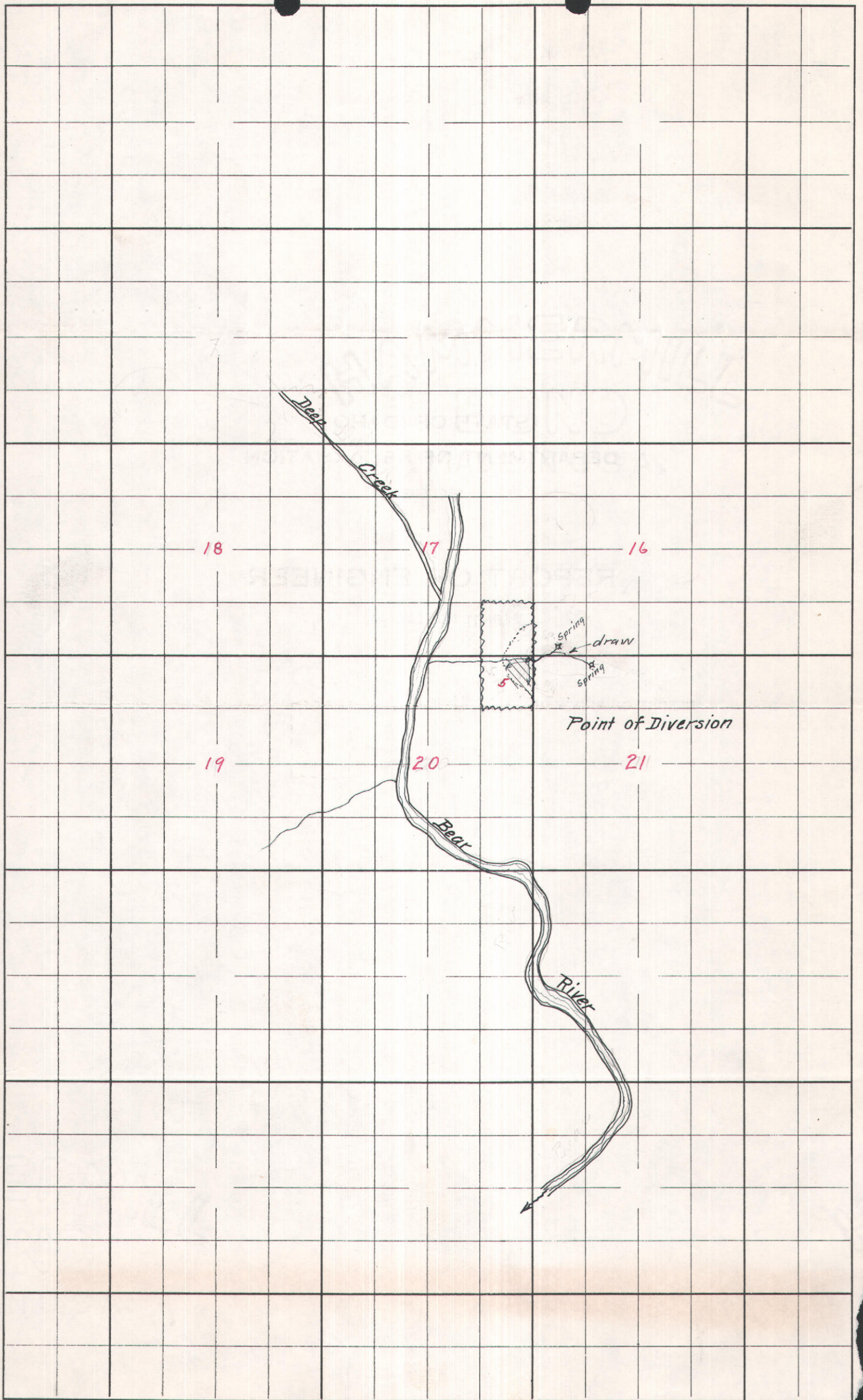
JAMES SPOTFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

18434



AFFIDAVIT OF PUBLICATION

I, Louise M. Olson, Clerk
(Foreman or Publisher)

of the Franklin County Citizen, a newspaper published weekly at Preston, Idaho, do solemnly swear that the notice as per clipping attached was published in the regular and entire issue of said newspaper, and not in any supplement

thereof, for four

(4) consecutive weeks, commencing with the issue dated,

April 5, 1939
and ending with the issue dated,

April 26, 1939

Louise M. Olson
Subscribed and sworn to before me

this 4 day of May

1939

Notary Public

U. S. Commissioner
18434

NOTICE FOR PUBLICATION

Notice is hereby given that at 10 A.M. on the 4th day of May, 1939, at Preston, County of Franklin, State of Idaho, before George E. Burgi, Preston, Idaho, proof will be submitted of the application to beneficial use of 0.38 cubic feet per second of the waters of an unnamed stream and two springs in accordance with terms and conditions of Permit No. 18434 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding

said permit are N. R. Nelson, Preston, Idaho.

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

The amount applied to beneficial use is 0.38 second feet.

The place where said water is used are in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, Tp. 15 So. R. R. 39 East Boise Meridian.

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

The right to take water from such works is based upon Permit No. 18434.

The source of supply from which such water is diverted is an unnamed stream and two unnamed springs.

The date of priority which said user is prepared to establish is April 21, 1937.

JAMES SPOFFORD
Commissioner of Reclamation

18434

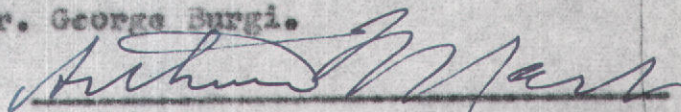
PROTEST IS HEREBY FILED HEREIN TO THE
COMMISSIONER OF RECLAMATION, THE HONORABLE JAMES SPOFFORD, BOISE, IDAHO
Comes now William E. Fellows and protests to the above
named commissioner under the claim made by N. R. Nelson in his claim
to the beneficial use or right to use at all 0.38 cubic foot per second of
time of water under Permit No. 18434 wherein it is claimed under the Notice
set for hearing and the taking and making of final proofs as the same
is published in the Franklin County Citizen, proof scheduled to be made
May 4th, 1939, at the hour of 10 O' clock A. M. of said day, before Geo. E.
Burgi, Preston, Idaho; some of the reasons for this protest are as follows:-

1-. That the water claimed to have been filed upon was
water that the Protestant has used for a beneficial purpose continuously
since the year 1913;

2-. That said water claimed to have been filed on arises
upon the lands of the said undersigned protestant, William E. Fellows
and the said Fellows never has at any time before a Notary Public or other
officer authorized to take ~~oaths~~ oaths given his consent in writing or
otherwise for the said N. R. Taylor or any one else to file on said waters.

3-. That the statements made by the said permit holder
are not true.

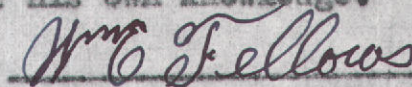
This protest in matter in quadruple copies and one is
sent to the Reclamation Department, Boise, Idaho, one to the applicant of
Permit holder and one filed with Mr. George Burgi.



ATTORNEY FOR WILLIAM E.
FELLOWS

STATE OF IDAHO ()
COUNTY OF FRANKLIN.) SS

William E. Fellows, being first duly sworn deposes
and says that he has read the foregoing protest and knows the contents
thereof and believes the same to be true of his own knowledge.



Subscribed and sworn to before me this 2nd day of
May, 1939.



NOTARY PUBLIC

18434

April 24, 1939

Re: Permit No. 18434
N. R. Nelson.

Mr. Geo. E. Burgi,
Notary Public,
Preston, Idaho.

Dear Sir:-

It is our custom to send out from this office, about ten days in advance of the taking of depositions on final proof, the proper forms to be used in making such proof.

However, since these forms were sent you, at your request, on March 21st, at the same time the notice was sent to the newspaper- it is unnecessary to send them at this time; so we are merely writing to remind you that proofs in connection with the above numbered permit are to be taken before you on May 4th, at 10:00 o'clock A.M.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA

18434

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

Notice is hereby given that at 10 A. M. on the 4th day of May, 1939,
 at Preston, County of Franklin, State of Idaho, before
George E. Burgi, Preston, Idaho, proof will be submitted of the
 application to beneficial use of 0.38 cubic feet per second of the waters of an unnamed
stream and two springs in accordance with the terms and conditions of Permit No. 18434
 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

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

H. R. Nelson Preston, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 0.38 second foot

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) XX
are in the NE1/4 of Section 20, and SE1/4 Section 17, Tp. 15 So. R.
R. 39 East Boise Mer.

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

The right to take water from such works is based upon Permit No. 18434

The source of supply from which such water is diverted is an unnamed stream and
two unnamed springs

The date of priority which said user is prepared to establish is April 21, 1937

RECEIVED

MAR 21 1939

Department of Reclamation

JAMES SPOFFORD

Commissioner of Reclamation.

18434

3996

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

July 16, 19238

Re: Permit No. 18434

To: N. R. Nelson

Preston, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 18434, to appropriate the Public Waters of the State of Idaho, have not been complied with as to completion of works, May 4, 1938

you are hereby notified in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. 18434 is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 18434 claims the use of 0.38 cubic feet per second of the waters of Unnamed stream, and two springs, with point of diversion located 3 points of diversion in Section 21, 20, Township 15 South, Range 39 East, B. M. and was approved May 4, 1937.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 16th day of July, 19238.

R. W. FARIS,

Commissioner of Reclamation.

By

Paul H. Berg
Deputy Commissioner of Reclamation Assistant

mar 10, 38

18434

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18434

May 11, 1937

Boise, Idaho,

Dear Sir:

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

GEO. E. BURGI, Agent
N. R. Nelson
Preston, Idaho

R. W. FARIS

Office Receipt No. 16193, \$5.00

Commissioner of Reclamation.

18434

Pen

April 12, 1937

MR. N. R. NELSON
Preston, Idaho

Dear Sir:

In conformance with a request made by George E. Burgi, we are enclosing herewith one of our regular forms of application for permit to appropriate the public waters of the State of Idaho, together with a pamphlet of instructions concerning procedure for securing water right.

It is suggested that you study this pamphlet carefully before attempting to fill out your application as it contains detailed information with regard to the amount of water that may be claimed, necessary legal descriptions, maps required, filing fees, etc. Your attention is particularly directed to Paragraph 10 regarding spring waters.

Very truly yours

R. W. FARIS
Commissioner of Reclamation

by
Chief Clerk

cj
encl

18434

State of Idaho
License and Certificate of Water Right

Water License No. 18434
Water District No. _____

Amount 0.1 second foot.
Priority April 21, 1937

THIS IS TO CERTIFY that **N. R. NELSON**
of **Preston, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **April 21**, 19 **37**; that Permit No. **18434**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.38 second feet, was issued thereunder on **December 14**, 19 **38**, showing that said works
were completed on the **28th** day of **July**, 19 **38**; and that on the **4th**
day of **May**, 1939,

N. R. NELSON

of **Preston**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **2 springs and an unnamed**
stream, a tributary of **Bear River** (only **1 1/2** in/ high water), for the purpose of **irrigation**
, under Use Permit No. **18434** of the

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume **7**
of Licenses, at page **3987**, on the **14th** day of **February**, 19 **40**;

The right hereby confirmed dates from **April 21**, 19 **37**;

The Point of Diversion is located in the **NE 1/4 NE 1/4** Section **20**, and
in the **NW 1/4 NW 1/4**, Sec. **21**, Tp. **15 S.**, R. **39 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 **0.1**
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	39 E.	20	NE 1/4 NE 1/4	12	5
		17	SE 1/4 SE 1/4	7	-
			Number of Acres Actually Irrigated -	-	5

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this **14th** day of **February**, 19 **40**

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

13 2135

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

Application No. 25732
Permit No. 18434
District No.

1. Name of Applicant: N. R. NELSON

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 applicant are:

- (a) Cash on hand:
- (b) Treasury stock
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 0.38 cubic feet per second.

3. Source of water supply: Unnamed stream and two springs which is a tributary of Bear River - only in high water

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 , T. , R. , B. M., County of Franklin

5. Water is to be used for: Irrigation

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

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.
- (b) Amount of power generated: H. P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 25.00

8. Kind of works: Ditch and dam

9. Height of dam 5 feet; length of dam at top 15 feet; length of dam at bottom 10
feet; material used in dam: Earth

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom 1 feet; width at water line $1\frac{1}{2}$ feet; depth of water $\frac{1}{2}$
feet; dimensions of flume:

Diameter of pipe inches; length of conduit Two ditches, each 330' long ~~miles~~
Average grade per mile feet.

12. The time required for the completion of such work is one years.

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

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

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

NELS R. NELSON *Applicant.*

By Geo. E. Burgi Agent.

Date of first receipt at Department of Reclamation: 11:00 A. M., April 21, 1937

Returned to applicant for correction: April 28, 1937

Corrected application received: May 1, 1937

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18434

Recorded in Book 67 Page 18434 Approved May 4, 1937

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	July 3, 1937
----------------------------	--------------

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 November 4, 1937

The whole of said work to be completed on or before May 4, 1938

Beneficial use of water appropriated in accordance herewith, to be made on or before May 4, 1939

Witness my hand this 4th day of May, 1937

R. W. FARIS *Commissioner of Reclamation.*

Remarks:

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
15 S.	39 E.	20 17	12																12 7
Total Number of Acres to be Irrigated.....19																			
Remarks: Points of Diversion:																			
No. 1 - Unnamed stream - NE ¹ / ₄ NE ¹ / ₄ , Sec. 20, T. 15 S., R. 39 E., B. M.																			
No. 2 - " spring - NE ¹ / ₄ NE ¹ / ₄ , Sec. 20, T. 15 S., R. 39 E., B. M.																			
No. 3 - " spring - NW ¹ / ₄ NW ¹ / ₄ , Sec. 21, T. 15 S., R. 39 E., B. M.																			
0.25 of 1 sec. ft. is claimed from two springs																			
0.13 " " " " " " unnamed stream																			

In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho and IRA H. MASTERS, Secretary of State of the State of Idaho have hereunto 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 4th day of May, 1937.																			
STATE OF IDAHO																			
By BARZILLA W. CLARK Governor																			
Countersigned:																			
By IRA H. MASTERS Secretary of State																			
(SEAL)																			

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement of)
Permit No. 18434 Under the Provisions)
of Section 41-311, Idaho Code Annotated.)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 18434 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: May 4, 1938; and,

WHEREAS, On the 16th day of July, 1938, notice to show cause why said permit should not be canceled, under the provisions of Section 41-311, Idaho Code Annotated, was duly served on the holder of said permit; and,

WHEREAS, On the 20th day of July, 1938, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 29th day of July, 1938, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 18434, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 18434 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 14th day of December, 1938.

R. W. FARIS
Commissioner of Reclamation

(SEAL)

By PAUL H. BERG
Deputy

Permit No. 18434

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that N. R. NELSON, of Preston, County of Franklin, and State of Idaho, the holder of Permit No. 18434, issued upon Application No. 25732, bearing date of priority of April 21, 1937, authorizing the diversion of 0.38 second feet of the waters of an unnamed stream and two springs, 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 of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.38 second feet of the waters of said unnamed stream and springs; that the points of diversion of said waters are in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 21, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 21, T. 15 S., R. 39 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 20, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 17, T. 15 S., R. 39 E., B. M.

Witness my hand this 14th day of December, A. D. 1938.

R. W. FARIS
Commissioner of Reclamation

Proof of completion of works made July 28, 1938
Certificate issued December 14, 1938

LICENSE ISSUED FOR 0.1 SEC. FT.

Page 3987

18434
✓
February 11, 1950

Mr. H. R. Bingham
Weston, Idaho

Dear Mr. Bingham:

In reply to your letter of February 5, 1950, inquiring as to possible filings on an unnamed stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, Township 15 South, Range 39 East, B.M.:

The records in this Department show one valid filing on such a stream, as follows: License No. 18434 to Mr. R. Nelson of Preston, Idaho, with priority of April 21, 1937, for .1 of a second foot (or five inches) of water from two springs and an unnamed stream in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, Township 15 South, Range 39 East, B.M. for the irrigation of five acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20.

The original filing was for .38 cubic foot per second (or 19 inches) of water, but Beneficial Use Proof was only made on the five acres. The Permit Holder may still make Beneficial Use Proof on the remaining 14 inches if the water has been used on additional acreage, but the priority will be as much later then the original priority as this proof is past due.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

18434

Weston, Idaho.

Feb. 6, 1920

State of Idaho.
Dept. of Reclamation
Boise, Idaho.

RECEIVED
FEB 9 1950
Department of Reclamation

Dear Sirs;

In answer to your letter of Dec. 12, 1949, in which you requested further information regarding my letter of Dec. 9, 1949, I submit the following information. It is an unnamed stream and feeding springs, a tributary of Bear River. It runs through the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 20, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 25 T.P. 15 S. R. 39 E.B.M., Franklin County.

I would appreciate a complete list of any filings or holdings on this water.

Yours truly,
H.R. Bingham

December 12, 1949

Mr. H. R. Bingham
Weston, Idaho

Dear Mr. Bingham:

We have your letter of December 9, inquiring in regard to a small stream that passes through the gravel pits North of the Preston Air-port.

If you will advise us as to the location of this stream by Section, Township and Range and the name of said stream, if any, we shall be glad to check our records for the desired information.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

18434

Weston Idaho.

Dec. 9 - 1949.

Mr. Mark R. Kulp,

Commissioner of Reclamation

Boise Ida. - Dear Sir,

I kindly advise me as to the status of the small stream of ^{water} that passes through the gravel pits north of the Preston Airport and finds its way into Bear River.

Are there filings on same and to whom? Could this water be utilized for irrigation on the lower flat before it drops down to the Bear River level?

I thank you very much for the information.
Yours very kindly, 18434
R. Bingham

February 21, 1940

Re: Permit No. 18434

Mr. George E. Burgi,
No. 147 North 1st West,
Preston, Idaho.

Dear Sir:-

We are enclosing herewith License and Certificate of Water Right issued under the above numbered permit, confirming the right of H. R. Nelson, of Preston, Idaho, to the use of 0.1 second foot of water from two springs and an unnamed stream, tributary to Bear River in high water, with a date of priority of April 21, 1937, for irrigation upon the NE¹/₄ NW¹/₄ Section 20, Township 15 South, Range 39 East, B. M.

The Department's Receipt No. 17297 for the \$2.00 fee paid in connection with final proof is also enclosed.

Very truly yours,

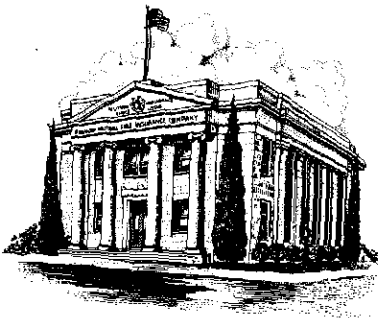
JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JIA
Encs.

18434



ORGANIZED 1894
OREGON MUTUAL FIRE INSURANCE COMPANY

HOME OFFICE

MCMINNVILLE, OREGON

GEORGE E. BURGI, Agent

147 NORTH 1ST WEST STREET

PHONE 344

PRESTON

IDAHO

Preston, Ida 2-7-40

Department of Reclamation.
Bureau, Ida.

Dear Sirs: Re Permit # 18434.
N. R. Nelson.

According to your letter of 1-26-40
enclosed \$2.00 M.O. for Permit # 18434
for N. R. Nelson.

Kindly send License for
Permit #.

Yours very truly
Geo. E. Burgi
Preston,
Idaho



18434

January 26, 1940

Re: Permit No. 18434

Mr. N. R. Nelson,
Preston, Idaho.

Dear Sir:-

We have on file the report of our field engineer on examination for beneficial use under the above numbered permit.

This report shows that you are irrigating five (5) acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 15 South, Range 39 East.

Therefore, upon receipt of the fee of \$2.00, a License will be issued for 0.1 second foot of water.

Very truly yours,

JAMES SPOTFORD
Commissioner of Reclamation

JIA

By

Chief Clerk

18434

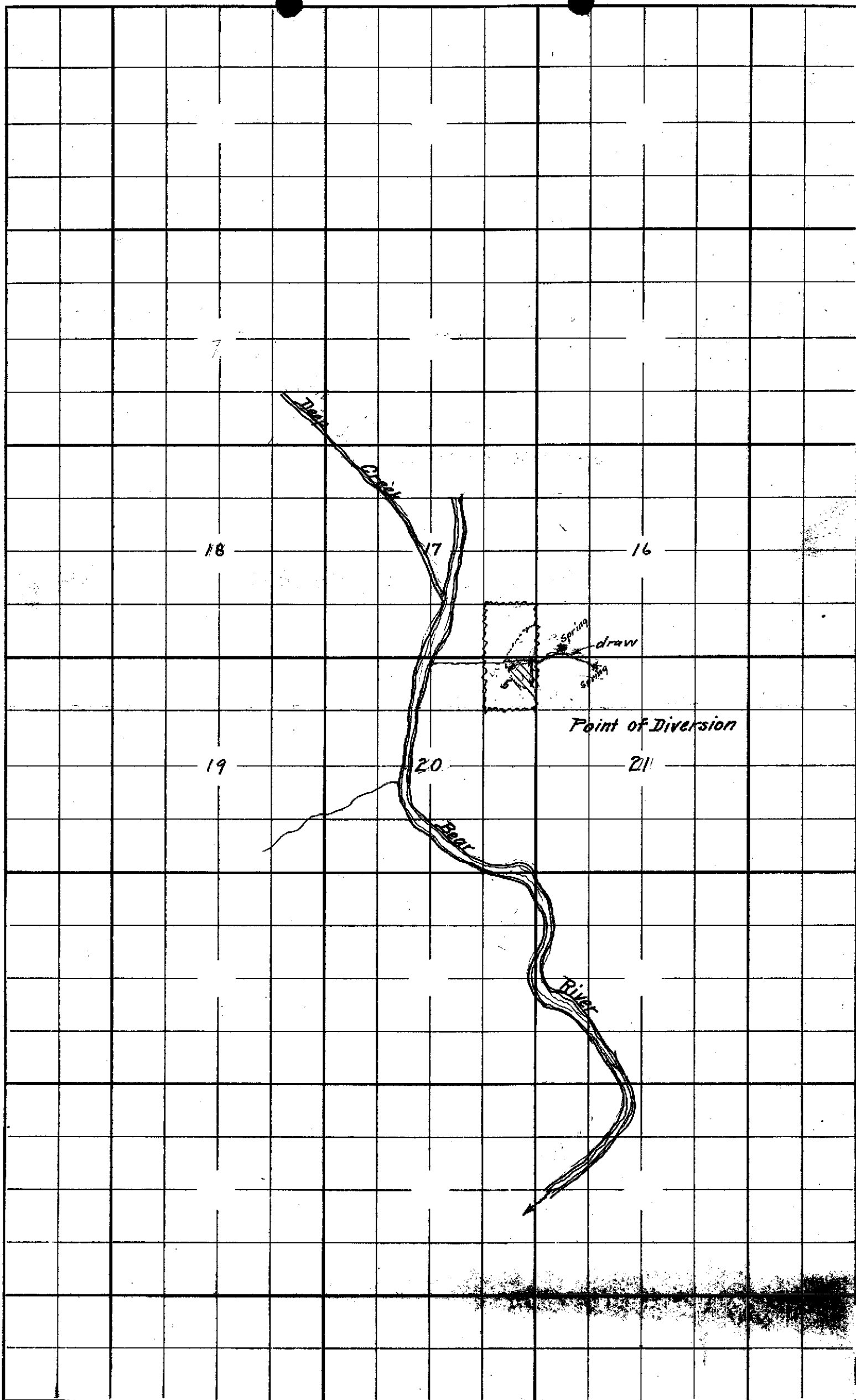
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18434

REPORT ON PROOF OF Beneficial Use

B.U. ~~0.1~~ 0.1 S.F. for 5A. in
one subd. fee \$2.00



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18434

This proof is for Beneficial Use

In Water District No.

1. Name of applicant N. R. Nelson, Preston, Idaho
2. Source of water supply: Unnamed stream and 2 springs
1- Unnamed stream
3. Location of points of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20
#2- Spring- is in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20; and #3- Spring is in NW $\frac{1}{4}$ Sec. 21 T. 15 S., R. 39 E.
T. 15 S. R. 39 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: A small earth

check dam diverts to ditches of 1.5 ft width and 1 ft depth

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 for other than irrigation): NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20; and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7; Township 15 South, Range 39 East.

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

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

Remarks:

Mr. W^m E. Fellows was interviewed relative to his protest of this filing and after explanations and discussion of the matter his objections were withdrawn. The various springs mentioned are merely tributaries of the draw from which this diversion is made.

This examination was made on the 14th day of July, 1939.

(Signed)

Fred A. Dobman
Engineer
18434

66
N. R. Nelson
Preston, Idaho

Permit No. 18434

Examination for Beneficial Use

County Franklin County

INSTRUCTIONS TO EXAMINERS

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

July 5, 1939

Re: Permit No. 18434
H. R. Nelson

Mr. Geo. E. Burgi,
U. S. Commissioner,
Preston, Idaho.

Dear Sir:-

We are in receipt of your letter of June 30th, and in accordance therewith we have changed the depositions which we sent in for beneficial use proof under the above numbered permit, to show the points of diversion as being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, Twp. 15 South, Range 39 East, B.M.

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

However, Mr. Tolman, Field Engineer for this department, will contact either you or Mr. Nelson at the time set for examination, so that arrangements may be made to show him over the grounds.

After his report is on file in this office, we will advise as to the amount of fees before the issuance of the license.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA

By

Chief Clerk

18434

**NORTHWESTERN MUTUAL FIRE ASSOCIATION
NORTHWEST CASUALTY COMPANY**

GEORGE E. BURGI
Telephone 172-J
PRESTON, IDAHO

Preston Id 6-30-39

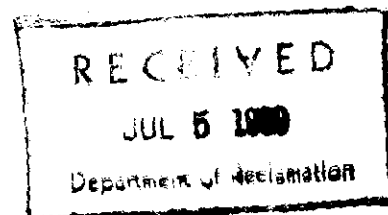
Commissioner of Reclamation,
Boise, Id.
Dear Sir: Re Permit # 18434
N.R. Nelson.

Answering your letter of May 12-39
(which was overlooked) wish to
advise that evidently this is an
error as the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sect. 20, and NW $\frac{1}{4}$
NW $\frac{1}{4}$ Sect 21 is correct.

Could you make the correction
for us?

Please advise?

Yours very truly
Geo E. Burgi



18434

May 12, 1939

Re: Permit No. 18434
N. R. Nelson.

Mr. Geo. L. Burgi,
U. S. Commissioner,
Preston, Idaho.

Dear Sir:-

This will acknowledge receipt of the deposition of the holder, the depositions of two witnesses, and the affidavit of publication from the newspaper, all in connection with beneficial use proof under the above numbered permit.

We note, however, that these proofs describe the points of diversion as being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 21, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21; Twp. 15 South, Range 39 East, whereas the Permit gives the points of diversion as in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 20, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21.

Please advise if this is a typographical error, or if there should be an application for amendment of point of diversion.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

SLA

Chief Clerk

18434

AFFIDAVIT OF PUBLICATION

I, Louise Manson, Clerk
(Foreman of Publisher)

of the Franklin County Citizen, a newspaper published weekly at Preston, Idaho, do solemnly swear that the notice as per clipping attached was published in the regular and entire issue of said newspaper, and not in any supplement

thereof, for four

(4) consecutive weeks, commencing with the issue dated,

April 5, 1939
and ending with the issue dated,

April 26, 1939

Subscribed and sworn to before me

this 4 day of May

1939

Notary Public

U. S. Commissioner
18434

NOTICE FOR PUBLICATION

Notice is hereby given that at 10 A.M. on the 4th day of May, 1939, at Preston, County of Franklin, State of Idaho, before George E. Burgi, Preston, Idaho, proof will be submitted of the application to beneficial use of 0.38 cubic feet per second of the waters of an unnamed stream and two springs in accordance with terms and conditions of Permit No. 18434 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are N. R. Nelson, Preston, Idaho.

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

The amount applied to beneficial use is 0.38 second feet.

The place where said water is used are in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, Tp. 15 So. R. R. 39 East Boise Meridian.

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

The right to take water from such works is based upon Permit No. 18434.

The source of supply from which such water is diverted is an unnamed stream and two unnamed springs.

The date of priority which said user is prepared to establish is April 21, 1937.

JAMES SPOFFORD
Commissioner of Reclamation

18434

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18434

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. N.R. Nelson age 62 Preston, Idaho

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

Ans. Individual

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

Ans. #18434 dated April 21, 1937 date of priority April 21, 1937

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

Ans. Unnamed springs and stream. The NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section ^{20-OK} 21 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21 Tp. 15 So. R. 39 East Boise Mer.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Earthen Dam 0.38 second feet earthen ditch.

(Remarks This application for beneficial use of water is intended only for the waste, surplus, and unused waters coming on to the lands described above.)

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 There are 10 acres in Sect 17 (SE $\frac{1}{4}$ SE $\frac{1}{4}$) and 10 acres in NE $\frac{1}{4}$ Section 20. Tp 15 So R. 39 E.B.M. (NE $\frac{1}{4}$ NE $\frac{1}{4}$) about $\frac{1}{2}$ is natural meadow and onehalf is cultivated lands The improvements are earthen dam and earthen ditch.

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

Ans. Irrigation

18434

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

Ans. 0.38 second feet

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

Ans. same person

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

Ans. I have used this water since the spring of 1936 for irrigation 7 acres of meadow and will use also to irrigate 13 more acres

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 other than spring run off or surplus waters
and I have used these said waters in the spring

(It is desired to use only the surplus waters , waste waters and unused waters that flow on to my lands described above.)

(Sign)

M. R. Nelson

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 4 day of May, A. D. 19 39.

Get E. Burge
U.S. Commissioner

~~WE~~
~~My commission expires~~

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18434

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. Delbert L. Sharp age 32 Preston, Idaho R. #2

Ques. 2. Are you acquainted with N.R. Nelson, the holder of Permit No. _____? How long have you known him and where does he reside?

Ans. I have known him 7 years he resides at Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. ¹⁸⁴³⁴~~18434~~, 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. Unnames springs and stream. NE¹/₄NE¹/₄, and NW¹/₄NW¹/₄

Section 21 Tp. 15 So. R. 39 E.B.M.

Earthen ditch.

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

Ans. 0.38 second feet

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

Ans. Irrigation SE¹/₄SE¹/₄ Section 17 NE¹/₄NE¹/₄ Section 20 Tp. 15 So

R. 39 E.B.M. 10 acres in each about 7 acres are natural meadow and 1

Seven acres of meadow lands and 13 acres that can be cultivated

earthen ditch

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

Ans. irrigation

(Remarks; this application for the beneficial use of water is intend
only for the waste, surplus, and unused water that come on to the 1
lands described above.)

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

Ans. the caracter of the lnd is sand and gravel I am sure it will take
all of the 0.38 second feet

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

Ans. no

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. Several times during the years 1937 and 1938 and I saw the water used
for irrigation about 7 acres

(Signed)

Albert L. Sharp

I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Preston, County of Franklin
Idaho, State of Idaho, on this day of 4 day of May, A. D. 1939.

Geo E. Bueh
U.S. Commissioner

NOTARY PUBLIC

ARARARARARARARE

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18434

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. James C. Taylor age 39 Preston, Idaho R. #2.

Ques. 2. Are you acquainted with N.R. Nelson, the holder of Permit No. _____? How long have you known him and where does he reside?

Ans. Yes I have known him 20 years Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. 18434 ~~ASAS~~, 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 and springs, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sect. 21 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21 Tp. 15 So R. 39 E.B.M. earthen ditch

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

Ans. 0.38 second feet. about 0.38 second feet. more or less according to the season.

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

Ans. irrigation NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20 SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17 Tp. 15 So R. 39 East Boise Mer Natural meadow 7 acres and cultivated lands 13 acres he has made two ditches and put in the diversion dam

18434

Ans. irrigation

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.

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

Ans. No.

Ans. I have seen the water used on the land several times during 1937
and 1938 the amount has varied according to the season of the year.

(Signed)

James C. Taylor

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 day of 4 day of May, A. D. 19-39

May 19, 1939
 Gen E. B. Ruggi
 U.S. Commissioner
 WASHINGTON

~~NUANAWPOAWA W~~

MAEAEAEAEAEAEAEAE

U.S. Commissioner

NOTICE FOR PUBLICATION

Notice is hereby given that at 10 A.M. on the 4th day of May, 1939, at Preston, County of Franklin, State of Idaho, before George E. Burgi, Preston, Idaho, proof will be submitted of the application to beneficial use of 0.38 cubic feet per second of the waters of an unnamed stream and two springs in accordance with terms and conditions of Permit No. 18434 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are N. R. Nelson, Preston, Idaho.

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

The amount applied to beneficial use is 0.38 second feet.

The place where said water is used are in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, Tp. 15 So. R. R. 39 East Boise Meridian.

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

The right to take water from such works is based upon Permit No. 18434.

The source of supply from which such water is diverted is an unnamed stream and two unnamed springs.

The date of priority which said user is prepared to establish is April 21, 1937.

JAMES SPOFFORD
Commissioner of Reclamation

NOTICE OF SALE

NOTICE IS HEREBY GIVEN, that pursuant to the statutes of the State of Idaho, it being found that the following described property is not necessary for the use of Franklin County, a Municipal

18434

COMMISSIONER OF RECLAMATION
BOISE, IDAHO

DEAR SIR:-

Hereto attached is a copy of the Protest which Mr. William E. Fellows, filed herein.

Now on this day (May 4th, 1939, at the regular hour and place set for hearing given by Mr. James Spofford, Commissioner of Reclamation, I, the said applicant N. R. Nelson, do hereby certify under oath as follows:-

I-. I do not claim any of the waters that arise on the premises of William E. Fellows; after, however, said waters leave the premises of Mr. Fellows, to-wit, the lands described as follows:-

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16 Township 15 So. Range 39 East Boise Mer.

in Franklin County, Idaho

I claim the waste, surplus and unused waters and nothing more.

2-. There are certain springs named in my permit No. 18434 and which do not arise on any lands of the said Mr. Fellows and that have never been used by him, that I claim.

3-. My filing as per said permit is not intended to in any way interfere with the water and water-rights Mr. Fellows may have acquired in the year 1913, from and through the City of Preston, and from Franklin County as set forth in the Minutes of the County Commissioners and of the City of Preston, only as it effects the waste, surplus and unused waters.

4-. I claim to have watered 20 acres from the waters I claim under my said permit and not more.

Witness my hand this 4th day of May, 1939.

N. R. Nelson

Subscribed and sworn to before me this 4th day of

May, 1939.

Get E. Burges
U.S. Commissioner

18434

MAY 4 1939

PROTEST IS HEREBY FILED HEREIN TO THE
COMMISSIONER OF RECLAMATION, THE HONORABLE JAMES SPOFFORD, BOISE, IDAHO

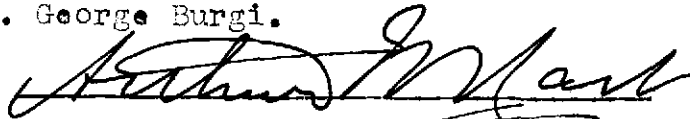
Comes now William E. Fellows and protests to the above
named commissioner under the claim made by N. R. Nelson in his claim
to the beneficial use or right to use at all 0. 38 cubic foot per second of
time of water under Permit No. 18434 wherein it is claimed under the Notice
set for hearing and the taking and making of final proffs as the same
is published in the Franklin County Citizen, proof scheduled to be made
May 4th, 1939, at the hour of 10 O' clock A. M. of said day, before Geo. E.
Burgi, Preston, Idaho; some of the reasons for this protest are as follows:-

1-. That the water claimed to have been filed upon was
water that the Protestant has used for a beneficial purpose continuously
since the year 1913;

2-. That said water claimed to have been filed on arises
upon the lands of the said undersigned protestant, William E. Fellows
and the said Fellows never has at any time before a Notary Public or other
officer authorized to take ~~oaths~~ oaths given his consent in writing or
otherwise for the said N. R. Taylor or any one else to file on said waters.

3-. That the statements made by the said permit holder
are not true.

This protest is matter in quadruple copies and one is
sent to the Reclamation Department, Boise, Idaho, one to the applicant of
Permit holder and one filed with Mr. George Burgi.


ATTORNEY FOR WILLIAM E.
FELLOWS

STATE OF IDAHO ()
COUNTY OF FRANKLIN.) SS

William E. Fellows, being first duly sworn deposes
and says that he has read the foregoing protest and knows the contents
thereof and believes the same to be true of his own knowledge.



May, 1939.

Subscribed and sworn to before me this 2nd day of

 NOTARY PUBLIC

18434

PROTEST IS HEREBY FILED HEREIN TO THE
COMMISSIONER OF RECLAMATION, THE HONORABLE JAMES SPOFFORD, BOISE, IDAHO

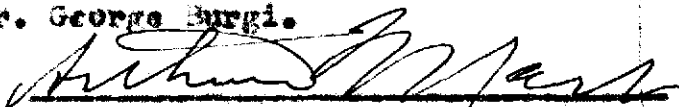
Comes now William E. Fellows and protests to the above
named commissioner under the claim made by N. R. Nelson in his claim
to the beneficial use or right to use at all 0.38 cubic foot per second of
time of water under Permit No. 18434 wherein it is claimed under the Notice
set for hearing and the taking and making of final proofs as the same
is published in the Franklin County Citizen, proof scheduled to be made
May 4th, 1939, at the hour of 10 o'clock A. M. of said day, before Geo. E.
Burgi, Preston, Idaho; some of the reasons for this protest are as follows:-

1-. That the water claimed to have been filed upon was
water that the Protestant has used for a beneficial purpose continuously
since the year 1918;

2-. That said water claimed to have been filed on arises
upon the lands of the said undersigned protestant, William E. Fellows
and the said Fellows never has at any time before a Notary Public or other
officer authorized to take ~~oaths~~ oaths given his consent in writing or
otherwise for the said N. R. Taylor or any one else to file on said waters.

3-. That the statements made by the said permit holder
are not true.

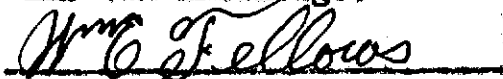
This protest in matter in quadruple copies and one is
sent to the Reclamation Department, Boise, Idaho, one to the applicant of
Permit holder and one filed with Mr. George Burgi.



ATTORNEY FOR WILLIAM E.
FELLOWS

STATE OF IDAHO ()
COUNTY OF FRANKLIN.) SS

William E. Fellows, being first duly sworn deposes
and says that he has read the foregoing protest and knows the contents
thereof and believes the same to be true of his own knowledge.



Subscribed and sworn to before me this 2nd day of
May, 1939.


NOTARY PUBLIC

18434

April 24, 1939

Re: Permit No. 18434
N. R. Nelson.

Mr. Geo. E. Burgi,
Notary Public,
Preston, Idaho.

Dear Sir:-

It is our custom to send out from this office, about ten days in advance of the taking of depositions on final proof, the proper forms to be used in making such proof.

However, since these forms were sent you, at your request, on March 21st, at the same time the notice was sent to the newspaper- it is unnecessary to send them at this time; so we are merely writing to remind you that proofs in connection with the above numbered permit are to be taken before you on May 4th, at 10:00 o'clock A.M.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA

By

Chief Clerk

18434

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Boise, Idaho, **March 21, 1939**

Re: Permit No. 18434
N. R. Nelson

Geo. E. Burgi
Notary Public,
Preston, Idaho.

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18434

Deposition of Permit Holder,
Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On May 4, 1939, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Preston, Idaho before George E. Burgi, Notary Public

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

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

Yours truly,

JAMES SPOFFORD
Commissioner of Reclamation.

18434

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date March 21, 1939

Re: Permit No. 18434

FRANKLIN COUNTY CITIZEN,
PRESTON, IDAHO

DEAR SIRs:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 4, 1939, the date set for proof, the expense of the publication to be paid by the applicant, N. R. Nelson, Preston, Idaho

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

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

Very truly yours,

JAMES SPOFFORD

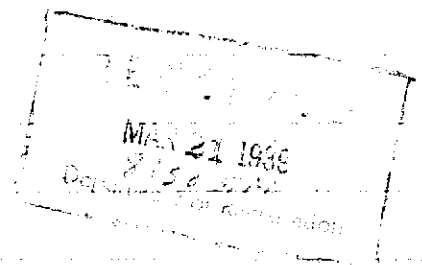
Commissioner of Reclamation

18434

Postmark Mar 9-18-49
Department of Reclamation
Bismarck, N.D.
Dear Sir:

Would you please send me
a set of Blanks for proof of application
of water to Beneficial use for
permit # 18434 N. R. Nelson set
for May 4 1939?

Yours very truly
Geo. E. Burgin



18434

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 17, 1939

(P. O.) Preston, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

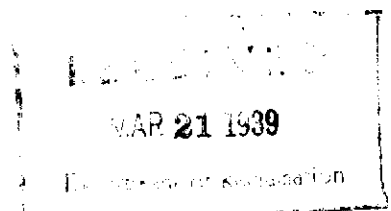
You are hereby authorized to have the attached notice published at my expense in the Franklin Co., Citizen of Preston, Idaho, published in the county in which the works are situated.

Ch. R. Johnson

(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.



18434

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

March 7, 1939

N. R. Nelson,
Preston, Idaho

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 18434, which should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof. The proof must be submitted before a notary public or other officer authorized by law to administer oaths. The date for proof, as set out in your permit, is May 4, 1939, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

~~By W. F. FARRIS~~ JAMES SPOFFORD
Commissioner of Reclamation

18434

December 14, 1938

Re: Permit No. 18434.

Mr. N. R. Nelson.
Preston, Idaho

Dear Sir:

We are herewith enclosing Certificate of Completion of Works issued under the above numbered permit to appropriate 0.38 second feet of water from an unnamed stream and two springs in Franklin County for irrigation purposes.

The Department's Receipt No. 16686 for the \$5.00 fee you paid in connection with your completion of works proof is also enclosed.

Very truly yours,

R. W. FARRIS
Commissioner of Reclamation

By

Chief Clerk

Jl
Encl.

18434

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement
of Permit No. 18434 Under the
Provisions of Section ~~5594~~ ⁴¹⁻³¹¹ ~~Idaho~~
~~Compiled Statutes~~ 41-311, Idaho
Code Annotated.

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 18434 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: May 4, 1938; and,

WHEREAS, On the 16th day of July, 19238 notice to show cause why said permit should not be canceled, under the provisions of Section ~~5594~~ ⁴¹⁻³¹¹, Idaho Code Annotated, ~~Compiled Statutes of Idaho~~ was duly served on the holder of said permit; and,

WHEREAS, On the 20th day of July, 19238 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 29th day of July, 19238 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 18434, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 18434 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 14th day of December, 19238.

R. W. FARIS

Commissioner of Reclamation

By

Paul H. Berg

Deputy

~~Assistant~~

18434

Post Office Department

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

POSTMARK PAYING OFFICE

REGISTERED ARTICLE

No.

3996

INSURED PARCEL



No.

Return to

DEPT. of RECLAM.

(NAME OF SENDER)

Street and Number,
or Post Office Box.

STATE HOUSE

BOISE,

IDAHO.

18434

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

A R Nelson

(Signature or name of addressee)

Mrs A R Nelson

(Signature of addressee's agent)

Date of delivery.

Form 8311

July 20, 1978

U. S. GOVERNMENT PRINTING OFFICE

18434

GEO. J. CANNON, VICE-PRESIDENT
ELIAS A. SMITH, VICE-PRESIDENT

HEBER J. GRANT, PRESIDENT

A. L. MACDONALD, SECRETARY & MANAGER
BERTRAM F. WILLIS, TREASURER & ASST. SECY

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ELIAS A. SMITH
JOHN F. BENNETT
E. O. HOWARD
LEON SWEET
GEORGE J. CANNON
REED SMOOT
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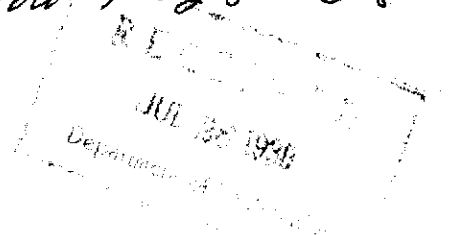


DIRECTORS:
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RICHARD W. MADSEN
DAVID D. MOFFAT
J. REUBEN CLARK, JR.
DAVID C. MCKAY
ORVAL W. ADAMS

GEO. E. BURGI, AGENT
147 NO. FIRST WEST STREET
PRESTON, IDAHO
TEL. 344

Preston, Idaho - 25-58

Dept of Reclamation,
Boise, Id.
Dear Sirs:



In re Permit # 18434 N.R.

Nelson, Preston, Id.

Mr Nelson handed me your letter of July 16, 1938. He states he has the improvements all completed and has had since May 1, 1938. That he received our thanks for the purpose of making final showing that he has completed the works and asks permission to submit proof of completion of works. Would you please advise and forward necessary blanks? Yours very truly
Geo. E. Burgi
18434

PERMIT No. 18434..

Proof of Completion of Works

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. N.R. Nelson... Preston, Idaho Farmer

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

Ans. myself.

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

Ans. #18434 Dated May 4, 1937... 0.38 cubic foot.

Unnamed stream and two springs. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sect. 20 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sect. 21
Tp. 15 So R. 39 E.B.M.

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

Ans. Irrigation 19 acres... SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20...
Tp. 15 So R. 39 East B.M.

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

Ans. Yes March 25, 1938 I turned in all the water from the stream...
and the two springs and irrigated the 19 acres.

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

Ans. Yes fully completed by March 25, 1938 and comply with the permit.

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

Ans. They are complete.

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on March 25, 1938, and give cost of same.

Ans. Dam 5 feet high 15 feet long on top, 10 feet at bottom...
ditch 1 foot at bottom 1 $\frac{1}{2}$ feet at water line and about 40 rods long...
both ditches, total cost in labor \$60.00

(Sign here.)

N.R. Nelson

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 28 day of July, A. D. 1938.

My Commission expires

U. S. Commissioner

Geo E. Buehler
H. H. H. H.

OK. R. H. B. for 0.38 Sec. 18

18434

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. 18434.

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. Delbert L. Sharp.....Preston,...Idaho R.2. Framer.....

Ques. 2. Are you acquainted with N.R. Nelson....., the

holder of Permit No. 18434 authorizing the diversion of 0.38.....second-feet of the waters
of a stream and two unnamed springs....., at Preston, Idaho
for irrigation.....purposes? How long have you known him, and where does he reside?

Ans. yes.....I have known him for 6 years.....Preston, Idaho.....

Ques. 3. Have you read or heard read said Permit No. 18434....., and are you familiar with its terms and conditions?

Ans. yes.....

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

Ans. yes.....sloping to west good for irrigation. it is is sandy
and some gravel. I estimate 4/0.41 cubic feet of water will take
care of the land.....

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

Ans. yes.....yes.....The works were completed by the latter part of
March, 1938

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. He had a dam and two ditches about 65 rods long and I am sure
the were large enough to carry all the water needed.....

(Sign here.)

Delbert L. Sharp

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Preston....., County of
Franklin....., State of Idaho, on this 28..... day of
July..... A. D. 19. 38.

My Commission expires.....

U. S. Commissioner

Geo. E. Bunker
Notary Public
18434

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT No. 18434 ..

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. James C. Taylor .. Preston .. Idaho .. R. 2 .. Farmer ..

Ques. 2. Are you acquainted with .. N. R. Nelson .., the holder of Permit No. 18434 .. authorizing the diversion of 0.38 .. second-feet of the waters of a stream and two unnamed springs .., at .. for irrigation .. purposes? How long have you known him, and where does he reside?

Ans. yes .. I have known him for 15 years .. Preston .. Idaho ..

Ques. 3. Have you read or heard read said Permit No. 18434 .., and are you familiar with its terms and conditions?

Ans. yes ..

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

Ans. Yes .. this is sandy gravelly sloping to the south west .. I estimate that 0.40 cubic feet of water are needed for irrigating this land ..

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

Ans. Yes .. they were completed about the latter part of March, 1938 ..

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Dam about 15 feet long at the top and 60 rods of good ditch .. and I think will carry 0.40 cubic feet of water ..

(Sign here.)

James C. Taylor

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in .. Preston .. Idaho .., County of Franklin .., State of Idaho, on this .. 28 .. day of July .. A. D. 19.. 38 ..

My Commission expires ..

U. S. Commissioner

Notary Public

18434

July 25, 1938

Re: Permit Number 18434 ✓

N. R. Nelson
Route 2
Preston, Idaho

Dear Sir:

We have your letter of July 20 in which you state that your works were completed, as described under the above numbered permit, prior to May 4, 1938, the date on which proof of completion was due.

On March 10, 1938, you were sent the necessary forms for making proof of completion of works, however, you failed to do this, prior to the date on which proof was due, therefore in order to clear our records, the department has issued a notice of cancellation. If, as you stated in your letter, your works of diversion were completed prior to the time when proof was due, it may be possible that your permit can be reinstated. To do this, it will be necessary that you have the inclosed depositions executed and signed before a notary public. Upon receipt of these depositions, and the statutory fee, which in this case, will be five dollars (\$5.00), the Department of Reclamation will issue an order reinstating this permit, and a Certificate of Completion of Works will issue, Provided that in these depositions you present to the satisfaction of the Commissioner of Reclamation that your works of diversion were completed on or before May 4, 1938.

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

By PAUL H. BERG,
Deputy Commissioner

PHB.mh
Inc.

18434

RECEIVED

JUL 25 1938

Department of Reclamation

Preston July 20

State of Idaho Department of Reclamation
Dear Sir.

I have just Received
your letter I made ditches
and Reservoirs and was waiting
for the other Papers so if you
will send Paper I will get them
fixed up and send Back and
was sorry I did not get them
hope to here soon.

your truly

N R Nelson
Preston
R#2 Idaho

3996

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

July 16, 19238

Re: Permit No. 18434

To: H. R. Nelson

Preston, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 18434, to appropriate the Public Waters of the State of Idaho, have not been complied with as to completion of works, May 4, 1938

you are hereby notified in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. 18434 is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 18434 claims the use of 0.38 cubic feet per second of the waters of Unnamed stream, and two springs, with point of diversion located 3 points of diversion in Section 21, 20, Township 15 South, Range 39 East, B. M. and was approved May 4, 1937.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 16th day of July, 19238.

R. S. FARIS,

Commissioner of Reclamation.

By

Paul H. Berg
Deputy Commissioner of Reclamation Assistant

18434

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Nels R. Nelson
Preston, Idaho

Boise, Idaho, **March 10, 1938**

Dear Sir:—

Under the terms of your permit No. 18434 you are required to complete your diversion works on or before May 4, 1938. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00 a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

R. W. FARIS

Commissioner of Reclamation.

18434

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18434

May 11, 1937

Boise, Idaho,

Dear Sir:

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

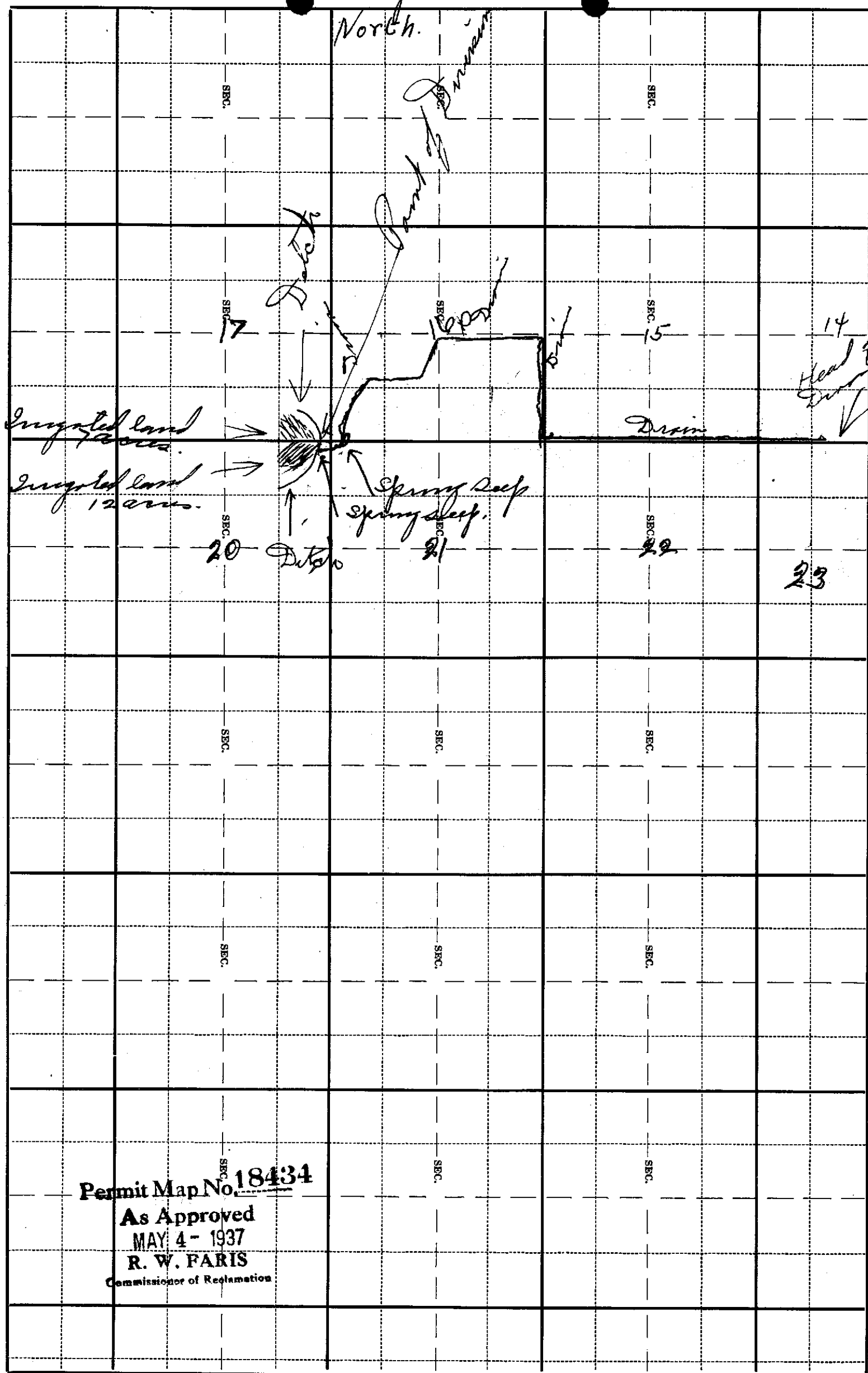
GEO. E. BURGL, Agent
N. R. Nelson
Preston, Idaho

R. W. FARIS

Office Receipt No. 16193, \$5.00

Commissioner of Reclamation.

18434



April 28, 1937

Re: Application for Permit,
H. R. Nelson.

Mr. George E. Burgi, Agent
Preston, Idaho

Dear Sir:

We received Mr. Nelson's application for permit to appropriate one second foot of water from an unnamed drain and two springs on April 21st. The application did not comply with the requirements in many respects. I have therefore prepared a new application from the information contained in the one you submitted, which is herewith enclosed for Mr. Nelson's signature.

You will note that the quantity of water is limited to thirty-eight hundredths of one cubic foot per second. It was necessary to reduce the quantity to this amount because the laws of this state will not permit the granting of a permit for a greater amount than one miners inch per acre. Mr. Nelson's land list contains but nineteen acres.

You will note, too, that I have changed the source of supply to read "unnamed stream" rather than "unnamed drain", since this office cannot accept an application to file on water that is flowing in an artificial channel.

The application in its present form is complete except that you must specify the quantity of water claimed from each source, so that the application can be properly indexed in the records of this office.

Very truly yours,

Deputy Commissioner of Reclamation

PLH:jl
Enc: Application and
Money Order for \$5.00.

18434

pen
April 12, 1937

MR. N. R. NELSON
Preston, Idaho

Dear Sir:

In conformance with a request made by George E. Burgi, we are enclosing herewith one of our regular forms of application for permit to appropriate the public waters of the State of Idaho, together with a pamphlet of instructions concerning procedure for securing water right.

It is suggested that you study this pamphlet carefully before attempting to fill out your application as it contains detailed information with regard to the amount of water that may be claimed, necessary legal descriptions, maps required, filing fees, etc. Your attention is particularly directed to Paragraph 10 regarding spring waters.

Very truly yours

R. W. PARIS
Commissioner of Reclamation

by
Chief Clerk

cj
encl

18434