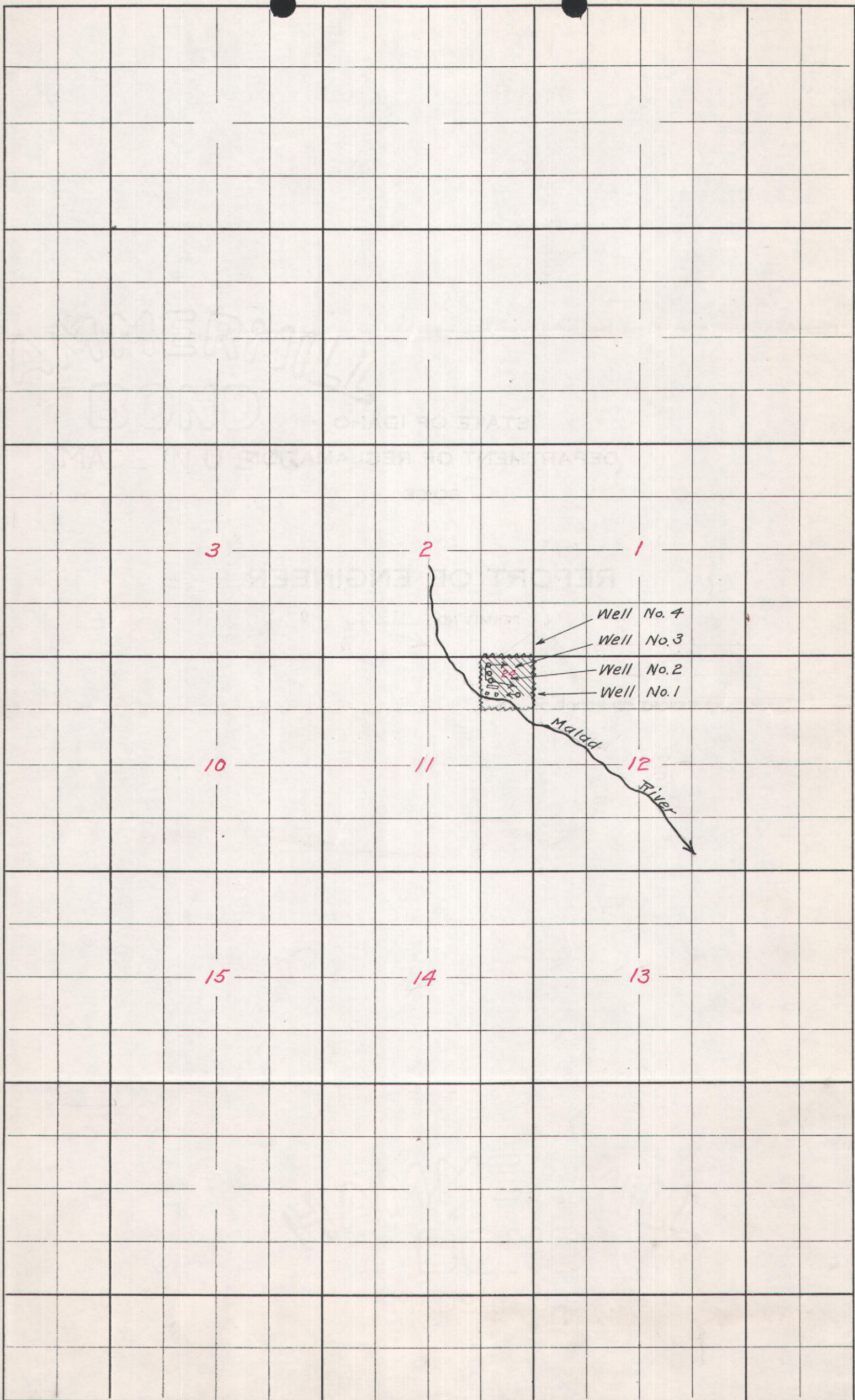




28 15 AR 35 6 1/2' 11' 13' 14' 15' 16' 17' 18' 19' 20' 21' 22' 23' 24' 25' 26' 27' 28' 29' 30' 31' 32' 33' 34' 35' 36' 37' 38' 39' 40' 41' 42' 43' 44' 45' 46' 47' 48' 49' 50' 51' 52' 53' 54' 55' 56' 57' 58' 59' 60' 61' 62' 63' 64' 65' 66' 67' 68' 69' 70' 71' 72' 73' 74' 75' 76' 77' 78' 79' 80' 81' 82' 83' 84' 85' 86' 87' 88' 89' 90' 91' 92' 93' 94' 95' 96' 97' 98' 99' 100'

Bed is the irregularity of the form

3 in well

2 in well

2 in well

all flows

18403

Permit Map No. 18403

As Approved
JAN 28 1937
R. W. FARIS
Commissioner of Reclamation

Permit Map No. _____
As Approved
JAN 28 1937
R. W. FARIS
Commissioner of Reclamation

18403

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK

18403

State of Idaho
License and Certificate of Water Right

Water License No. 18403
Water District No.

Amount 0.48 second foot
Priority January 12, 1937

THIS IS TO CERTIFY that J. F. FREDRICKSON
of Malad, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 12, 1937; that Permit No. 18403
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.48 second feet, was issued thereunder on December 2, 1937, showing that said works
were completed on the 17th day of November, 1937; and that on the 5th
day of January, 1938,

J. F. FREDRICKSON
of Malad, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of four wells
(subterranean, a tributary of waters), for the purpose of irrigation and
domestic use, under Use Permit No. 18403 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3915, on the 3rd day of February, 1939;
The right hereby confirmed dates from January 12, 1937;

The Points of Diversion are located
in the NE 1/4 NE 1/4, Sec. 11, Tp. 15 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 0.48
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.	35 E.	11	NE 1/4 NE 1/4	24	24

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 3rd day of February, 1939

JAMES SPOFFORD

Commissioner of Reclamation

(SEAL)

15 2021

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

Application No. 25691
Permit No. 18403
District No.

1. Name of Applicant: J. F. FREDRICKSON

Postoffice address: 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:
- (c) Bonds to be issued:

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

2. Quantity of water claimed: 0.48 cubic feet per second.

3. Source of water supply: Subterranean (Wells) which is a tributary of no known stream

4. Location of point of diversion: All 4 points of diversion are feet distant from the corner of Section , T. , R. , B. M., and in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11 , T. 15 S. , R. 35 E. , B. M., County of Oneida

5. Water is to be used for: Irrigation and Domestic Use

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: \$1,000.00

8. Kind of works: Wells, ditches and short pipe line

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 $1\frac{1}{2}$ feet; width at water line $2\frac{1}{2}$ feet; depth of water $1\frac{1}{2}$ feet; dimensions of flume:

Diameter of pipe inches; length of conduit $1\frac{1}{4}$ miles.

Average grade per mile feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is 1 additional years.

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

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

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

J. F. FREDRICKSON Applicant.
By Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M., January 12, 1937
Returned to applicant for correction: January 21, 1937
Corrected application received: January 27, 1937

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18403
Recorded in Book 67 Page 18403 Approved January 28, 1937
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before March 29, 1937 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 July 28, 1937
The whole of said work to be completed on or before January 28, 1938
Beneficial use of water appropriated in accordance herewith, to be made on or before January 28, 1939
Witness my hand this 28th day of January, 1937

R. W. FARIS Commissioner of Reclamation.

Remarks: There are 4 continuous flowing wells on this tract (NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 15 S., R. 35 E., B. M.) and have been used continuously each and every year for the irrigation and domestic use of the lands in this forty acre tract since they were first dug in about 1897 and 1900, and the flows therefrom have held pretty evenly during all said period except when the neighbor on the east of this forty acre tract turns on his wells which were dug after these wells, the flows of my said wells are affected considerable.

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 $\frac{1}{4}$	

15 S.	35 E.	11	24																24

Permit No. 18403

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that J. F. FREDRICKSON of Malad, County of Oneida, and State of Idaho, the holder of Permit No. 18403, issued upon Application No. 25691 bearing date of priority of January 12, 1937, authorizing the diversion of 0.48 second feet of the waters of wells, County of Oneida, State of Idaho, for irrigation and domestic 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 0.48 second feet of the waters of said wells; that the points of diversion are in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 11, T. 15 S., R. 35 E., B. M., County of Oneida; and that the lands proposed to be irrigated by the use of said water are described as follows, to wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 11, T. 15 S., R. 35 E., B. M.

Witness my hand this 2nd day of December, A. D. 1937.

R. W. FARIS
Commissioner of Reclamation

Proof of completion of works made November 17, 1937.
Certificate issued December 2, 1937.

PERMIT ISSUED FOR 0.48 SEC. FT.
P-3915

February 3, 1939

Re: Permit No. 18403

Mr. J. F. Fredrickson,
Malad, Idaho.

Dear Sir:-

We are herewith enclosing License and Certificate of Water Right issued under the above numbered Permit, confirming your right to use 0.48 second foot of subterranean waters, with a date of priority of January 12, 1937, for irrigation and domestic use upon the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 15 South, Range 35 East, B.M.

The Department's Receipt No. 16943 for the \$2.00 fee paid in connection with final proof is also enclosed.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

18403

Malad, Idaho Jan. 28th.1939

Department of Reclamation
Mr. James Spofford; Commissioner;
Boise, Idaho;

Permitt No. 18403

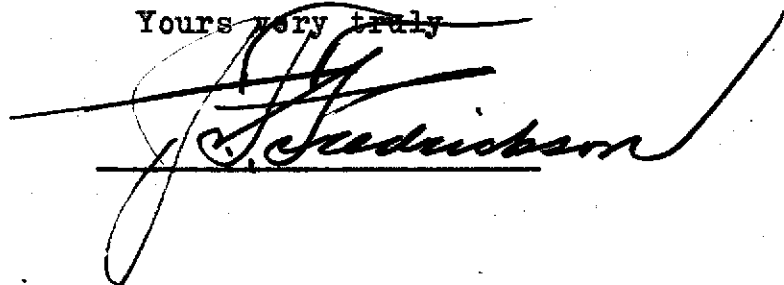
Dear Mr. Spofford;

Your letter of 27th. inst received for
License fee in connection with my above permit
for \$2.00.

Inclosed please find my check for this fee of \$2.00
for License.

Yours very truly

JF#0

A large, stylized handwritten signature in dark ink, appearing to read "J. Fredrickson". The signature is written over a horizontal line and has a long, sweeping tail that extends to the right.

18403

James Spofford, Commissioner

C. A. Bottolfson

January 27, 1939

Re: Permit No. 18403

Mr. J. F. Fredrickson,
Malad, Idaho.

Dear Sir:-

A short time ago we received the report of our field engineer on examination for beneficial use under the above numbered permit.

Our engineer found that the works would be capable of conducting to the place of use 0.48 cubic feet per second; and inasmuch as the land you are irrigating only covers one 40-acre legal subdivision, the statutory fee will amount to \$2.00.

Upon receipt of this fee, a license will be issued.

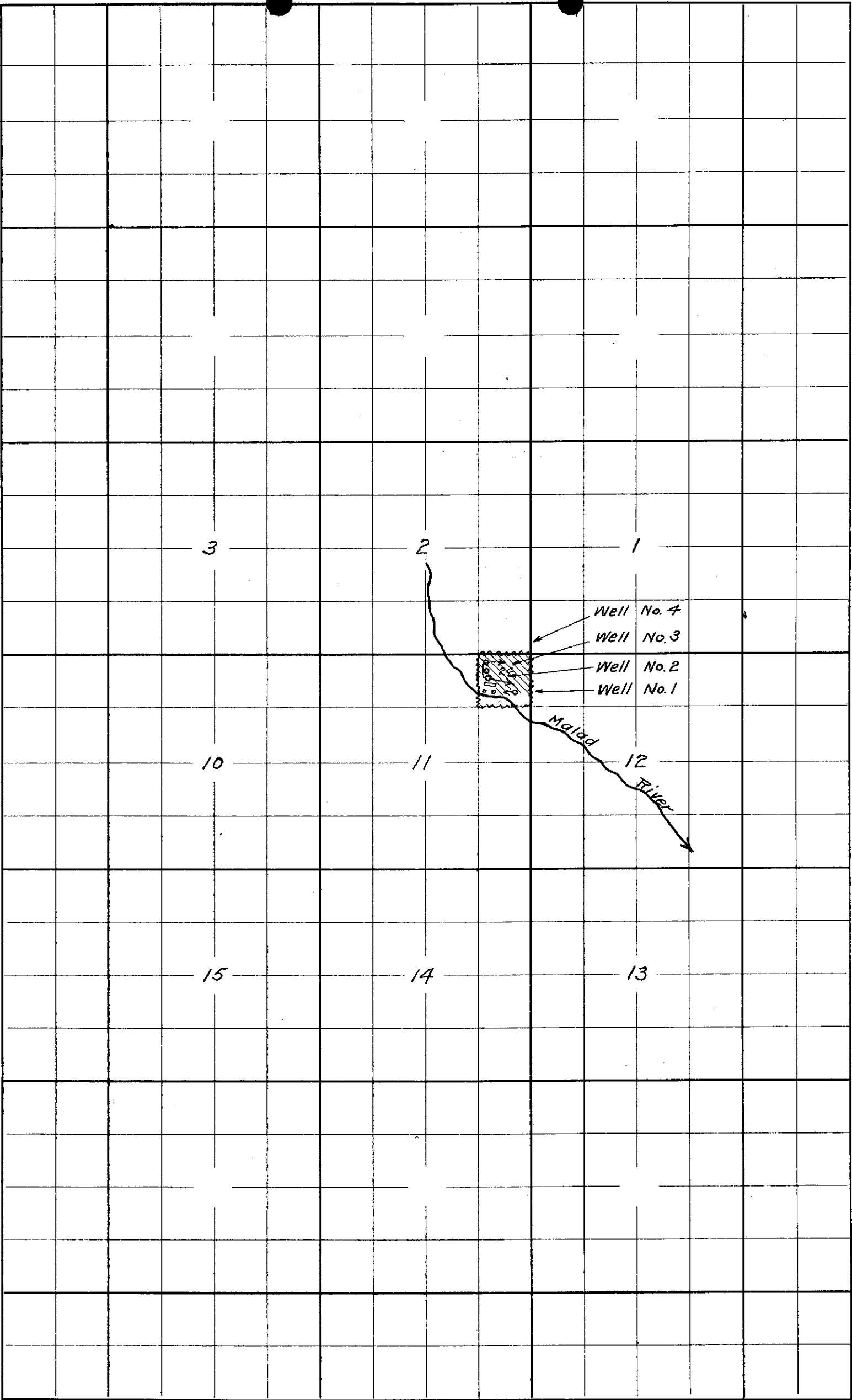
Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA

Chief Clerk

18403



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18403

REPORT ON PROOF OF BENEFICIAL USE

*OK. RAB.
0.48 Sec. 87.
Sec. 22*

57

J. F. Fredrickson
Malad, Idaho

Permit No. 18403

Examination for Beneficial Use

County Oneida

INSTRUCTIONS TO EXAMINERS

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

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18403

This proof is for Beneficial Use.

In Water District No.

1. Name of applicant J. F. Fredrickson

2. Source of water supply: Subterranean (Wells)

3. Location of ⁴points of diversion: Is in the NE-NE-NE of Section 11

T. 15 S. R. 35 E., B.M., County of Oneida.

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

Well #1 is of 2 inch diameter and 175 ft. deep and flowing.

" 2 " " 2 " " " 110 " " " not "

" 3 " " 3 " " " 100 " " " " "

" 4 " " 4 " " " 175 " " " in "

5. Water is used for: Irrigation and domestic use.

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE-NE-NE, Sec. 11, T. 15 S., R. 35 E., B. M.

(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: Wells were drilled about 1900.

This examination was made on the 14th day of June, 1938

(Signed)

Butch Dolman
Examiner.
18403

✓ 18403

November 17, 1938

J. F. Fredrickson
Malad, Idaho

Dear Sir:

We have your letter of November 15 in which you refer to our notice relative to proof of beneficial use dated November 14, 1938.

It is our custom to send these notices sixty days prior to the date on which proof is to be made, and in your case this notice was sent by mistake. After checking our files we find that both proofs in connection with your permit have been made.

We trust that this has not caused you any undue alarm.

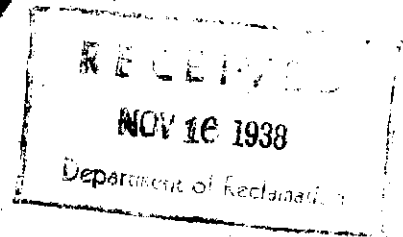
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By PAUL H. BERG
Deputy Commissioner

PHB:nh

18403



Malad, Idaho Nov. 15th. 1938

Department of Reclamation
Boise, Idaho;

Permit No. 18403

R.W. Farris Commissioner;
Dear Mr. Farris;

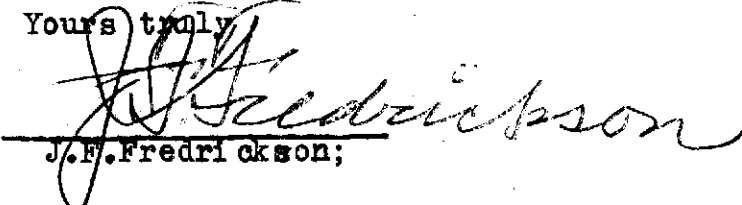
Your letter of Nov. 14th. inst received today relative to proof for beneficial waters under Permit 18403 for proof on Jan. 28th. 1939.

In reply I will state that final proof on these waters was made Jan. 5th. 1938 as per your order, as all works was completed before that time. And on Jan. 5th. 1938 all proof papers were mailed to your office by Jno. W. Clark before whom the proof was made.

And in my letter to your office of Nov. 17th. 1937 fee was sent your office of \$5.00 with Proof of completion of works; 2. Letter authorizing Commissioner to Publish notice of proof in Idaho Enterprise at Malad, Idaho, which was done and 3 Notice of Proof of application of water to beneficial use in duplicate.

This letter you sent must be an error, and will ask you to check over your records and you will find that the proof has been made on this permit 18403 for 4 flowing wells for .48 Cu. ft of waters of said wells for the lands therein shown and for domestic and cullinary use.

Yours truly,


J.F. Fredrickson;

18403

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

November 14, 1938

J. F. FREDERICKSON
Malad, Idaho

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 18403, which should be filled out and returned to this office at least 40 days before the date upon which you wish to make proof. The proof must be submitted before a notary public or other officer authorized by law to administer oaths. The date for proof, as set out in your permit, is January 28, 1939, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARIS
Commissioner of Reclamation

18403

January 14, 1938

Re: Permit No. 18403.

Mr. J. P. Fredrickson
Malad, Idaho

Dear Sir:

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

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

However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination so that you may show him over the grounds. After his report is on file in this office, you will be further notified as to fees due before the issuance of your license.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

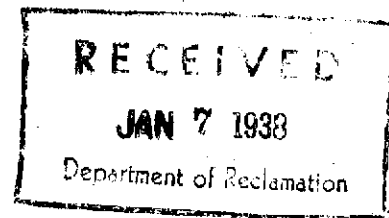
By

Chief Clerk

JL

cc: John W. Clark.

18403



Malad, Idaho Jan. 5th. 1938

Department of Reclamation;
Boise, Idaho;
Mr. E.W.Ferris; Commissioner

Permit No. 18403
J.F.Fredrickson; Proof
4 flowing wells

Dear Mr. Ferris:

Inclosed please find proof papers this day
made in connection with final proof of J.F.Fredrickson
of Malad, Idaho, made before me today, as follows to-wit;

1. Deposition of Holder J.F.Fredrickson, for his proof
of application of water to beneficial use.
2. Deposition of Witness Thomas Thorpe on this permit.
3. Deposition of William E. John on this permit.
4. Affidavitt of Publication of Notice of Proof under
this permit No. 18403 by Idaho Enterprise Pub Co.
of Malad, Idaho.

Please acknowledgereceipt of same and oblige.

Yours truly

John W. Clark.

18403

Affidavit of Publication

State of Idaho

County of Oneida

ss.

NOTICE OF PROOF

APPLICATION OF WATER To Beneficial Use

Notice is hereby given that at 10.00 A. M. on the 5th day of January, 1938, at Malad City, County of Oneida, State of Idaho, before John W. Clark, Notary Public, proof will be submitted of the application to beneficial use of 48 cubic feet per second of the waters of Flowing Wells, in accordance with the terms and conditions of Permit No. 18403, heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post-office address of the person or corporation holding said permit are J. F. Fredrickson, Malad City, Idaho.

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

The amount applied to beneficial use is 48 cubic feet per second.

The place where said water is used, (if for irrigation, give full and accurate description of the lands irrigated) on NE 1/4 NE 1/4, Sec. 11, T. 15 S., R. 35 E., B. M.

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

The right to take water from such works is based upon Permit No. 18403.

The source of supply from which such water is diverted is from flowing wells on above described lands.

The date of priority which said user is prepared to establish is January 12, 1937.

18403

11-2-23; t4

W. R. Faris,
Commissioner of
Reclamation

Lurling James being first duly sworn on his oath, states: That, *he is. Chief...*

Clark... 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 uninterruptedly and continuously for over seventy eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seventeen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published, and that said paper was published at regular intervals not less frequently than once a week.

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 *4* successive weekly issues thereof the date of the first publication being the *21* day of *December*, 1937... the date of the last publication being the *23* day of *December*, 1937...

Lurling A. James

Subscribed and sworn to before me this *23* day of *December*, 1937.

Notary Public, residing at Malad, Idaho

My Commission expires the *14* day of *January*, 1938.

COSTS: *46* lines at 10c per line first insertion \$ *4.60*

5c per line each subsequent insertion \$ *6.90*

TOTAL \$ *11.50*

18403

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 18403

Proof of Application of Water to Beneficial Use

Deposition of Holder

1. ☒ Ques. 1. State your name, age, residence, occupation and postoffice address.
 Ans. J.F.Fredrickson; Age 57 years; Malad, Idaho; Abstractor-loans-Ins and Farm Lands owned. P.O.Address; Malad, Idaho.
2. ☒ 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. NONE.
3. ☒ Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.
 Ans. Permit No. 18403; Date January 27th. 1937; Since time wells were dug. in and about the year 1900
- ☒ Ques. 4. State source of water supply and give exact location of point of diversion.
 Ans. Four flowing wells; on North part of NE 1/4 NE 1/4 - 11-15-35 E.
 3 of the wells are on west edge of North part of said forty acre tract and the other well is in East North part of said 40 acre tract.
 Diversion of water is at and from the wells.
5. ☒ 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. 2 of wells have 3 in casings in same; 1 has 4 in casing and 1 has 2 in. casing from the ground down to the water in earth. These 4 wells are now flowing nearly 1 second foot of water, say 40 inches of water used on this tract of land and for cullinary and domestic purposes. and water is diverted for irrigation use by earth ditches from each well onto the lands joining wells where same is used for irrigation. and in addition to this there is a pipe line from the 2 inch well running under ground to the residence on same tract near by for house use, and also piped to correls in winter time for stock and sheep watering, in the lambing sheds and correls.
6. ☒ 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. Water from wells used to irrigate 24 acres of cultivated land in North and East part of NE 1/4 NE 1/4 - 11-15-35 E.B.M.; with other waters of a natural creek stream of about 100 inches 2 days out of every 17 days that also belongs to said premises, and when together make up a good irrigation stream and can get over the said lands quickly, and are very beneficial. The wells stream in hot weather in summer is too small to get over the land, but is very beneficial for gardens and row crops, and then for grains and alfalfa hay, with the other natural ditch water makes good big stream 2 days out of every 17 days to cover the whole 24 acres in 2 days, for alfalfa hay, but for grains will take about 4 days to go over all of it and likewise for sugar Beets.
7. ☒ Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.
 Ans. Only for cullinary and domestic use in residence, and in correls for horses-cattle and sheep in lambing yards and sheds, joining the irrigated tract on the immediate South edge of same; in addition to irrigation.
 The waters from these wells are effected some when my neighbor on the immediate East of me turns on a big well he has, that is about, I would estimate 20 or 30 rods East of my East line of my property, and this well he has was dug after the wells were dug that are now on my place.

OK. P.H. 18403

- 8 ✓ Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. about 100 inches to irrigate this land every 15 days, as the certain crops require; and wells water is used with other stream on these lands.
- 9 ✓ 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. I am the person and holder of said permit, and own this land.

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

Ans. Since wells were dug in about 1900; by diverting by earth ditch from the wells on the land; and in amount of waters from wells used to irrigate of about 25 to 40 inches; and whenever crops required to be irrigated, during the irrigation seasons of each and every year. Alfalfa hay; Grains; sugar beets and gardens are grown and have been grown on this tract of land since 1900.

11. ✓ 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. With this tract of land; there is a natural stream surface water running to this land, in turns of 2 days out of each and every 17 days each and every year as long as needed, and whenever needed on this land and belonging to this land, and this stream varies in the season from 80 miners inches to 100 miners inches, but is only obtainable 2 days out of each 17 days of the irrigation seasons each year.

(Sign)

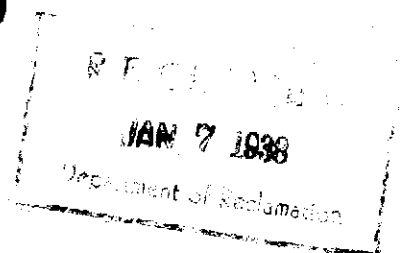
J. H. Fredrickson

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 5th day of January A. D. 19 38

J. J. Black
Notary Public for Idaho residing at
Malad, Idaho.

My commission expires 5/25/1940

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 18403

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. Thomas Thorpe; age 49 years of age; Pleasantview, Oneida County
State of Idaho. J. O. Address Malad, Idaho R.F.D.No. 1

✓ Ques. 2. Are you acquainted with J.F.Fredrickson, the
holder of Permit No. 18403? How long have you known him and where does he reside?

Ans. Thirty Years. And he resides at Malad, Idaho.

✓ Ques. 3. Have you read or heard read said Permit No. 18403, and are you familiar with
its provisions and conditions?

Ans. Yes. and I am familiar with its provisions and conditions.

✓ 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. 4 flowing wells; Place of diversion is at each of said wells; by
Earth ditch from the wells on the land to parts to be irrigated on the lands
which are adjacent to and joining all said wells; Three of the wells are
on west edge of land abutting and the lands irrigated, and one well in
East center part of tract that this water is used upon of about 24 acres.

✓ 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. About 1 second feet of water from all 4 of the said wells. And I have
worked on this place about 25 years ago, and saw about this amount of water.
and there is now about this same amount of water flowing from these wells.

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

Ans. Water used for Irrigation and domestic and culinary purposes, and is
used for irrigation on about 24 acres of the North and east part of Malad Tp. 15-35 N.E.M. the land irrigated is cultivated land of good quality and
of a black-loam character.

Improvements are a Brick of 8 rooms; outbuildings; correls; lambing sheds
and sheep correls, and this water made it possible to put said improvements
on said premises. There is about 43 acres in the farm; and about 25 acres
of which is irrigated and cultivated lands, the balance us used for correls
pasture and lambing sheds and sheep correls.

I have lived in this locality all my life, and my parents also lived in this
valley since it was first settled, and I am reliably informed that these
wells were some of the first wells dug in this valley about the year 1900.

OK P.D. 18403

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

Ans. Is also used for Domestic and cullinary purposes, in addition to irrigation.

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

Ans. Character of land is a black loam soil of good quality. This land requires about 6 waterings during the season of each year, with an irrigation stream of 100 miners inches and say about every 15 days, during July Aug. and Sept. on Alfalfa hay and sugar beets; and about 2 waterings for grains

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

Ans. NONE.

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

Ans. I have been born and raised in this locality, and have seen the water flowing and have worked on these lands; and know the water is there, and there is now about 1 second foot of water running from said wells and has been this much for as long as I can remember. And there is also a natural running stream water right of 80 in to 100 in stream every 17 days for 2 days belonging to this land and in hot summer when used with said Wells water will amply irrigate all said lands, and said lands produces good crops.

(Signed)

Thomas Sharpe

I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad, County of Oneida, State of Idaho, on this day of January 5th., A. D. 19 38.

My commission expires

5/25/1940

James W. Clark.
Notary Public for
Idaho residing at Malad, Ida.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18403

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. William E. John; age 44 yrs; Pleasantview, Oneida County, Idaho
Farmer; P.O. Address Malad, Idaho R.F.D. No. 1

Ques. 2. Are you acquainted with J.F. Fredrickson, the holder of Permit No. 18403? How long have you known him and where does he reside?

Ans. Yes; For last past 25 years

✓ Ques. 3. Have you read or heard read said Permit No. 18403, and are you familiar with its provisions and conditions?

Ans. Yes I have read said permit; And am familiar with its provisions and conditions as appears it said permit.

✓ 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. Four Flowing Wells on NE 1/4 -11-15-35 E; Diversion at each of Wells
Works; 2 wells with 3 in casings; 1 well with 4 in. casings; and 1 well with
2 in casing all way down each well to bring water to surface of earth;
and diverted to place of use by earth ditches for irrigation; and by pipes
to residence and to correls for domestic use.

✓ 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? There is now about one second feet of water running from these 4 wells; or very close to it.

Ans. I also worked on this place or land where these wells are from 1910
to 1916 and there was then about 1 second foot of water running from these
4 wells, and there is today about the same amount of water from these wells.

✓ Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.)

State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Purpose Irrigation & domestic use; Used on N. part of NE 1/4 -11-15-35E
there are about 23 acres of land on which this water is used, and is all in
the North part and East part of NE 1/4 -11-15-35 E., and these wells are all
located on this said 23 acres, and used to irrigate same with other other
irrigation Company water to make up a full irrigating stream when irrigating.
And this irrigated land is cultivated land of black loam soil.
And there is about 24 or 25 acres of land in this forty acre tract that can be
irrigated. This place is well improved; Brick residence out buildings, and
lambling sheds and correls on SW part of this forty acre tract, and water is
also used for stock watering purposes.

I have lived in this locality all my life and worked on this property a good
deal and the waters flowing from these wells keeps about the same from year
to year, being affected only when the neighbor on the immediate East of this
tract turns on a big pipe well he has; that was dug after the wells were dug
on this place. And I am reliably informed that these wells were dug in
and around about the year 1900.

OK. R.H.B. 18403

✓ 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. Land is black loam land of good quality.
full irrigation stream; say about 6 or 8 times during irrigation season;
Other water is used with the wells water, in order to get over all the land
as quickly as possible on this tract, each time it is irrigated. And I have
irrigated this particular tract of land a great many times.

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

Ans. NONE.

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

Ans. From 1910 to 1916 I worked on this place continually, and irrigated this tract of land with the waters from these wells, along with the other irrigation water running on these lands from natural stream belonging to this property. And in this year 1937 this tract produced good crops of wheat and alfalfa hay. wheat going about 50 bu. per acre. And alfalfa hay of about 5 tons per acre.

(Signed)

William E. John

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, County of Oneida, State of Idaho, on this day of January 5th, A. D. 1938.

My commission expires 5/25/40

John Clark
Notary Public for Idaho
Residing at Malad, Idaho.

January 3, 1937

Re: Permit 18403.

Mr. J. F. Fredrickson
Malad, Idaho

Dear Sir:

In response to your letter of December 28th, we are herewith enclosing two sets of deposition blanks for proof of application of water to beneficial use.

You stated that you had misplaced the set of depositions for your proof on the above permit. These blanks were mailed to John W. Clark, Notary Public before whom you are to submit your proof, on December 27th, so no doubt he will have them available at the time you appear to make your proof.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

J1
Encl.

18403

J. F. FREDRICKSON

ABSTRACTS - CONVEYANCING - LOANS - INSURANCE

PROMPT ATTENTION GIVEN TO ABSTRACTING OF TITLES

Office Phone 225 Residence 86

MALAD CITY, IDAHO

Dec. 28th. 1937

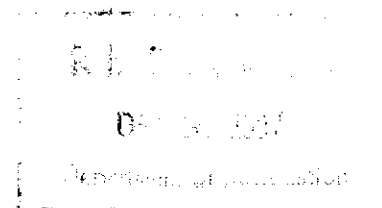
Dept of Reclamation;
Boise, Idaho;
R. L. Ferris; Commissioner;

Dear Mr. Ferris;

Will you please send me 2 sets of
flowing well proof papers by return and oblige.
The set that was sent for my wells proof for Jan. 5th
has been misplaced, and I want an extra set for another
proof.

Yours very truly

J. F. Fredrickson



18403

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

December 27, 1937

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. 18403

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 January 5, 1938, 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.

R. W. FARIS

Commissioner of Reclamation.

18403

December 8, 1937

Re: Permit No. 18403.

Mr. J. F. Fredrickson
Malad, Idaho

Dear Sir:

We are herewith enclosing Certificate of Completion of Works issued under the above permit to appropriate 0.48 of one second foot of water from wells for irrigation and domestic purposes.

We are also enclosing the Department's Receipt for the \$5.00 fee you paid in connection with this certificate.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

JL
Encl.

18403

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date November 26, 1937

Re: Permit 18403.

THE IDAHO ENTERPRISE
Malad, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to January 5, 1938, the date set for proof, the expense of the publication to be paid by the applicant.

J. F. Fredrickson, 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.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

18403

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

Notice is hereby given that at 10:00 A. M. on the 5th day of January, 1938,
 at Malad City, County of Oneida, State of Idaho, before
John W. Clark, Notary Public, proof will be submitted of the
 application to beneficial use of .48 cubic feet per second of the waters of
Flowing Wells in accordance with the terms and conditions of Permit No. 18403
 heretofore issued by the Department of Reclamation of the State of Idaho.

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

J. F. Fredrickson, Malad City, Idaho.

The use to which said water has been applied is irrigation and domestic use

The amount applied to beneficial use is .48 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) on NE 1/4 Sec. 11, T. 15 S., R. 35 E., B. M.

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

The right to take water from such works is based upon Permit No. 18403

The source of supply from which such water is diverted is from flowing wells on
above described lands.

The date of priority which said user is prepared to establish is January 12, 1937.

R. W. FARIS
 Commissioner of Reclamation.

18403

November 26, 1937

Re: Permit No. 18403.

Mr. J. F. Fredrickson
Malad, Idaho

Dear Sir:

This will acknowledge receipt of notice in duplicate for publication in connection with beneficial use proof, and also your authorization to have the notice published in the Idaho Enterprise, Malad, Idaho, all in connection with Permit No. 18403.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to January 5th, 1938. About ten days prior to this date depositions consisting of one for the holder and one each for two witnesses will be mailed to John W. Clark, Notary Public, Malad, Idaho, so that he will have them in ample time for the proof.

On the date designated you should appear at Mr. Clark's office with two disinterested witnesses who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

Deputy Commissioner of Reclamation

jl

18403

Proof for .48 cu. ft. from waters of
4 flowing wells before Jan. 28th. 1938

Permit 18403

Malad, Idaho Nov. 17th. 1937

Department of Reclamation
Boise, Idaho;

Gentlemen;

Inclosed please find following papers in connection with final proof of waters of subterranean wells; as requested by you for proof;

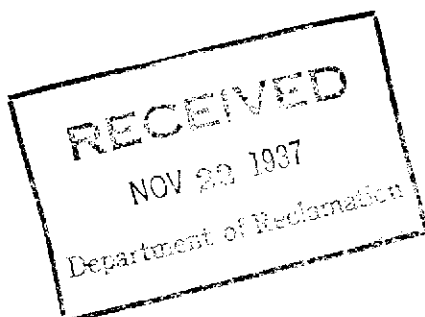
1. Proof of completion of works
2. Letter authorizing Commissioner to publish Notice of Proof in Idaho Enterprise, at Malad, Idaho.
3. Notice of Proof of application of water to beneficial use in duplicate.
4. Check for \$5.00 as fee for Certificate of Completion of works; or that works are completed.

If this is not the final proof on waters of this kind Please advise me fully of what additional proof is required, and is this proof necessary and valid under such condition, as you state; or will one have to resort to court procedure to protect his priority and flow of water when a neighbors well, takes his water when his wells are opened.

Proceed with this proof and submit requirement of other proof as you state is required, and advise me if I am protected to demand my water from any other obstruction or well of neighbors.

Yours truly,

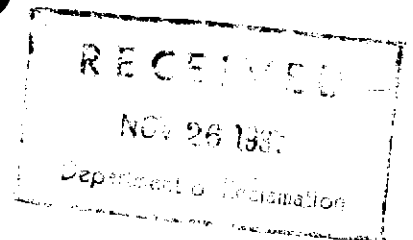
Frederickson



18403

Permit No. 18403

STATE OF IDAHO
Department of Reclamation



Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of Oneida } ss

J.F. Fredrickson, 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. 18403, and that his postoffice address is Malad City, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Flowing Wells on the land (subterranean).

Third: That the point of diversion of said water is NE 4 NE 4, Sec. 11, T. 15 S., R. 35 E., B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Jan 28, 1938.

Fifth: That the use for which said water is intended is Irrigation & Domestic use.

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: 4 flowing wells with iron pipe into the earth for each well (Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work: Flowing wells with iron pipe in earth to water for each well.
(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 width at bottom feet, width at water line feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

(State whether ditch, flume or pipe.)

Seventh: That said works are capable of conducting to the place of intended use .48 second feet of water.

Eighth: That water appropriated under said permit is available for About 24 acres of land described as follows: on the North part of NE 1/4, Sec. 11 Tp. 15 S. R. 35 E. B. M.

Ninth: Remarks: That I use this water with ditch right water to irrigate said lands. The flows vary at different periods of year and when neighbor turns on his wells 2 of mine quit for part of late summer, then return in fall and winter again, and then I use these 2 wells in winter time for water for lambing and livestock. The other 2 wells flows good streams all the time.

(Sign here)

Subscribed and sworn to before me this 17th day of November, 1937

My commission expires

Notary Public.

18403

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) November 17th. 1937

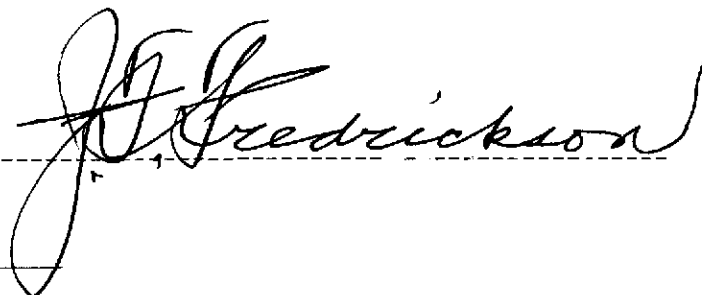
(P. O.) Malad City, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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


J. F. Fredrickson

(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.

18403

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

J. F. Fredrickson
Malad, Idaho

Boise, Idaho, **November 8, 1937**

Dear Sir:—

Under the terms of your permit No. 18403 you are required to complete your diversion works on or before January 23, 1938. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00 a Certificate of Completion will be issued to you.

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

Yours truly,

R. W. FARIS

Commissioner of Reclamation.

18403

October 29, 1937

Re: Permits 18219 & 18403.

Mr. J. F. Fredrickson
Malad, Idaho

Dear Sir:

In answer to your letter of October 16th, kindly be advised that the priority under any permit cannot go beyond the date of the filing of the application with this department.

The priority date under Permit 18219 is December 19, 1935. I happen to know the water from this well has been used for a good deal longer than that, but if the priority is recognized as of its true date, it will have to be established in a court action, since this department has no authority to fix matters of that kind.

Mr. Jones may offer his proof of completion of works before any notary public; likewise, beneficial use proof may be offered before any notary public at Malad or elsewhere. Kindly have him fill out the notice in duplicate for publication and return both copies to this office with his authorization to have the notice published in a paper in Omside County. After a four weeks publication has been completed, we shall furnish the notary designated in Mr. Jones's notice three depositions, consisting of one for the holder and one for each of two witnesses, which must be completed on the date set forth in the notice. These papers should then be forwarded to this office with an affidavit of publication from the newspaper.

Proof of completion of works will not be due under your permit No. 18403 until January 29, 1938, and final proof will not be due until January 29, 1939. You may, however, make these proofs at any time you wish, and the necessary papers for both proofs are herewith enclosed for your convenience.

It will be quite permissible for you to offer proof merely on three of your wells and be allowed the total quantity of water which is authorized by your permit, provided that the three wells will produce that much.

Very truly yours,

Deputy Commissioner of Reclamation

PLH:jl
Encl.

18403

J. F. FREDRICKSON

ABSTRACTS - CONVEYANCING - LOANS - INSURANCE

PROMPT ATTENTION GIVEN TO ABSTRACTING OF TITLES

Office Phone 225 Residence 86

MALAD CITY, IDAHO

Oct. 28th. 1937

Dept of Reclamation
Boise, Idaho;
Mr. R.W. Ferris Commissioner;

a Permit #18403

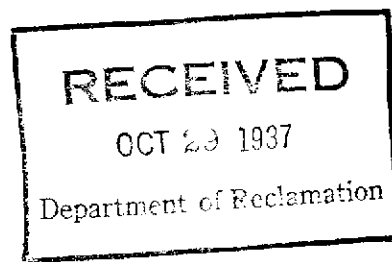
Dear Mr. Ferris;

Please permit me to call your attention
to my letter to you of Oct. 16th. for the necessary papers
to make the final proof on the 4 flows I have.

I would like this now that I can take care of the same
and will ask you to please send the necessary papers to
me and advise me of the questions asked in my said letter
and oblige.

Yours truly

J. F. Fredrickson



18403
~~18219~~

June 10, 1937

Re: Permits 18216 & 18403.

Mr. J. P. Fredrickson
Malad, Idaho

Dear Sir:

Reference is made to your letter of June 1st. An examination of the records show that John H. Pilgrim filed on his well in this department on December 19, 1935. The above permit was issued to him authorizing the appropriation of 0.2 of one second foot of water. Both proof of completion of works and beneficial use proof will be due on December 23, 1937.

Proof of completion of works will be due under your permit (18403) on January 23, 1938. Beneficial use proof will not be due until January 23, 1939.

Unquestionably, a person strengthens his right under a permit by offering his proofs and obtaining a license, since if and when he is compelled to go into court, the license would be accepted at its face value.

Several months ago you were furnished a copy of a permit by this department. You were notified at that time that \$1.00 was due for this service. It has been called to your attention several times, but to date we have had no reply concerning it. Will you therefore kindly mail a check to this department for this fee.

Very truly yours,

Deputy Commissioner of Reclamation

PLH:jl

18403

XXXXXXXXXX

Barzilla W. Clark

March 18, 1937

Re: Permit No. 18403

J. F. FREDRICKSON
Malad, Idaho

Dear Sir:

Reference is made to your letter of March 17th. I am sorry that I overlooked answering that portion of your letter pertaining to the water filings in the names of certain parties. An examination of the records shows that in Township 15 South, Range 35 East, B. M., the following permits have been granted to appropriate subterranean waters, and any well would, of course, come under this category:

Thomas Thorpe has a filing for 0.2 of one second foot from a well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1. This filing dates from December 19, 1935.

Henry C. Brown has a filing for 1.2 second feet from a well in Lot 1 of Sec. 2. This filing dates from December 19, 1935.

Hiram W. Jones has a filing for 0.1 of one second foot from a well located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 2. This filing dates from December 19, 1935.

J. F. Fredrickson has a filing for 0.48 of one second foot from a well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 11. This filing dates from January 12, 1937.

There was one other filing on a well in this township, but since it has been cancelled, it is of no consequence.

The only law in this state governing subterranean waters comes under Secs. 41-1401 to 41-1405 inclusive of the Idaho Code Annotated. The department's 1933-34 Biennial Report contains these laws on Pages 81 and 82. A copy of such report is being mailed to you under separate cover for your information.

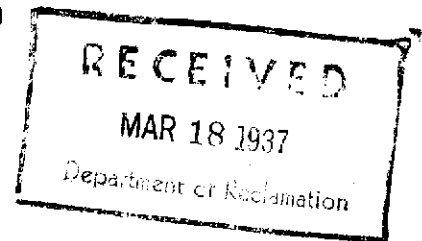
The general rule, that is, that water under any right may be diverted at only such times as it can be beneficially used, answers your question as to when you will be allowed to open your wells for irrigation purposes. In most sections of the state, wells are used only to supplement natural flow or reservoir rights from surface streams. It would therefore be impossible for the state to set any date when wells could be opened for irrigation purposes. I trust that this information may be of some value to you.

Very truly yours

Deputy Commissioner of Reclamation

PLH/cj

18403



Malad, Idaho; March 17th.1937

Department of Reclamation
Boise, Idaho;

Gentlemen;

18403 Permit
on 4 flows

Your letter of 15th. received and contents noted, as far as you went, but you did not answer my letter for the last part of the same as to whether John L. Jones or Daniel E. Jones or James H. Williams have applied or have permits for flows on any part of the N $\frac{1}{2}$; Sec. 12-15-35 E. and if so give me the dates of same. as there are big flows on that land.

And also inform me when we are allowed to open our wells and use for irrigation, and if all the wells in one given Section are to open them at same time. We will need the water this year in this valley from flows, I would same for the early cases about May 1st. and then some a little later.

I hope your laws set times on these as it would be a great help all over our state, and keep us out of having to file suits, as you suggest in your letter, as we have to fight these battles and not you officials and we want to keep out of it if we can. Our State laws should regulate all these matters.

I shall thank you for a return reply.

Yours truly

18403

XXXXXXXXXX

Barzilla W. Clark

March 15, 1937

Re: Permit No. 18403

J. F. FREDRICKSON
Malad, Idaho

Dear Sir:

Reference is made to your letter of March 12th. It is quite true that it is very difficult for anyone to irrigate a small acreage with no more than one inch of water per acre. However, the law specifically provides that permits should be limited to one miners' inch per acre and there is no provision made for granting more than that quantity of water where the tract to be irrigated consists of but a few acres.

You have the same protection on the waters from a well as one would have on the waters from any other source of supply. In other words, as you probably know, the first in time is the first in right and a subsequent appropriator has no right to take water that will impair a prior right.

It is my understanding that your well has been in use for many years, but notwithstanding, your priority so far as the record is concerned, dates only from the date when your application was first received in this office. As previously explained to you, if you wish to secure a priority date based on actual usage, such right will have to be granted by the District Court in your county.

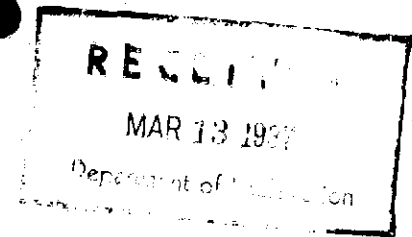
If someone has a well or drills a well under a right that is subsequent to yours, then it will be up to you to obtain an injunction from the court to stop them from impairing your right, just the same as you would have to protect yourself in the case of someone taking your property. This department has no police powers, but is purely administrative. However, in the event of a controversy, we shall be glad to furnish you with a certified copy of your right if it is needed.

Very truly yours

Deputy Commissioner of Reclamation

PLH/cj

18403



Malad, Idaho March 12th. 1937

Department of Reclamation
Boise, Idaho;

Permit No. 18403

Gentlemen;

Your letter of 10th. received. If this be true then the law on water filings of 1 miners inch to acre with small acreage of less than 25 acreage, is almost valueless as far as the irrigation of the same is concerned even with additional water held with same, as in my case; but with no protection to the same.

A 24 inch stream of water on a 25 acre field in July Aug and Sept is practically useless as far as doing any good on the land for alfalfa hay or Grains, and it would be absolutely impossible to take care of a 10 acre tract of beets and 15 acres of alfalfa hay right in the months when needed, and I believe this will hold true almost anywhere. In the Snake River Valley it would not any more than take care of a good sized Garden, in this months.

This question comes up again. Have I any protection under our State laws, against a neighbor turning on his wells and cutting the flow on my wells down to Half. This condition is now happening all over our valley; flowing wells in one case then Pumping wells in another, in both case both with larger pipes which diminish the flows to 1/2 in a large numbers of wells and shutting off some completely.

In my case my neighbor has a large pipe 4 and I believe 6 in flows, and when he turns them on the water diminishes too low for me to get the water through my coirels for lambing and stock and cullinary purposes and we just got to have the water. Is there any protection for me to hold off the opening of his wells until the middle of April or about the 20th. to 25th. when we are able to get out on the range in this locality. Please advise me in this by return what action I have or do I have to depend on my date of permit, or usage. This will make ones property almost valueless if conditions like this are allowed especially in time of year when water is only valuable for domestice and stock watering purposes and the lambing of sheep it is an absolute necessity in the pens as we have always used it. Also advise me if one James H. Williams or Daniel E. Jones or John E. Jones have made water permit filings on flowing wells on any part of N^o. 12- Tp 15- 35 E. This is the land that drains my wells, by the Flows thereon.

Yours truly

J. H. Fredrickson
18403

~~XXXXXXXXXX~~

Barzilla W. Clark

March 10, 1937

Re: Permit No. 18403

J. F. FREDRICKSON
Malad, Idaho

Dear Sir:

Receipt is acknowledged of your letter of March 8th. This department had no discretion in the matter of reducing the quantity of water you claimed under application for the above permit since the law specifically provides that the quantity shall be limited at the rate of one miners' inch per acre of land that is to be irrigated.

Therefore, the quantity under the terms of this permit can not be increased but it is my opinion that in spite of this limitation, you could hold whatever additional water you have been using for stock watering and other culinary purposes.

Very truly yours

Chief Clerk & Office Engineer

PLH/ej

18403

in Malad, Idaho, March 6th. 1937

Department of Reclamation
Mr. R.W. Ferris Commissioner;
Boise, Idaho;

Permit 18403

Dear Mr. Ferris;

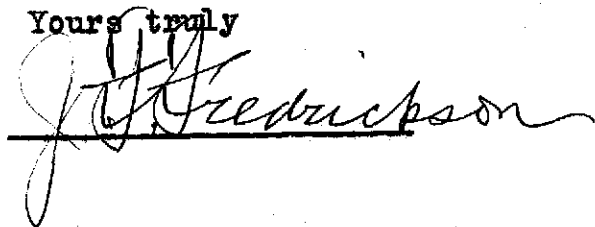
Relative to my permit 18403 for 0.48 Cu. ft per second from 4 flowing wells for irrigation of 24 acres.

This was out of about 1 cu. ft from the 4 wells, and we use in the winter months and summer about the other half for stock and house cullinary purposes, and I was wondering if I could not include this part in same permit as for cullinary purposes in additiona to the part for irrigation. Advise me on this.

Then again from the small part from each well in the summer months we would never have enough water to irrigate this ground for grain or hay which we have always raised on the same from this .48 This small 24 inch stream if al together would never in 6 months get of this land, and it looks like there ought to be some relief whereby all the water could be claimed when it is used for cullinary purposes also. I use it also for water a band of sheep in lambing sheds on this land or on this 45 acres tract and farm stock besides and it takes a fairly good small stream to handle this in ditches.

Please write me on this and oblige. My first appl. asked for 1 Cu. ft.

Yours truly


J. H. Fredrickson

18403

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18403

January 29, 1937

Boise, Idaho,

Dear Sir:

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

J. F. FREDRICKSON
Malad, Idaho

R. W. FARIS

Commissioner of Reclamation.

18403

SEC. 18403
Permit Map No. _____

As Approved
JAN 28 1937

R. W. FARIS
Commissioner of Reclamation

SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK

18403

18403
January 28, 1937

Re: Application No. 23691

J. F. FREDRICKSON
Malad, Idaho

Dear Sir:

Your corrected application was received in this department on January 27th and it will be approved immediately.

The fact that the wells from which you claim water under the terms of this application were dug in 1897 and 1900 does not in any way affect the priority date to which you are entitled under the terms of such application. In other words, as we previously explained to you, any application filed in this department to appropriate the public waters, can only be dated from the date when it is first received.

However, the granting of this permit to appropriate only 0.48 of one second foot of water will not in any way prevent you from establishing a right to more than that quantity of water if it has been developed, and with the priority date going back to such time as the wells were dug, in an action through your District Court. Your purpose in filing the application is, of course, to put your claim on record, but the law will not permit this department to recognize an earlier priority date because that, of course, would have to be established by proof before a court of competent jurisdiction.

This office has been extremely busy and no doubt will be until such time as the legislature adjourns. However, we shall endeavor to supply you with the information requested in your letter of January 18th regarding the rights of the Samaria Water and Irrigation Company within the next few days.

Very truly yours

Chief Clerk & Office Engineer

PLH/cj

18403

Malad, Idaho; Jan. 25th. 1937

Department of Reclamation;
Boise, Idaho.

Gentlemen;

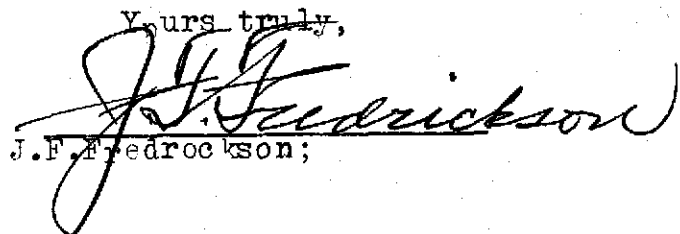
Your letter of Jan. 21st. with my application for permit on 4 flows returned for decrease of water from one cubic foot to $1/2$ cubic foot; or 0.48 cubic feet for 24 acres of land, being for 1 miners inch to each acre of land as required by the present law.

Also that my priority of right dates from Jan. 12th. 1937 at 9-00 A.M. of that day. Although the Wells were dug in 1897 and 1900 and been used continuously with the land on which they are located (NE $\frac{1}{4}$ NE $\frac{1}{4}$; -11-15-35E) at all times since. The East Well on this tract (2 inch well is used at all times for house and domestic purposes except in July and August and Sept. parts of the water is used for irrigation on this tract of land., so that the division you now have and the amount claimed I take it will have no effect on the right if more that the 24 inches should be used on this land during the irrigation season, as during the summer months more is required for the same.

I return the new application herewith which you have sent me for signature, with ditch shown on the maps and in the application. There is about 120 rods to ditch on this tract as shown on the maps. the main ditch around the North side of this tract being $1\frac{1}{2}$ feet wide at bottom; $2\frac{1}{2}$ feet wide at water edges and about $1\frac{1}{2}$ feet deep. with a little smaller ditch running East from the 2 South wells out over the tract for about 40 rods so as to distribute the water a little faster during the hot months of the summer.

If you have no use for the other application you may return same to me for my copy records and oblure.

Yours truly,


J. F. Fredrickson;

18403

18403
January 21, 1937

Re: Application No. 25691

J. F. FREDRICKSON
Malad, Idaho

Dear Sir:

We are enclosing herewith a new application which has been prepared from the information contained in the one which you submitted under date of January 18th. Your application was received in this department at 9:00 o'clock A. M. on January 18th, and your priority will date from that time.

Your application claimed one cubic foot of water per second or a total of fifty miners' inches whereas you proposed to irrigate but twenty-four acres or, I should say, that is what you have been irrigating. The statutes of this state prohibit this department from issuing a permit in excess of one cubic foot of water per second for each fifty acres of land to be irrigated, which is at the rate of one miners' inch per acre. Therefore, unless you are able to apply the water to twenty-six acres of other land, your application will have to remain as the quantity is now stated which is 0.48 of one cubic foot per second.

Will you kindly give the dimensions and length of your ditch under Paragraph 11, sign the application, and return it to this department?

We are herewith enclosing two more blank applications, together with a pamphlet of instructions, as per your request.

Very truly yours

Chief Clerk & Office Engineer

PIE/cj

encl

Office Receipt No. 16091, \$5.00

18403

25291

Malad, Idaho; Jan. 9th.1937

Commissioner of Reclamation;
Department of Reclamation
Boise, Idaho;

Dear Mr. Farris;

Inclosed please find my application for
filings on 4 flowing wells on my property, as shown
by inclosed application for permit, with total waters
from the 4 wells of 50 miners inches. ----
with 2 maps.

Inclosed my check for \$5.00 filing fee.

Application was completed Dec. 28th. 1936. and dated
said date.

I will ask you to please send me two more application blanks
for permits with maps.

Yours Truly

Was glad to hear of your re-appointment.


J.F.Fredrickson

18403