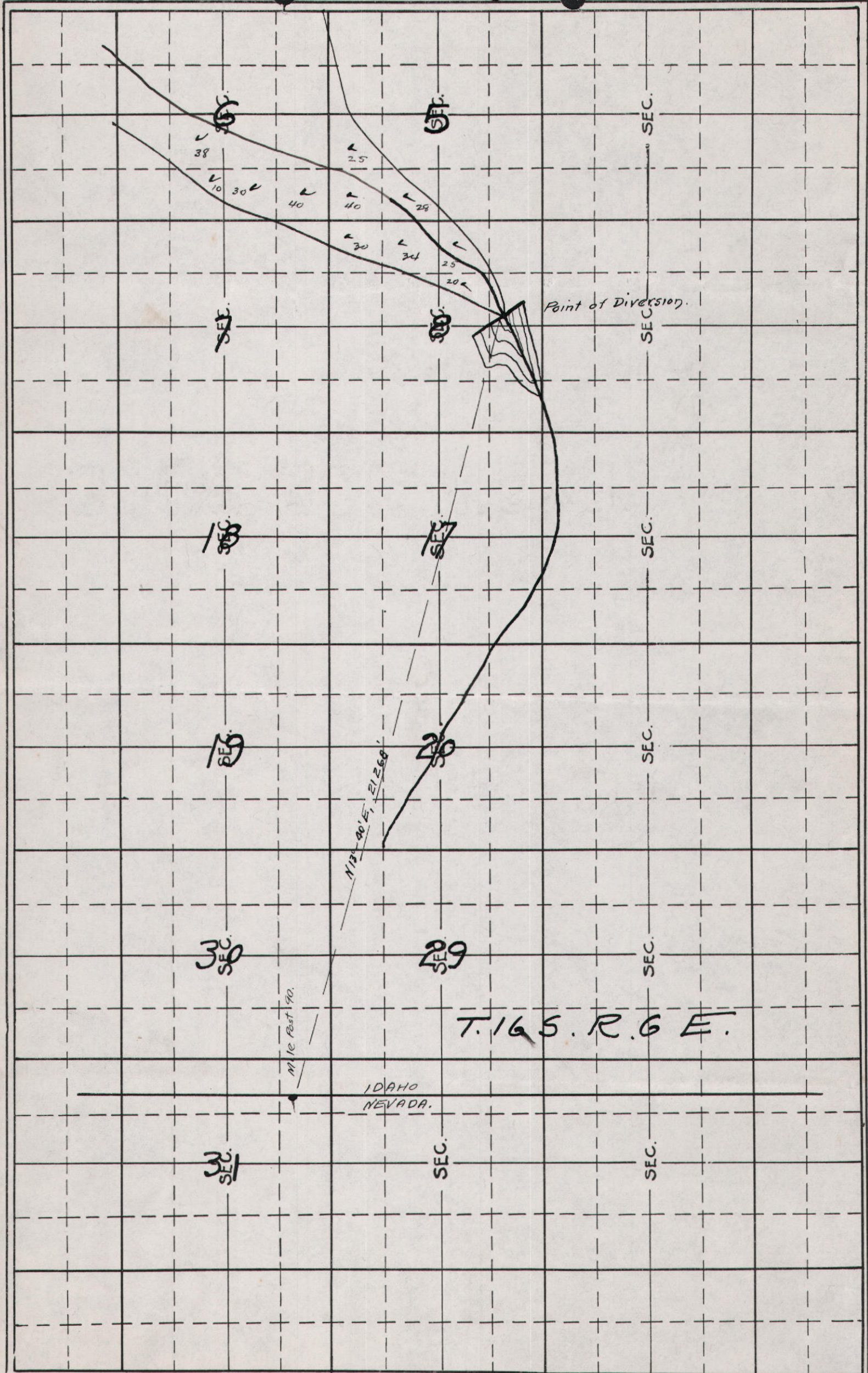


Name of Applicant Edith R. Billings



Application for a Permit to Construct the BILLINGS Reservoir

51-2243

And to Store the Unappropriated Waters of the State of Idaho

Application No. R 19018
 Permit No. R 91
 District No. 57 C.

1. Name of Applicant: **Edith R. Billings**

Postoffice Address: **Tuscarara**

County: **Elko**

State: **Nevada.**

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are: (a) Cash on hand: \$
 (b) Treasury stock: \$ (c) Bonds to be issued: \$
 (d) Other resources:

2. Quantity of water to be stored **1600** acre feet per annum.

3. Source of water supply **Pole Creek**, which is a tributary of **Bruneau**

4. Water is to be used for: **Irrigation and domestic**

5. The outlet of the proposed reservoir is located **N. 13° 40' E 21268**
 feet distant from the **90th miles** post Idaho-Nevada Line. corner of Section , T. , R. ,
 B. M., and is in the **SE 1/4 NE 1/4** of Section **8**, T. **16 S.** R. **6 E.** B. M., County of **Owyhee.**

6. Fill out either (a) or (b)

(a) The reservoir is located in the channel of **Pole Creek.**

(b) The reservoir is to be filled through the **Feeder Canal,**
 which has a width at bottom of **ft.**, width at top of **ft.**, depth of **ft.**, average
 grade per mile **ft.**, capacity **cubic feet per second.**

7. (a) The area of the high water line of the reservoir is **8.22** acres.

(b) The available capacity of the reservoir is **75** acre feet.

8. Height of dam: **20** feet; length of dam at top **806** feet; length of dam at bottom **50** feet.

Material used in dam: **Earth**

9. The estimated cost of proposed reservoir is \$ **2000.00**

10. Amount of land to be irrigated **320** acres; said land being described in Use Permit mentioned in
 Paragraph 13 herein, which Use Permit is hereby referred to and made a part hereof.

11. The time required for the completion of such work is **four (4)** years.

13. The water stored in accordance with this permit will be conducted to the place of use through the **Billings**
 canal, constructed under the terms of Permit No. **13328**, filed by **Edith R. Billings**
 on **November 23, 1917**

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and to store the unap-
 propriated waters of the State of Idaho as herein set forth.

Edith R. Billings,

, Applicant.

By **Elmer Bird.**

, Agent.

Date of first receipt at office of State Engineer **9:00 A.M. November 23, 1917.**

Returned to applicant for correction

Corrected application received

Approval of State Engineer

The number of this Permit is R **91**

Recorded in book R **1**

Page **91**

Approved **November 30, 1917**

This is to certify that I have examined the within application for a permit to construct a reservoir and to store the unappropriated 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 **January 29, 1918** and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before **November 30, 1919**

The whole of said work to be completed on or before **November 30, 1921.**

Beneficial use of water stored in accordance herewith, to be made on or before **November 30, 1923,**
as set out in Permit No. **13328** for the appropriation of the public waters of the State of Idaho, which is hereby referred to and made a part hereof.

Witness my hand this **30th** day of **November, 1917.**

J.H. Smith.

, State Engineer.

Remarks:

Applicant reserves the right to refill this Reservoir up to the maximum of 1600 acre feet using the 6.4 cubic feet per second continuously to irrigate and fill reservoir; irrigating the whole 320 acres at all times from the reservoir.

*Proof of Comp. Works
made under
Permit 13328*

51-02243

MEMORANDUM

RECEIVED

SEP 20 1989

TO: FILES

FROM: STEVE LESTER

Department of Water Resources

DATE: SEPT. 20, 1989

RE: APPLICATION 51-07313

Application 51-07313 covers 100 ac-ft of storage on Pole Creek at the Billings Dam, which will be rebuilt. The application was finally revised for processing on 9/19/89. The application will replace the storage water forfeited under 51-02243 and A51-02062.

The acres shown in place of use are the same acres found in 51-02243, 51-02062 (combined under A51-02062), and A51-10302. This area falls within the Trustwater area. The State Office (Tim Luke) will advise the Region about advertising and possible approval of the application.

See file 51-07313 for a complete summary of forfeiture etc. related to this land.

RECEIVED
AUG 09 1989

MEMORANDUM

Department of Water Resources

TO: FILES

FROM: STEVE LESTER

DATE: AUGUST 7, 1989

RE: ABANDONMENT OF 51-02243 and portion of A51-02062

This memo is an update to the 5/18/89 memo to files. Additional research shows that the reservoir impounded by the Billings Dam was most likely a 75 ac-ft reservoir. The oldest Dam Safety information at the Western office (D51-02243) dates to 10/31/1972. The report lists 75 ac-ft of storage.

The field exam report of 9/28/1924 for 51-02062 mentions a reservoir with a 5 ac-ft surface area. A separate field exam for 51-02243 does not exist (old system for R rights). Recall that adjudication claim A51-02062 combines 51-02243 and 51-02062 to include storage and direct flow on one claim. If an average depth of 15' is assumed, 75 ac-ft results (15' x 5 ac).

License 51-02243 proof report shows 320 acres in remarks and 1600 ac-ft in total diversion volume. However, the acres related to 51-02243 are most likely the same 89 acres found under 51-02062. See the 1924 field exam map that shows approximately 89 acres as opposed to 320 acres. I assume that somewhere along the water right data process, 320 acres (from where?) was multiplied by an irrigation requirement of 5 afa to produce 1600 afa. This is not a totally comfortable assumption because the irrigation requirement from the current chart is 3 afa for T16S, R6E. Regardless, the license is undoubtedly seriously flawed. No evidence was found to suggest that 1600 ac-ft is or was stored at the Billings dam. I visited the site on 6/21/89 in a pre-permit exam for 51-07313 and found a small dam in a setting that is not capable of impounding 1600 ac-ft.

The 1600 ac-ft of storage in claim A51-02062 appears abandoned through lack of use for more than 5 years (D51-02243 report of 10/20/81). The same is therefore true for 51-02243.

cc: files

TO: FILES

FROM: STEVE LESTER

DATE: MAY 18, 1989

RECEIVED
MAY 19 1989

Department of Water Resources

SUBJ: ABANDONMENT OF 51-02062, 51-02243, A51-02062

On 1/9/89 the Alzola Brothers of Mtn. Home filed Claim A51-02062 to combine Licenses 51-02062 and 51-02243. The claim included 1.78 cfs and 1600 afa storage for irrigation and stockwater. Also, Application 51-07313 was filed to cover an additional 0.50 cfs and 75 afa storage for 25 acres not described in the adjudication claim.

During staff review of the application, I discovered that the 1600 afa and additional 75 afa are tied to the Billings Dam and reservoir identified as D51-2243. The dam safety file letter of 10/20/81 (copy attached) states that as of at least 10/81 the dam was less than 10' and impounded less than 50 ac-ft. Subsequently, the Billings Dam was removed from the dam safety inventory. In response to a letter of 4/18/89, the applicants' 4/21/89 letter (copy attached) states that they intend to re-work the Billings Dam.

Idaho Code 42-222 addresses forfeiture or abandonment for non-use for five or more years. Because the dam has not impounded the 1600 ac-ft since at least 10/81, the storage rights under the licenses and adjudication claim should be considered as abandoned unless the owners can provide evidence to the contrary.

In my letter of 5/18/89 to the Alzola Brothers, I recommended that they consider amending Application 51-07313 to cover all of the anticipated storage in the re-working of the dam. A response within 30 days was requested.

Copies to 51-02062, 51-02243, A51-02062, 51-07313 (latter two at Region office).



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 92 South Cole Road, Boise, Idaho 83709

JOHN V. EVANS
Governor

(Office at the corner of
Franklin and Cole Roads)

C. STEPHEN ALLRED
Director

(208) 334-2190

October 20, 1981

Mr. Mac Hedges
T M Ranch
Grasmere, ID 83625

RE: D51-2243

Department of Water Resources

Dear Mr. Hedges:

A recent inspection of the Billings (Pole Creek) Dam revealed it to be less than 10 feet in height and store less than 50 acre-feet of water. Therefore, it is too small for our jurisdiction. The dam will be removed from our inventory.

To keep the dam in satisfactory condition for storing water, the following routine maintenance should be done on the dam periodically.

1. Large growth (willows, brush, etc.) should be removed from the dam to eliminate vegetative cover for rodents and to prevent damage to the dam by root penetration.
2. Rodents and burrowing animals should be eliminated from the dam by poisoning and/or trapping them. Any large burrows should be filled in and compacted with good earth material.
3. The cross section of the dam should be maintained and any eroded areas caused by wave action, surface runoff or cattle should be repaired as necessary.

Please let me know if you have any questions.

Sincerely,

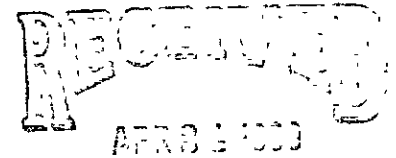
A. MICHAEL STUBBLEFIELD, P. E.
Water Resource Engineer

AMS:nn

cc: IDWR - State Office

Mr. Lester, Agent
April 21, 1989

Steve Lester, Agent
Dept of Water Resources
Western Region, 2735 Airport Way
Boise, Idaho 83705



Dear Mr. Lester,

Department of Water Resources
Western Regional Office

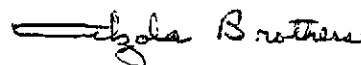
We received your letter referring to Application
for permit 51-07313, and also for information on
the Billings DAM A51-02042.

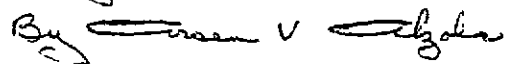
In answer to your questions:

- 1- Yes, we do plan to re-work the Billings
DAM either this year 1989 or in 1990 depending
on finding a contractor to do the job and
the funding available. This dam provides needed
storage for the acreage below it. We will
let you know before we do anything and
furnish a plan for construction for your approval.
- 2- The four additional points of diversion are
headgate locations to supply water to four
separate meadows. These diversions have been
in place since about 1914.

We hope this will give you the information
you requested

Sincerely,

 Olga Brothers

By  Susan V. Olga



M E M O R A N D U M

R- 91

February 12, 1968
(date)

Examination of this permit shows that proof of completion of works and beneficial use of water for this project was submitted under Permit No. 13328. Therefore action on this storage filing may be considered completed, the same as if proofs had been submitted and certificate and license issued.

per RKH

February 12, 1968

R-91

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mrs. Edith R. Billings,
Tuscarara, Nevada.

Boise, Idaho,

Aug. 1, 1921.

Dear Sir:—

Under the terms of your permit No. **R991**..... you are required to complete your diversion works on or before **Nov. 30, 1921**. 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.

*Copy made
under the
Per. 13328*

R-91

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit No. R-91-Billings.
Mr. Elmer Birn,
Boise, Idaho.

Boise, Idaho,
Nov. 30, 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.

R-91

Name of Applicant Edith R. Billings

