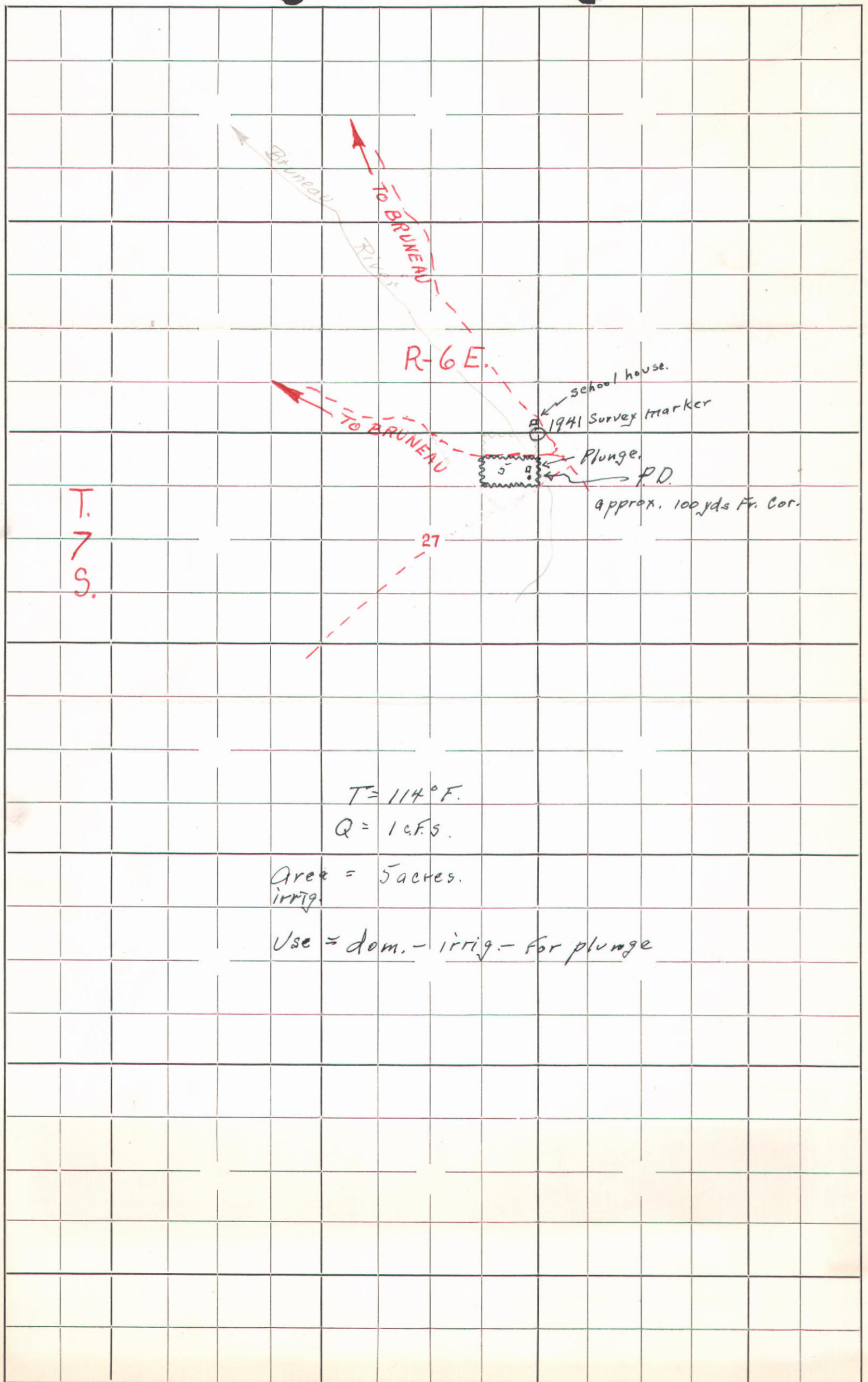




INSTRUCTIONS TO EXAMINERS

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

Mrs. Eva Bertschy
Bruneau, Idaho

Permit No. 20971

Examination for Beneficial Use

County Owyhee

27-7S-6E.

1.0 c.f.s.

S = Well

P.D. = NE. NE, Sec. 27, T. 7S - R. 6E.

Use = Irrigation & Bathing
Resort

RECEIVED
APR 2 1954
Department of Reclamation

Priority = March 10, 1949
Due =

P/W = 10-9-53

350' x 8" c'd = tank.

2 1/4" pipe with valve into
storage tank approx 10' x 10' d.
wood tank. Bot. of tank = 12" above ground.

2" line to ship & stock water
Irrig. 8 to 10 acres, eventually 3-4 a. more
3 outlets in park = 1"

4" line to diving pool. 105' pds.
T = 113° F. 33 1/2 Pressure

1 - 3/4" outlet at gas pump.
4 apts each with 1" outlet

PROOF OF PUBLICATION

State of Idaho, }
County of Owyhee, } ss.

I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each and every week for ... 4 ... consecutive weeks, the first publication being on the .. 15 ... day of Oct. 53, and the last publication being on the . 5 day of .. Nov., 19 53;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

..... *Rodney A. Hawes*
PUBLISHER

Subscribed and sworn to before me this . 20 day of
..... Nov., 19 53

..... *Lorna S. Hawes*
Notary Public

My commission expires 9-10-56

(SEAL)

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 12th day of November, 1953, at Bruneau, County of Owyhee, State of Idaho, before E. F. Clements, Notary Public, proof will be submitted of the application to beneficial use of 1.0 cubic feet per second of the waters of Subterranean Flow (Artesian Well) in accordance with the terms and conditions of Permit No. 20971 heretofore issued by the Idaho State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Eva Bertschy, Bruneau, Idaho.

The use to which said water has been applied is Bathing and Irrigation.

The amount applied to beneficial use is 1.0 Cubic feet per second.

The place where said water is used is Valley Plunge and nearby 20 acres in NE 1/4 NE 1/4, Sec. 27, T. 7 S., R. 6 E., Owyhee County, Idaho.

The right to take water from such works is based upon Permit No. 20971.

The source of supply from which such water is diverted is Hot Artesian Well flowing from volcanic rocks at about 300 feet in depth located in the NE 1/4 NE 1/4 Section 27, Twp. 7 S., Range 6 E., B. M.

The date of priority which said user is prepared to establish is March 3, 1949. 20971

MARK R. KULP
State Reclamation Engineer
(Oct. 15 — Nov. 5)

20971

T. 7 S. - R. 6 E., B.M.

21

22

23

28

27

26

Ditch

Buckaroo

Point of Diversion-Well
Place of UsePermit Map No. 20971
As ApprovedMAR 10 1949
MARK R. KULP
State Reclamation Engineer

State of Idaho
License and Certificate of Water Right

Water License No. 20971

Amount One second foot

Water District No.....

Priority March 5, 1949.

THIS IS TO CERTIFY that GEORGE BERTSCHY
of Bruneau, Idaho , made application for a permit to appropriate the
public waters of the State of Idaho, dated March 3 , 19 49 ; that Permit No. 20971
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
One second foot, was issued thereunder on October 9 , 19 53 , showing that said works
were completed on the 28th day of September , 19 53 ; and that on the 12th
day of November , 19 53 ,

EVA BERTSCHY, Surviving widow of George Bertschy,

of Bruneau , State of Idaho , made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of an artesian hot
well, , ~~artesian~~ (subterranean flow) , for the purpose of irrigation and bathing
resort , under Use Permit No. 20971 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

9 of Licenses at page 5241 , on the 9th day of April , 19 54 ;

The right hereby confirmed dates from **March 3**, 19 **49** ;

The Point of Diversion is located in the Southeast corner of
in the NE 1/4 NE 1/4, Sec. 27, Tp. 7 S., R. 6 E., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall

not exceed One cubic foot per second. for health and recreation purposes, which includes 0.12 cubic foot per second for irrigation.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	6 E.	27	NE $\frac{1}{4}$ NE $\frac{1}{4}$	10	5

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

WITNESSE the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4: day of April, 19 54 .

MARK R. KULP
State Reclamation Engineer.

50. 1.1.1

62 4195

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

5/- 2; 1

APPLICATION No. 28627
PERMIT No. 20971
DISTRICT No.

1. Name of Applicant: GEORGE HERTSCHY

Postoffice address: Bruneau County: Owyhee State: Idaho
I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

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

2. Quantity of water claimed: One (1) cubic feet per second.

3. Source of water supply: Subterranean flow (hot artesian well) which is a tributary of

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 27 , T. 7 S. , R. 6 E. , B.M., County of Owyhee

5. Water is to be used for Irrigation and bathing resort

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

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

7. Estimated cost of works: \$

8. Kind of works: Well, pipe lines and ditches

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

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

11. Ditch: Width at bottom 1 feet; width at water line 2 feet; depth of water 0.5 feet;
dimensions of flume:
Diameter of pipe Various inches; length of conduit miles.
Average grade per mile feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is Six (6) additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

GEORGE BERTSCHY *Applicant.*

By _____ *Agent.*

Date of first receipt at Department of Reclamation: 3:00 P. M. March 3, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20971

Recorded in Book 75 Page 20971 Approved March 10, 1949

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 10, 1949 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 10, 1951

The whole of said work to be completed on or before **March 10, 1954**

Beneficial use of water appropriated in accordance herewith, to be made on or before **March 10, 1960**

WITNESS My hand this 10th day of March, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 10th

day of March, 1949

STATE OF IDAHO

Countersigned:

(SEAL) By J. D. "CY" PRICE C. A. ROBINS
Secretary of State. *Governor.*

REMARKS:

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals	
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄		
7 S.	6 E.	27	IN THE PROBATE COURT OF THE COUNTY OF OWYHEE, STATE OF IDAHO																10	10
			IN THE MATTER OF THE ESTATE				)				DECREE SETTLING FINAL ACCOUNT									
							)								AND					
			OF GEORGE BERTSCHY, DECEASED				)								DISTRIBUTING ESTATE					
Eva Bertschy, as administratrix of the estate of George Bertschy, deceased, having on the 7th day of April, 1953, rendered and filed herein a full account and report of her administration upon said estate, which account was for final settlement, and having with said account filed a petition for the final distribution of said estate,																				
x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x			
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the residue of said estate, hereinafter particularly described, and all other property of said estate not now known or discovered which may belong to said estate or in which said estate may have an interest, be and the same are hereby distributed to the said Eva Bertschy, the surviving spouse of said decedent.																				
The residue of said decedent's estate hereby distributed to the said Eva Bertschy is particularly described as follows:																				
REAL PROPERTY, situate in the County of Owyhee, State of Idaho, and described as follows:																				

The southeast quarter, the southeast quarter of the northeast quarter and the south half of the southwest quarter of Section Twenty-two; the northeast quarter of the northeast quarter of Section Twenty-seven, all in Township Seven South, Range Six East, Boise Meridian,

X X X X X X X X X X X X X X

Dated this 20th day of April, 1953.

(SEAL)

W. A. LEWIS
Probate Judge

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 20971

Comes now Eva Bertschy and represents to the State Reclamation Engineer of the State of Idaho:

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 20971.

That the point of diversion and place of use are described in said permit as being in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 27, Township 7 South, Range 6 East, B.M.

That she now requests that the point of diversion and place of use be changed to a point located in the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, Township 7 South, Range 6 East, B.M.

That her reasons for desiring to make such change are as follows: There was an error in the original application and permit.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Boise, Idaho, this 6th day of October, 1953.

EVA BERTSCHY

Date of receipt at Department of Reclamation October 6, 1953.

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer 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. 20971. 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.

MARK R. KULP
State Reclamation Engineer

Permit No. 20971

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that EVA BERTSCHY of Bruneau, County of Owyhee, and State of Idaho, the holder of Permit No. 20971, issued upon Application No. 28627 bearing date of priority of March 4, 1949, authorizing the diversion of One second foot of the waters of an artesian well (subterranean flow) County of Owyhee, State of Idaho, for irrigation and bathing resort 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 One second foot of the waters of said well; that the point of diversion of said waters is in the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, Twp. 7 South, Range 6 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, Twp. 7 South, Range 6 East, B.M.

Witness my hand this 9th day of October, A.D. 1953.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made September 28, 1953.
Certificate of Completion of Works issued October 9, 1953.

LICENSE ISSUED FOR 1 SEC. FT.
Pg. 5241



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 14, 1988

RE: Water Right No. 51-2109

Walter D. Stiles
HC 85, Box 115
Bruneau, ID 83604

Dear Mr. Stiles:

I am writing in order to follow up on your visit to our office last week in which you were seeking to apply for a water right transfer.

Upon further review of your file and discussing this matter with both my supervisor and a colleague from the Adjudication Division here in Boise, I wish to now advise you that it is not necessary to file a water right transfer application for your water right license number 51-2109.

As I recall, your main concern in filing a transfer was to update your license so that the water right reflects the current water uses on your property. Those of us who reviewed your file here at the office agreed that this objective would be best served by submitting your adjudication claim with some minor changes. Instead of submitting the claim as it now appears, you should change item 6. as follows:

Purpose	From	to	cfs
IRRIGATION	3/15	11/15	0.03
HEATING	1/01	12/31	1.00
DOMESTIC	1/01	12/31	0.04

Note: Total amount of water diverted does not exceed 1.00 cfs.

Upon inspection of your license, you will notice that the license grants a total diversion of up to 1.00 cfs for health and recreation purposes, including 0.12 cfs for irrigation. Although the original use granted on the license may have changed from commercial to domestic, the water continues to be used mainly for heating purposes. The consumptive nature of the uses has essentially not changed. As a result, filing a transfer is really not necessary. The amounts above for irrigation and domestic are the respective maximum amounts allowable for irrigation of one acre and in-house domestic use. Your description of the domestic facilities led us to feel that it would be in your best interest to file for the maximum allowable rate for this use.

MICROFILMED

DEC 23 1988

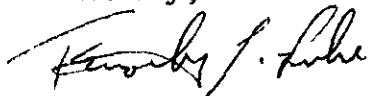
Decmeber 14, 1988
Walter D. Stiles
Page 2

Filing an adjudication claim in the above manner will essentially protect the present uses and amount of water you currently divert. You will also protect that amount of water which is allowed to be diverted as per your license. This amount is perhaps, as you said, more than adequate for all of your uses. There was some confusion about the diversion rates because I originally was going with the rates shown on the enclosed adjudication claim notice and not paying close attention to the language and rates shown on your license. There was an error in the adjudication claim as originally prepared. The enclosed claim which you brought to the office showed a total diversion rate of 0.780 cfs instead of the 1.00 cfs allowed on your license.

I should also inform you that if you go ahead and file your claim as shown above, you may be subject to a slightly higher filing fee. On the other hand, you will save some money by not going through with filing the transfer application which in our opinion is unnecessary.

If you should have further questions, please contact Carter Fritschle from the Adjudication Division here in our Boise Office. Mr. Fritschle is aware of this matter and can advise you on all questions regarding your adjudication claim. Please also feel free to call me if any of the material in this letter is unclear or causes confusion. I apologize for not resolving this matter more quickly the day you were in the office.

Sincerely,



TIM LUKE
Sr. Water Rights Agent

TL:sc

MICROFILMED

DEC 23 1988

3/79

IDENT. NO. 51-2109

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

April 10, 1954

RE: Permit No. 20971

Mrs. Eva Bertschy
Bruneau
Idaho

Dear Mrs. Bertschy:

We enclose License and Certificate of Water Right issued on Permit No. 20971 confirming your right to the use of one second foot of water from an artesian hot well in the NE¹/₄NE¹/₄ Section 27, Twp. 7 South Rge. 6 East B. M. with priority of March 3, 1949, for bathing resort purposes which includes .12 second foot for irrigation.

We also enclose departmental receipt No. 26587 for the \$5.00 License Fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

20971



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, RECLAMATION ENGINEER

BOISE

April 5, 1954

RE: Permit No. 20971

RECEIVED
APR 8 1954
Department of Reclamation

Mrs. Eva Bertschy
Bruneau
Idaho

Dear Mrs. Bertschy:

We now have on file the report of our field engineer on examination for beneficial use on your Permit No. 20971.

Therefore, upon receipt of the statutory fee of \$5.00, a license can be issued for 1 second foot of water from your well in the NE¹ NE¹ Section 27, Township 7 South, Range 6 East B.M. for health and recreation, which includes .12 second foot for irrigation and domestic purposes.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:hll

Please find \$5.00 for a above permit & License

Thank you

*Mrs Eva Bertschy
Bruneau*

20971

Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20971

REPORT ON PROOF OF Beneficial Use

MRS. EVA BERTSCHY, Bruneau, Idaho

1. of Health & Recreation
.12 of ~~Domestic and Domestic~~
MRR

chip one c/s

50.00

T.
7
S.

R-6E.

TO BRUNEAU

TO BRUNEAU

school house.

1941 Survey marker

Plunge.

P.D.

approx. 100 yds Fr. Cor.

27

$T = 114^{\circ} F.$

$Q = 1 c.f.s$

Area = 5 acres.
irrig.

Use = dom. - irrig. - for plunge

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20971

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant Mrs. Eva Bertschy, Bruneau, Idaho
2. Source of water supply: Subterranean from an artesian well.
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27
T. 7 S. R. 6 E. County of Owyhee
4. Describe works as they exist, giving dimensions and capacities of same: Flowing artesian well fully controlled. 3' 0" deep by 8". No pump and no well house, no protection. 2 $\frac{1}{4}$ " pipe with a centre valve leads into a storage tank built 12' above the ground, size approximately 10' X 10' diameter, wood construction. One 2" line extends to the chicken house and corral. There ~~are~~ ^{is} three 1" outlets in a small park. There is a 4" line to the swimming pool a distance of 105 yards. There is ~~three~~ ^{two} 2" outlets at the gas pump. Four apartments with inch outlets in each. Temperature 113°, shut-in pressure 33 $\frac{1}{2}$ pounds per square inch. Amount irrigated is approximately five acres. More can be irrigated.
5. Water is used for: Bathing resort and irrigation
6. State whether or not water has been turned into works of diversion: _____
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, Township 7 South, Range 6 East, B. M.

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

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Flows continually thru plunge - chief use (greatest volume)

This examination was made on the 30 day of March, 1954

(Signed) E. N. Humphrey Examiner.

20971

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

March 27, 1954

RE: Permit No. 20971

Mrs. Eva Bertchy
Bruneseu
Idaho

Dear Mrs. Bertchy:

State law requires an inspection on any Permit being brought to license. I intend to make inspection in connection with this permit no. 20971 on Tuesday morning, March 30.

Please be prepared to accompany me on this inspection or have someone familiar with the irrigation and other uses under the above numbered permit do so.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

Elmer Humphrey
Deputy State Reclamation Engineer

H:hll

20971

✓

November 24, 1953

RE: Permit No. 20971

Mrs. Eva Bertschy
Bruneau
Idaho

Dear Mrs. Bertschy:

We acknowledge receipt of the corrected depositions of yourself and two witnesses, also affidavit of publication in the Owyhee Nugget which completes your proof of Beneficial Use on Permit No. 20971.

Before final action is taken the law requires that a field examination be made by an engineer from this Department.

We cannot say just when this examination will be made, but our field engineer will contact you at the time he makes the examination in order that you may arrange to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/re

20971

✓
November 16, 1953

RE: Permit No. 20971

Mrs. Eva Bertachy
Bruneau
Idaho

Dear Mrs. Bertachy:

We return the depositions of yourself and two witnesses submitted in proof of Beneficial Use on Permit No. 20971 for the following correction:

Question 4 of each deposition should give the legal description of the point of diversion to a sub-division, section, township and range.

The affidavit of publication is also a necessary part of this proof and the Owyhee Nugget was instructed to send this to you. If you have not received it we suggest you take the matter up with them at once.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/re
Enc.

20971

PROOF OF PUBLICATION

State of Idaho, }
County of Owyhee, } ss.

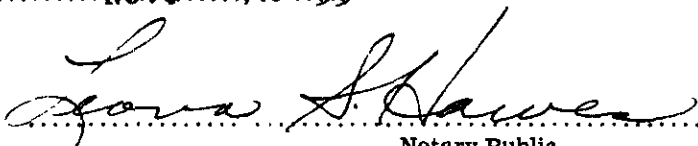
I, RODNEY A. HAWES, being first duly sworn, on oath says that he is the Publisher of the OWYHEE NUGGET, a newspaper of general circulation, published weekly by Rodney A. Hawes, publisher and printer thereof, at Marsing, County of Owyhee, State of Idaho;

That the annexed notice was published in said newspaper once each and every week for ... 4 . . consecutive weeks, the first publication being on the .. 15 .. day of ... Oct. 53, and the last publication being on the . 5 day of . Nov 19 53;

That the said newspaper has been published continuously and uninterruptedly in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of the attached notice.

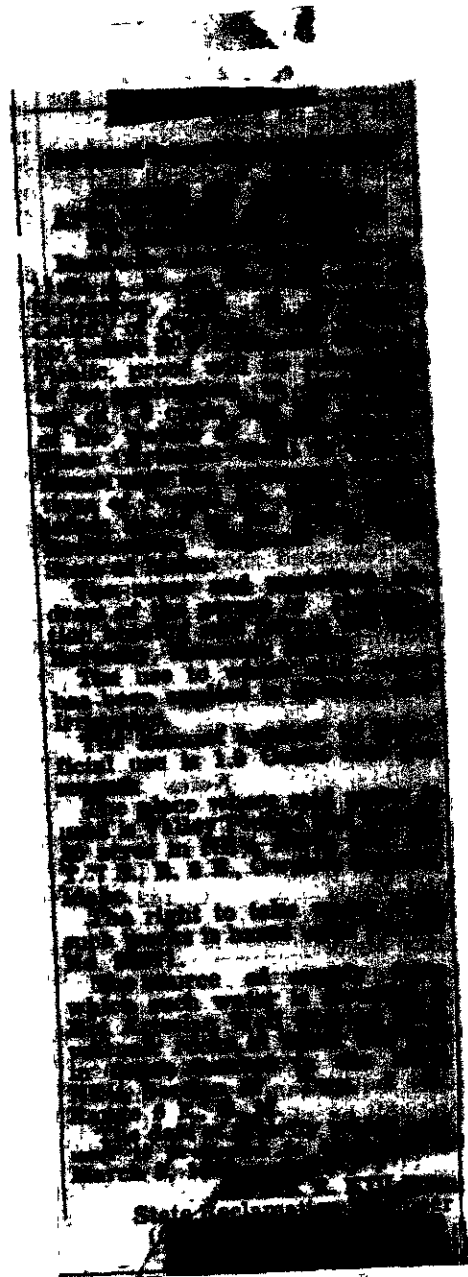

.....
PUBLISHER

Subscribed and sworn to before me this . 20 day of
..... Nov., 19 53


.....
Notary Public

My commission expires 9-10-56

(SEAL)



20971

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 14 1953
Department of Reclamation

Permit No. 20971

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Eva Bertschy Bruneau
Bruneau Idaho

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

Ans. _____

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

Ans. 20971 - March 3 - 1949

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

Ans. Subterranean Flow - Hot Artisan Well
SE corner NE 1/4 NE 1/4 Section 27 Township 7 Range 6 E Owyhee Co
Ida

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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. about 350 feet 8 inch casing - and various other
pipe to place of use & ditched

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. Irrigation Bathing resort. 20 acres in
SE corner NE 1/4 NE 1/4 Sec 27 T7 R6 E Owyhee County
Idaho pasture & farming

20971

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 purpose specified above?

Ans. 1.0

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. Heath

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

Ans. Irrigation Bathing 1.0 cubic feet per second.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. _____

(Sign) Eva Bentsky

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 Bruneau, County of Owyhee, State of Idaho, on this 12th day of November, A. D. 1953.,

E. H. Clements

My commission expires November 3, 1954.

20971

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20971

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Thomas C. Hall, Brunson, Farmer
Brunson Idaho.

Ques. 2. Are you acquainted with Eva B. Butschy, the
holder of Permit No. Yes 20971? How long have you known ^{him} ~~her~~ and where does
~~she~~ he reside? HAR

Ans. 30 years, Brunson

Ques. 3. Have you read or heard read said Permit No. 20971, 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 con-
veying water from point of diversion to place of use.

✓ Ans. Hot arisian Well Pipes & Ditches
S. E. corner N. E. 1/4 N. E. 1/4 Township #7 Sec. 27
Range 6 E. Owyhee County

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. 1.0 cubic feet Per Second

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. No Pump

20971

Ques. 7. 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 & bathing 20 acres in
South East Corner n. E $\frac{1}{4}$ of p. 5. $\frac{1}{4}$ sec 27 Township
7 6th E Owyhee County Idaho.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. none

Ques. 9. (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. Farm Land - 20 inches

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no.

Ques. 11. 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. Bathing, Irrigation, House.

(Signed) Thomas C. Hall

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 Bruneau, County of Owyhee, State of Idaho, on this 12th day of November, A. D. 1953.

J. F. Clements

Notary Public.

My commission expires November 3, 1954.

20971

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20971

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. Marie Schubert 36 Brunson, Hamphire,
Brunson, Idaho

Ques. 2. Are you acquainted with Ernest Bertashy yes, the holder of Permit No. 20971? How long have you known him and where does he reside?

Ans. five years

Ques. 3. Have you read or heard read said Permit No. 20971, 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. Nat. Artesian well pipe and ditches
SE Corner of NE 1/4 NE 1/4 Section 27 Township 7
Range 6 E Owyhee Co Idaho

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. 1.0 cubic feet per second

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. No pump

20971

Ques. 7. 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. irrigating 20 acres, in South east corner
N. E. 1/4 Sec 24, T 1, R 6 E. Owyhee Idaho.
Farming

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 9. (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. Farm land 20 inches

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. 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. Irrigating, Bathing, House

(Signed) Maris Subizausta

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 Bruneau,
County of Owyhee, State of Idaho, on this 12th day of November,
A. D. 1953.

E. F. Blument

Notary Public.

My commission expires November 3, 1954.

20971

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the number of which appears on the face of this Card.

1 Eva Bertachy
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 10-13, 1953

20971

Post Office Department

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, 30c.

(GPO)

POSTED

DELIVERED

Return to *Department of Reclamation*
(NAME OF SENDER)

Street and Number,
or Post Office Box,

107 State House

REGISTERED ARTICLE

No. *87457*

INSURED PARCEL

BOISE,

IDAHO

No. _____

16-12421-1

16-12421-1

20971

October 9, 1953

RE: Permit No. 20971

Mrs. Eva Bertschy
Bruneau
Idaho

Dear Mrs. Bertschy:

We return your copy of the Decree of Distribution of the Estate of George Bertschy. We have copied the essential portions on our record.

We also enclose your application for amendment to the point of diversion and place of use on Permit No. 20971 which has been approved by the State Reclamation Engineer and recorded in this department.

We also enclose Certificate of Completion of Works issued under said permit for the diversion of 1 second foot of water from a well in the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, Township 7 South, Range 6 East, B.M., for irrigation and bathing resort purposes at the same place.

The fee for recording the assignment is 50 cents and fee for Certificate of Completion of Works is \$5.00 for which departmental receipt No. 26266 is enclosed.

Since your check was for \$6.00, there is a refund of 50 cents due you which we enclose herewith.

Very truly yours,

MARY R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

20971

✓
October 9, 1953

RE: Permit No. 20971

Mrs. Eva Bertschy
Bruneau
Idaho

Dear Mrs. Bertschy:

We have sent to the Owyhee Nuggett notice of beneficial use proof to be made under Permit No. 20971 at 11:00 a.m., November 12, 1953, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

We enclose the necessary forms of deposition to be used in making this proof and at the time set you should appear before Mr. E. F. Clements, Notary Public, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

20971

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 20971

Date: October 9, 1953

Owyhee Nugget

Marsing, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to November 12, 1953 the date set for proof, the expense of the publication to be paid by the applicant, Mrs. Eva Bertschy of Bruneau Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

20971

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

Notice is hereby given that at 11:00 A. M. on the 12th day of November, 1953,
at Bruneau, County of Owyhee, State of Idaho, before
E. F. Clements, Notary Public, proof will be submitted of the
application to beneficial use of 1.0 cubic feet per second of the waters of Subterranean
Hot Artesian well in accordance with the terms and conditions of Permit No. 20971
heretofore issued by the Idaho State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Eva
Bertschy Bruneau Idaho

The use to which said water has been applied is Bathing & Irrigation

The amount applied to beneficial use is 1.0 cubic feet per second

The place where said water is used (if ~~for irrigation, give full and accurate description of the lands irrigated~~)
Valley plunge & nearby 20 acres in S. ~~XXXXXX~~ NE ~~NE~~
Section 27 T. 7 S. Range 6 E. Owyhee County

The name of the canal or ditch or other works by which said water is conducted to such place of use is
not applicable

The right to take water from such works is based upon Permit No. 20971

The source of supply from which such water is diverted is Hot Artesian well
producing from Volcanic rock at about 300 feet in depth
located in the NE ~~NE~~ Section 27, Twp. 7 S., Range 6 E., B.M.
The date of priority which said user is prepared to establish is Mar 3 - 1949

MARK R. KULP

State Reclamation Engineer.

20971

Permit No. 20971STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Owyhee } ss.Eva Bertochy, 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 20971, and that his postoffice address is Bruneau State of Idaho

Second: That the name of the stream from which said water is to be diverted is

Subterranean Hot Artesian wellThird: That the point of diversion of said water is NE 1/4 NE 1/4 Sec 27T 7 S. R 6 E. - OwyheeFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 10, 1954Fifth: That the use for which said water is intended is Irrigation & Bathing Resort

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

I. Kind of works: Submersing pool pipe line
(Reservoir, dam, ditch, flume, pipe or otherwise)II. Dimensions of work: 20 by 60 feet(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction Concrete

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.(c) Size of headgate: Width feet, height feet.(d) Conduit width at bottom feet, width at water line
(State whether ditch, flume or pipe)feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.Seventh: That said works are capable of conducting to the place of intended use 1.0 second feet of water.Eighth: That water appropriated under said permit is available for 10 acres of land described as follows: The SE corner of NE 1/4 NE 1/4 in Section 27 T 7 S R 6 E Owyhee Co IdahoNinth: Remarks: That About 26 feet of 8" pipe 500 feet of 4" pipe 200 feet of 1/2 inch pipeEva Bertochy
(Sign Here)Subscribed and sworn to before me this 28th day of September, 1953My commission expires November 3, 1954W. F. Clements
Notary Public.

20971

✓
October 2, 1953

RE: Permit No. 20971

Mrs. Eva Bertschy
Brunson
Idaho

Dear Mrs. Bertschy:

We have your letter of September 28, 1953, enclosing affidavit in proof of completion of works on Permit No. 20971, accompanied by your check for \$6.00 and partially completed notice of beneficial use proof to be made on this permit.

You also enclosed a letter addressed you by Mr. Perce Hall on June 1, enclosing certified copy of Decree of Distribution in the George Bertschy Estate. If the permit is to be recorded in your own name instead of the name of George Bertschy, it will be necessary for you to furnish this department with a copy of this decree for recording, after which it will be returned to you.

We return your proof of completion of works for the following corrections:

Question 6 (d) should give the diameter and length of the pipe and if a pump has been installed that should also be stated under remarks.

Question 8 should give the legal description of the land by subdivision, section, township and range.

Proof of beneficial use can be made at any place convenient for you and your two witnesses and the time must be set sufficiently far ahead to allow for four weeks publication. If you will designate the time and place and also the name of the Notary Public before whom you will make this proof, we can complete the notice and send a copy to the Owyhee Nugget with instructions in regard to publishing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

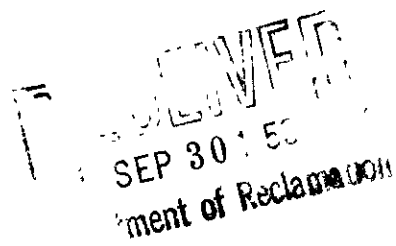
20971

Bureau Ida
Sept 28 - 53

Dear Sir:-
Inclosed find papers to prove up on
water permit No 20971. Hope they are
made out satisfactory if not please
return same with instructions also
Hope this letter I am inclosing will
be sufficient to file papers as this
is all I have left the copy mentioned
is in the Bureau Bank so I have none.

Yours Truly
Eva Bertschy

Bureau
Ida



20971

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....

(P. O.).....

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Owyhee Nugget of *Marsing Idaho* published in
the county in which the works are situated.

Eva Bentsky

(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.

20971

PHONE 12

PERCE HALL

ATTORNEY AT LAW

MOUNTAIN HOME, IDAHO

June 1, 1953

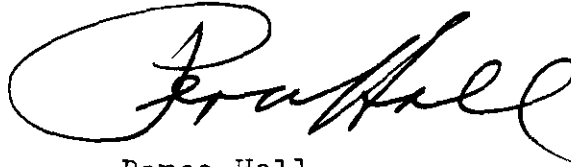
Mrs. Eva Bertschy
Bruneau, Idaho

Dear Mrs. Bertschy:

Re: George Bertschy Estate

There is enclosed herewith for your files a
certified true copy of Decree Settling Final Account
and Distributing Estate in the above mentioned estate.
This Decree has been filed for record in the office
of the County Recorder of Owyhee County at Murphy.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Perce Hall', enclosed within a large, loopy oval flourish.

Perce Hall

Enclosure

PH:sm

20971

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 20971

Date March 16, 1949

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

George Bertschy
Bruneau, Idaho

MARK R. KULP
State Reclamation Engineer

20971

T. 7 S. - R. 6 E., B.M.

21

22

23

25

27

26

Ditch

Buckaroo

Point of Diversion-Well
Place of Use

Permit Map No. 20971

As Approved

MAR 10 1949 MAR 10 1949
W. R. KULP
Professional Engineer

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

Notice is hereby given that at 11:00 A. M. on the 12th day of November, 1953, at Bruneau, County of Owyhee, State of Idaho, before E. F. Clements, Notary

Public, proof will be submitted of the application to beneficial use of 10 cubic feet per second of the waters of Subterranean Flow (Artesian Well) in accordance with the terms and conditions of Permit No 20971 heretofore issued by the Idaho State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Eva Bertschy, Bruneau, Idaho

The use to which said water has been applied is Bathing and Irrigation

The amount applied to beneficial use is 1.0 Cubic feet per second.

The place where said water is used is Valley Plunge and nearby 20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T 7 S, R. 6 E., Owyhee County, Idaho.

The right to take water from such works is based upon Permit No 20971.

The source of supply from which such water is diverted is Hot Artesian Well flowing from volcanic rocks at about 300 feet in depth located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, Twp 7 S., Range 6 E., B. M.

The date of priority which said user is prepared to establish is March 3, 1949

MARK R. KULP
State Reclamation Engineer
(Oct. 15 — Nov 5)

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

Notice is hereby given that at
11:00 A. M. on the 12th day of
November, 1953, at Bruneau,

County of Owyhee, State of Idaho, before E. F. Clements, Notary Public, proof will be submitted of the application to beneficial use of 1.0 cubic feet per second of the waters of Subterranean Flow (Artesian Well) in accordance with the terms and conditions of Permit No. 20971 heretofore issued by the Idaho State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Eva Bertschy, Bruneau, Idaho.

The use to which said water has been applied is Bathing and Irrigation

The amount applied to beneficial use is 1.0 Cubic feet per second.

The place where said water is used is Valley Plunge and nearby 20 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, T. 7 S., R. 6 E., Owyhee County, Idaho.

The right to take water from such works is based upon Permit No. 20971.

The source of supply from which such water is diverted is Hot Artesian Well flowing from volcanic rocks at about 300 feet in depth located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, Twp. 7 S. Range 6 E., B. M.

The date of priority which said user is prepared to establish is March 3, 1949.

MARK R. KULP
State Reclamation Engineer
(Oct. 15 — Nov. 5)