

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 867

Refer: USGS 151 Good
indicates springs in
Sec 23, T8N, R28E
as
'Fallert Springs'
OK

THIS IS TO CERTIFY THAT Orville Nicholson, of Howe, Idaho, is the owner of and using a certain water right for 0.80 cubic foot per second of the waters of Pass Creek Springs, with priority of August 17, 1915, under License No. 11553 issued by the State Reclamation Engineer of the State of Idaho, to Rose Fallert, said license bearing date of October 5, 1918, and being appurtenant to the following described lands, to-wit:

Southwest Quarter ($\frac{SW}{4}$) Section 26,
Township 8 North, Range 28 East, B. M.

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Licenses, at page 2329.

And that now, upon the application of Orville Nicholson, of Howe, Idaho, for the transfer of 0.80 cubic foot per second of the waters of Pass Creek Springs, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of said waters upon the above described lands is hereby abandoned, and the lands to which said water shall, by this certificate, become appurtenant, for irrigation and domestic purposes, are described as follows, to-wit:

$\frac{NW}{4}$, $\frac{W}{2}\frac{SW}{4}$ Section 29;
 $\frac{W}{2}$ $\frac{NW}{4}$ Section 32;
Twp. 8 North, Range 28 East, B. M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.80 cubic foot per second of the waters
of Pass Creek Springs, with priority of
August 17, 1915.

That the water right hereby transferred has heretofore been conducted to the first above described land through a private ditch, with point of diversion in the $\frac{SE}{4}$ $\frac{SW}{4}$ Section 23, Township 8 North, Range 28 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through a private ditch, with no change in point of diversion.

T-867
33-2024



Name of Applicant *Rose* **Lorenzo Falbert, Howe, Idaho**

Township 8 North Range 28 East Boise Meridian

SEC.

SEC.

SEC.

SEC.

23 SEC.

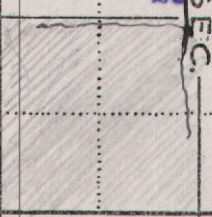
24 SEC.

Pass Creek Springs

SEC.

26 SEC.

25 SEC.



SEC.

SEC.

SEC.

SEC.

SEC.

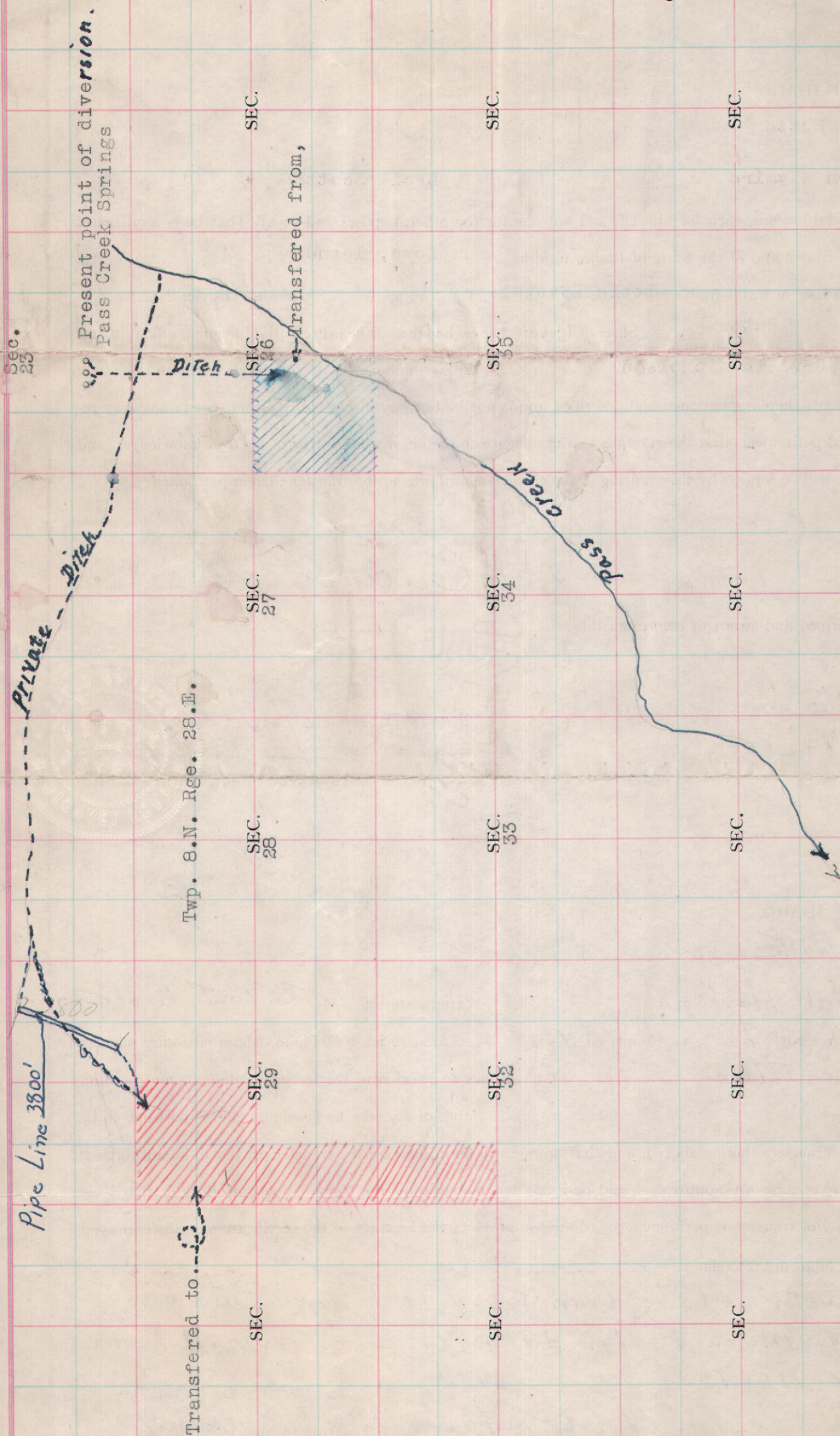
SEC.

SEC.

SEC.

SEC.

11553



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 867

Refer USGS 151 Good
indicates springs in
Sec 23, T8N, R28E
as
'Fallert Springs'
S.H.

THIS IS TO CERTIFY THAT Orville Nicholson, of Howe, Idaho, is the owner of and using a certain water right for 0.80 cubic feet per second of the waters of Pass Creek Springs, with priority of August 17, 1915, under License No. 11553 issued by the State Reclamation Engineer of the State of Idaho, to Rose Fallert, said license bearing date of October 5, 1918, and being appurtenant to the following described lands, to-wit:

Southeast Quarter (SE $\frac{1}{4}$) Section 26,
Township 8 North, Range 28 East, B. M.

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Licenses, at page 2329.

And that now, upon the application of Orville Nicholson, of Howe, Idaho, for the transfer of 0.80 cubic feet per second of the waters of Pass Creek Springs, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of said waters upon the above described lands is hereby abandoned, and the lands to which said water shall, by this certificate, become appurtenant, for irrigation and domestic purposes, are described as follows, to-wit:

NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29 $\frac{1}{2}$
W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 32;
Twp. 8 North, Range 28 East, B. M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.80 cubic feet per second of the waters
of Pass Creek Springs, with priority of
August 17, 1915.

That the water right hereby transferred has heretofore been conducted to the first above described land through a private ditch, with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, Township 8 North, Range 28 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through a private ditch, with no change in point of diversion.

T-867
33-2024

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 1st day of October, A. D. 1956.

Mark R. Kulp

MARK R. KULP

State Reclamation Engineer

(SEAL)

T-867
33-2024

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Orville Nicholson,
of Howe, Idaho)

For a Transfer of Water Right, in
Water District No. 9, Butte County,
Idaho.)

ORDER GRANTING TRANSFER

No. 867

WHEREAS, On the 5th day of January, 1956, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Orville Nicholson, of Howe, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED that the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 1st day of October, A. D. 1956.

(SEAL)

Mark R. Kulp
MARK R. KULP
State Reclamation Engineer

T-867
33-2024

State of Idaho
License and Certificate of Water Right

Water License No. **11553**

Amount **0.8 sec. ft.**

Water District No. **9**

Priority **8-17-1915**

THIS IS TO CERTIFY that **Rose Fallert**
of **Howe, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **August 17th 1918**; that Permit No. **11553**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of **0.8**
second feet, was issued thereunder on **August 20th 1918**, showing that said works
were completed on the **25th** day of **August 1917**; and that on the **29th**
day of **October 1917**,

Rose Fallert

of **Howe**, State of **Idaho**, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of **Pass Creek Springs**,
a tributary of **Pass Creek**, for the purpose of **irrigation and domestic use**,
under Use Permit No. **11553** of the State Engineer, 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
Engineer of Idaho and entered of record in Volume **5** of Licenses, at page **2329**, on the **5th**
day of **October 1918**;

The right hereby confirmed dates from **August 17th 1915**;

The Point of Diversion is located
in the **SE ¼ of SW ¼, Sec. 23**, Tp. **8 N., R. 28 E., B. M.**

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 **0.8** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 N	28 E	26	SW ¼ SW ¼	40	25
			NW ¼ SW ¼	40	5
			WE ¼ SW ¼	40	2
			SE ¼ SW ¼	40	3

Trans #867

The right to the use of the water here confirmed is restricted to the lands or place of
use here specified, and is provided by the laws of Idaho.

Witness my hand and official signature of the State Engineer, at Boise, Idaho, this
day of **October 1918**

5th

FRED A. WILKIE

State Engineer.

33 2024

No. 11797.

33-2024

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

1. Name of applicant: Rose Fallert.

Postoffice address: Howe

County: Blaine

State: Idaho

I. If applicant is a corporation, give

- (a) Date and place of incorporation:
- (b) The amount of capital stock:
- (c) The 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. The quantity of water claimed is Two and one half cubic feet per second.

3. Source of water supply: Pass Creek Springs

4. Location of point of diversion: In SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, Township 8 North, Range 28 E.

County of Blaine

5. To be used for: Domestic and irrigation

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 160 acres.
 (b) In the following legal subdivisions: SW $\frac{1}{4}$ Section 26, Township 8 North Range 28 East B.B.

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

- (b) Amount of power to be generated:
- (c) Is water to be returned to any stream?
point of return:

H. P. under ft. head
 (d) If so, name stream and locate

6. Estimated cost of works: \$250.00

7. Description of works for diversion:

I. Kind of works: Ditches

II. Dimensions of works:

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

(b) Capacity of reservoir acres feet. (c) Size of headgate, width feet,
 Height feet. (d) Conduit ditch width at bottom two feet,
 width at water line four feet, depth of water one feet; diameter of pipe

- - - inches; average grade per mile is 150 feet. Length of conduit is 3/4 miles,
 and it crosses the following quarter sections:

SW $\frac{1}{4}$ Section 23, NW $\frac{1}{4}$ Section 26, Township 8 North Range 28 East B.M.

8. The time required for the completion of the construction of such work is two years.

9. Time required for the complete application of the water to the proposed use is One additional years.

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

Rose Fallert.

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9:00 A.M. Aug. 17, 1915.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 11553

Recorded in Book 39 Page 11553 Approved August 25, 1915.

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 October 24, 1915. 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 August 25, 1916.

The whole of said work to be completed on or before August 25, 1917.

Beneficial use of water appropriated in accordance herewith, to be made on or before August 25, 1918.

Witness my hand this 25th day of August, 1915.

J. H. Smith.

State Engineer.

Remarks:

These springs are located on government land. It is my intention to open up the springs and to connect them all with ditches and then carry the water in a main ditch to the land.

C.W.--8-25-17

Permit No. 11553

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that ROSE FALLERT of Howe, County of Butte, and State of Idaho, the holder of Permit No. 11553, issued upon Application No. 16797, bearing date of priority of August 17, 1915, authorizing the diversion of 2.5 second feet of the waters of Pass Creek Springs, County of Butte, 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 2.5 second feet of the waters of Pass Creek Springs; that the point of diversion of said waters is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, T. 8 N., R. 28 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ Sec. 26, T. 8 N., R. 28 E., B. M.

WITNESS my hand this 20th day of August, A. D. 1918.

FRED A. WILKIE

State Engineer of the State of Idaho

License issued for 0.8 second feet
Page 2329

October 14, 1918.

Re Permit 11553.

Mrs. Rose Fallert,
Howe, Idaho.

Dear Madam:--

Enclosing herewith water
license issued under the above permit.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

WL

11553

September 20, 1918.

Re Permit 11553.

Mrs. Rosa Fallert,
Howe, Idaho.

Dear Madam:--

Enclosing herewith certificate of
completion of works issued under the above per-
mit, with receipt for fees.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By_____

CCW-R2279

11553

Hawel Idaho Aug 1, 1918

State Engree

Dear Sir

no-29062
504

find and enclose \$ 5.00
for final Fee on Certificate
of Completion of work
as Requested in your letter
July 29. And Please
send a man out at
once. your Respy

Wm Rose Talbot

Hawel

Idaho

Extension of time beyond August 16, 1918, can not be granted by this office. It will be necessary for you to file the evidence of water right required by this office by notice of June 28, 1918, or the final proof will be finally rejected and closed by this office. If the required evidence of water right can not be obtained from the State Engineer, by August 16, next, it is suggested that you file an application, in the form of an affidavit, by yourself, for an extension of time in which to supply the required evidence. Upon receipt thereof all papers will be forwarded to the General Land Office for consideration.

U.S. Land Office,
Hailey, Idaho. 11553

LR.LLC.

July 29th, 1918.

Re Permit No. 11553.

Mrs. Rose Fallert,
Howe, Idaho.

Dear Madam:--

Replying to yours of the 26th inst. would say that we will have a man to make the examination for proof of use of water under above permit within a week or ten days, after which we can issue the license.

In looking over the files, I find that the certificate of completion of works has been withheld pending receipt of \$5.00. We wrote you on September 13th relative to this fee but have received no reply. As soon as this fee is in, we can issue the certificate of completion of works and can then send a certified copy of the permit, including the certificate, for use in the U.S. Land Office.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

11553

Howe, Idaho, July 26, 1918.

State Engineer's Office,

Boise, Idaho.

Gentlemen:

In reference to water permit No. 11553, as I remember, on or about the 27th of Dec. 1917, I made final proof of beneficial use of water on the SW $\frac{1}{4}$, Sec. 26, Twp. 8 North R. 28 E.B.M., but have not received from your office license showing beneficial use of said water.

On Dec. 15, 1917, I received a notice from the U.S. Land Office, at Hailey, Idaho, in reference to my final proof on the foregoing described land, in support of Desert-Land Entry, that if water license showing that proof of beneficial use of water had not been made under the terms of said water permit No. 11553 was not submitted ~~under the~~ to Land Office within thirty days said proof would be rejected; that at that time I secured an extension of time in which to submit said proof: That I now am in receipt of a notice from said Land Office, dated June 29th, 1918 informing me that if such proof was not submitted within thirty days said final proof would be rejected. That I have asked for an extension of time for ^{thirty} ~~sixty~~ days in which to get from the State Engineer's Office a certified copy of said permit, also water license showing beneficial use of water on said land.

As I understand, the irrigation works were to be inspected by your office before permit or license of completion was issued.

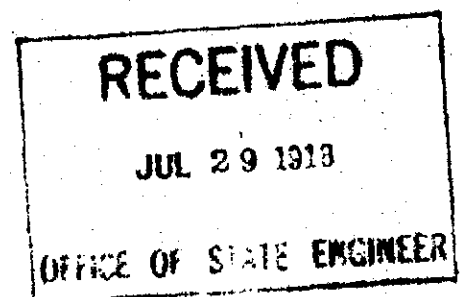
Wish you would kindly send me certified copy of said water permit, also issue water license showing final completion of works and beneficial use of water, as I do not want to loose my land.

11553

Send me statement of fees for certified copy of said water permit, and I will remit immediately, also inform me just what steps to take in getting my license ^{showing} ~~for xxxxx~~ beneficial use of water on said land, as it is imperative in order for me to make final proof and submit same to the Land Office.

Yours very truly,

Rose L. Fallert



December 8, 1917.

Re: Permit No. 11553.

Rose L. Fallert,
Howe, Idaho.

Dear Madam:

As it will be some time now before the examination can be made by our engineer of proof of beneficial use of water under the above permit, we are returning your Money Order for \$8.00. As soon as this examination is made, you will be further notified as to the fees required.

Very truly yours,

J. W. SMITH,

State Engineer.

BY

CB/MB

Enc: MO-26595

11553

November 7, 1917.

Re: Permit No. 11553.

Rose L. Fallert,
Howe, Idaho.

Dear Madam:

Am in receipt of depositions, affidavit of
publication and Money Order for fees for final
proof under the above permit.

As soon as the examination can be made by
our engineer, the matter of issuing license will
be taken up.

Very truly yours,

J. H. SMITH,

State Engineer.

By

CS/13

11553

Affidavit of Publication

I, C. A. Bottolfsen, publisher of **THE ARCO ADVERTISER**, published weekly at Arco, Idaho, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for Four consecutive weeks, commencing with the issue dated Oct 5, 1917, and ending with the issue dated Oct 26, 1917.

Subscribed and sworn to before me this 29th day of October, 1917.

J. H. Smith
Notary Public.
Residing at Arco, Idaho.
11553

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10:00 a. m. on the 29th day of October, 1917, at Arco, County of Butte, State of Idaho, before T. C. Salt, Notary Public, proof will be submitted of the application to beneficial use of two cubic feet per second of the waters of Pass Creek Springs, in accordance with the terms and conditions of Permit No. 11553 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Rose L. Fallert, Howe, Idaho.

2. The use to which said water has been applied is Irrigation purposes.

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

4. The place where said water is used is The SW $\frac{1}{4}$ of Section 26, Township 8 North, Range 28 East, B. M.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is ditch known as Fallert's Ditch.

6. The right to take water from such works is based upon Permit No. 11553.

7. The source of supply from which such water is diverted is Pass Creek Springs.

8. The date of the priority which said user is prepared to establish is October 21, 1915.

J. H. SMITH,
State Engineer.

PERMIT NO. 11553.

M.O. 26595
8 cu**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

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

Ans. Rose Fallert, 32 years, Howe, Idaho, Housewife.

Howe, Butte County, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and 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. No. 11553. Date, Aug. 25, 1915. Date of priority,
August 25, 1915.

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

Ans. Pass Creek Springs, in SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 23, Township 8
North, Range 28 East, Boise Meridian.

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. Ditch, width at bottom 2 feet, width at water line 4 feet,
depth of water 1 foot. Will convey 100 inches of water to place
of use. Known as "Fallert's ditch."

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

Ans. Used for irrigation purposes, on the SW $\frac{1}{4}$, Sec. 26, T. 8 N.,
R. 28 East, B. M. The land is all cultivable land, 25 acres in the
SW $\frac{1}{4}$ SW $\frac{1}{4}$, 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 2 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 8 acres in
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T. 8 N., R. 28 E., B. M. have been reclaimed from a
desert condition by use of said water, and paying crops raised on the
land.

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

Ans. _____

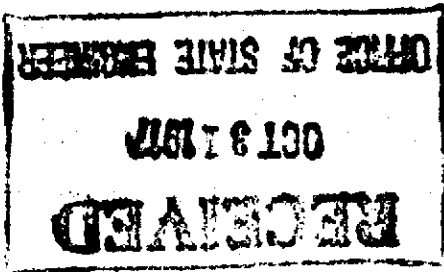
Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. _____

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

Ans. I am the person to whom said Permit was issued.

11553



11553

Notary Public,
Residing at Arco, Idaho.

J. S. Hall

A. D. 1917.

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 _____ Arco, _____ County of _____ Butte State of Idaho, on this _____ 29th day of _____ October.

(Sign) *Arco, Idaho*

Ans. No other water has been used.

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 there-
under.

95 days during May, June, July and August.

described in the Permit, to the amount of eighty miners inches for

Ans. In 1917, water was used for irrigating 40 acres of the land

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

Permit No. _____

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Thomas Chamberlain, 41 years of age, rancher, P. O. address,
Howe, Butte County, Idaho.

Ques. 2. Are you acquainted with Rose Fallert, the

holder of Permit No. 11553? How long have you known him and where does he reside?

Ans. Yes. Have known her 5 years, and she resides at Howe, Idaho.

Ques. 3. Have you read or heard read said Permit No. 11553, 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. Pass Creek Springs, in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 8 N., R. 28 East,
B. M., and the works of diversion are ditch, width at botton 2
feet, width at water line 4 feet, depth of water 1 foot.

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. Said ditch will safely convey 125 miner's inches of water
to place of use.

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

Ans. Used for irrigation on the SW $\frac{1}{4}$, Sec. 26, T. 8 N., R. 28 E.,
B. M. Water has been used to irrigate 25 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, 5 acres in
NW $\frac{1}{4}$ SW $\frac{1}{4}$, 2 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, and 8 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T. 8 N.,
R. 28 E., B. M. The land irrigated has been reclaimed from its
desert condition, and paying crops raised thereon.

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. The land reclaimed is gravelly, and requires one inch of
water per acre for profitable cultivation.

11553

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

Ans. I have not.

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. In the year 1917, I have seen 40 acres of this land irrigated.
Amount of water used was about 100 inches. Saw the water used for ir-
rigating this land during May, June, July and August, but can not tell
how many days.

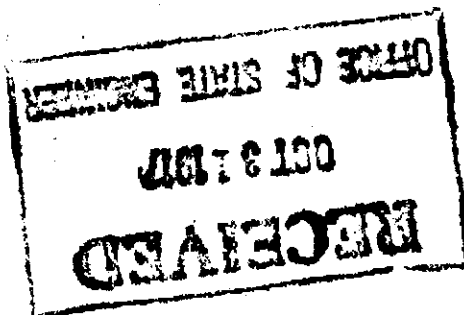
(Sign) William Redger

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 Arco, County of Butte, State of Idaho, on this 29th day of October A. D. 1917.

My commission expires August 27, 1921.

J. B. Salt
Notary Public.
Residing at Arco, Idaho.

11553



STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

Rose L. Fallert,
c/o T. C. Salt, N. P.,
Arco, Idaho.

BOISE, IDAHO, Sept. 28, 1917.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. 11553.

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 your rights:

1. On ~~October 22, 1917~~, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Arco before T. C. Salt, N. P.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,

J. H. Smith,

State Engineer.

11553

September 27th, 1917.

Re Permit 11553.

Rose L. Fallert,
Howe, Idaho.

Dear Madam:--

Notice of final proof will be mailed to the
Arco Advertiser in time for the required publication prior
to October 29th and deposition blanks will be mailed to
Mr. T. C. Salt.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

11553

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 24, 1917.

(P. O.) Howe, Idaho.

To the State Engineer,
Boise, Idaho.

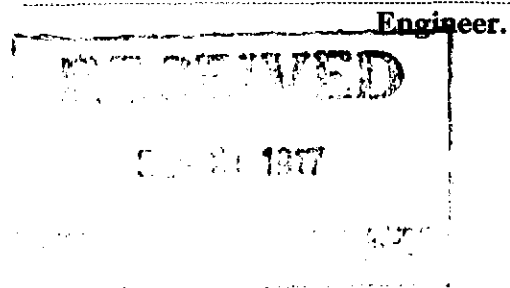
Dear Sir:

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

Rose L. Fallert

(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 com-
petent engineer.)

I hereby certify that the facts set forth in the attached notice are true.



11553

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

RECEIVED

DEPT. OF STATE ENGINEER

Notice is hereby given that at 10 a. m. on the 29th day of October, 1917,
 at Arco, County of Butte, State of Idaho,
 before T. C. Salt, Notary Public, proof will be submitted
 of the application to beneficial use of two cubic feet per second of the
 waters of Pass Creek Springs in accordance with the terms and conditions of
 Permit No. 11553 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are-----
Rose L. Fallert, Howe, Idaho.

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

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

4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) The SW $\frac{1}{4}$ of Section 26, Township 8 North, Range 28 East, B.M.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is ditch known as Fallert's Ditch.

6. The right to take water from such works is based upon Permit No. 11553.

7. The source of supply from which such water is diverted is Pass Creek Springs.

8. The date of the priority which said user is prepared to establish is September 2nd, 1917.
October 21, 1915.

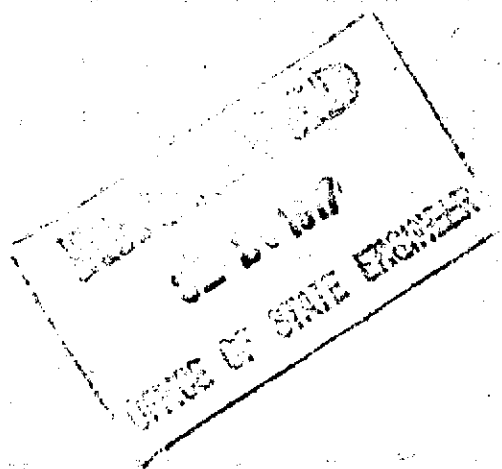
J. H. Smith,

State Engineer.

11553

D-9

EE "SW" - 2308728E



September 13, 1917.

Re: Permit No. 11553.

Rose L. Fallert,
Howe, Idaho.

Dear Madam:

Am in receipt of your affidavit of proof of completion of works under above permit. Upon receipt of statutory fee of \$5.00, the certificate will be issued.

Am enclosing herewith blank notices for proof of beneficial use of water which should be filled out in duplicate and returned to this office in time for the notice to be published four full weeks prior to the date specified by you for making proof.

Very truly yours,

J. H. Smith,

State Engineer.

By

CE/ME

Enc: F-11
2F -10

11553

Howe, Idaho, August 25, 1917.

J. H. Smith,
State Engineer,
Boise, Idaho.

Dear Sir:-

I am now ready to make proof of application
of water to beneficial use under Permit No. 11553,
and would like to make the proof as soon as possible,
before T. C. Salt, Notary Public at Arco, Idaho.

Very truly yours,

Rose L Fallert

11553

Permit No. 11553

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Butte

SS.

Rose L. Fallert

, 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. 11553 and that his postoffice address is Howe, Butte County, State of Idaho

Second: That the name of the stream from which said water is to be diverted is five springs known as Pass Creek Springs.

Third: That the point of diversion of said water is in, and near the north line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, T. 8 N., R. 28 East, Boise Meridian.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 25, 1917.

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

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

I. Kind of works: Ditch.

(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 three feet, width at water

(State whether ditch, flume or pipe)

line four feet, depth of water $\frac{1}{4}$ feet; diameter of pipe inches; average grade per mile is 150 feet. Length of conduit is $\frac{3}{4}$ miles.

Seventh: That said works are capable of conducting to the place of intended use three and one-fifth second feet of water.

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: SW $\frac{1}{4}$, Sec. 26, T. 8 N., R. 28 East, Boise Meridian.

Ninth: Remarks: That

Rose Fallert

(Sign here)

Subscribed and sworn to before me this 25th day of August, 1917.

J. Ball

My commission expires August 27, 1917.

Notary Public.
Residing at Arco, Idaho.

11553

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Rose Fallert,
Howe, Idaho.

Boise, Idaho,
June 21, 1917.

Dear Sir:—

Under the terms of your permit No. 11553-----, you are required to complete your diversion works on or before-----Aug. 25, 1917. 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,

J. H. SMITH,

State Engineer.

11553

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit # 11553.

Miss Rose Fallert,
Boise, Idaho.

Boise, Idaho,

August 31, 1915.

Dear Sir:

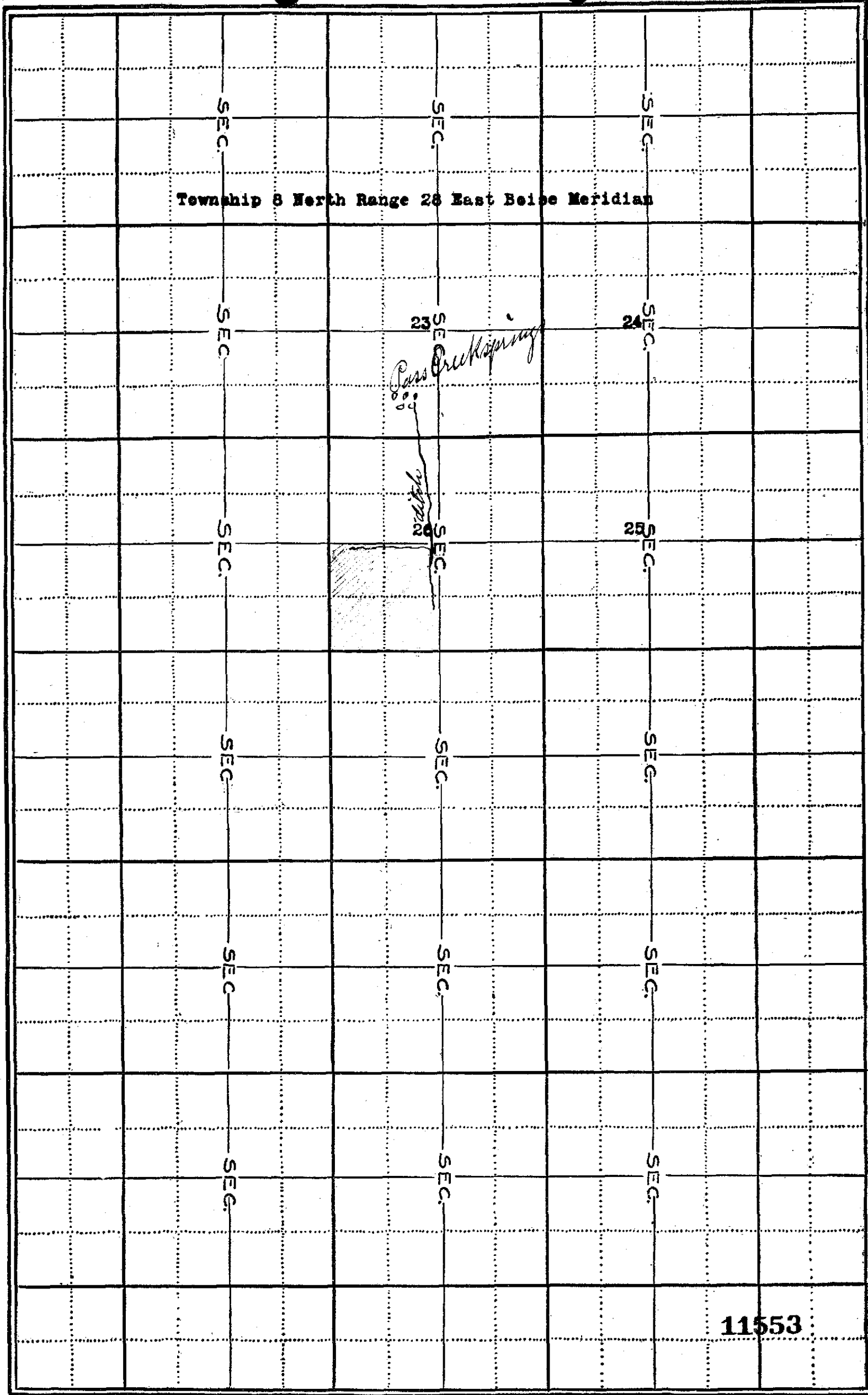
I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

J. H. Smith.

State Engineer

11553

Name of Applicant *Rose* **Lorenzo Valpert, Howe, Idaho**



11553

OK 259
100

OK
100 Ed

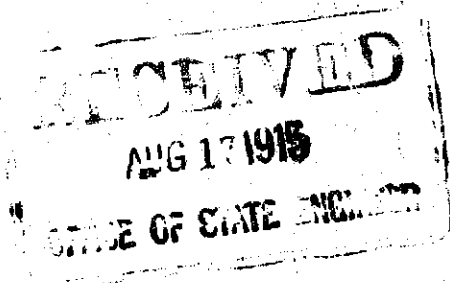
Arco, Idaho, August 14, 1915.

J. H. Smith,
State Engineer,
Boise, Idaho.

16797

Dear Sir:-

I am enclosing an extra dollar, and when the Permit is approved, please send an extra certified copy, to send in to the Land Office with application for Desert Land Entry.



Very truly yours,

Mrs Rose Fallert

11553

October 1, 1956

Mr. Orville Nicholson
Howe, Idaho

Dear Mr. Nicholson:

We enclose herewith Transfer Certificate No. 867, issued in accordance with your application to transfer water right from Pass Creek Springs; together with Departmental Receipt No. 28191 for the \$1.00 recording fee.

We are sending a copy of this Transfer Certificate to Mr. N. W. Hansen, Watermaster, for his information.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A
Enc.
CC to N. W. Hansen

T-867
33-2024

COPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Orville Nicholson,
of Howe, Idaho)

ORDER GRANTING TRANSFER

For a Transfer of Water Right, in)
Water District No. 9, Butte County,)
Idaho,)

No. 867

WHEREAS, On the 5th day of January, 1956, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Orville Nicholson, of Howe, Idaho, for a transfer of water right came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED that the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 1st day of October, A. D. 1956.

(SEAL)

MARK R. KULP
State Reclamation Engineer

T-867
33-2024

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 867

THIS IS TO CERTIFY THAT Orville Nicholson, of Howe, Idaho, is the owner of and using a certain water right for 0.80 cubic foot per second of the waters of Pass Creek Springs, with priority of August 17, 1915, under License No. 11553 issued by the State Reclamation Engineer of the State of Idaho, to Rose Fallert, said license bearing date of October 5, 1918, and being appurtenant to the following described lands, to-wit:

Southwest Quarter (SW $\frac{1}{4}$) Section 26,
Township 8 North, Range 28 East, B. M.

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 5 of Licenses, at page 2329.

And that now, upon the application of Orville Nicholson, of Howe, Idaho, for the transfer of 0.80 cubic foot per second of the waters of Pass Creek Springs, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of said waters upon the above described lands is hereby abandoned, and the lands to which said water shall, by this certificate, become appurtenant, for irrigation and domestic purposes, are described as follows, to-wit:

NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29 $\frac{1}{2}$
W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32;
Twp. 8 North, Range 28 East, B. M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.80 cubic foot per second of the waters
of Pass Creek Springs, with priority of
August 17, 1915.

That the water right hereby transferred has heretofore been conducted to the first above described land through a private ditch, with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23, Township 8 North, Range 28 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through a private ditch, with no change in point of diversion.

T-867
33-2024

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 1st day of October, A. D. 1956.

MARK R. KULP

State Reclamation Engineer

(SEAL)

T-867
33-2024

Application for Transfer of Water Right

STATE OF IDAHO,

County of Butte,

} ss.

Orville Nicholson,

, being first duly sworn, deposes and says:

That his name is Orville Nicholson; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Howe, Idaho.

That he is the owner and using a certain water right, bearing date of priority of 8-17-1915 19 for 0.8 cubic feet per second of the waters of Pass Creek Springs, County of Butte, State of Idaho, decreed to

by decree of Judge, of the Judicial District of the State of Idaho, in and for the County of, in the case of vs., said decree bearing date of

for obtained by virtue of License No. 11553, issued by the State Engineer or the Commissioner of Reclamation of the State of Idaho, dated Oct. 5, 1918, 19, bearing date of priority of Aug. 17, 1915, 19 for the purpose of irrigating the following described lands situate, lying and being in water District No. 9 in the County of Butte, and State of Idaho, to-wit: SW $\frac{1}{4}$ Section 26, Twp. 8.N. Rge. 28.E. B.M.

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e.

By Purchase, as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 8.N., Range 28.E, B. M., and conducted to the above described lands through Private ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 0.8 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Butte and State of Idaho, to-wit: NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 29, and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32, Twp. 8.N. Rge. 28.E. B.M.

That his reasons for desiring to make such transfer are as follows: Better use of water, Lands to which the water will be transferred are more productive and require less water.

T-867
33-2024

That he intends to divert and convey said.....0.8.....second feet of water to the tract of land last above described in the following manner, to-wit:.....Through private ditch as per map made a part.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Orville Nicholson
Applicant.

Subscribed and sworn to before me this.....

A. D. 19. *55*

2 day of *December*
[Signature]
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water now diverted?.....Pass Creek Springs,

Where is the diversion point now located?.....SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, Twp. 8.N. R. 28.E.

Through what ditch is it now conducted?.....Private ditch,

How much land is now irrigated by the water sought to be transferred?.....

Give the description:.....SW $\frac{1}{4}$ Sec. 26, Twp. 8.N. R. 28.E.

What is the total amount of water in inches, or second feet, dedicated to said land?.....0.8

What kind of crops are being raised?.....No Crops,

How much water per acre is now required to irrigate said land?.....Water is not used on said lands

What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....No Effect,

Give location of new point of diversion, if change is to be made.....No Change in diversion,

Through what ditch will it be conducted after transfer?.....private ditch,

How much water will be required per acre to irrigate the land to which this water is transferred?.....

One inch per acre,

Do you claim any other water right for the land from which you seek to abandon the use of this water?.....

No.

If so, give amount, date and source.....

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.....100 inches from Rocky-run, priority of 1908, 200 inches from Uncle Ike Creek, Priority April 1941, Only gets about 25 inches,

Signed,

Orville Nicholson
Applicant.

STATE OF IDAHO,

County of Butte

SS.

Don Waymire

and

Cecil Scott

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Howe, Idaho

that he is a user of water from Little Lost River, in Water District No. 9

County of Butte, State of Idaho; that he has read or heard read the foregoing affidavit and

petition of Orville Nicholson and is familiar with its allegations and with the water

right and lands therein mentioned and described and is not in any way interested in either, nor in any way re-

lated to said petitioner; that the statements and allegations therein made are true of his own knowledge; and

that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Don Waymire
Cecil Scott

Subscribed and sworn to before me this

9 day of December

A. D. 1955

Notary Public residing at Howe, Idaho

Term expires 10-10-57

STATE OF IDAHO,

County of Butte

SS.

I, N.W. Hansen

Watermaster of Little Lost River

Water District No. 9, County of Butte, State of Idaho, whose postoffice address

is Howe Idaho, have read or heard read the foregoing affidavit and petition

of _____, and, of my own knowledge, believe the same to be

true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue

the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed

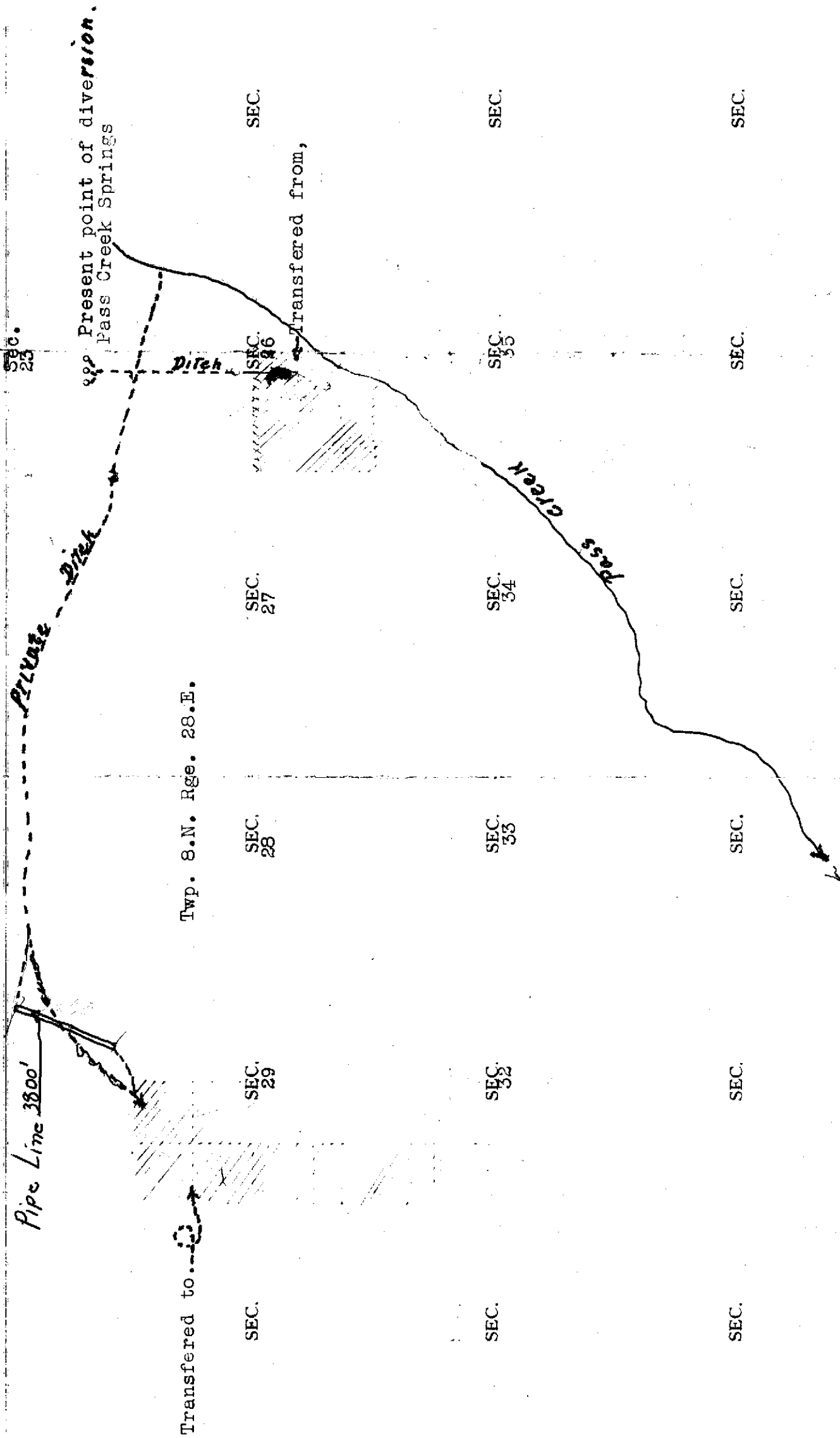
for) for the following reasons:

Land, water is to be transferred, is better Land. And
A Very much Higher duty will be derived From
Water used.

Dated at Howe, Idaho, this 7 day of December, 1955

T-867
33-2024

Name of Applicant.....



Scale: 2 Inches—1 Mile. Draw Map in Ink.



LEN B. JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

Dear Sir:

We are enclosing herewith three copies of the Annual Report form for your District, in accordance with the provisions of Section 43-324, Idaho Code, which section reads as follows:

"On or before the second Tuesday of February of each year the board of directors of each irrigation district organized under this title shall publish in at least one issue of some newspaper published in the county or counties in which such district is situated, a full, true and correct statement of the financial condition of said district at the end of the last preceding fiscal year, giving all liabilities and assets of the said district, in a form to be prescribed by the bureau of public accounts of the State of Idaho, and shall file a certified copy of such financial statement with the Department of Reclamation of the State of Idaho."

One copy of this report is for your files, one copy for the printer, and one is to be sent to the Department of Reclamation of the State of Idaho, Room 107 State House, in Boise, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Supervisor of Water Distribution

T-867
33-2024

Affidavit of Publication

I, Paul R. Cross, of the
Arco Advertiser, a weekly newspaper of general
circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of
this notice, per clipping attached, was published
weekly in the regular and entire issue of said
newspaper, and not in any supplement thereof,
for two consecutive weeks, commenc-

ing with the issue dated December 23, 1955
and ending with the issue dated December 30, 1955

Paul R. Cross
Subscribed and sworn to before me this
3rd day of January, 1956

C. J. Boyd
Notary Public

Residence, Arco, Idaho.

My commission expires 9-1, 1958.

LEGAL NOTICE

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that
Orville Nicholson of Howe, Idaho,
has applied to the State Reclama-
tion Engineer of the State of Idaho
for a certificate authorizing him
to change the place of use of the
waters of Pass Creek Springs .80
cubic foot per second with priority
of August 17, 1915.

Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec-
tion 23, Township 8N, Range 28E.
Place of Use: SW $\frac{1}{4}$ Section 26,
Township 8 North, Range 28 East.

Transfer To:

Place of Use: NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
Section 29 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section
32, Township 8 North, Range 28
East, B. M.

And that on the 5th day of Jan-
uary, 1956 at 10 o'clock A. M., at
room 107, State House, Boise, Idaho
before the State Reclamation En-
gineer, or his authorized agent, the
opportunity will be given to any
and all persons to appear and pre-
sent, for his consideration any rea-
son or reasons why a certificate
should not be issued authorizing
such transfer.

MARK R. KULP,
State Reclamation Engineer
(Publish Dec. 23, 30, 1955)

T-867
332024

August 16, 1956

Mr. Orville Nicholson
Howe
Idaho

Dear Mr. Nicholson:

Relative to your Transfer Application transferring 40 inches
of the waters of Past Creek Springs.

The only reason that you have not received your Certificate
of Transfer is because we have not had the time to prepare same. There
were no Protests against your Transfer and as we have your check for
\$1.00 also the Affidavit of Publication we have all the data on hand
to prepare the Certificate.

We will try and get said Certificate to you within the next
few days.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Ray W. Thompson
Supervisor of Water Distribution

T:cu

T-867
33-2024

X Home, Idaho
Aug 1956

Dear Sir,

Some time ago I sent you a check for the transfer of 40 inches of water from NW $\frac{1}{4}$ section 26 to NW $\frac{1}{4}$ Sec 29 - W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 29 & W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 32. I also sent you the publication from the Area Administrator.

I have been wondering if it has been transferred yet. Would like to know as I want to trade the land on Section 26 for some adjoining land here by me.

Sincerely Yours
Orville Nicholson

RECEIVED
AUG 22 1956
Department of Reclamation

T-867
33-2024

February 6, 1956

Mr. Orville Nicholson
Howe
Idaho

RE: Transfer of Water Right

Dear Mr. Nicholson:

In answer to your letter of February 3, 1956, in which you request the status of said Transfer at this time.

Notice of Publication was sent to the Arco Advertiser on December 13, 1955, with the request that the Notice be published once a week for two consecutive weeks. The Notice of Transfer was published under dates of December 23 and 30, 1955.

Before this Department can issue you a Certificate of Transfer it will be necessary to send us an Affidavit of Publication from the newspaper. The newspaper was instructed to send this Affidavit to you. Upon receipt of this Affidavit, and a recording fee of \$1.00 this Department will send you your Certificate of Water Right, after being approved by the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

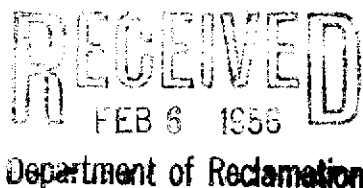
Roy W. Thompson
Office Manager

T:cu

T-867
33-2024

Haue, Idaho
February 3, 1956

Dept. of Reclamation
State House
Boise, Idaho.



Dear Sir,

Some time ago I made application for transfer of (.8) eight tenth second ft. of Pass Creek Springs. I haven't heard if it has been transferred or not.

Please notify me of your decision ^{and} if there is any expense. If there is a charge I will forward you a check.

T-867
33-2024

Sincerely yours,
Orville Nicholson

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Date: December 13, 1955

Arco Advertiser
Arco
Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **January 5, 1956**, the date set for hearing, the expense of the publication to be paid by the applicant, **Orville Nicholson** of **Howe, Idaho**, to whom you should furnish proof of publication on or prior to the date set for hearing.

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

Roy W. Thompson
Supervisor of Water Distribution

T-867
33-2024

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Date: December 15, 1955

Arco Advertiser
Arco
Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **January 5, 1956**, the date set for hearing, the expense of the publication to be paid by the applicant, **Orville Nicholson** of **Howe, Idaho**, to whom you should furnish proof of publication on or prior to the date set for hearing.

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,

State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T-867
33-2024

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that **Orville Nicholson**
of **Howe, Idaho,** has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing **him** to change the ~~point of diversion~~
~~place of use~~ place of use of the waters of **Pass Creek Springs**
.80 cubic foot per second with priority of August 17, 1915.
~~has for the purpose of~~

Point of diversion: **SE** $\frac{1}{4}$ **SW** $\frac{1}{4}$, Section **23**, Township **8 N.**,
Range **28 E.** Place of Use:
SW $\frac{1}{4}$ Section 26, Township 8 North, Range 28 East.

Transfer to

~~Point of diversion~~ ~~XX~~ ~~Section~~ ~~XX~~, Township ~~XX~~,
~~Range~~ Place of Use:
NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32, Township 8 North, Range 28 East,
B. M.

And that on the **5th** day of **January**, 19**18**
Recon
at **10** o'clock **A. M.**, at **107 State House, Boise, Idaho.**

before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

MARK R. KULP
State Reclamation Engineer.

T-867
33-2024

LEGAL NOTICE

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Orville Nicholson of Howe, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Pass Creek Springs .80 cubic foot per second with priority of August 17, 1915.

Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 8N, Range 28E.
Place of Use: SW $\frac{1}{4}$ Section 26, Township 8 North, Range 28 East.

Transfer To:

Place of Use: NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32, Township 8 North, Range 28 East B. M.

And that on the 5th day of January, 1956 at 10 o'clock A. M., at room 107, State House, Boise, Idaho before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,

State Reclamation Engineer
(Publish Dec. 29, 30, 1955)

LEGAL NOTICE

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Orville Nicholson of Howe, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Pass Creek Springs .80 cubic foot per second with priority of August 17, 1915.

Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 8N, Range 28E.
Place of Use: SW $\frac{1}{4}$ Section 26, Township 8 North, Range 28 East.

Transfer To:

Place of Use: NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32, Township 8 North, Range 28 East B. M.

And that on the 5th day of January, 1956 at 10 o'clock A. M., at room 107, State House, Boise, Idaho before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,

State Reclamation Engineer
(Publish Dec. 29, 30, 1955)

LEGAL NOTICE

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Orville Nicholson of Howe, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the place of use of the waters of Pass Creek Springs .80 cubic foot per second with priority of August 17, 1915.

Point of diversion: SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23, Township 8N, Range 28E.
Place of Use: SW $\frac{1}{4}$ Section 26, Township 8 North, Range 28 East.

Transfer To:

Place of Use: NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 29 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 32, Township 8 North, Range 28 East B. M.

And that on the 5th day of January, 1956 at 10 o'clock A. M., at room 107, State House, Boise, Idaho before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP,

State Reclamation Engineer
(Publish Dec. 23, 30, 1955)

LEGAL NOTICE