

T. 14 S., R. 35 E.

Evans

Canyon

Well #1

Well #2

2 acres irrigated

35

State Hwy. 37

Pleasant View

Creek

" 0.12 sp. "

(?)

State of Idaho
License and Certificate of Water Right

Water License No. 20081

Amount 0.05 cfs. ft.

Water District No. _____

Priority May 23, 1947

THIS IS TO CERTIFY that **JOHN W. PRICE**
of Route 1, Malad, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 23, 1947; that Permit No. 20081
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
foot
1.17 second ft., was issued thereunder on June 18, 1947, showing that said works
were completed on the 18th day of June, 1947; and that on the 23rd
day of August, 1947,

JOHN W. PRICE

of Malad, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of subterranean flow
from two artesian wells, for the purpose of culinary and agricultural
uses, under Use Permit No. 20081 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

8 of Licenses at page 4567, on the 17th day of April, 1950;

The right hereby confirmed dates from May 23, 1947;

The Point of Diversion is located

in the 9 $\frac{1}{2}$ 1 $\frac{1}{2}$ NW 1/4, Sec. 35, Tp. 14 S., R. 35 E., B. M. Oneida 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 0.05 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 S.	35 E.	35	SW $\frac{1}{4}$ SW $\frac{1}{4}$	2	2

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
17th day of April, 1950.

(SEAL)

State Reclamation Engineer

N^o 20081
15-2035

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

Application No. 27674
Permit No. 20081
District No.

1. Name of Applicant: JOHN W. PRICE

Postoffice address: Rt. 1, Malad

County: Oneida

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: 55 gals. per minute, or 0.12 cubic feet per second.

3. Source of water supply: Two subterranean flowing wells / or artesian which is a tributary of

4. Location of point of diversion: (See Remarks) feet distant from the
corner of Section , T. , R. , B.M., and is in the S $\frac{1}{2}$ NW $\frac{1}{4}$
of Section 35 , T. 14 S. , R. 35 E. , B.M., County of Oneida

5. Water is to be used for Culinary and agricultural purposes

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

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

7. Estimated cost of works: \$ 1,500.00

8. Kind of works: Artesian and flowing wells.

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

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

11. Ditch: Width at bottom 1 feet; width at water line 1 $\frac{1}{2}$ feet; depth of water 6 inches feet;

dimensions of flume:

Diameter of pipe 3 inches; length of conduit 60 rods miles.

Average grade per mile feet.

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

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

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

14-A. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Samaria Water and Irrigation Company stock

15. (a) Is reservoir to be used? None 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.

JOHN W. PRICE Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. May 23, 1947

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20081

Recorded in Book 72 Page 20081 Approved May 24, 1947

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 Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before

The whole of said work to be completed on or before August 24, 1947

Beneficial use of water appropriated in accordance herewith, to be made on or before August 24, 1947

Witness my hand this 24th day of May, 1947

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 24th day of May, 1947.

Countersigned:

(SEAL)

By J. D. "CY" PRICE

Secretary of State.

By C. A. ROBINS

Governor.

Remarks: These are two artesian wells used for about 30 years. Used in home and buildings and for irrigation of small tract.

Point of diversion No. 1. in center SW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 35; and No. 2, about 40 rods Southeast of No. 1; Both in S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 35, Twp. 14 South, Range 35 East, B.M.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
14 S.	35 E.	35							20										2 acres

PERMIT NO. 20081

Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that JOHN W. PRICE, of Malad, County of Oneida, and State of Idaho, the holder of Permit No 20081, issued upon Application No. 27674, bearing date of priority of May 23, 1947, authorizing the diversion of 0.12 second foot of the waters of two artesian wells (subterranean), County of Oneida, State of Idaho, for culinary and agricultural 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 0.12 second foot of the waters of said artesian wells; that the points of diversion of said waters are located in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 35, Township 14 South, Range 35 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit Two (2) acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, Township 14 South, Range 35 East, B.M.

Witness my hand this 18th day of June, A. D. 1947.

Proof of completion of works made June 16, 1947

Certificate of completion of works issued June 18, 1947

MARK R. KULP
State Reclamation Engineer

LICENSE ISSUED FOR 0.05 SEC. FD

6.4567

✓
April 18, 1950

Re: Permit No. 20081

Mr. John W. Price
Route 1
Malad, Idaho

Dear Mr. Price:

We enclose License and Certificate of Water Right issued under Permit No. 20081, confirming your right to the use of 0.05 second foot of water from two wells in the $S\frac{1}{2}$ NW $\frac{1}{4}$ Section 35, Township 14 South, Range 35 East, B.M., with priority of May 23, 1947, for culinary and agricultural uses on two acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section.

We also enclose Departmental Receipt No. 22241 for the \$2.00 fee paid in connection with Beneficial Use Proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20081

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20081

This proof is for Beneficial use

In Water District No.

1. Name of applicant John W. Price, Route 1, Malad, Idaho

2. Source of water supply: Two artesian wells

3. Location of point of diversion: Is in the SW¹/₄ NW¹/₄ of Section 35

T. 14 S. R. 36 E. County of Oneida

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

Well #1 350 feet deep, 3 inch pipe, cased the full depth.

Flows 5 gal. in 1' - 32" or about 3 1/3 g.p.m.

Well #2 355 feet deep, cased the full depth, 3 inch pipe.

Flows 30 g.p.m.

5. Water is used for: Culinary and agriculture

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):

SW¹/₄ NW¹/₄ Section 35, Twp. 14 South, Range 35 East, B.M.

Domestic, garden, and lawn. two acres irrigated.

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

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

Remarks:

This examination was made on the 28 day of June, 19 49

(Signed)

F. A. Tolman

Examiner.

20081

84 ✓

John W. Price
Route 1, Malad, Idaho

Permit No. 20081

Examination for Beneficial use

County Oneida

RECEIVED
MAR 8 1950

Department of Reclamation

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.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20081

REPORT ON PROOF OF Beneficial use

0.05 cfs
max

app. 0.12 cfs

2 acres

T. 14 S., R. 35 E.

Evers

Canyon

-- Well #1

-- Well #2

2 acres irrigated

35

State Hwy. 37

Pleasant View

Creek

" 0.12 5/8

March 14, 1950

Re: Permit No. 20081

Mr. John W. Price
Route 1
Melad, Idaho

Dear Mr. Price:

We now have on file the report of our Field Engineer on examination for Beneficial Use under your Permit No. 20081.

This report shows that you have irrigated 2 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 35, Township 14 South, Range 35 East, B.M.

Therefore, upon receipt of the statutory fee of \$2.00, a License will be issued for .05 of a second foot of water from two artesian wells located in the same subdivision.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

20081

✓
December 24, 1947

Re: Permit No. 20081

Mr. John W. Clark
Notary Public
Malad, Idaho

Dear Mr. Clark:

We acknowledge receipt of your letter of December 18th returning the depositions in proof of beneficial use under Permit No. 20081, in the name of John W. Price.

This completes the proofs, but before final action can be taken in the matter the law requires that a field examination be made by an engineer from this department.

We cannot say when this examination will be made, as this department has but one field engineer, who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this department, will try to contact you or Mr. Price 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

CC to John W. Price

20081

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20081-----

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. John W. Price, Malad, Route #1, Oneida County, Idaho. Farmer

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

Ans. _____

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

Ans. 20081 May 24th, 1947 May 23rd, 1947

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

Ans. 2 artesian wells (subterranean) The center of the SW4 of the NW4 and 40 rods SE from said point. All in S half of the NW4 Sec. 35 Tp. 14, ~~35N~~ South, Range 35 EBM

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. The 2 artesian and flowing wells 0.12 sec.ft; Price private ditch

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

Ans. Culinary and agriculture. 2 acres in the SW4 of the NW4 Sec. 35 Tp. 14 ³⁵SR/EBM; cultivated land.

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

Ans. For culinary and use in the home by natural pressure. At 15.97 ~~xxx~~ that the flows have pressure sufficient to use the water in the home and still irrigate the 2 acres. That the pressure would if left flow naturally would show a distance of 20 to 30 ft. above surface of the ground

Q 4 011

Q 6

7

20087

17007

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. The 0.12 cu. ft. per sec. ft.

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. Wells completed in 1918 and has produced 0.12 sec. ft. since that time all of which has been put to a beneficial use.

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. ~~The same amount of water has been used to irrigate the 2 acres of land herein described.~~ No other water used on this 2 acres

(Sign)

J. L. W. Price

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 Malad, County of Oneida, State of Idaho, on this 23rd day of August, A. D. 1947.

J. W. Clark
Notary Public

My commission expires 11/15/48

20081

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20081

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. George Wight, age 65 yrs. Malad, Route #1, Idaho, Farmer

Ques. 2. Are you acquainted with John W. Price, the holder of Permit No. 20081? How long have you known him and where does he reside?

Ans. Yes. 30 yrs. Malad, Route #1, Idaho

Ques. 3. Have you read or heard read said Permit No. 20081, 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. 2 artesian wells (subterranean) The center of the SW4 of the NW4 and 40 rods SE from said point. All in S half of the NW1 Sec. 35 Tp. 14 SR/EBM. The 2 artesian and flowing wells 0.12 sec. ft. Price private 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. 0.12 sec. ft.

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. Culinary and agriculture. 2 acres in the SW4 of the NW4 Sec. 35 Tp. 14 SR/EBM; cultivated land.

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

Ans. Not used for power but has been used for culinary use
in the home and to irrigate 2 acres of ground.

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. Cultivated land and 0.12 sec. ft.

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. Wells completed in 1918 and has produced 0.12 sec. ft.
since that time all of which has been put to a beneficial use.

(Signed)

George White

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 Malad City, County of Oneida, State of Idaho, on this 23rd day of August, A. D. 19 47.

Provo Clark

Notary Public.

My commission expires 11/15/48

20081

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20081

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. Talley Hughes, age 67 yrs. Malad, Idaho, Farmer & Hotel owner

Ques. 2. Are you acquainted with John W. Price, the holder of Permit No. 20081? How long have you known him and where does he reside?

Ans. Yes. 30 yrs. Malad, Route #1, Idaho

Ques. 3. Have you read or heard read said Permit No. 20081, 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. 2 artesian wells (subterranean) The center of the SW4 of the NW 4 and 40 rods SE from said point. All in S half of the ~~NW 4~~ sec. 35 Tp. 14 SR/EBM. The 2 artesian and flowing wells 0.12 sec. ft; Price private 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. 0.12 sec. ft.

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. Culinary and agriculture. 2 acres in the SW4 of the NW4 sec. 35 Tp. 14 SR/EBM; cultivated land.

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

Ans. Not used for power but has been used for culinary use
in the home and to irrigate 2 acres of ground.

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. Cultivated land and 0.12 sec. ft.

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. Wells completed in 1918 and has produced 0.12 sec. ft.
since that time all of which has been put to a beneficial use.

(Signed)

Talley Wray

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 Malad City, County of Oneida, State of Idaho, on this 23rd day of August, A. D. 19 47.

James W. Clark
Notary Public.

My commission expires 11/15/48

20081

Malad, Idaho.
December 18th, 1947

State Reclamation Engineer,
Boise, Idaho.

Re- John W. Price
Permit #20081

Dear Sir:

Enclosed are affidavits of proof of application of water to beneficial use as requested with necessary changes.

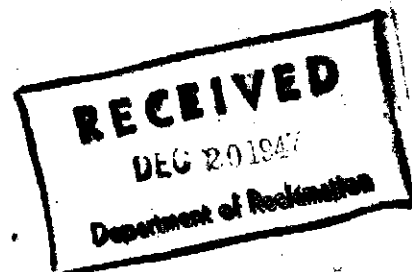
Regret that there has been a delay in this matter due to the fact that Mr. Price and myself did not seem to be able to contact each other with the witnesses so to have all agree to corrections.

Trust this may suffice and that we shall be notified on any further developments.

Yours truly,

Proc. Clark.

20081



✓
December 16, 1947

Re: Permit No. 20081

Mr. John W. Clark
Notary Public
Malad, Idaho

Dear Mr. Clark:

Under date of August 27, 1947, this department returned to you depositions of John W. Price and two witnesses, submitted in proof of beneficial use under the above numbered permit, for corrections in several particulars.

To date these depositions have not been returned, and if the proof is to be accepted it is important that they be completed and filed promptly in this department.

We are sending Mr. Price a copy of this letter, and hope that the matter may be given your early attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A
CC to John W. Price

Chief Clerk

20081

✓
August 27, 1947

Re: Permit No. 20081

Mr. John W. Clark
Notary Public
Malad, Idaho

Dear Mr. Clark:

We acknowledge receipt of your letter of August 23rd, enclosing depositions of John W. Price and two witnesses, also affidavit of publication in the Idaho Enterprise, all in proof of beneficial use under Permit No. 20081.

However, these depositions are not quite complete, and they are returned for correction as follows:

1. Question 4 in all three depositions gives the point of diversion in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 35, whereas the permit gives it in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of this section. Which is correct?

2. In Questions 4 and 6 in all three depositions, state the range in which the point of diversion and land are located. Only the township is named.

3. In Question 11 of Mr. Price's deposition, reference is made to other water than the amount called for in Permit No. 20081. If any other water has been used on the same land, state when, how, and in what amount. The answer as given would seem to relate to the water claimed under this present permit.

4. Under Question 7 in Mr. Price's deposition, what is meant by the figures 20 & .07 ft.?

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

20081

Affidavit of Publication

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

Notice is hereby given that at 10:00 A. M. on the 23rd day of August, 1947, at Malad City, County of Oneida, State of Idaho, before Jno. W. Clark, Notary Public, proof will be submitted of the application to beneficial use of 12 cubic feet per second of the waters of two artesian wells in accordance with the terms and conditions of Permit No. 20081 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 John W. Price, Malad City, Idaho, Route 1.

The use to which said water has been applied is culinary and agricultural.

The amount applied to beneficial use is 55 gal. per minute of .12 cfs.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 60 rods Southeast from the center of the Southwest quarter of the Northwest quarter of section 35, Township 14, South Range, 35 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 Price private ditch.

Dr.

State of Idaho } ss.
County of Oneida }

Sylvia Stratton being first duly sworn on oath, states: That *he* is *principal*

Clerk of the Idaho Enterprise, a newspaper of general circulation in Oneida County, Idaho published weekly at Malad, in said county, that said newspaper has been published in said county continuously for over seventy

years, prior to the first publication or advertisement: enterprise was at all of the said notice a newspaper of made up of at least four pages each, printed from type set in forms of at least seven inches depth, and said newspaper has been published for over twenty years in the county of Oneida in said county, and that said newspaper has been published at regular intervals not less than once a week.

The right to take water from such works is based upon Permit No. 20081.

The source of supply from which such water is diverted is two artesian and subterranean wells.

The date of priority which said user is prepared to establish is May 23, 1947.

MARK R. KULP,
State Reclamation Engineer.
7-24-5-21t5

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for 5 successive weekly issues thereof the date of the first publication being the 24th day of July, 1947, the date of the last publication being the 21st day of August, 1947.

Sylvia Stratton
Subscribed and sworn to before me this 23rd day of August, 1947.
J. W. Clark
Notary Public, residing at Malad, Idaho
My Commission expires the 15th day of November, 1948.

COSTS: 48 lines at 10c per line first insertion \$ 4.80
5c per line each subsequent insertion \$ 9.60
TOTAL \$ 14.40

20081

OFFICE OF
JNO. W. CLARK
PROSECUTING ATTORNEY
ONEIDA COUNTY, IDAHO
Malad City, Idaho

August 23, 1947

Department of Reclamation
Boise, Idaho

In Re: Permit No. 20081
John W. Price

Gentlemen:

I herewith inclose proof of application of water to beneficial use, deposition of holder and 2 depositions of witnesses together with Affidavit of Publication according to your recent letter.

I trust that this matter has been handled according to your satisfaction.

Yours very truly,

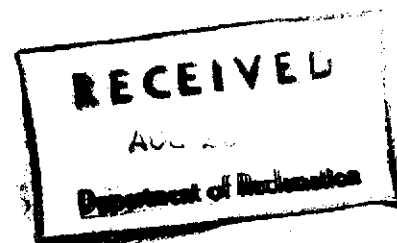
John W. Clark

Jno. W. Clark
Attorney

C:m

Encl. 3

20081



State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 20031
John W. Price

BOISE, IDAHO, August 13, 1947

Mr. John W. Clark
Notary Public
Malad, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 20031

DEPOSITION OF PERMIT HOLDER, DEPOSITIONS OF TWO WITNESSES.

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

1. On August 23, 1947, 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 Malad, Idaho before John W. Clark, 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,

MARK R. KULP

State Commissioner of Reclamation.

20031

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

Notice is hereby given that at 10:00 A. M. on the 23rd day of August, 1947,
at Malad City, County of Oneida, State of Idaho, before
Jno. W. Clark, Notary Public, proof will be submitted of the
application to beneficial use of .12 cubic feet per second of the waters of two artesian
wells in accordance with the terms and conditions of Permit No. 20081
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 John W.
Price, Malad City, Idaho Route 1

The use to which said water has been applied is Culinary and agricultural

The amount applied to beneficial use is 55 gal. per minute or .12 cfs.

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) 60 rods Southeast from the center of the Southwest quarter
of the Northwest quarter of section 35, Township 14, South Range,
35 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 Price private ditch

The right to take water from such works is based upon Permit No. 20081

The source of supply from which such water is diverted is two artesian and subterranean
wells.

The date of priority which said user is prepared to establish is May 23, 1947

20081

MARK R. KULP

State Reclamation Engineer.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO July 18, 1947

Date:

Re: Permit No. 20081

The Idaho Enterprise

Malad, Idaho

Gentlemen:

Enclosed you will find notice for publication
once a week for four consecutive weeks prior to August 23,
1947 . the date set for proof, the expense of the
publication to be paid by the applicant, John W. Price
of Route 1, Malad, 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

20081

✓
20081
June 25, 1947

Re: Permit No. 20081

Mr. John W. Clark
Attorney at Law
Malad, Idaho

Dear Mr. Clark:

Reference is made to your letter of June 23rd, relative to the time for making beneficial use proof under Permit No. 20081, in the name of John W. Price.

As mentioned in office letter addressed to Mr. Price on May 29, 1947, transmitting the permit, the terms of the permit require that this proof be made on or before August 24, 1947.

Since the proof is to be made at Malad, before you as Notary Public, we had left it to you to set a time that would be convenient for you, Mr. Price and his two witnesses.

However, since you have left it to this department to set a date, we have completed the notice by making the time 10:00 o'clock A. M., August 23, 1947. Please advise us promptly if that date is not satisfactory.

A copy of the notice will be sent to the Idaho Enterprise, with instructions to publish it once a week for four consecutive weeks prior to that date, and to send the affidavit of publication to Mr. Price, together with statement of costs.

About ten days prior to the time set we shall send to you the necessary forms of deposition, consisting of one for Mr. Price and one for each of two witnesses, so that you may have them in ample time for the proof.

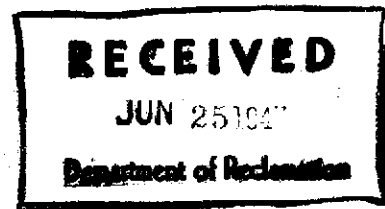
At the time set, Mr. Price should appear before you, with two disinterested witnesses, who are familiar with the terms of the permit and the work done thereunder, for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

OFFICE OF
JNO. W. CLARK
PROSECUTING ATTORNEY
ONEIDA COUNTY, IDAHO
Malad City, Idaho



June 23, 1947

State Reclamation Engineer
Boise
Idaho

In Re: Permit No. 20081

Dear Sir:

I am in receipt of the Certificate of Completion of works for John W. Price together with your letter, wherein you state that we left the time for hearing blank. In our proof of completion, the reason for leaving this blank was to leave your office fill in the date to appear before the Notary Public.

I am the Notary Public, before whom the evidence will be taken and trust that you will be able to fill in the date you desire to comply with the law and if for any reason we must do it here, we will ^{make} up the law and fix the date accordingly.

Yours very truly,

A handwritten signature in cursive script that reads "Jno. W. Clark".

Jno. W. Clark
Attorney

C:m

20081

8-24

June 20, 1947

Re: Permit No. 20081

Mr. John W. Clark
Attorney at Law
Malad, Idaho

Dear Mr. Clark:

We enclose Certificate of Completion of Works issued under Permit No. 20081, in the name of John W. Price, for 0.12 cubic foot per second of the waters from two artesian wells, located in the $9\frac{1}{2}$ NW $\frac{1}{4}$ Section 35, Township 14 South, Range 35 East, B.M., Oneida County, with priority of May 23, 1947, for culinary and agricultural purposes; also Departmental Receipt No. 20020 for the \$5.00 fee paid in connection with this proof.

In the notice sent in connection with beneficial use proof to be made under this permit, you have left the time blank. Please advise as to the day and hour at which this proof is to be made, so that we may complete the notice, and send a copy to the Idaho Enterprise for publication.

Very truly yours

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

20081

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 16, 1947

(P. O.)

STATE RECLAMATION ENGINEER:

TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

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

John W. Price

(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.

20087

Permit No. 20081

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Oneida

SS.

John W. Price

, 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. 20081, and that his postoffice address is Malad, Route 1, State of Idaho.

Second: That the name of the stream from which said water is to be directed is subterranean or artesian flowing wells.

Third: That the point of diversion of said water is center of the Southwest and Northwest quarter & 49 rds. Southeast from the Southwest corner of sec. 35, Township 14 S. Range 35 E. B. M. Both wells in the S. Half of the SW¹ of the said sec. tp. & R.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 24, 1947.

Fifth: That the use for which said water is intended is Culinary and Agricultural.

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: Artesian and subterranean
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit ditch width at bottom 1 feet, width at water line 1 1/2

(State whether ditch, flume or pipe)

feet, depth of water 6 inches; diameter of pipe 3 inches, average grade per mile is feet. Length of conduit is 60 rods miles.

Seventh: That said works are capable of conducting to the place of intended use 55 gal. per minute or .12 cfs. second feet of water.

Eighth: That water appropriated under said permit is available for Northwest quarter acres of land described as follows: two acres in the Southwest quarter of section 35, Township 14, South Range, 35 East Boise Meridian.

Ninth: Remarks: That

Subscribed and sworn to before me this

16th

day of

June

1947

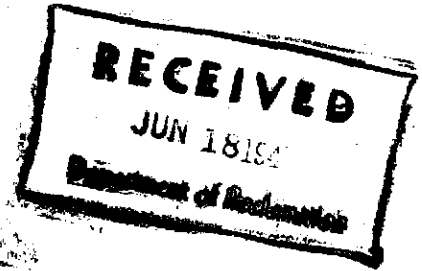
(Sign here)

My commission expires

Nov. 15, 1948

Notary Public.

20081



June 16, 1947

State Reclamation Engineer
Boise
Idaho

Dear Sir:

I enclose herewith proof of completion of works; notice to Reclamation Engineer for publication, two notices of proof of application of water of beneficial use. A check of Mr. John W. Price for the sum of \$5.00 is enclosed.

I trust that the matter will now be taken care of for Mr. Price.

Yours very truly

John W. Clark
John W. Clark
Attorney

20087

May 29, 1947

Re: Permit No. 20081

Mr. John W. Price
Route #1
Maled, Idaho

Dear Mr. Price:

We enclose Permit No. 20081 and also departmental receipt No. 19982 for the \$5.00 filing fee and call attention to the limitations and conditions of same as given on the fourth page.

Since your application stated that the works were already completed, we have allowed the minimum of three months in which to make the statutory proofs required to complete your water right, that is, on or before August 24, 1947.

The first, or completion of works proof, is made by executing Form 8, enclosed, before a Notary Public, and returning to this Department with the statutory fee of \$5.00, upon receipt and approval of which a Certificate of completion of works will be issued.

Notice of proof of beneficial use is required by law to be published once a week for four consecutive weeks prior to the date set for proof, in the county where the water is diverted. This notice should be made out in duplicate on Form 10 enclosed, setting the date sufficiently far ahead to allow for the four weeks' publication, and naming the Notary Public, or other officer authorized by law to administer oaths, before whom the proof will be made.

Both copies of the notice are 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 newspaper, with instructions in regard to publishing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

20081
A:FA
Encl.

Sec. 35 Tp. 14 S. 35 E.B.M.

NAME OF APPLICANT John W. Price

FORM No. 0

3611
3611

35

Permit Map No. 20081
As Approved
MAY 24 1941
MARK R. KULP
State Reclamation Engineer

20087

Malad Idaho. R. F. D. No 1 Box 98.

May. 8. 1947

Dear Sirs.

I bought Thomas M. Hughes Farm; on this farm there is two flowing wells. One flows 45 gal per min the other 10 gal per min there is a house by each well & the water in the house from each well. He told me he had filled on the wells but I cant find any record of it.

I am wondering if you have a record of them more than likely they would be listed as Eddy Hughes Well & Tom Hughes Well. Tom he latter bought Eddy's Place. The place is at Pleasant View just west of Malad.

20081

If these wells haven't been filled or would it be wise for me to do so are have they been dug long enough to have a right of these one they are close to 25 years old & never has been hit by any other wells as yet.

There is a big well going in close by & there is some talk of them taking my wells & I just want to be on the safe side

Mr R. L. Mace 429 Feb. Bldg. has a record of these wells since 1943. He has them numbered as 12 and 13. On his record. they are to of the Highest pressures wells in Malad Valley the last test he gave ~~was~~^{was} on April, 1947 the meter read 25.3.

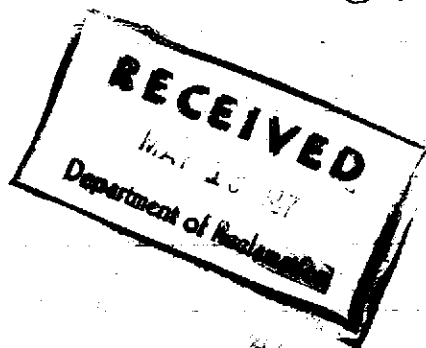
If you can give be any advice
on these wells as what to do
it sure would be appreciated

Yours Truly

John W Brice
Malad Idaho R.F.D No 1 Box 99

If they should be filled on
would you send me the blanks
for me to do so. If any of your
folks Come down Come &
Check with me.

2008/



May 12, 1947

Mr. John W. Price
Route No. 1
Box 97
Mald, Idaho

Dear Mr. Price.

We acknowledge receipt of your letter of May 8th, in regard to water rights or wells on land on which you have purchased from Thomas M. Hughes.

The records of this Department show Permit No. 18210 in the name of Taliesin Hughes for 0.1 of a second foot of water from an artesian well in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, Township 14 South, Range 35 East, B. M. Also Permit No. 18211 in the name of Thomas M. Hughes for 0.1 of a second foot of water from an artesian well in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 14 South, Range 35 East. Both these permits were filed December 19, 1935 and both were cancelled May 17, 1938, for failure to make the statutory proofs necessary to complete the water right.

If the water has been used continuously from these wells over a period of years, you should be able to obtain water right through the District Court, dating back to the earliest proved use.

However, you may file an application for permit through this Department but the priority so established will only be the date your application is received in this Department. Our suggestion would be that you file such an application at the present time and then later should any question of priority arise an earlier date could doubtless be established through the Courts.

A form of application is enclosed together with rules and regulations in regard to filing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:FA

Encl.

20081