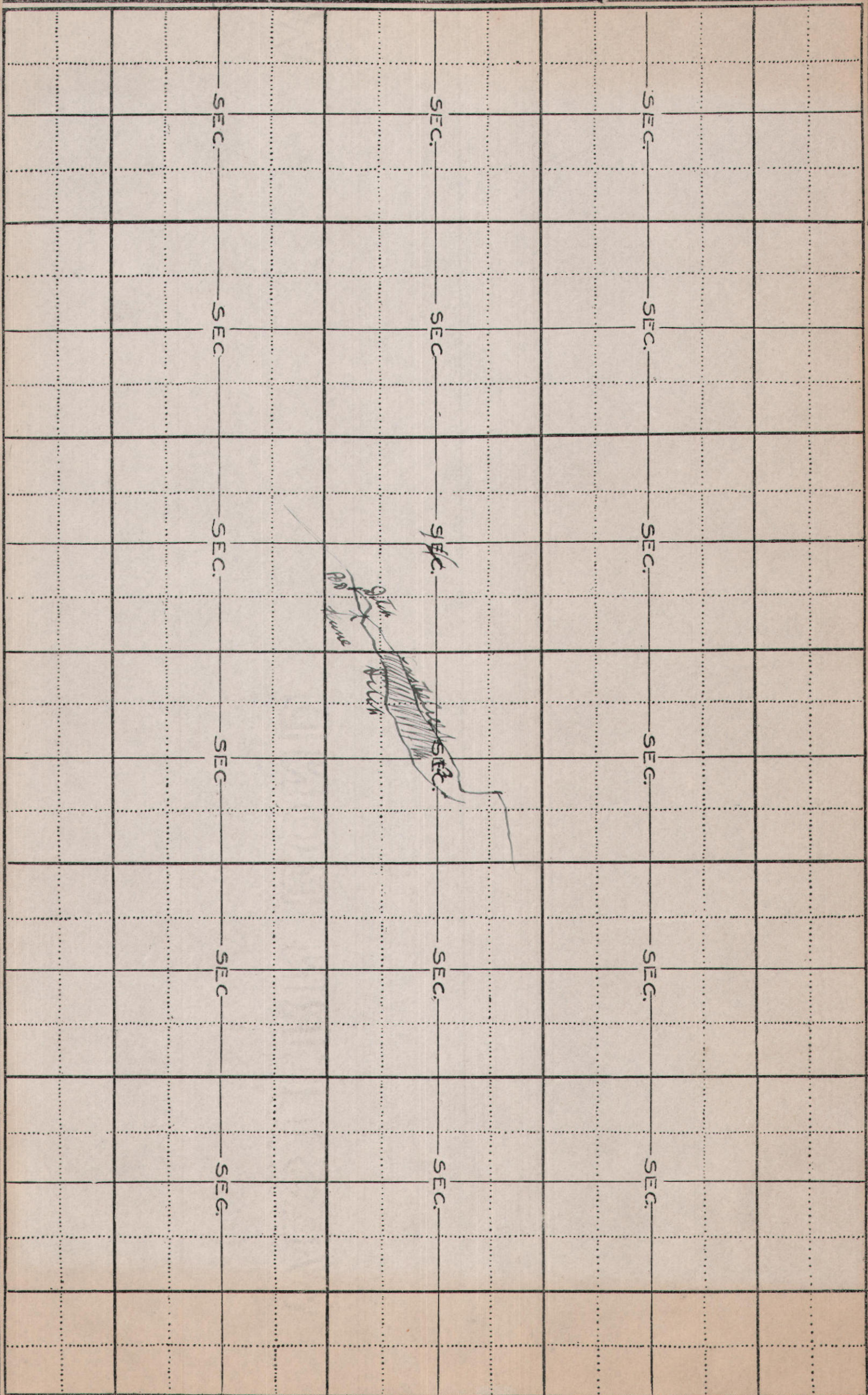


Name of Applicant.....

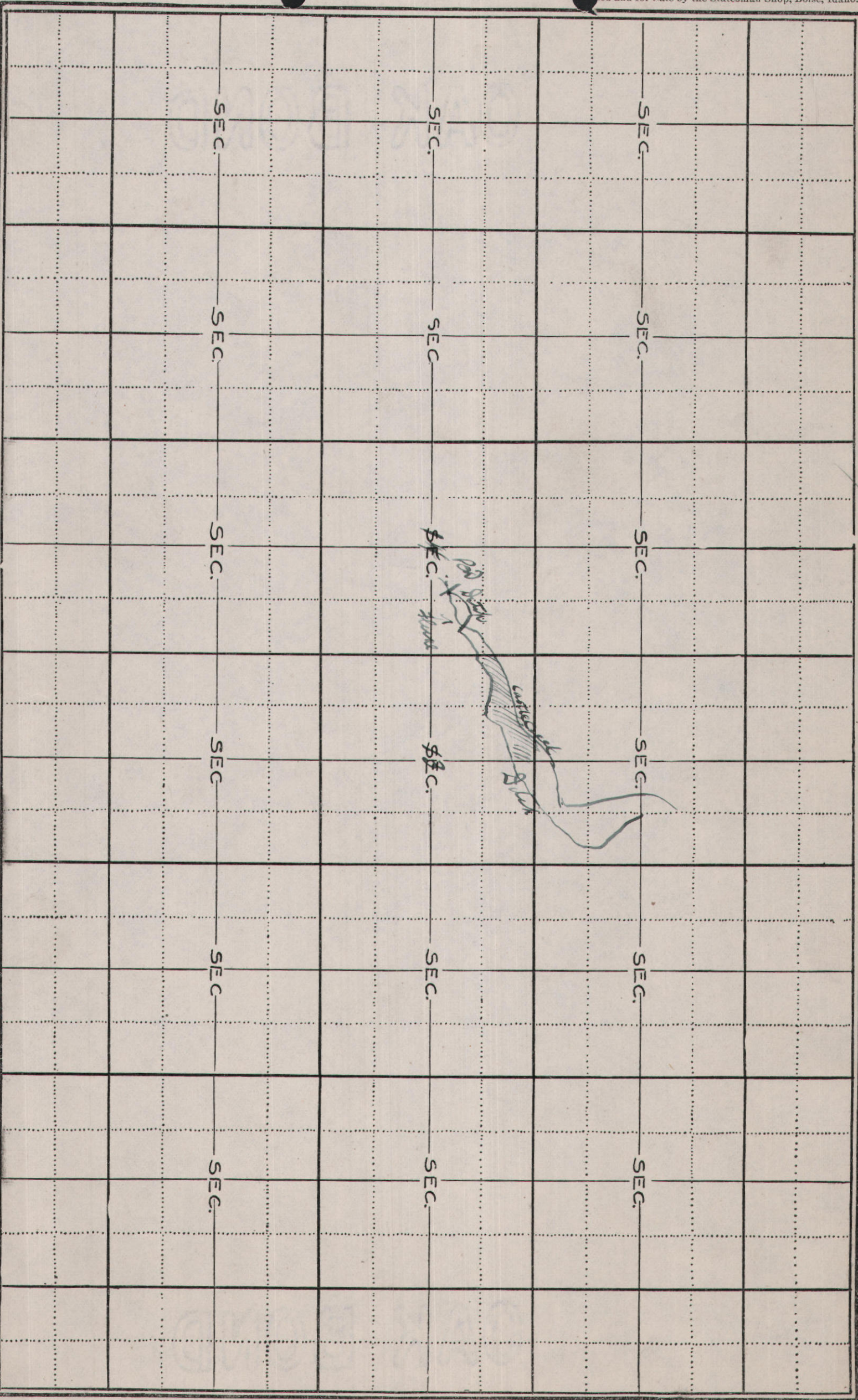
James L. Doney *Amended map # 12842*



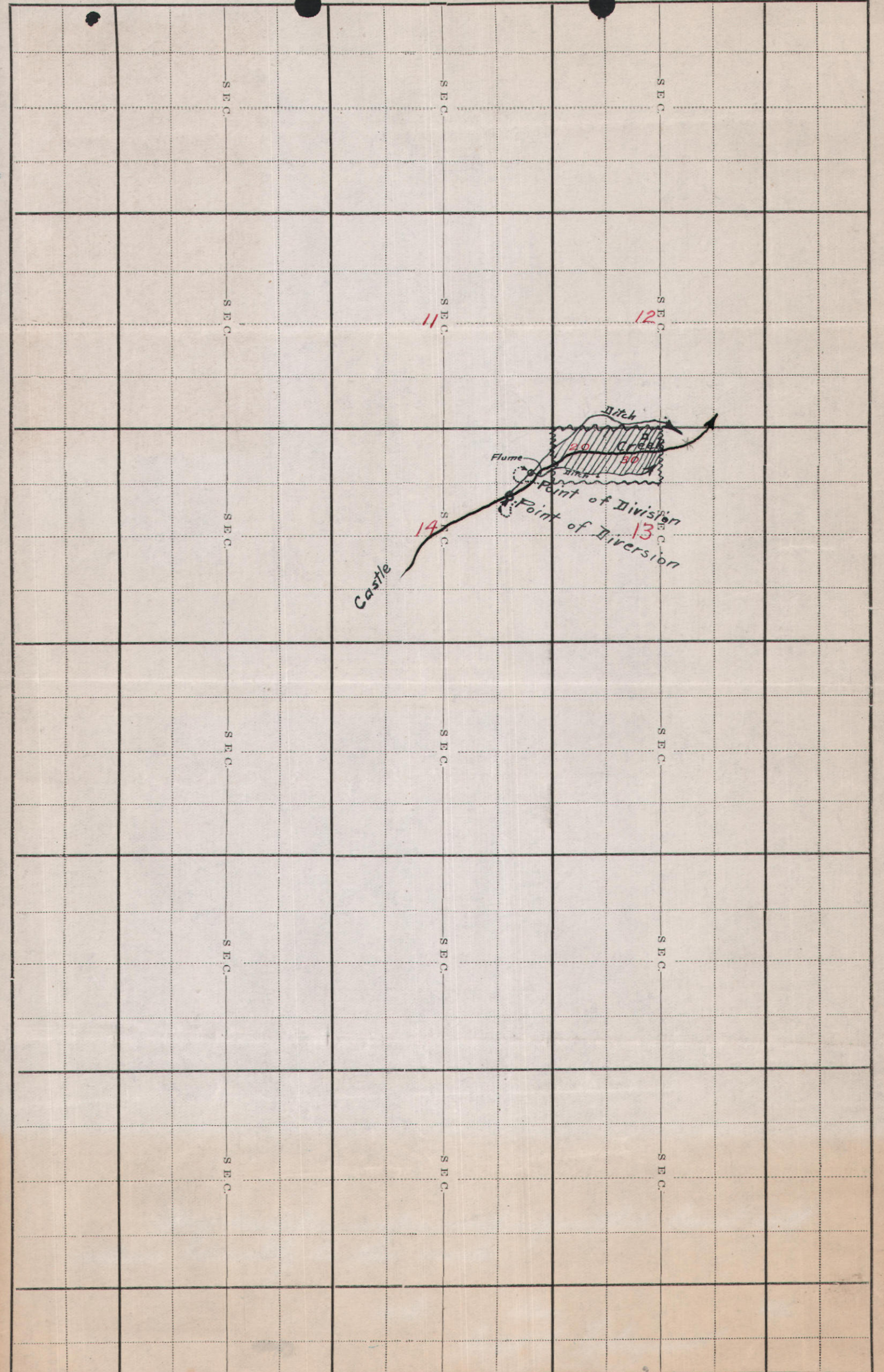
SCALE: 2 INCHES=1 MILE. DRAW PL IN INK.

James L Hawley Amended Map #12842

ed and for Sale by the Statesman Shop, Boise, Idaho.



12842



NOTICE FOR PUBLICATION
Notice of Proof of Application of
Water to Beneficial Use

Notice is hereby given that at 2 p.m. on the 7th day of May, 1923, at Boise, County of Ada, State of Idaho, at the Department of Reclamation, proof will be submitted of the application to beneficial use of 0.6 cubic feet per second of the waters of Castle Creek in accordance with the terms and conditions of Permit No. 12842, heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person holding said permit are: James L. Davey, Oreana, Idaho.

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

The amount applied to beneficial use is 0.6 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated):

NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 13, T. 6 S., R. 1 W., B. M.

The date of priority which said user is prepared to establish is March 2, 1917.

W. G. SWENDSEN,
Commissioner of Reclamation.

First publication Apr. 5, 1923

Last publication Apr. 26, 1923

AFFIDAVIT OF PUBLICATION

I Charles Pascoe

publisher of the Owyhee Nugget, published weekly at Bruneau, Owyhee County, Idaho, do solemnly swear that a copy of the above notice, as per clipping attached was published weekly in the regular entire issue of said newspaper, and not in any supplement thereof, for 4 consecutive issues, commencing with the issue dated April 5 1923 and ending with the issue dated April 26 1923

Charles Pascoe

Subscribed and sworn to before me this 12th day of May 1923

Geo. R. Jones

Notary Public

12842

Q. 6 SOUTH 1 WEST 13M

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

12842

SEC.

SEC.

SEC.

SEC.

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SEC.

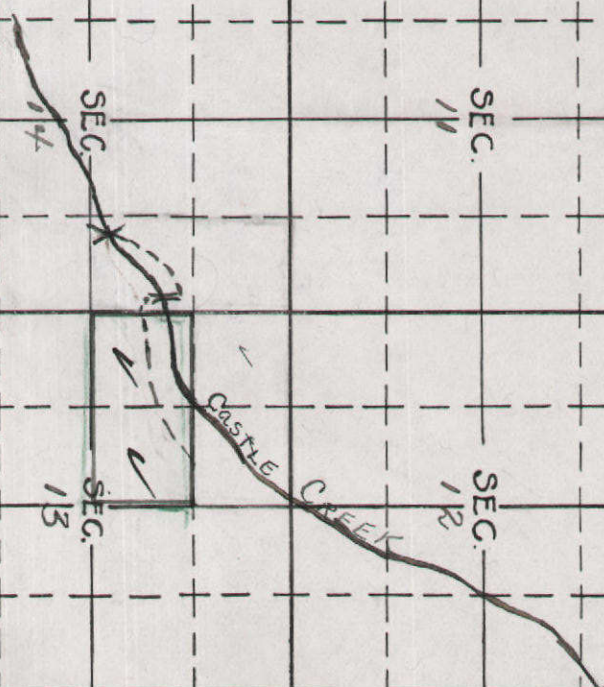
SEC.

SEC.

SEC.

SEC.

LEGEND
X = POINT OF DIVERSION
--- = DITCH
|| = FLOOD



Name of Applicant: James L. Avery - Greiner, Idaho

AUG 09 1999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 57-02102

1997 SEP -9 AM 9:55
DISTRICT COURT-5TH
JUDICIAL
TWIN FALLS CO, IDAHO
FILED

NAME & ADDRESS: JOSEPH L PARKINSON
356 SELBY LANE
ATHERTON CA 94027

SOURCE: CASTLE CREEK TRIBUTARY: SNAKE RIVER

QUANTITY: 0.24 CFS

PRIORITY DATE: 03/02/1917

POINT OF DIVERSION: T06S R01W S14 SWSNE Within Owyhee County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION Irrigation Season 0.24 CFS

PLACE OF USE: IRRIGATION Within Owyhee County
T06S R01W S12 SESW 8 SWSE 8
S13 NWNE 7 NENW 30 NWNW 36
S14 NENE 7 SWNE 6
102 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 57-00166, 57-00167, 57-00168,
57-00169, 57-00170 AND 57-00171 IS LIMITED TO A COMBINED TOTAL OF
102 ACRES IN A SINGLE IRRIGATION SEASON.

DATED: SEP 09 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: SEP 09 1997


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

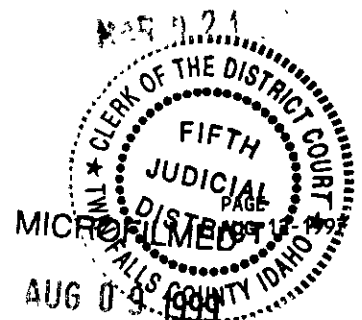
MICROFILMED

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 57-02102

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a full,
true and correct copy of the original on
file in the above entitled action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT

By 
DEPUTY CLERK



SRBA

DIRECTORS REPORT 57-02102

Return to SRBA Home Page

IWT072

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 57-02102

Name and Address: JOSEPH L PARKINSON
123 HIGHLAND VIEW DRIVE
BOISE, ID 83702

Source: CASTLE CREEK Tributary: SNAKE RIVER

Quantity: .40 CFS

Priority Date: 03-02-1917

Diversion Point: T06S R01W S14 SWSWNE Within Owyhee County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	04-01 TO 10-15	.40 CFS

Place of Use:	Irrigation		Within Owyhee County
	T06S R01W S12	NWSE 5	SWSE 20
		SESW 20	
	S13	NENW 30	NWNE 5
		NWNW 20	
	S14	SENE 5	NENE 5
	110 Acres Total		

Stockwater		Within Owyhee County
T06S R01W S12	SESW	NWSE
	SWSE	
S13	NWNE	NWNW
	NENW	
S14	NENE	SENE

Other Provisions Necessary for Definition / Administration of this Water Right:

Explanatory Material: Basis of Claim - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO IDAHO CODE 42-1416A.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 57-00166, 57-00167, 57-00168, 57-00169, 57-00170 AND 57-00171.
USE OF THIS RIGHT WITH RIGHT NO. 57-00166, 57-00167, 57-00168, 57-00169, 57-00170 AND 57-00171 IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE VOLUME OF 275 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 110 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

AUG 09 1999

SRBA

SUBCASE SUMMARY REPORT 57-02102

Return to SRBA Home Page

SRBA
06-21-1999

SUBCASE SUMMARY REPORT

SUBCASE: 57-02102 FILE#: 00011
CLAIMANT: PARKINSON, JOSEPH L.
STATUS: PD ISSUED
WATER SOURCE: CASTLE CREEK, SNAKE RIVER
ISSUES: PERIOD OF YEAR WHEN WATER IS USED

**** PARTIES INVOLVED ****

JOSEPH L. PARKINSON
IDWR

PRO SE
ATTY: CLIVE STRONG

**** ROA ENTRIES ****

01-08-1993	OBJECTION FILED BY PARKINSON	RF	07-01
06-25-1993	RESPONSE TO OBJ #1 FILED BY IDWR		
10-12-1993	CONSENT TO SUBSTITUTE PARTY		
11-04-1993	ORDER OF REFERENCE APPOINTING RICHARD SIMMS SPECIAL MASTER IN REPORTING AREA 2 (B-57)		
12-17-1993	ORDER WITHDRAWING ORDER OF REFERENCE APPOINTING RICHARD A SIMMS SPECIAL MASTER IN REPORTATION AREA 2 (BASIN 57)		
04-19-1994	ORDER STAYING PROCEEDINGS IN SUBCASES IN R.A. 1,2 &3 AND STAYING THE OBJECTION AND PERIOD AS TO THE DIR RPT OF THE U.S. & TRIBAL NONCONSUMPTIVE CLAIMS & THE DIR RPT FOR THE 1990 FORT HALL INDIAN WATER RIGHTS AGREEMENT AND STAYING PROCEEDINGS IN TWIN FALLS COUNTY CASE 39576 (DL13)	OT	
04-27-1994	AMENDED ORDER STAYING PROCEEDINGS IN SUBCASES IN REPORTING AREAS 1, 2 AND 3 & STAYING THE OBJECTION PERIOD OF THE DIR'S RPT OF THE U.S. & TRIBAL NON-CONSUMPTIVE CLAIMS & STAYING PROCEEDINGS IN TWIN FALLS COUNTY CASE NO, 39576 (DL19)		
12-07-1994	ORDER LIFTING STAY IN REPORTING AREAS 1, 2 AND 3; AND TWIN FALLS COUNTY CASE NO. 39576, AND CONTNUING STAYM OF DIRECTOR'S REPORTS ABSTRACTING FEDERAL RESERVED WATER	OL	

AUG 09 1999

	RIGHTS	(DL43)		
12-22-1994	42-1416/1416A CLAIM PER IDWR RPT OF 2/16/94		OT	12-22
	SUBCASE STAYED-12/22 ORDER RE MOT FOR STAY			
11-01-1995	ORDER OF REFERENCE APPOINTING FRITZ X.			
	HAEMMERLE SPECIAL MASTER IN REPORTING			
	AREA 2 (BASIN 57)			
09-06-1996	ORDER SETTING STATUS CONFERENCE		US	10-23
10-23-1996	HEARING HELD - STATUS CONFERENCE		UH	10-23
10-23-1996	MINUTES FILED - STATUS CONFERENCE			
10-23-1996	STANDARD FORM 5 DUE (DISCUSSED AT STATUS)		6B	01-10
10-23-1996	ORDER SETTING SCHEDULING CONFERENCE		SS	01-10
01-06-1997	ORDER VACATING SCHEDULING CONFERENCE			
01-06-1997	ORDER RESETTNG SCHEDULING CONFERENCE		SV	02-13
01-14-1997	NOTICE OF COMPLETED ADMINISTRATIVE PROCEEDING			01-14
01-14-1997	AMENDED DIRECTORS REPORT FILED (CHNG ADDRESS)			
01-27-1997	STANDARD FORM 5 FILED			01-27
02-12-1997	ORDER VACATING SCHEDULING CONFERENCE			
02-18-1997	*****RECOMMENDATION ORDERED*****			
05-15-1997	LDGD: PRELIM MASTER REPORT & RECOMMENDATION		MB	05-29
05-15-1997	NOTICE OF ISSUANCE - PRELIMINARY R & R			
05-15-1997	CERTIFICATE OF MAILING - PRELIMINARY R & R			
06-23-1997	REPORT & RECOMMENDATION OF MASTER		CB	07-28
06-23-1997	NOTICE OF ISSUANCE - FINAL R & R			
06-23-1997	CERTIFICATE OF MAILING - FINAL R & R			
09-09-1997	ORDER OF PARTIAL DECREE			
09-09-1997	PARTIAL DECREE FILED			09-09
09-09-1997	CERTIFICATE OF MAILING - PARTIAL DECREE			

Return to SRBA Home Page

MICROFILMED

AUG 09 1999

**This right has been
superceded by
a Decree.**

**All actions above this point
are based on the decreed
version of this right.**

MICROFILMED
JUL 14 1999

State of Idaho
License and Certificate of Water Right

Water License No. 12842 Amount 0.6 sec. ft.
Water District No. 14-A Priority 3-2-1917

THIS IS TO CERTIFY that James L. Davey
of Oreana, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 2, 1917; that Permit No. 12842
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.6 second feet, was issued thereunder on April 7, 1923, showing that said works
were completed on the 6th day of March, 1920; and that on the 7th
day of May, 1923,

James L. Davey
of Oreana, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Castle Creek
, a tributary of Snake River, for the purpose of irrigation and
domestic use, under Use Permit No. 12842 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 Commissioner of Reclamation of Idaho and entered of record in
Volume 6 of Licenses, at page 3148, on the 16th day of February, 1924;

The right hereby confirmed dates from March 3, 1917;

The Point of Diversion is located
in the SE 1/4 NE 1/4, Sec. 14, Tp. 6 S., R. 1 W., B. M.
County of Owyhee.

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 0.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S.	1 W.	13	NW 1/4 NW 1/4	40	20
			NE 1/4 NW 1/4	40	30

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 16th day of February, 1924.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 9693
Water District No. 94

Amount 15 sec. ft.
Priority 10-2-1913

THIS IS TO CERTIFY that Spirit Lake Land Company of Spirit Lake, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 2, 1913; that Permit No. 9693 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 25 second feet, was issued thereunder on February 7, 1924, showing that said works were completed on the 28th day of August, 1920; and that on the 6th day of November, 1922,

Spirit Lake Land Company of Spirit Lake, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Spirit Lake, a tributary of, for the purpose of municipal & domestic use under Use Permit No. 9693 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 Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3147, on the 7th day of February, 1924;

The right hereby confirmed dates from October 2, 1913;

The Point of Diversion is located at a pump house in Lot 9 in the 1/4-1/4, Sec. 7, Tp. 53 N., R. 4 W., B. M. County of Kootenai.

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 15 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			The place of use of said water is in the town of Spirit Lake, for municipal and domestic purposes.		

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 7th day of February, 1924.

H. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

Application No. 18396

Permit No. 12842

APPLICATION FOR PERMIT

57-2102

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

District No. 14.

1. Name of applicant: James L. Davey

Postoffice address: Oresana

County: Owyhee

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 $3\frac{1}{5}$ cubic feet per second.

3. Source of water supply: Castle Creek, which is a tributary of Snake River.

4. Location of point of diversion: SE $\frac{1}{4}$ of Section 14, T. 6 S., R. 1 W.B.M.

County of Owyhee, Idaho.

5. To be used for: Irrigation and domestic purposes.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 30 acres.

(b) In the following legal subdivisions:

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

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
point of return:

(d) If so, name stream and locate

6. Estimated cost of works: \$550.00

7. Description of works for diversion:

I. Kind of works: Dam, ditches, flume of galvanized iron pipe.

II. Dimensions of works:

(a) Height of dam about 10 feet, length of dam at top about 40 feet,

length of dam at bottom about 30 feet. Material used in construction: Earth and rocks.

(b) Capacity of reservoir acres feet. (c) Size of headgate, width feet,

Height feet. (d) ~~Conduit~~ Ditch: width at bottom about 2 $\frac{1}{2}$ feet,

width at water line about 3 feet, depth of water about 3 feet; diameter of pipe

inches; average grade per mile is 80 feet. Length of conduit is miles,
and it crosses the following quarter sections:

Dimensions of flume about 12 inches.

8. The time required for the completion of the construction of such work is three (3) years.

9. Time required for the complete application of the water to the proposed use is Three (3) 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.

James L. Davey

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9:00 A.M. March 2, 1917.
Returned to applicant for correction
Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 12842
Recorded in Book 44 Page 12842 Approved March 6, 1917.
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 May 5, 1917 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 September 5, 1918
The whole of said work to be completed on or before March 6, 1920.
Beneficial use of water appropriated in accordance herewith, to be made on or before March 6, 1923.
Witness my hand this 6th day of March, 1917.

J.H. Smith. State Engineer.

Remarks:

14. The land to be irrigated is described in the following tabulation:
NE¹/₄ NW¹/₄ SW¹/₄ SE¹/₄ - NE¹/₄ NW¹/₄ SW¹/₄ SE¹/₄ - NE¹/₄ NW¹/₄ SW¹/₄ SE¹/₄ - NE¹/₄ NW¹/₄ SW¹/₄ SE¹/₄ - Totals.
6 S. 1 W. 13 -15-15-- 30
Total Number of acres to be irrigated - - - - 30
15(a) Is reservoir to be used? No.

Application For Amendment

To Permit to appropriate the Public Waters
of the State of Idaho, No. 12842

Comes now James L. Davey, and represents to the Commissioner of Reclamation of the State of Idaho,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 12842, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

NW¹/₄ NW¹/₄ and NE¹/₄ NW¹/₄ Section 13, Township 6 South, Range 1 West, B. M., making a total of 80 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, this 8th day of March, 1923.

James L. Davey.

Date of receipt at Office of Department of Reclamation March 16, 1923.

Approval of Commissioner of Reclamation

I, W. G. Swendsen, Commissioner of Reclamation of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 12842. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

W. G. SWENDSEN,
Commissioner of Reclamation
By Geo. H. Carter,
Assistant

Upon proper request of the holder of the above numbered Permit (12842) I have this 30th day of March, 1923, extended the time for beneficial use Proof to the 7th day of May, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation

By: Geo. N. Carter,
Assistant

STATE OF IDAHO

Department of Reclamation

In the Matter of the Reinstatement
of Permit No. 12842, under the Pro-
visions of Section 5594, Idaho Com-
piled Statutes.)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 12842 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the permit, to-wit: March 6, 1920; and

WHEREAS, On the 8th day of March, 1923, notice to show cause why said permit should not be cancelled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and

WHEREAS, On the 8th day of March, 1923, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and

WHEREAS, On the 8th day of March, 1923, depositions of the holder and two witnesses were received at the Department of Reclamation showing the said works of diversion were completed within the time required in the permit; and

WHEREAS, After examination of the said depositions, the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed, as required under the terms of said Permit No. 12842, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby ordered that said Permit No. 12842 be, and the same is, hereby reinstated and that a Certificate of Completion of works be issued to the application herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 7th day of April, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation

(SEAL)

By: Geo. N. Carter,
Assistant

Proof of Completion of Works made March 8, 1923.
Certificate of Completion of Works issued April 7, 1923.

Permit No. 12842

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that James L. Davey of Oreana, County of Owyhee, and State of Idaho, the holder of Permit No. 12842, issued upon Application No. 18396, bearing date of priority of March 2, 1917, authorizing the diversion of $\frac{7}{5}$ of 1 second foot of the waters of Castle Creek, County of Owyhee, 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 $\frac{7}{5}$ of 1 second foot of the waters of Castle Creek; that the point of diversion of said waters is in the $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 14, Township 6 South, Range 1 West, Boise Meridian, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: $NW\frac{1}{4}$ $NW\frac{1}{4}$ and $NE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 13, Twp. 6 S., R. 1 W., B. 11.

Witness my hand this 7th day of April, A. D. 1923.

W. G. SWENDSEN,
Commissioner of ReclamationBy: Geo. N. Carter,
AssistantLicense issued for 0.6 second feet

Page 3148



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

June 25, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SCOTT R NICHOLSON
SHERRI C NICHOLSON
4722 W VAQUERO LANE
MERIDIAN ID 83642

RE: Decreed Water Rights 55-10344/55-13661/57-00093/57-00110/
57-00141/57-00165/57-00166/57-00167/57-00168/57-00169/57-00170/
57-00171/57-00204/57-00225/57-02102/57-02157/57-10557/57-11495/
57-11496/57-11499/57-11502/57-11504/57-11506

Dear Mr. & Mrs. Nicholson:

The department acknowledges receipt of correspondence changing ownership of the above referenced decreed water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact the department if you have questions.

Sincerely,

for L. GLEN SAXTON, Chief
Water Allocations Bureau

LGS:klt

Enclosure

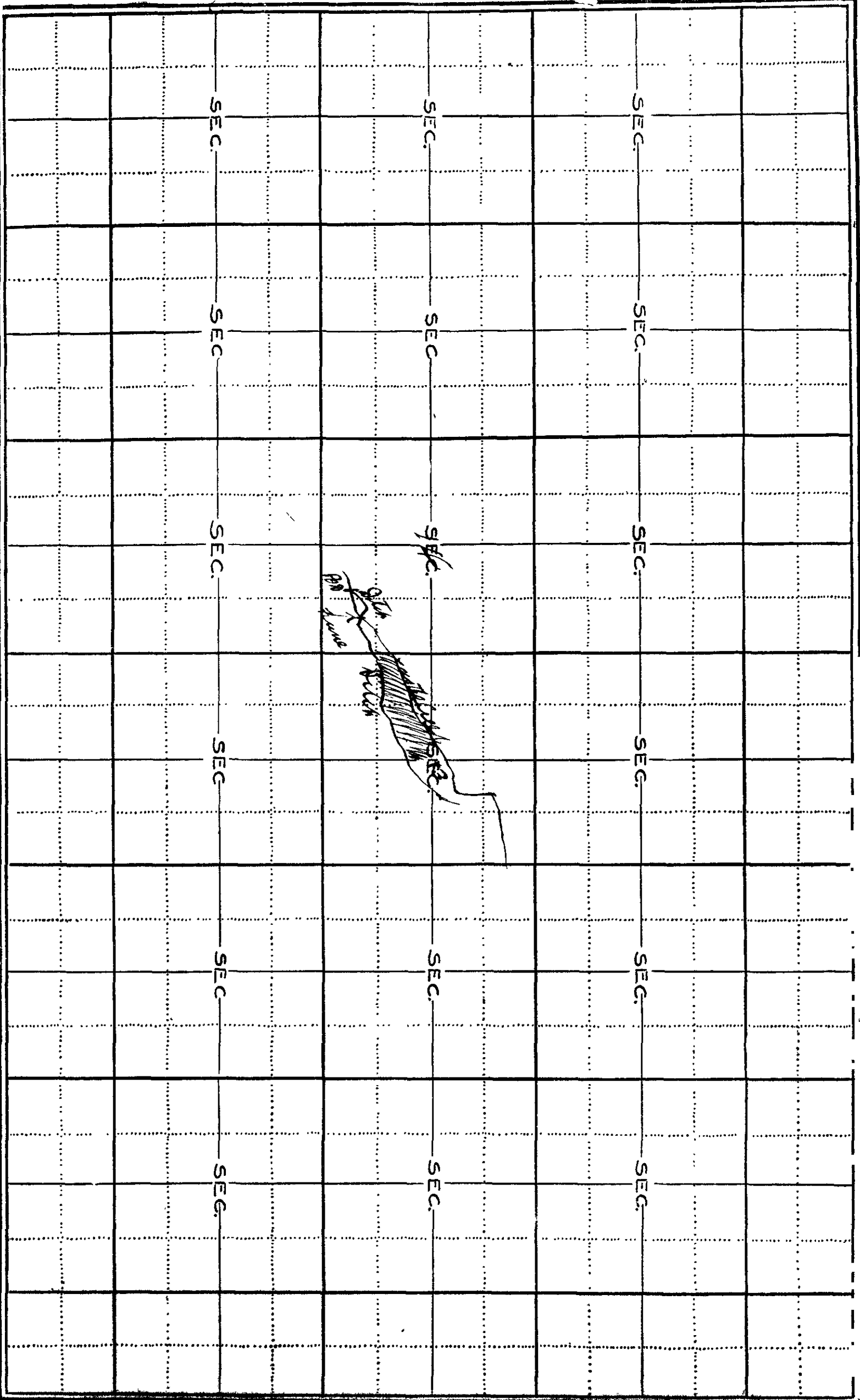
cc: IDWR-Western Region

MICROFILMED

AUG 09 1999

Name of Applicant.....

James L. Doney Amended map # *12842*



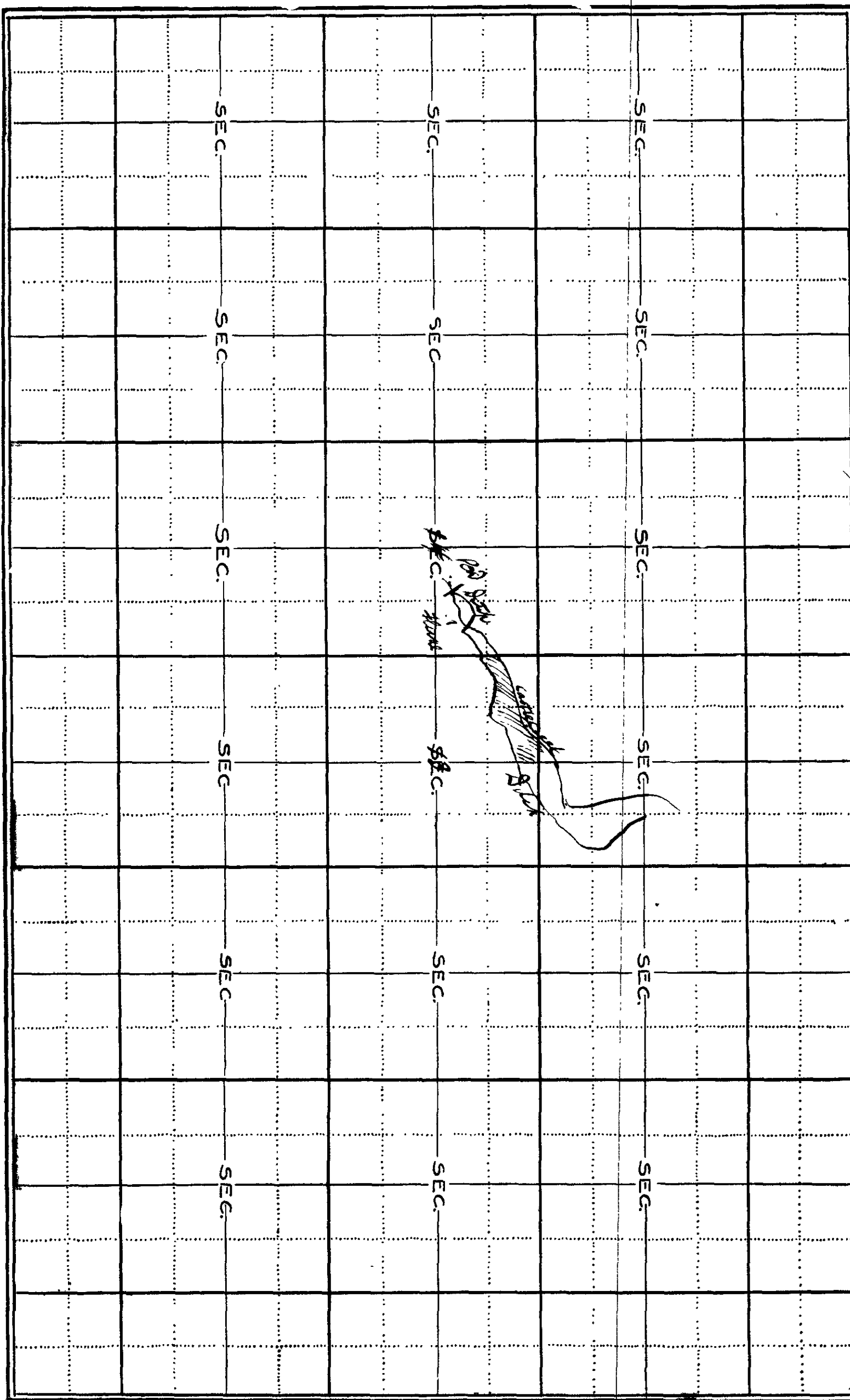
SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.

12842

James L. Hawley Amended Map #12842

SCALE: 2 INCHES=1 MILE. DRAW PL IN INK.

ed and for Sale by the Statesman Shop, Boise, Idaho.



12842

February 18, 1924.

Re: Permit No. 12842

Mr. James L. Davey,
Greene, Idaho.

Dear Sir:

We are enclosing herewith Water License,
issued under the above numbered Permit, together
with receipt for fees.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

Encls.

By
Chief Clerk.

12842

LAW OFFICE OF
DANA E. BRINCK
McCARTY BUILDING
BOISE, IDAHO

February 13, 1924

Mr. W. G. Swendsen
Dept of Reclamation
Boise, Idaho

Dear Sir:

In re permit No. 12842. I inclose check
for \$4.00, fee for issuance of license. Will
you please send this direct to James L. Davey
at Oreana, Idaho?

Very truly yours,

Dana E. Brinck

B:AB

Inc.

12842

January 5, 1924.

Re: Permit No. 12842
James L. Davey.

Mr. D. E. Brinck,
Attorney at Law,
Boise, Idaho.

Dear Sir:

The report of the examining engineer for proof of beneficial use of water under the above numbered Permit is now on file in this office. Upon receipt of fees in the sum of \$4.00, license will be issued the applicant herein.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

By

Chief Clerk.

CB:E

12842

ans

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 14-A1. State name of applicant and number of permit: James L. Davey-Permit 128422. State source of water supply: Castle Creek3. Location of point of diversion: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14, Twp. 6 S., R. 1 W., B.M.

4. Describe works as they exist, giving dimensions and capacities of same: Diversion Dam of rock, 40 ft long, 8 ft high. Head Gate 4 ft long, 3 ft wide, 2 ft deep. Ditch 2 ft wide on bottom and 15 ft deep. Flume conducts water across creek to the south side ditch

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

6. Give exact location 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): NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13, Twp. 6 S., R. 1 W., B.M.

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 30 "

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? one

9. Give names and amount of each right:

10. What large stream would the water here appropriated finally reach? Snake River

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Remarks: Any surplus water used upon this land will return directly to the creek

This examination was made on the 12th day of Dec. 1923

(Signed)

Fred T. Johnson

Examiner.

12842

OVER

(This report must be sworn to when not made by an attache of the office)

STATE OF IDAHO,

ss.

County of

....., being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this.....day of.....19.....

My commission expires.....

Notary Public.

14-A *Blumfield Co*

Jas. L. Javey
Oreana

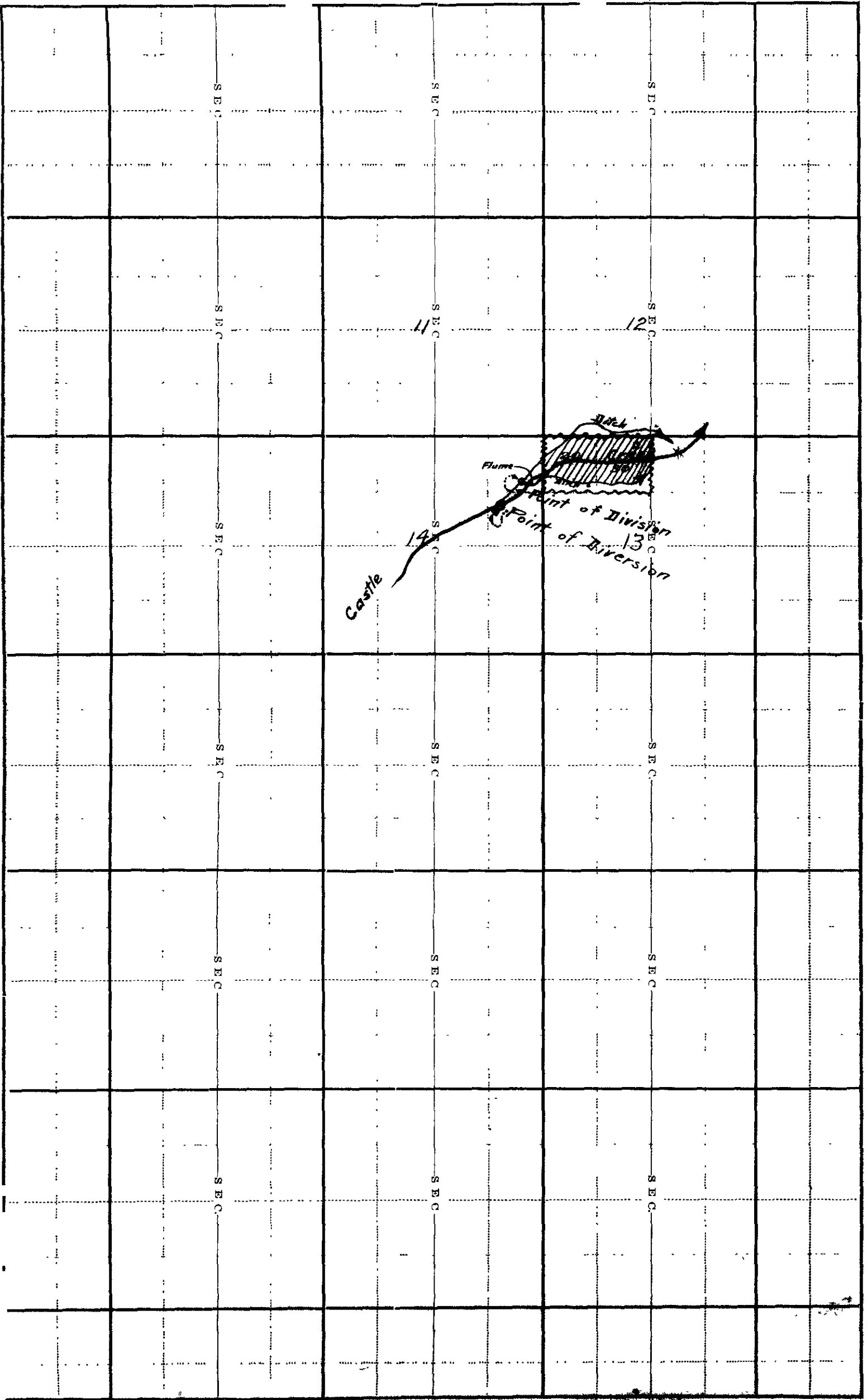
Permit 12842

Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same
3. Find out how many parties own right in the ditch or canal and give their names and amount of right
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same
5. 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
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. 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

NAME OF APPLICANT James L. Davey * 12842

(12/12/23)
FF



SCALE: 2 INCHES EQUALS 1 MILE. DRAW PLAN IN ENK.

12842

NOTICE FOR PUBLICATION
Notice of Proof of Application of
Water to Beneficial Use

Notice is hereby given that at 2 p.m. on the 7th day of May, 1923, at Boise, County of Ada, State of Idaho, at the Department of Reclamation, proof will be submitted of the application to beneficial use of 0.6 cubic foot per second of the waters of Castle Creek in accordance with the terms and conditions of Permit No. 12842, heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person holding said permit are: James L. Davey, Oreana, Idaho.

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

The amount applied to beneficial use is 0.6 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated):

NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 13, T 6 S., R. 1 W., B. M.

The date of priority which said user is prepared to establish is March 2, 1917.

W. G. SWENDSEN,

Commissioner of Reclamation.

First publication Apr. 5, 1923

Last publication Apr. 26, 1923

AFFIDAVIT OF PUBLICATION

I, Charles Jascoe

publisher of the Owyhee Nugget, published weekly at Bruneau, Owyhee County, Idaho, do solemnly swear that a copy of the above notice, as per clipping attached was published weekly in the regular entire issue of said newspaper, and not in any supplement thereof, for 4 consecutive issues, commencing with the issue dated April 5 1923 and ending with the issue dated April 26 1923

Charles Jascoe

Subscribed and sworn to before me this 12th day of May 1923

W. G. Swendsen

Notary Public

12842

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 12842

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. James L. Dancy

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. No

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

Ans. 12842, March 6, 1917. March 6, 1917

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

Ans. Castle Creek, Owyhee County
Q. 1 S. E. 1/4 NE 1/4 Section 14, Twp 6, South Range 1 N. B. M.

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. 477' x 477' x 477' NE 1/4 NW 1/4 Each with rock dam
30 to 40 ft. wide, height commercial 8 to 10 ft. ditch 4 ft wide at
top, 2 1/2 ft at bottom, 2 1/2 ft deep. Flume across creek 2 ft. wide
& 1 ft deep. Capacity of varies of 150 inches

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 cultivate or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation 17 NW 1/4 NW 1/4 NE 1/4 NW 1/4 Section
13, T. 6 S. R. 1 N. B. M. Have increased cultivation
of all land in said subdivisions lying under the
ditch and south of Castle Creek being about 10 a in
NW 1/4 NW 1/4 and 7 1/2 a in NE 1/4 NW 1/4 said section

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

Ans. _____

12842

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

Ans 2 inches & over

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

Ans. _____

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

Ans.

Since 1918 including time used the water to full extent of permit.

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 right claimed thereunder.

Ans

For this land and adjoining land, 108⁴ ft. in all have decreed right to 90 inches in addition to this permit.

(Sign) _____

James L. Derry,

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 Basie County of Ada

State of Idaho, on this 7th day of May A. D. 1913

Lara M. Brown

12842

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 17842

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. J. M. Corrothers, 47, farmer, Oreona Idaho

Ques. 2. Are you acquainted with James L. Dancy, the

holder of Permit No. 17842? How long have you known him and where does he reside?

Ans. Have known him since 1900. He resides on Castle Creek near Oreona, Owyhee County

Ques. 3. Have you read or heard read said Permit No. 17842, 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. Castle Creek
fork & fork down 30 to 40 ft wide 8 to 10 ft high on lower side
ditch 4 ft wide at top 2 1/2 ft deep 2 1/2 ft wide at bottom
turne across creek 2 ft wide 1 ft deep

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. Upwards of 3 cu. ft.

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

Ans. Irrigation - Alfalfa meadow, here are made
in cultivation of all land south of Castle
Creek using about 10 a. in NE^{1/4} NW^{1/4} NW^{1/4}
but about 25 a. in NE^{1/4} NW^{1/4} Sec 13 T6S R1W Bm

12842

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. *Should have 7 inches to the acre on account of loose soil and sharp slopes. Loose sandy soil.*

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

Ans. *No*

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

Ans. *Have seen it applied to said beneficial use practically every year for last 5 years to full extent of permit.*

(Sign) *J. M. Brothers*

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 *Burke* County of *Ada* State of Idaho, on this *7th* day of *May* A. D. 19*23*

Clara M. Brown
Notary Public.

My commission expires *Apr. 11-1923*

12842

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 12842

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. Mary C. McKinney, 79, Clerk
Barre Idaho

Ques. 2. Are you acquainted with James L. Doney, the

holder of Permit No. 12842? How long have you known him and where does he reside?

Ans. Yes, he resides at ~~Barre~~ Oreana, Idaho.
I have known him all my life

Ques. 3. Have you read or heard read said Permit No. 12842, 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. Cattle Creek, SW 1/4 Sec 14 T6S. R. 1W. Bm
works consist of earth & rock dam in creek.
Ditch 4 ft wide at top, 2 1/2 ft at bottom, 2 1/2 ft deep
flume across creek 2 ft wide, 1 ft deep.

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. 3 sec. ft.

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

Ans. Irrigation of about 10 a in NW 1/4 NW 1/4 40
25 a in NW 1/4 Sec 13, T6S. R. 1W. Bm
Alfalfa meadow. Increased cultivation
expansion of the use.

12842

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. *Low sandy loam, sharp descent down creek. Requires 7 inches to acre.*

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

Ans. *No*

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

Ans. *Have seen water applied as aforesaid to full extent of permit for past 5 years*

(Sign) *Mary C. McKinney*

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 *Baile*, County of *Ada*, State of Idaho, on this *7th* day of *May* A. D. 19*23*

Lana M. Brown
Notary Public.

My commission expires *Apr. 11 - 1925*

12842

April 10, 1923.

Re: Permit No. 12842
James L. Davey.

Mr. J. E. Brinck,
Attorney at Law,
Boise, Idaho.

Dear Sir:

We are inclosing herewith Order reinstating
Permit No. 12842 and Certificate of Completion of
Works, issued under the above numbered Permit, to-
gether with receipt for fees.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

Encls.

By

Chief Clerk.

12842

STATE OF IDAHO
Department of Reclamation

In the Matter of the Reinstatement
of Permit No. 12842, under the Pro-
visions of Section 5594, Idaho Com-
piled Statutes.

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 12842 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the permit, to-wit: March 6, 1920; and,

WHEREAS, On the 8th day of March, 1923, notice to show cause why said permit should not be cancelled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 8th day of March, 1923, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 8th day of March, 1923, depositions of the holder and two witnesses were received at the Department of Reclamation showing the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed, as required under the terms of said Permit No. 12842, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby ordered that said Permit No. 12842 be, and the same is, hereby reinstated and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 7th day of April, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation

By

W. M. Butler
Assistant

12842

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

12842 ✓

DATE.....**March 30, 1923.**

Publisher, The Everett,
Bruneau, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to
.....**May 7, 1923**....., the date set for proof, the expense of the publication to be paid
by the applicant,.....**James L. Davey, of Oreana,**....., to whom you should
furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

12842

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

3/30/71

(P. O.)

Bureau of Reclamation

TO THE STATE ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Idaho Register

of

Bureau of Reclamation

, published in

the county in which the works are situated.

James L. Haney

(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

12842

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 2 P.m. on the 7th day of May, 1913,
 at ~~the Department of Reclamation~~ in the Capital of the State of Idaho,
 before at Boise Idaho, proof will be submitted
 of the application to beneficial use of 3/5 cubic feet per second of the
 waters of Cattle Creek in accordance with the terms and conditions of
 Permit No. 12842 heretofore issued by the State Engineer
 of the State of Idaho.

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

James E. Harey, Orem, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 3/5 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) NW 1/4 of NW 1/4 and SE 1/4 of NW 1/4 of Section
13 Township 6 South Range 1 West Boise
Meridian Clayce County Idaho.

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

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

The source of supply from which such water is diverted is

The date of the priority which said user is prepared to establish is March 2 1917

W. G. Swendsen,
 Commissioner of Reclamation.

14-2

DE 44-141-763

12842

STATE OF IDAHO
Department of Reclamation

Permit No. 12842

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO

County of

SS.

Ada of *Basie*
De Brinck

State of *Idaho* being first duly sworn upon his oath deposes and says:

That he is, the owner and holder of Permit to Appropriates the Public Waters of the State of Idaho, No. *12842*

THAT, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by *March 6*, 19*23*

THAT he has heretofore put to beneficial use *3/5* second feet of water and has irrigated *30* acres.

THAT, for the following reasons, he is unable to put to beneficial use within the required time, the remainder of the water appropriated under his permit, to-wit:

That he put all of said water to beneficial use as provided and within the time allowed by said permit but did not publish notice of app proof thereof in time to make proof at the time required

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making of proof of beneficial use under said permit to *May 7*, 19*23*

Subscribed and sworn to before me this *30* day of *March*, 19*23*

De Brinck
Clara M. Brown
Notary Public.

My commission expires *Apr. 11 - 1923*

Date of receipt at office of Department of Reclamation *Mar. 30 - 1923*

APPROVAL OF COMMISSIONER OF RECLAMATION

I, W. G. Swendsen, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of beneficial use under Permit to Appropriates the Public Waters of the State of Idaho, No. *12842*, to *May 7*, 19*23*.

Witness my hand this *30th* day of *March*, 19*23*.

W. G. SWENDSEN,

Commissioner of Reclamation.

12842

De Brinck
Assistant

March 22, 1923.

Re: Permit No. 12842.
Jas. L. Davey.

Mr. J. T. Brinsak,
Attorney at law,
Boise, Idaho.

Dear Sir:-

The depositions in the matter of proof of completion of works under the above permit have been checked and are satisfactory. Upon receipt of the statutory fee of \$5.00, the certificate of completion of works will be issued.

The application for amendment of the permit has been approved and recorded under the permit in this office. The original is accordingly returned for the applicant's own files.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By
Chief Clerk.

Encl.

12842

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

PERMIT No. _____

Proof of Completion of Works

DEPOSITION OF WITNESS

Under Terms of H. B. 53, Laws 1917.

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

Ans.

J. M. Spencer, Boise Idaho
Retired rancher,

Ques. 2. Are you acquainted with _____, the

holder of Permit No. *12842*, authorizing the diversion of *3/5* second-feet of the waters of

Castle Creek, at *Empire County* for *irrigation* purposes? How long have you known him, and where does he reside?

Ans.

Yes. 10 years. He resides near Oresana

Ques 3 Have you read or heard read said Permit No. *12842*, and are you familiar with its terms and conditions?

Ans.

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

Ans.

Yes, sandy loam, loose, sharp
acres toward creek, would
require 2 inches to thoroughly irrigate, per acre

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

Ans.

Yes. They were completed prior to my visit
to the ranch in 1915.

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

Ans.

Ditch is about 4 ft wide at top, 2 1/2 ft
wide at bottom 2 1/2 feet deep, in smaller
places. Flume across creek is 2 ft wide and
1 ft deep. Capacity at least 150 acres. Diversion
by dam about 30 to 40 ft wide. Height is lower
side 8 to 10 ft.
(Sign here) *J. M. Spencer*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Boise*, County of *Ada*, State of Idaho, on this *8th* day of

March A. D. 19*13*.

My commission expires

March 22 1916

Notary Public.

12842

J. M. Spencer
Boise Idaho

PERMIT No. _____

Proof of Completion of Works

DEPOSITION OF HOLDER

Under Terms of H. B. 53, Laws 1917.

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

Ans James L. Dancy

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

Ans ✓

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

Ans 12842 3/6/17 3/5 cu. ft. Conile Creek
Div. in SW 1/4 14-65-1N 10W

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

Ans Irrigation 30 a. in NW 1/4 and NE 1/4
S. 13 T6S. R. 1 W 10W

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

Ans yes

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

Ans yes They were completed in May, 1917.

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

Ans Pl. of diversion is shown by subsequent survey the right
rest of ft. as designated in application

Ques 8. Give description of works and state dimensions and capacity of each part as they existed on _____, 19____, and give cost of same.

Ans Ditch is 4 ft wide at top 2 1/2 ft at bottom 2 1/2 ft deep
Runnel 2 ft wide 1 ft deep Capacity at least
150 inches at all points.

(Sign here.)

James L. Dancy

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 _____, County of _____,

_____, State of Idaho, on this _____ day of _____,

March A. D. 1917

My Commission expires _____

March 22, 1922H. B. Smith

Notary Public.

Mar. 20th

12842

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

PERMIT No. _____

Proof of Completion of Works

DEPOSITION OF WITNESS

Under Terms of H. B 53, Laws 1917.

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

Ans. R. V. Jarvis Boise Idaho, Civil Engineer.

Ques 2. Are you acquainted with James L. Doney, the

holder of Permit No. 12842, authorizing the diversion of 3/5 second-feet of the waters of

Gaule Creek, at Seapher Co.

for irrigation purposes? How long have you known him, and where does he reside?

Ans. I have known him four years, Residence near
Orcaan Idaho

Ques 3. Have you read or heard read said Permit No. 12842, and are you familiar with its terms and conditions?

Ans. Yes

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

Ans. Yes. It is sandy loam, coarse and loose
and slopes sharply toward creek so there is a heavy
return flow. It should have 2 inches per acre & properly
irrigate it

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

Ans. Yes They were completed prior to 1919

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

Ans. The ditch is about 4 ft wide at top, to 2 1/2 feet at bottom,
2 1/4 ft deep in smaller portions. Flume is 2 ft wide 1 ft
deep. Fall is considerable. Capacity upwards of 150
miles. Rock & conif. dam about 30 to 40 ft wide in creek
8 to 10 ft high on lower side

(Sign here)

R. V. Jarvis

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn

to before me, at my office in Boise, County

of Ada, State of Idaho, on this 8th day of

March A. D. 1923

My commission expires 3/14/26

R. E. Smith

Notary Public.

12842

To W. G. Swendsen

Commissioner of Reclamation

Boise, Idaho

Dear Sir:

Receipt of notice that Permit No. 12842
is held for cancellation, under the provisions of Sec-
tion 5594 Compiled Statutes of Idaho, is acknowledged.

I hereby enter an appearance and will offer
proof to show that the works required thereunder were
fully completed on the date proof of completion of
works was due.

Dated at Boise, Idaho, this 8th
day of March, 1923.

James L. Barry,
Applicant

By _____
Agent

12842

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

March 8, 1923

Re: Permit No. 12842

To: Jas. L. Davey,

Oreana, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 12842, to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Proof of Completion of Works on March 5, 1920

you are hereby notified in compliance with Sec 5594, Compiled Statutes of Idaho, that said Permit No. 12842 is hereby held for cancellation.

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

Said Permit No. 12842 claims the use of 0.6 cubic feet per second of the waters of Castle Creek, with point of diversion located SE 1/4 NE 1/4 Sec. 14 T. 6 S. R. 1 W. B.M., and was approved March 6, 1917

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this

8th day of March, 1923

W. F. SWENDESEN
Commissioner of Reclamation.

By _____
Deputy.

12842

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho, December 10, 1919.

James L. Davey,
Oreana, Idaho.

Dear Sir:—

Under the terms of your permit No. 12842 you are required to complete your diversion works on or before March 6, 1920. 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,

W. G. Swendsen,
Commissioner of Reclamation.

12842

State of Idaho

Permit No. 12842-

ENGINEERING DEPARTMENT

BOISE

Mr. James L. Davey,
Oreana, Idaho.

Boise, Idaho
Mar. 6, 1917.

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.

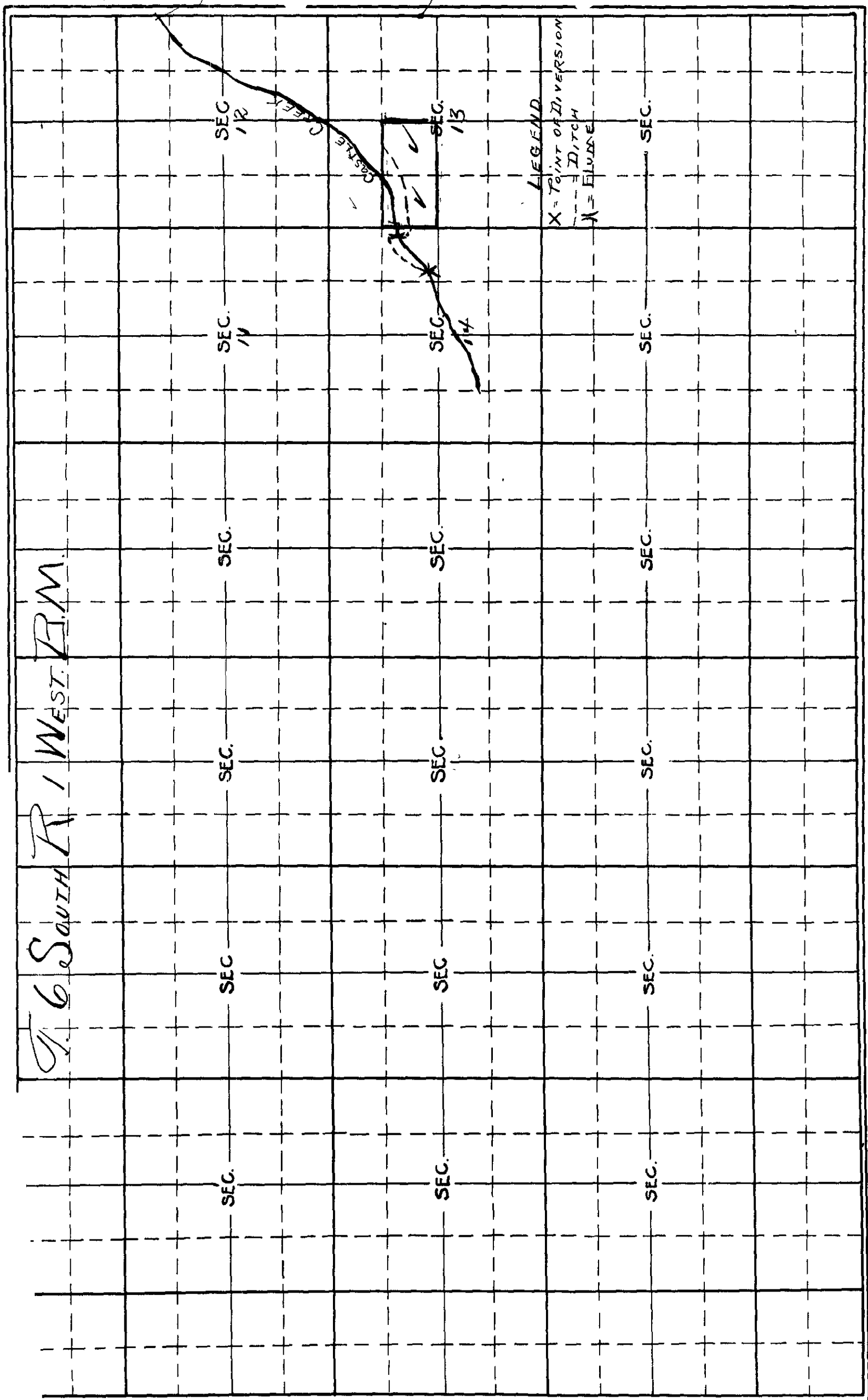
J. H. SMITH,

State Engineer.

12842

Name of Applicant James L. Lavey - Over in Idaho

T. 6 SOUTH R. 1 WEST. T. 11 N.



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

12842