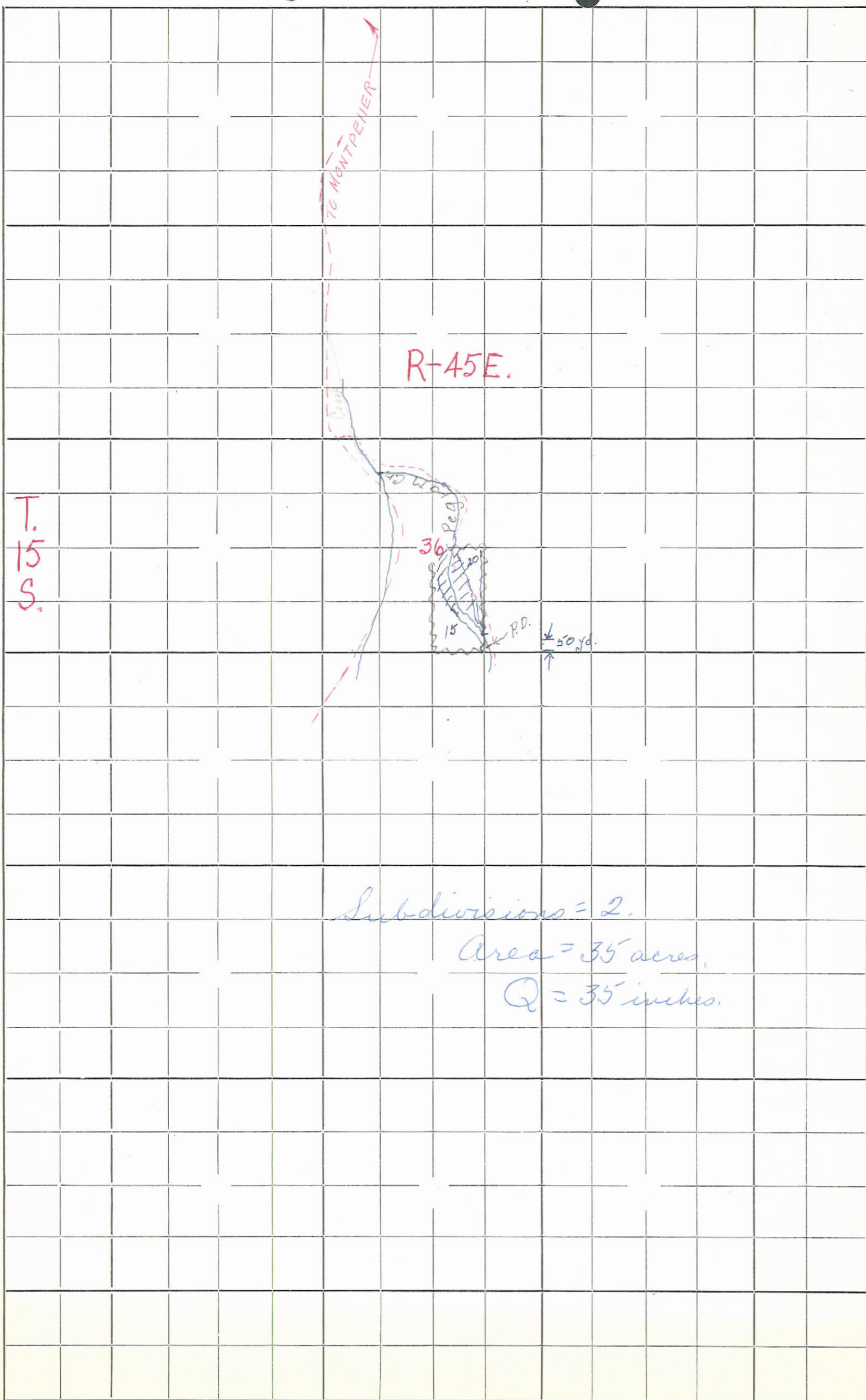




Subdivisions = 2.

Area = 35 acres.

Q = 35 inches.

THE NEWS-EXAMINER
MONTPELIER, IDAHO

RECEIVED
FEB 6 1956
Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

A. M. Robinson

being first duly sworn, deposes and says
he is Publisher and Foreman of the
News-Examiner; that the said News-Examiner
is a weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of general
circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a supple-
ment, for four

successive weeks, commencing with the issue
dated January 5, 1956

and ending with the issue

dated January 26, 1956

A. M. Robinson

Publisher and Foreman.

Subscribed and sworn to before me this 27th day of January, 1956

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

Notice is hereby given that at 3:00 p. m. on the 1st day of February, 1956, at Montpelier, County of Bear Lake, State of Idaho, before Ruth Aland, Notary public, proof will be submitted of the application to beneficial use of 0.50 cubic foot per second of the waters of Pegram Creek, in accordance with the terms and conditions of Permit No. 25703 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and post office address of the person or corporation holding said permit are Levoy C. Esterholdt, Pegram, Idaho.

The use to which said water has been applied is Irrigation - 50 acres.

The amount applied to beneficial use is 0.50 cubic foot per second.

The place where said water is used :20 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, 30 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ all in Sec. 36 T 15S, R 45 E.

The name of the canal or ditch or other works by which said water

is conducted to such place of use is: None diverted directly from Pegram Creek.

The right to take water from such works is based upon permit No. 25703.

The source of supply from which such water is diverted is Pegram Creek.

The date of priority which said user is prepared to establish is May 23, 1955.

MARK R. KULP
State Reclamation Engineer
(j-5|12|19|26)

Notary Public.

Roger B. Buzzone
Residing at Montpelier, Idaho
My Comm. Exp. 12/8/59

25703

NAME OF APPLICANT Lewy C. Esterholt

Form No. 0

N

R45 E

PEGRAM
Creek

DIVERSION DAM

T155

35 36
21

25703

Permit Map No. 25703
As Approved

MAY 24 1955
MA. R. R. KULP
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

25703

State of Idaho
License and Certificate of Water Right

Water License No. 25703 Amount .5 c.f.s.
Water District No. Priority May 23, 1955

THIS IS TO CERTIFY that LEVOY C. ESTERHOLDT
of Pegram, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 23, 19 55 ; that Permit No. 25703
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.5 second feet, was issued thereunder on December 5, 19 55, showing that said works
were completed on the 6th day of October, 19 55 ; and that on the 3rd
day of February, 1956, LEVOY C. ESTERHOLDT

of Pegram, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Pegram
Creek which sinks before reaching another stream, for the purpose of Irrigation
, under Use Permit No. 25703 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
10 of Licenses at page 5903, on the 24th day of January, 19 57 ;
The right hereby confirmed dates from May 23, 19 55 ;

The Point of Diversion is located
in the SE 1/4 SE 1/4, Sec. 36, Tp. 15 S., R. 45 E., B. M. County Bear Lake
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 .5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	45 E.	36	NW $\frac{1}{4}$ SE $\frac{1}{4}$	20	20
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	30	15
			Total number of acres irrigated - - -		

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
24th day of January, 19 57 .
/s/ Mark R. Kulp
State Reclamation Engineer.
(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. G-22315 Amount 4.0 c.f.s.
Water District No. _____ Priority August 18, 1951

THIS IS TO CERTIFY that BOISE WATER CORPORATION
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 18, 1951; that Permit No. G-22315
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.0 second feet, was issued thereunder on January 24, 1957, showing that said works
were completed on the 24th day of July, 1956; and that on the 24th
day of July, 1956, BOISE WATER CORPORATION, O.P. Newman, Agent

of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
~~or tributary of~~ subterranean flow, for the purpose of Municipal water sup-
ply of Boise, under Use Permit No. G-22315 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
10 of Licenses at page 5904, on the 24th day of January, 1957;
The right hereby confirmed dates from August 18, 1951;

The Point of Diversion is located
in the SE 1/4 NW 1/4, Sec. 9, Tp. 3 N., R. 2 E., B. M. County Ada

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 4.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>3 N.</u>	<u>2 E.</u>	<u>9</u>	<u>Water to be used for municipal supply to City of Boise.</u>		

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
24th day of January, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

11- 2112

APPLICATION No. 33552
 PERMIT No. 25703
 DISTRICT No.

1. Name of Applicant: LEVOY C. ESTERHOLDT

Postoffice address: Pegram

County: Bear Lake State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 0.50

cubic feet per second.

3. Source of water supply: Pegram Creek

which is a tributary of Sinks before reaching another stream

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 36 , T. 15 S, R. 45 E , B.M., County of Bear Lake

5. Water is to be used for Irrigation 50 acres

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: \$ 300.00

8. Kind of works: Dam

9. Height of dam 10.6 feet; length of dam at top 38 feet; length of dam at bottom 10

feet; material used in dam: Compacted earth fill - plastic clay

10. Size of headgate: Width 12" circular Armco /feet; height 101 feet.

11. Ditch: Width at bottom 2 feet; width at water line 3 feet; depth of water 2 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 one years.

13. The time required for the complete application of the water to the proposed use is completion of diversion dam. immediate, after / additional years.

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

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

WRR100
11-2112

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS PROOF READING REPORT

PAGE 2
26-DEC-1985 09:08:58

----- D A T E S ----- D A T E S ----- F L A G S -----

54 LAST UPDATE - 24-DEC-1999

62 DATE_2 -

WATER RIGHT
DATA ENTRY LOG

[illegible]

June 4, 1969

RE: License 11-2112 (25703)

Levoy Esterholdt
Star Route #1
Montpelier, Idaho 83254

Dear Mr. Esterholdt:

Your water, as listed above, has been re-numbered however, it is a valid right for .5 c.f.s. with a priority of May 23, 1955. Our records do not show any other rights filed on Pegram Creek beside your right. Mr. Louis Roberts could use the water from Pegram Creek as long as he does not interfere in any way with the senior rights on the stream. There could be other rights such as use rights that are not on record at our office but are valid rights.

If we can be of further assistance please let us know.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

C
O
P
Y

25703
11-2112

May 29th

WKS

Dear Sir:

I would like information concerning the water license I have no. 25703 volume 10 of licenses page 5903

Does Louis Roberts of Cokeville, Wyoming - a sheepman, have the right to pump water from Bigram Creek, fill 1000 gallon tanks on trucks & then dump the water into dry unlined reservoirs? Approx. 18,000 gal. per day.

He has springs & reservoirs of his own that he could pump from.

RECEIVED

JUN 9 1959

Department of Reclamation

Sincerely yours
Levy Esterholdt
Star Pt. 1
Montpelier, Ida. 83254

11-2162
25703

July 10, 1962

Re: Permit No. 25703
Levoy E. Esterholt

Mr. J. N. Igo, President,
Cokeville Land & Livestock Co.,
Cokeville, Wyoming.

Dear Mr. Igo:

Thank you for your letter dated July 9th. It
is always a pleasure to receive notice that appropriators
of water on a stream cooperate.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:pmk

25703

Cokeville Land & Livestock Company

COKEVILLE, WYOMING

SHEEP
EARMARK



JULY 9, 1962

HORSES
CATTLE
SHEEP



LEFT SIDE
LEFT HIP
BACK OR
EITHER SIDE

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

Department of Reclamation

RE: PERMIT No. 25703

DEAR SIR:

WE ARE ENCLOSING SELF-EXPLANATORY LETTER
WRITTEN TO THE OWNER OF THE ABOVE NUMBERED PERMIT.

SINCE OUR CORRESPONDENCE OF 1958 REGARDING
THE IRREGULARITIES IN THE GRANTING OF THIS PERMIT,
WHEREIN WE REQUESTED THAT SOME STOCK WATER BE ALLOWED
TO FOLLOW THE OLD CREEK CHANNEL, WE HAVE ALWAYS HAD
WATER TO WATER OUR STOCK.

WE WISH TO KEEP THIS MATTER OPEN TO THE EXTENT
OF KEEPING YOUR OFFICE ADVISED THAT MR. ESTERHOLDT
HAS RECOGNIZED OUR STOCK WATER RIGHTS AND INTERESTS
AND HAS FULLY COOPERATED WITH US IN SUPPLYING THE NECESSARY
"TRICKLE" OF WATER.

YOURS VERY TRULY,

COKEVILLE LAND & LIVESTOCK CO
BY

J. N. IGO, PRESIDENT

25703

J. N. IGO, PRESIDENT

EDITH M. IGO, SECRETARY-TREASURER

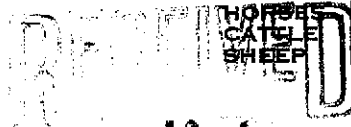
Cokeville Land & Livestock Company

COKEVILLE, WYOMING

SHEEP
EARMARK



JULY 9, 1962



LEFT SIDE
LEFT HIP
BACK OR
EITHER SIDE

MR. LEVOY C. ESTERHOLDT
PEGAN, IDAHO

Department of Reclamation

DEAR MR. ESTERHOLDT:

PLEASE BE ADVISED THAT WE WILL BE MOVING OUR
BUCKS INTO OUR DEEDED LAND IN SECTION 25 LYING WEST OF
YOUR ACREAGE THAT YOU ARE WATERING OUT OF PEGAN CREEK.

WE WILL APPRECIATE YOUR ALLOWING A TRICKLE OF
WATER TO RUN ON DOWN THE CREEK, AS YOU HAVE IN THE PAST
SO THAT OUR STOCK CAN CONTINUE TO WATER ALONG THE CREEK.

IT WILL BE ABOUT JULY 20TH BEFORE WE MOVE THE
BUCKS INTO THIS PASTURE.

YOUR COOPERATION WILL BE APPRECIATED.

SINCERELY YOURS,

CC: DEPT OF RECLAMATION
BOISE, IDAHO

25703

May 19, 1961

RE: Permit No. 25703

Mr. Levoy Esterholdt
Pegram Route
Pegram, Idaho

Dear Mr. Esterholdt:

According to the records in this office you have a licensed water right for 0.5 cubic foot per second (25 miner's inches) out of Pegram Creek, priority of May 23, 1955, Point of Diversion in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 15 South, Range 45 East.

Wayne G. Wilcox has a later filing for 1.6 cubic feet per second out of Pegram Creek, with Points of Diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 16 South, Range 46 East. Date of his filing is July 21, 1960. Wilcox's filing is about five years later than your license, therefore you are entitled to your twenty five miner's inches before Wilcox gets any water.

So far as we can find there is no decree on the stream so the permit rights are entitled to water in the amounts and order of their priority.

What Wilcox means by owning water rights out of Dairy Hollow and Taylor Meadows I do not understand. There are no such streams or water sources, nor rights therefrom, of record in this office. Neither do I understand how Wilcox gets water rights at Burley, Idaho. He should show you evidence of whatever right he so claims.

You are entitled to twenty five inches out of Pegram Creek ahead of Wilcox. His filing does not give him a right to take your water. He gets what is left after your right is filled.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:mr

25703

25703

Pegram, Idaho

May 17, 1961

Department of Reclamation

Mark R. Kulp

State Reclamation Engineer

RECEIVED

MAY 18 1961

Department of Reclamation

Dear Sir:

In regards to Water Licence no. 25703 - priority - May 23, 1955 Amount .5 C.F.S. Volume 10 of Licenses page 5903. ^{Interholdt}

I started getting ready to sprinkle my grain & found that only $\frac{1}{2}$ the water was coming down the creek. On investigation I found that Wayne Wilcox of Montpelier, Idaho had put a canvas dam across the ditch & was running the water in his sagebrush. I called him on the phone & he said he had gone to Burley, Idaho last fall & had the rights to "Dairy Hollow". Now Dairy Hollow & Taylor Meadows is what feeds the Pegram Creek, which the Engineer named for convenience.

I have lived here for 35 yrs & he or his Father have never used it before

And it is useless & defeating the way he is doing.

I have gone to the work & expense of dams & sprinkler system, so, is there a way of preventing him from doing this?

We like to get along with our neighbors, but we can't seem to make him realize that the water is ours.

Someone shut the headgate down on the reservoir during the winter & when the snow melted came down it washed out our dam & we just got that fixed again.

May we hear from you soon about this matter?

25703

Sincerely yours

Levy Esterhuysen
Pegram Route, Idaho

Enterholdt 36-153.45E
POLO N⁴ 16⁴ - Pegram br. 7-23-1955
0.5 m. ft. 35 acres License.

Wayne G. Wilcox
28,858 1.6 m. ft. Filed 7-21-60
POLO N⁴ 16⁴ - 7-16-46

March 3, 1959

Re: Permit No. 25703

Mr. Elbert E. Cass
Attorney at Law
Montpelier, Idaho

Dear Mr. Cass:

I do not know if Cokeville Land and Livestock Co has turned over or shown to you the 1958 correspondence regarding Permit No. 25703. If not you should have it as the situation which arose in connection with the offering of the proof is explained.

There seems to be various uncertainties in the record. Mr. Teichert could have lodged his protest with the notary at the time set for the proof whether or not Mr. Esterholdt appeared then; also, the notary seems to be confused about the matter.

In any event if Cokeville Land and Livestock Co. has a prior record right to water from Pegram Creek it has nothing to fear from the license and I cite a decision of the Idaho Supreme Court bearing on such a case:

"State Engineer by granting subsequent water permit cannot interfere in any manner with vested rights of prior appropriators." (15 Ida 395)

The license has been issued and the time for appeal as provided in Sec. 42-224, Idaho Code, has expired.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

ENC:ew

25703

Montpelier, Idaho
July 26, 1958

Mr. Geo. N. Carter,
State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

RECEIVED
MAR 2 1958
Department of Reclamation

Re: Permit No.25703

Mr. Louis Teichert of Cokeville, Wyoming is now in my office concerning the above and he has brought to my mind the fact that he did claa at my office on the date of February 1, 1956 and waited for the Esterholdts to appear for a time and then left and returned a time or two later in the day but they did not appear, but they did come in a day or two later. Mr. Teichert states that he wrote a letter of protest on this case which I notarized for him.

Ruth Aland

25703

ELBERT E. GASS
ATTORNEY AT LAW
FIRST SECURITY BANK BUILDING
MONTPELIER, IDAHO

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

SPECIAL ASSISTANT
ATTORNEY GENERAL

February 27, 1959

RECEIVED
MAR 2 1959
Department of Reclamation

Mr. Geo. N. Carter
Reclamation Engineer
Department of Reclamation
Statehouse
Boise, Idaho

Dear Mr. Carter:

I have been retained by Mr. Louis Teichert of Cokeville, concerning water taken from Pegram Creek, which they had had for years, and their predecessors and interest had, applied to beneficial use upon properties in Bear Lake County, Idaho.

Prior to the 1st day of February, 1956, your department had granted Levoy C. Esterholdt of Pegram, Idaho, right to take water in accordance with the terms and conditions of Permit No. 25703. On February 1, 1956, at 3:00 P.M. proof was to be submitted before Ruth Aland, Notary Public, as to the application to beneficial use of 0.50 cubic feet per second of the waters of Pegram Creek by Mr. Esterholdt. Mr. Louis Teichert appeared at the appointed time but Mr. Esterholdt did not so appear; in fact, it wasn't until the next day or thereafter that Mr. Esterholdt appeared to offer any proof as to application of beneficial use. I have a letter addressed to you, Mr. Carter, written by Mrs. Ruth Aland, which notary conclusively points to the fact that Mr. Teichert did come to Mrs. Aland's office and did wait to offer proof, and which letter conclusively shows that Mr. Esterholdt did not come in until the next day or thereafter. Mrs. Aland further states that Mr. Teichert wrote a letter of protest which she notarized for him.

There are other witnesses who will very gladly present evidence that Mr. Esterholdt did not appear at the appointed time but that Mr. Teichert did.

Consequently, the proof given on any other day would not be legal and proper proof as to the application of water to beneficial use and certainly would not be in accordance with the terms of the notice or of statute.

25703

Mr. Geo. N. Carter

-2-

February 27, 1959

I urge you to review and investigate the foregoing matter in order to obviate any future difficulties. Of course, I have been retained by Mr. and Mrs. Teichert and will do everything to protect their interest; I feel that the Teichert's are the ones who should have the water not Mr. Esterholdt.

Very truly yours,



Elbert E. Gass

EEG:la

Encl: Ruth Aland letter

25703

Re Permit 25703. H/L

8-5-58.

Something about this
matter looks strange,
for the time being no
reply to the letter.

JML

25703

Montpelier, Idaho
July 26, 1958

Mr. Geo. N. Carter,
State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Re: Permit No. 25703

RECEIVED

JUL 29 1958

Department of Reclamation

Mr. Louis Teichert of Cokeville, Wyoming is now in my office concerning the above and he has brought to my mind the fact that he did claa at my office on the date of February 1, 1956 and waited for the Esterholdts to appear for a time and then left and returned a time or two later in the day but they did not appear, but they did come in a day or two later. Mr. Teichert states that he wrote a letter of protest on this case which I notarized for him.

Ruth Aland

25703

Cokeville Land & Livestock Co.

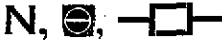
Cokeville, Wyoming

SHEEP

EARMARK



WOOL BRANDS



HORSES
CATTLE



EITHER SHOULDER
LEFT SIDE OR HIP

RECEIVED
JUL 29 1958

Department of Reclamation

Located on the Oregon Short Line Railroad, and the Old Oregon Trail, direct highway to the Northwest.

Direct route to the Yellowstone National Park, and to Jackson Hole the home of America's largest herd of Great Elk.

Elevation 6000 feet

Perfectly balanced climate

The best range livestock district in the west

Wild game and trout fishing in abundance

J. N. IGO, President

H. B. SMITH, Vice-President

EDITH M. IGO, Secretary

July 27, 1958

Mr. Geo. N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Permit No. 25703

Dear Mr. Carter:

Referring to your letter of July 18th, to the effect that no one appeared to file a protest in connection with the above captioned case; we are submitting the enclosed letter from Ruth Aland, Notary Public, which is self explanatory.

We believe that sufficient evidence has been presented to your office to warrant reopening this matter, and requesting a new hearing in this matter.

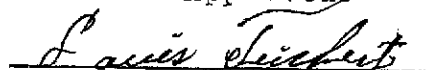
Our interest, and the Louis Teichert interest, is not to oppose the use of surplus water by Mr. Esterholdt for irrigation purposes, but to assure the land that we both own has sufficient water for stock water purposes.

In the interest of all concerned, if your office and Mr. Esterholdt would agree that a flowing stream be allowed to continue down stream through the Cokeville Land & Livestock Co and the Louis Teichert properties, we would have no objection to the diversion of the remaining stream.

We appreciate your interest in this matter and we also appreciate the cooperative attitude displayed by Mr. Esterholdt in allowing some water to bypass down stream for the benefit of our stock.

Yours very truly,

Read and Approved:


Louis Teichert

Encl: Ltr Ruth Aland

Cokeville Land & Livestock Co

By 
J. N. Igo, President

25703

Cokeville Land & Livestock Co.

Cokeville, Wyoming

SHEEP

EARMARK



WOOL BRANDS



HORSES CATTLE



EITHER SHOULDER
LEFT SIDE OR HIP

RECEIVED
JUL 18 1958
Department of Reclamation

Located on the Oregon Short Line Railroad, and the Old Oregon Trail, direct highway to the Northwest.

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Elevation 6000 feet.

Perfectly balanced climate

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Wild game and trout fishing in abundance

J. N. IGO, President

H. B. SMITH, Vice-President

EDITH M. IGO, Secretary

July 16, 1958

Mr. Geo. N. Carter
State Reclamation Engineer
Boise, Idaho

Re: Permit No. 25703

Dear Mr. Carter:

Thank you for your prompt reply to our letter of the 12th.

Since you state that license was issued, we would like to know why the protests of Louis Teichert, who also used this water for stock water, and also subsequent letter from Mr. Teichert in this regards were apparently ignored by the Department of Reclamation. Mr. Teichert appeared as a result of the notice in the paper, and left a notarized letter of protest, which was handed to the Department's representative.

Without knowing the full technicalities of the law or the requirements, it would seem that the full interests of the users of this water were not fully protected in the granting of this license, unless the license permits only the use of 0.5 of a second foot of water, and not the impounding of the entire stream.

Our relations with Mr. Esterholdt have been satisfactory, but we would like to know just where we stand in the event the land and water use passed into other hands.

We would appreciate any clarification of this matter that you might care to offer.

Yours very truly,

Cokeville Land & Livestock Co

By

25703

July 14, 1958

Re: Permit No. 25703

Cokeville Land & Livestock Company
Cokeville, Wyoming

Attention: J. N. Igo
President

Dear Mr. Igo:

The record of Permit No. 25703 discloses that Certificate of Completion of Works was issued December 5, 1955 for 0.5 of a second foot of the waters of Pegram Creek and that license has been issued for 0.5 of a second foot. Apparently Proof of Beneficial Use was made and it would not be irregular that neither Mr. Esterholdt nor the State Reclamation Engineer were present when the proof was offered.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:lw

25703

Cokeville Land & Livestock Co.

Cokeville, Wyoming

SHEEP

EARMARK



WOOL BRANDS



HORSES
CATTLE



EITHER SHOULDER
LEFT SIDE OR HIP

RECEIVED
JUL 14 1958

Department of Reclamation

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Elevation 6000 feet

Perfectly balanced climate

The best range livestock district in the west

Wild game and trout fishing in abundance

J. N. IGO, President

H. B. SMITH, Vice-President

EDITH M. IGO, Secretary

July 12, 1958

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

Dear Sir:

We would like to know the present status of Permit No. 25703 diverting or storing water from Pegram Creek in Sec 36 T 15S R 45E.

We own or lease 674.07 acres in Section 25 15S/45E and Sec 30, 15S/46E which is dependent for stock water use on this creek (Pegram Creek), and said creek has been used for stock water continuously for many years. Recently the water was shut off (presumable for storage purposes) and Mr. Levoy C. Esterholdt, when called about it, said he would allow some water down so our bucks would have water.

We understand that on the date and time for notice of proof application of water to beneficial use, namely, February 1, 1956 at 3:00 p.m. in Montpelier, Idaho, that neither Mr. Esterholdt, nor the State Reclamation Engineer's representative were present, but both were present at a later date.

Since we did not know this water had been diverted until July 11, 1958, and although Mr. Esterholdt said he would allow some water down the creek, we are very much concerned.

Our corporation, duly qualified in Idaho, owns some 6,000 acres in Idaho adjacent to this Creek.

We would have no objection to the diversion of this creek for irrigation purposes, providing some water were allowed to pass by for stock water purposes.

Yours very truly,

Cokeville Land & Livestock Co

By

J. N. Igo

President

25703

January 24, 1957

Re: Permit No. 25703

Mr. Levoy T. Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

We enclose License and Certificate of Water Right issued under Permit No. 25703 confirming your right to the use of .7 second foot of water from Pegram Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 15 South, Range 45 East B.M., with priority of May 23, 1955, for irrigation of land located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36.

Also enclosed is departmental receipt No. 28397 for \$4.00 issued for the payment of the license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Encls: (2)

P. S. In our letter to you dated January 15, 1957, I find an error in the 2nd para. 3rd line, 1st word. It should have read .5 cubic feet per second which is the amount we have issued the license for.

25703

January 15, 1957

Re: Permit No. 25703

Mr. Levoy E. Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

We now have the Report of our Field Engineer made in connection with your Permit No. 25703; therefore, this Permit is entitled to "License and Certificate of Water Right".

Upon receipt of the statutory fee of \$4.00 (based on \$2.00 for each 40-acre subdivision) License will be issued for .7 cubic feet per second of water from Pegram Creek, with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 15 South, Range 45 East B.M., for irrigation of lands located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 15 South, Range 45 East B.M.; a total of 35 acres.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls

25703

Went for a ...
July 11, 1956

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

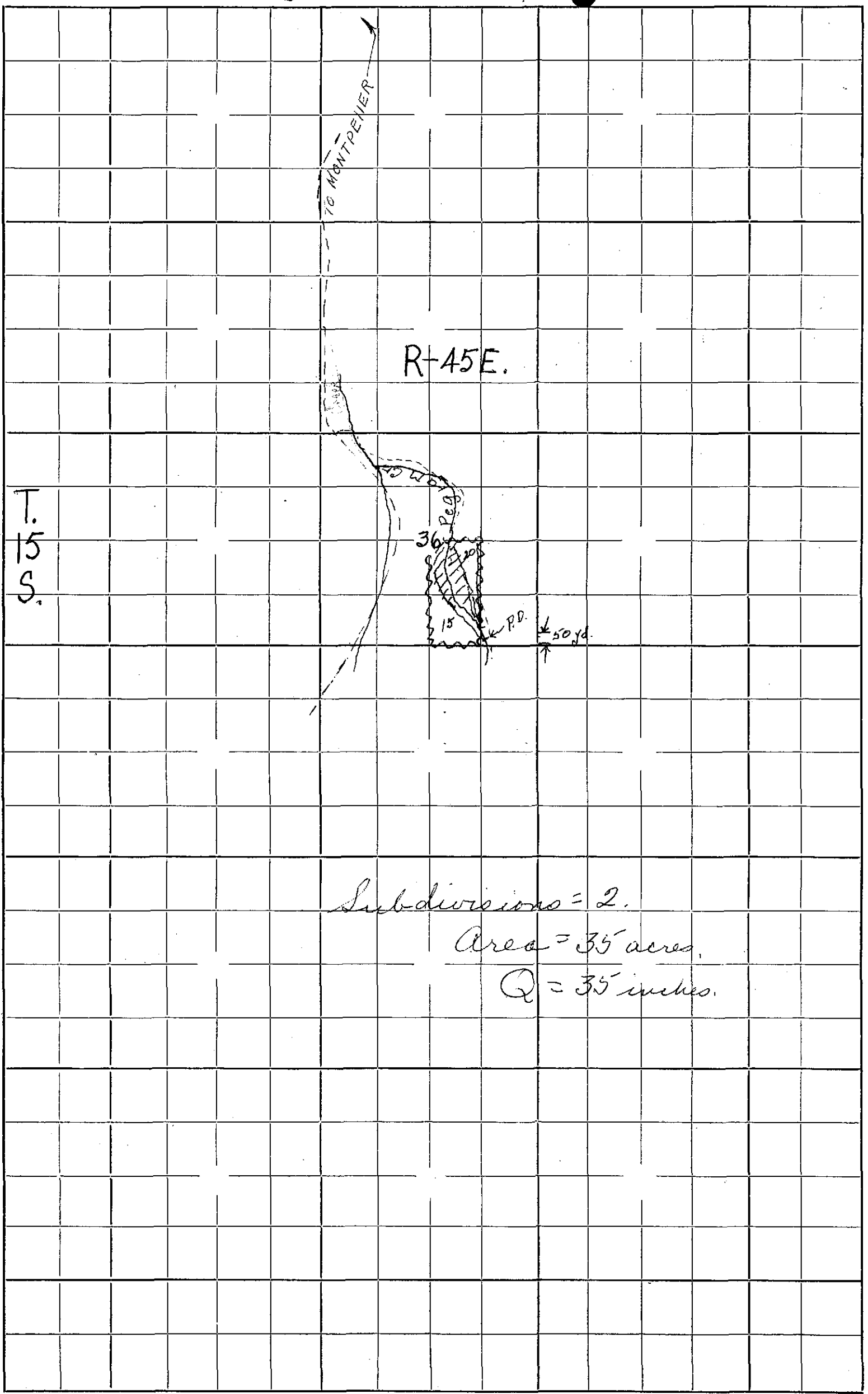
PERMIT NO. 25703

REPORT ON PROOF OF Beneficial Use

Mr. Levoy E. Esterholdt, Pegram, Idaho

app.	0.50 cfs
gn -	4 cfs
Int -	2
acres	35

~~1 cfs~~
~~5 cfs~~
5 cfs
mkt.



Subdivisions = 2.

Area = 35 acres.

Q = 35 inches.

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

Permit No. 25703This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Levoy E. Esterholdt2. Source of water supply: Pegram Creek

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36
T. 15 S R. 45 E., B.M. County of Bear Lake

4. Describe works as they exist, giving dimensions and capacities of same: There is a small dam across Pegram Creek near the South line of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T. 15 S., Rge. 45 E. that backs up a small pond which makes possible a better stream for irrigation and irrigation only during day-time. The land irrigated is the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36.

5. Water is used for: _____

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):

20 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$., 30 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ all in Section 36., Twp. 15 S., Range 45 East, 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: Louis Leichert of Cokeville, Wyo. says he was there to protest and that depositions not taken that day.
Mrs Esterholdt says true - taken next day.
Bear River had them marooned.

This examination was made on the 11 day of July, 1936

(Signed)

E. J. Humphrey
Examiner.

25703

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
DEC 4 1956
Department of Reclamation

Levoy E. Esterholdt
Pegram, Idaho

Permit No. 25703

Examination for Beneficial Use

County Bear Lake

36-15S.-4SE.

Qr 0.5 a.f.s.

S = Pegram Creek

P.D. = SE, SE, Sec. 36, T. 15S. - R. 4SE

Use = Irrigation

Res. holds water for
5 hrs irrig. 12" pipe
not full open.

Res. extends 2 to 300 yds
upstream

Filed =
Dne =

- Send map plat
to Bureau

o/w = 12-5-55

Louis Leichert

Cokeville, Wyoming.

dam 47 yds long

9' w. on creek

11' h. above outlet down

12" x 20' culvert pipe on w.
or left end. into an
irrig ditch

12" plank for cat walk 12' l

12" outlet pipe in creek.

25' to 30' long.

Stream bed is a gully
wash about 6 to 8' deep
x 10 to 20' w.

A F F I D A V I T

RECEIVED
JAN 11 1957

Department of Reclamation

January 5, 1957

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

Dear Sir:

RE: Permit No. 25703
Levoy E. Esterholdt

This is to certify that my office at Montpelier, Bear Lake
County, Idaho, was open on February 1, 1956, and no one appeared to
file a protest in connection with the above captioned.

Ruth Aland
Ruth Aland

Subscribed and sworn to before me, John B. Hoge, a Notary Public
in and for the State of Idaho, on 9th day of January, 1957.

John B. Hoge
Residing at Paris, Idaho

My Commission Expires:
25 June 1958

25703

January 3, 1957

RE: Permit No. 25703

Ruth Aland
Notary Public
Montpelier, Idaho

Dear Miss Aland:

In checking the depositions of both the holder and the witnesses, in connection with the Permit above captioned in the name of Mr. Levoy E. Esterholdt, we find that the proof of water to beneficial use was to have been made at 3:00 P.M. on the first day of February, 1956, at Montpelier, County of Bear Lake, State of Idaho, before Ruth Aland, Notary Public,

We note however, that all of the depositions were made before you on February 3rd, 1956, rather than the first day of February.

It therefore, becomes necessary for us to have an affidavit from you stating that your office was open on February 1, 1956, and no one appeared to file a protest.

Your immediate attention in this matter will be much appreciated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR
cc: Mr. Levoy E. Esterholdt
Pegram, Idaho

25703

July 3, 1956

RE: Permit No. 25703

Mr. Levoy E. Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

State law requires that a field inspection be made in connection with any permit being brought to license within the State of Idaho.

I intend to make inspection in connection with your permit on July 11, 1956, sometime during the forenoon.

Please be prepared to accompany me on the inspection.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

25703

June 25, 1956

RE: Permit No. 25703

Mr. Levoy E. Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

Receipt of your letter is acknowledged. I have not made inspection as yet in the Southeastern portion of Idaho and will try to let you know approximately two weeks in advance before I do.

I hope to make the inspection the latter part of July or August but will advise you later.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

25703

February 29, 1956

Re: Permit No. 25703

Mr. Levoy E. Esterholdt
Pegram, Idaho

Dear Mr. Esterholdt:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in the ~~News-Examiner~~, all submitted in proof of beneficial use on Permit No. 25703.

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk



ROBERT E. SMYLLIE
GOVERNOR

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

BOISE

RECEIVED
JUN 20 1956
Department of Reclamation

February 29, 1956

Re: Permit No. 25703

Mr. Levoy E. Esterholdt
Pegram, Idaho

Dear Mr. Esterholdt:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in the News-Examiner, all submitted in proof of beneficial use on Permit No. 25703.

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By *Edna P. Rutledge*
Chief Clerk

Dear Sir:

Our neighbors informed us that a car with a State of Idaho on the side had been at our house and we were wondering if the engineer had missed us. At this time of year we are away from the house so much. Please try and let us know about how much longer it will be before we can expect him.

25703

*Yours truly
Levoy Esterholdt*

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
FEB 27 1955
Department of Reclamation

Permit No. _____

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Leroy Esterhuysen, Farmer, Piquem, Idaho

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

Ans. _____

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

Ans. Permit No. 25703, Date of permit May 23, 1955

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

Ans. Source of water supply in Piquem Creek
point of diversion in the SE 1/4 SE 1/4 of Section 36
TWP 15S Range 45E Blaine Co. Idaho

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

Ans. Earth Dam, The amount of water to be conveyed
from point of diversion to place of use is 4 second feet.

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, 20 acres NW 1/4 SE 1/4 30 acres
SW 1/4 SE 1/4 all in Section 36 T 15S
Range 45E Cultivated land

25703

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

Ans.

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

Ans.

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

Ans.

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

Ans. All during the summer months of 1955 I irrigated with the water. I would close the head gate of the dam during the night and irrigate the following day until the dam runs dry.

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

Ans. There is no other water that has been applied to Beneficial use on this land.

(Sign) *Levoy C. Eshkoloff*

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 *Montpelier*, County of *Bear Lake*, State of Idaho, on this *3rd* day of *February*, A. D. 195*6*.

Ruth Aland

My commission expires
RUTH ALAND
Notary Public
Montpelier, Idaho
My Commission Expires
March 6, 1956

25703

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. Grant Esterholdt age 39 Farmer Piquam Idaho

Ques. 2. Are you acquainted with Leroy Esterholdt, the holder of Permit No. 25703? How long have you known him and where does he reside?

Ans. I have known him all my life, he lives in Piquam, Idaho

Ques. 3. Have you read or heard read said Permit No. 25703, 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. Piquam Creek
SE 1/4 - SE 1/4 Section 36 T 15S R 45E Bear Lake
Dam - 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. 0.50

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

Ans. irrigation 20. NW 1/4 SE 1/4 - 30 SW 1/4 SE 1/4
all in Sec. 36 T 15S R 45E Cultivated

25703

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

Ans. _____

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

Ans. Farming land 0.50

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 summer of 1955

(Signed) Grant Esterholdt

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 Montpelier

County of Bear Lake, State of Idaho, on this 12th day of February, A. D. 1956.

RUTH ALAND
Notary Public
Montpelier, Idaho
My Commission Expires
March 6, 1956

Ruth Aland
Notary Public.

My commission expires _____

25703

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. Heidi A. Parker 32 Montpelier Idaho Baker 1032 Monroe

Ques. 2. Are you acquainted with Le Voy Estubiedt, the holder of Permit No. 25703? How long have you known him and where does he reside?

Ans. 10 years Pogram Idaho

Ques. 3. Have you read or heard read said Permit No. 25703, 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. Pogram Creek
SE 1/4 - SE 1/4 Section 36 T15S R45-E Ben Lake
A Compacted Earth Filled Dam and a 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. 0.50

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

Ans. Irrigation 20th NW 1/4 SE 1/4 - 30 ACRES SW 1/4
SE 1/4 in Section 36 T15S Range 45 E Cultivated

25703

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

Ans. _____

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

Ans. Farming Land 0.50

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. It is not far from the ^{road} and I have seen him raising the water ~~at~~ several times during the month of July 1955. All the water the ditch would hold.

(Signed) Judith A. Parker

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 Montpelier

County of Bear Lake, State of Idaho, on this 3rd day of February, A. D. 1956.

RUTH ALAND
Notary Public
Montpelier, Idaho
My Commission Expires
March 6, 1966

Ruth Aland

Notary Public.

My commission expires _____

25703

February 9, 1956

RE: Permit No. 25703

Mr. Levoy E. Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

We are returning herewith your proofs of Application to Beneficial Use in connection with the above stated Permit. We are returning same for additional information.

On the Holders Permit we wish you would answer Questions 10 and 11 as 11 is essential that it be answered before the proofs can be approved.

We are also returning your Certificate of Completion of Works which you attached to the proofs and mailed to this Department. This Certificate of Completion of Works you should keep and attach to your original Permit for your files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Ray W. Thompson
Office Manager

T:cu
Enc.

25703

THE NEWS-EXAMINER
MONTPELIER, IDAHO

RECEIVED
FEB 6 1956

Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

A. M. Robinson

being first duly sworn, deposes and says
he is Publisher and Foreman of the
News-Examiner; that the said News-Examiner
is a weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of general
circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a supple-
ment, for four

successive weeks, commencing with the issue
dated January 5, 1956

and ending with the issue

dated January 26, 1956

A. M. Robinson

Publisher and Foreman.

Subscribed and sworn to before me this 27th day of January, 1956

OF WATER TO BENEFICIAL USE

Notice is hereby given that at 3:00 p. m. on the 1st day of February, 1956, at Montpelier, County of Bear Lake, State of Idaho, before Ruth Aland, Notary public, proof will be submitted of the application to beneficial use of 0.50 cubic foot per second of the waters of Pegram Creek, in accordance with the terms and conditions of Permit No. 25703 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and post office address of the person or corporation holding said permit are Levoy C. Esterholdt, Pegram, Idaho.

The use to which said water has been applied is Irrigation - 50 acres.

The amount applied to beneficial use is 0.50 cubic foot per second.

The place where said water is used is 20 acres NW 1/4 SE 1/4, 30 acres SW 1/4 SE 1/4 all in Sec. 36 T 15S, R 45 E.

The name of the canal or ditch or other works by which said water

is Name of use of water from Pegram Creek

The right to take water from such works is based on permit No. 25703.

The source of the water from which such water is diverted is Pegram Creek.

The date of publication of said user is appeared in the official is May 23, 1955.

MADE E. J. JENSEN
State Reclamation Engineer
(1-5121926)

Roger B. Bingham
Notary Public.
Residing at Montpelier, Idaho
My Comm. Exp. 12/8/59

25703

The News-Examiner

Robinson and Taylor

Publishers - Commercial Printing

RECEIVED
JAN 4 1956

Department of Reclamation

TELEPHONE 239

MONTPELIER, IDAHO

January 3, 1956

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

We have received notice for Publication Re: Permit
No. 25703. We will start publication with issue
of January 5.

Very truly yours,
The News-Examiner
By Ruth Taylor

25703

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 25703

Date: December 28, 1955

News-Examiner

Montpelier, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to February 1, 1956 the date set for proof, the expense of the publication to be paid by the applicant, Levoy C. Esterholdt of Pegasus, 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

25703

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

Notice is hereby given that at ~~3:00 PM ***~~ on the 1st day of February, 1956,
 at Montpelier, Idaho, County of Bear Lake, State of Idaho, before
Ruth Aland, Notary Public, proof will be submitted of the
 application to beneficial use of 0.50 cubic ~~foot~~ per second of the waters of Pegram Creek
 in accordance with the terms and conditions of Permit No. 25703
 heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

Levoy C. Esterholdt, Pegram, Idaho

The use to which said water has been applied is Irrigation - 50 acres

cubic foot per second

The amount applied to beneficial use is 0.50 ~~cfs for 100 days on 100 acre feet~~

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

20 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, 30 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ all in Sec. 36, T 15S, R 45E.

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

None - diverted directly from Pegram Creek

The right to take water from such works is based upon Permit No. 25703

The source of supply from which such water is diverted is Pegram Creek

The date of priority which said user is prepared to establish is May ²³ 1955

MARK R. KULP

State Reclamation Engineer.

25703

December 6, 1955

RE: Permit No. 25703

Mr. Levoy C. Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

We enclose Certificate of Completion of Works issued on Permit No. 25703 for the diversion of 4.0 second feet of water from Pegram Creek with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 36, Township 15 South, Range 45 East, B.M. for irrigation of land in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section.

We also enclose departmental receipt No. 27728 for the \$5.00 completion of works fee.

We shall send to the News Examiner of Montpelier, notice for proof of beneficial use to be made on this Permit February 1, 1956, 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 Ruth Aland, 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
Enc.

25703

Permit No.

STATE OF IDAHO
Department of Reclamation

RECEIVED
DEC 2 1955

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Bear Lake

ss.

Levoy Esterhelt, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 25703, and that his postoffice address is Pegram State of Idaho

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

Pegram Creek

Third: That the point of diversion of said water is SE 1/4, SE 1/4

of Section 36, T 15 S R 45 E B.M. County, Bear Lake

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 24, 1956.

Fifth: That the use for which said water is intended is irrigation

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

I. Kind of works: dam
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 10.6 feet, length of dam at top 38 feet, length of dam at bottom 10 feet. Material used in construction Compacted

earth fill - plastic clay

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir 1.03 acre feet.

(c) Size of headgate: Width 12" circular feet, height armed 101 feet.

(d) Conduit width at bottom 2 feet, width at water line 3
(State whether ditch, flume or pipe)

feet, depth of water 2 feet; diameter of pipe _____ inches, average grade per mile is 15.6 feet. Length of conduit is 250 ft miles.

Seventh: That said works are capable of conducting to the place of intended use 4.0 second feet of water.

Eighth: That water appropriated under said permit is available for _____ acres of land described as follows: 20 acres NW 1/4 SE 1/4, 30 Acres SW 1/4 SE 1/4 all in sec. 36, T 15 S, R 45 E.

Ninth: Remarks: That _____

Levoy Esterhelt
(Sign Here)

Subscribed and sworn to before me this 6th day of October, 1955.

Ruth Aland

My commission expires _____

RUTH ALAND
Notary Public
My commission expires
March 6, 1956

Notary Public.

25703

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Oct. 1955

(P. O.) Pegram, 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

News-Examiner of Montpelier, Ida published in

the county in which the works are situated.

Levoy Esterholdt

(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.

25703

August 3, 1955

RE: Permit No. 25703

Mr. Levoy C. Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

In reply to your request for forms for Completion of Works and Beneficial Use proof on the above numbered Permit:

Proof of Completion of Works can be made on Form 6 enclosed executed before a Notary Public and returned to this Department with the statutory fee of \$5.00.

Before making proof of Beneficial Use the statutes require publication of a notice once a week for four weeks in a county newspaper. This notice should be made in duplicate on Form 10 enclosed setting the time and place and naming the Notary Public before whom the proofs are to be made.

The proof may be made at Pegram or at any place convenient for you and your two witnesses but the time must be set far enough ahead to allow for four weeks publication.

Both copies of Form 10 to be returned to this Department together with Form 11 which is your authorization for us to have the notice published at your expense in the designated county newspaper.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing and shall send you the forms of deposition to be executed by yourself and two witnesses in making this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

25703

A:eu
Enc.

Chief Clerk

July 18, 1955

RE: Permit No. G-25703

Mr. Levoy C. Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

We have your letter of July 13th stating that you have completed work on the irrigation pond and have been irrigating with it and would like to make the proofs.

The records in this department show your Permit No. G-25703 for water from Pegram Creek with no reference to a pond. Is this the Permit about which you are writing?

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1



ROBERT E. SMYLLIE
GOVERNOR

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

BOISE

July 18, 1955

RE: Permit No. G-25703

RECEIVED
AUG 3 1955
Department of Reclamation

Mr. Levoy C. Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

We have your letter of July 13th stating that you have completed work on the irrigation pond and have been irrigating with it and would like to make the proofs.

The records in this department show your Permit No. G-25703 for water from Pegram Creek with no reference to a pond. Is this the Permit about which you are writing?

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:hll

Dear Sir:

I'm sorry about calling that a pond - what I mean is the diversion dam. Permit no. 25703.

Please send me the Proof forms as soon as possible

25703

*Sincerely yours
Levoy Esterholdt*

Pegram, Idaho

1 July 13, 1955

Department of Reclamation

Dear Sir:

I have completed the work on the irrigation pond and have been irrigating with it.

Will you please send me the forms I take to the Notary Public to prove this and also the form that is to be published in the county newspaper.

Sincerely yours

LeRoy C. Esterholdt

RECEIVED

JUL 18 1955

Department of Reclamation

25703

25703

June 2, 1955

RE: Permit No. 25703

Mr. LeVoy Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

We enclose Permit No. G-25703 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 27358 for the \$5.00 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

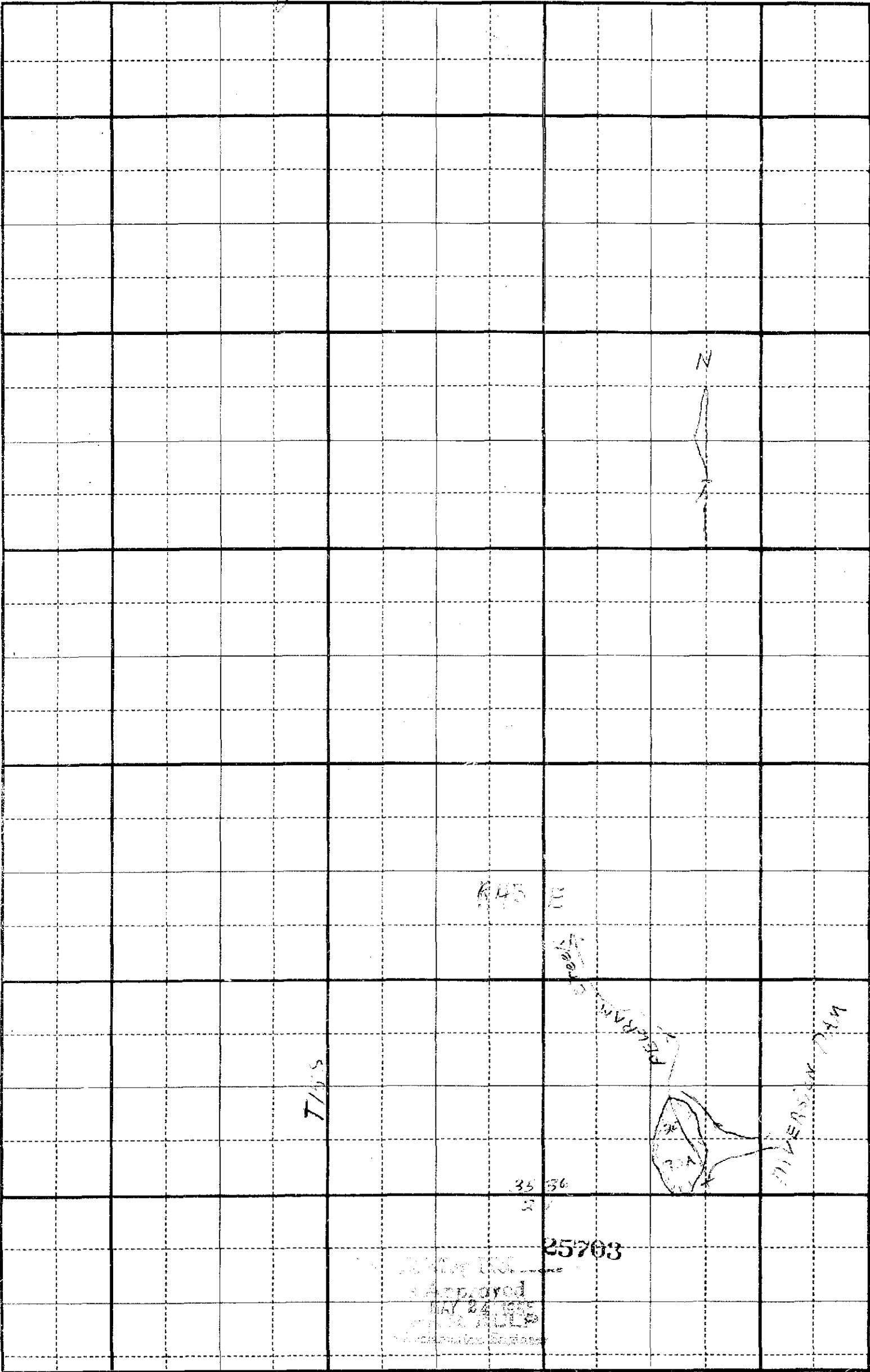
Chief Clerk

A:hll
Enc.

25703

NAME OF APPLICANT Leroy C. Esterholt

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

25703

May 20, 1955

Mr. Levoy C. Esterholdt
Pegram
Idaho

Dear Mr. Esterholdt:

We return your application for permit to appropriate water from Pegram Creek with the request that you sign it on the line indicated on the third page.

Meanwhile, we hold to your credit, your check for the \$5.00 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

25703

May 17, 1955

Mr. LeVoy Esterholt
Pegram
Idaho

Dear Mr. Esterholt:

We have your letter of May 13 inquiring as to a water right from a creek flowing through your ranch called Pegram Creek.

We find no record in this Department of any filing on this stream and an application can be approved for any unappropriated water.

We enclose a form of application for permit to appropriate the public waters of the State of Idaho, together with a pamphlet giving regulations and instructions in regard to filing same.

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

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

25703

Chief Clerk

Ashll

Pegram, Idaho
May 13, 1955

Mr. Mark Culp
Idaho State Reclamation Engineer
Boise, Idaho

Dear Sir:

I am writing to inquire about the possibility of obtaining a water-right on a creek flowing through my ranch.

The creek is called Pegram Creek on the U.S.G.S. Montpelier Quadrangle map of 1927. I own land in the SE $\frac{1}{4}$, Sec. 36, T 15S R 45E. I have 50 acres of land that I could irrigate from this creek, and I would like to divert water in the above section.

The flow in the creek was measured by Soil Conservation Engineer's on May 12, 1955, with a fully contracted 90° V-notch weir, and was found to contain 0.370 c.f.s. Since this is a low water year, I would like to file on 0.50 c.f.s.

To the best of my knowledge, no one has used any of the water anywhere on this creek for irrigation in the past 20 years.

Would you please advise me if it would be possible to obtain a right to these waters, and the proper procedure to follow?

Thank you very much.

Yours truly,

LeVoy Esterholt

LeVoy Esterholt

25703

RECEIVED
MAY 17 1955
Department of Reclamation

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 3:00 p.m. on the 1st day of February, 1956, at Montpelier, County of Bear Lake, State of Idaho, before Ruth Aland, Notary public, proof will be submitted of the application to beneficial use of 0.50 cubic foot per second of the waters of Pegram Creek, in accordance with the terms and conditions of Permit No. 25703 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and post office address of the person or corporation holding said permit are Levoy C. Esterholdt, Pegram, Idaho.

The use to which said water has been applied is Irrigation - 50 acres.

The amount applied to beneficial use is 0.50 cubic foot per second.

The place where said water is used :20 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$, 30 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ all in Sec. 36 T 15S, R 45 E.

The name of the canal or ditch or other works by which said water is conducted to such place of use is: None diverted directly from Pegram Creek.

The right to take water from such works is based upon permit No. 25703.

The source of supply from which such water is diverted is Pegram Creek.

The date of priority which said user is prepared to establish is May 23, 1955.

MARK R. KULP

State Reclamation Engineer

(j-5-12-10-26)

Jan. 5-56