

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF POWER. } ss.

Phyllis Ringe being first duly sworn
on oath, states:

That she is the principal clerk of the printer

of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2
successive weekly issues thereof, the date of the first publica-

tion being the 4th day of December, 1969
the date of last publication being the

11th day of December, 1969

(Signed) Phyllis Ringe

Subscribed and sworn to before me this

12 day of December, 1969

Robert J. Kury
Notary Public, residing at American Falls,
Idaho.

My Commission expires the
Residing at Am. Falls, Idaho
My Commission Expires

(SEAL) day of Aug. 20, 1973, 19

RECEIVED

Department of Reclamation

Published in The Power
County Press Dec. 4 and 11,
1969.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Wallace Hayes, Rockland, Idaho, has received an approved permit No. R-1134 issued by the Idaho State Reclamation Department authorizing the storage of 19.0 acre feet per annum of water from Hess Spring Creek tributary of the Snake River, subject to all prior rights. The priority to be established under this permit is Sept. 7, 1962 and the permit was approved Sept. 11, 1962. Water is to be diverted by reservoir, headgate and open ditch from a point within the NW 1/4 SE 1/4, Sec. 22, T. 11 S. R. 31 E, B.M., Power County to be used for irrigation in the SW 1/4 NE 1/4, SW 1/4 SW 1/4, Sec. 15; NE 1/4 NE 1/4, Sec. 21; NW 1/4 NW 1/4, NW 1/4 SW 1/4, Sec. 22, T. 11 S. R. 31, E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before September 11, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten(10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

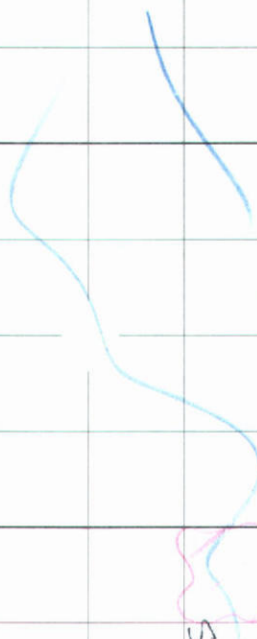
41-2027
R-1134

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11 2027

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41-2027

6a. A reservoir has been constructed which is located on applicant's own premises and in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 11 South, Range 31 E.B.M. and water is taken from the reservoir through a steel pipe with a headgate and the canal runs from the low point of the reservoir to the land that is to be watered.

6b. No agreement is necessary in view of the fact that the water has been utilized either by direct flow or by reservoir since the year 1907 and the reservoir was constructed in 1963. A map of such reservoir which is described in 5c has been made and a copy can be furnished to you.

7a. A reservoir has been constructed having a capacity of 35 acre feet of water. The height of the dam making the reservoir is 14 feet. The length of the dam at the top is 400 feet and the length of the dam at the bottom is 75 feet. Material used in construction is concrete and earth and the size of the headgate is 1 foot in width and 3 feet in height. There is a conduit pipe located at the bottom. The length of the conduit is 105 feet. The length of the pipe and canal is approximately 1 mile.

7b. No measuring device has been installed and this is owing to the fact that the reservoir is on the applicant's land. The water in the applicant's land and the water from Hess Spring Creek since 1907 has been utilized during the irrigation season every year and when the water is not being used it spreads out over the meadows which meadow is within the land owned by the applicant and if water is needed the gate is opened as to the amount of water needed and diverted through the pipeline to the canal. The type of crop and the season regulates the amount of water needed.

7c. Not applicable.

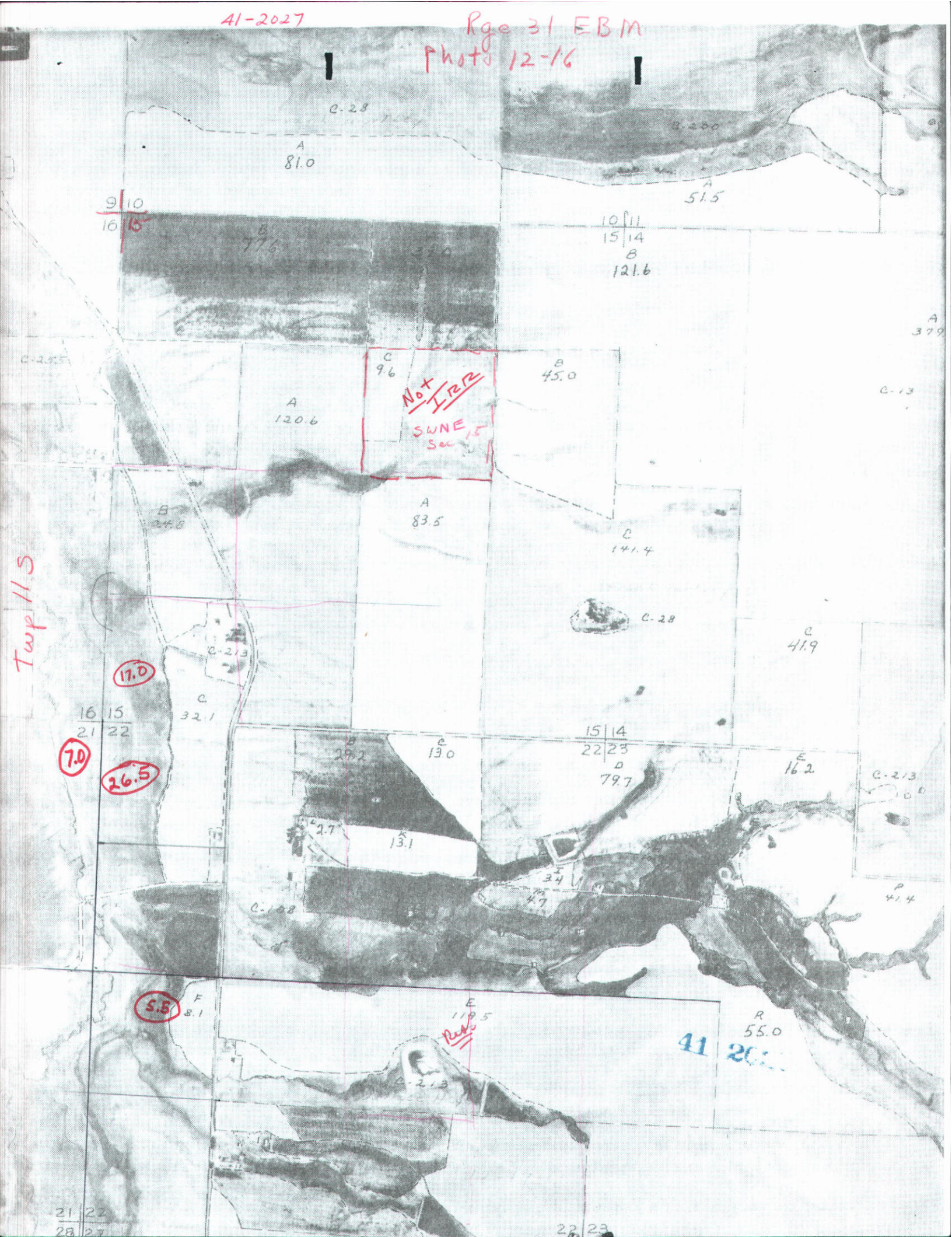
8. Irrigation purposes.

9. 17 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 15; 7 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ although there is a very small portion of seven acres in the extreme NE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21 and 32 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22 all in Township 11 South, Range 31 E.B.M.

41-2027

Rge 31 EBM
Photo 12-16

Twp 11 S



Rge 31 EBM

19 20
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29 28

Photo 11-17

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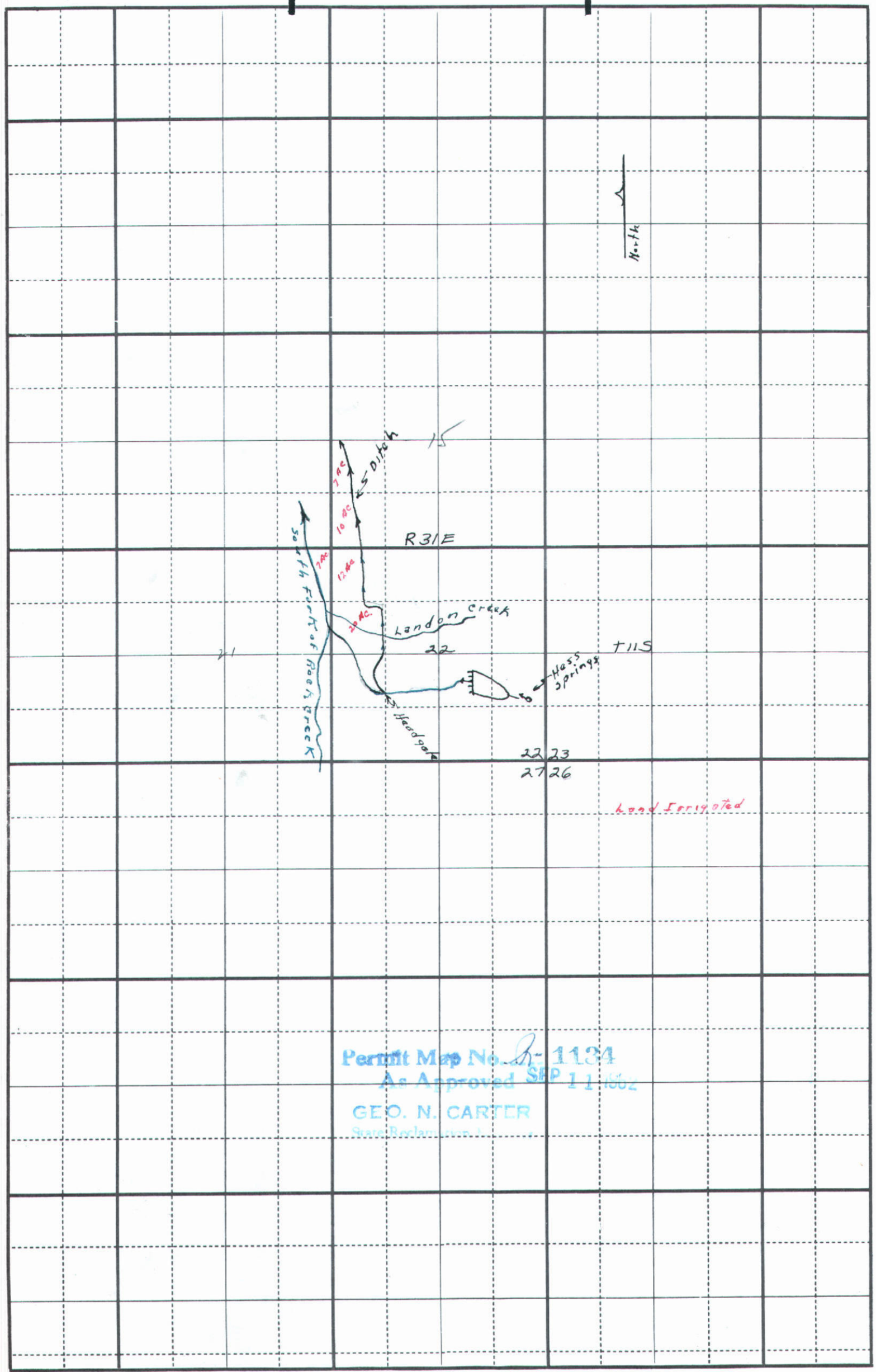
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11 2027



State of Idaho
Department of Water Administration

WATER RIGHT LICENSE

License of Water Right No. R-1134/41-2027 Priority October 12, 1962 Amount 19 acre feet

THIS IS TO CERTIFY, that WALLACE HAYES
of Rockland, Idaho, has complied with the terms and conditions of Permit
No. R-1134/41-2027 issued pursuant to Application for Permit dated September 7, 1962,
and has submitted proof to the Department of Water Administration on October 16, 1969 (late proof),
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 19 acre feet of water from Hess Spring Creek,
tributary to the Snake River, and that the permit holder has applied to a beneficial use &
established a right to use water as follows.

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Storage for</u> from <u>Jan. 1</u> to <u>Dec. 31</u> at <u>----</u> cfs and <u>19 acre feet</u> <u>Irrigation</u> from _____ to _____ at _____ cfs and _____			
<u>Irrigation</u> from <u>April 1</u> to <u>Nov. 1</u> at <u>1.12</u> cfs and <u>3.5 acre feet per acre</u> (both dates inclusive)			

Subject, however, to the condition that no more than 1.12 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
19 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 22,
Twp. 11 S, Rge. 31 E, B.M. in the County of Power

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11 S	31 E	15											17						17
		21	7																7
		22					26.5				5.5								32

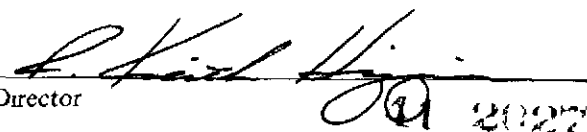
Total number of acres irrigated 56

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 27 day of
August, 19 73.

Director


2027

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF REINSTATEMENT OF PERMIT NO.)

ORDER

R-1134/41-2027 in the name of WALLACE HAYES)

WHEREAS, Wallace Hayes applied to the Department of Reclamation on September 7, 1962, for a permit to appropriate the public waters of the State of Idaho, proposing the storage of 19.0 acre feet per annum of the waters of Hess Spring Creek for use in Secs. 15, 21 and 22, T. 11S, R. 31E, B.M., Power County, Idaho; and,

WHEREAS, on September 11, 1962, Permit R-1134/41-2027 was approved with the condition that one-fifth of the work was to be completed on or before September 11, 1963, that the whole of said works was to be completed on or before September 11, 1964, and that the water be appropriated to a beneficial use on or before September 11, 1969; and,

WHEREAS, on July 1, 1969, the Department of Reclamation forwarded to the permit holder by certified mail an order modifying the requirements for completion of permit R-1134/41-2027 as adopted under the Rules of Practice and Procedures on August 1, 1968, notifying the permit holder that he was required to submit proof of the application of the water to beneficial use and setting forth the steps to be taken to make that proof; and,

WHEREAS, on October 2, 1969, the permit holder was notified by the Department of Reclamation that the permit had lapsed since proof of application of the water to beneficial use was not received on or before the required date; and,

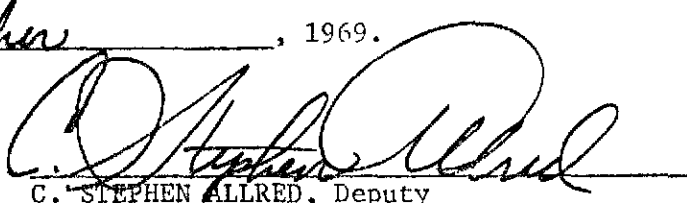
WHEREAS, on October 16, 1969, the Department of Reclamation received the required proof of application of the water to beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within 60 days from the date of lapsing; and,

WHEREAS, submission of an affidavit of proof of beneficial use is considered as a reasonable showing as to why the permit should be reinstated;

THEREFORE, IT IS HEREBY ORDERED that Permit No. R-1134/41-2027 be REINSTATED and the priority reduced to October 12, 1962.

Dated this 16 day of November, 1969.


C. STEPHEN ALLRED, Deputy
State Reclamation Engineer

41-2027

R-1134

DON SAMUELSON
GOVERNOR



KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE ANNEX 2
BOISE, IDAHO 83707

October 2, 1969

Re: Permit No. R-1134

Mr. Wallace Hayes
Rockland,
Idaho

Dear Mr. Hayes:

You are hereby notified that under the provisions of Section 42-218a, Idaho Code, Permit R-1134 has lapsed.

You are further advised that the department cannot reinstate the permit except upon a showing of reasonable cause within sixty days from the date of this notice of lapsing.

A handwritten signature in cursive script, reading "Stephen Allred", written over a horizontal line.

State Reclamation Engineer
C. STEPHEN ALLRED, Acting Deputy

CSA:DR

Form 7

R-1134

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. R-1134)
in the name of Wallace Hayes)
Rockland, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law; and,

WHEREAS, these changes raised questions as to the procedures to be followed by holders of permits issued prior to the effective date of the amendments, May 31, 1967; and,

WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. R-1134 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42, Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit holders expense for two weekly issues in the official newspaper of the county in which the point of diversion lies.

Dated this 23rd day of June, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

P-1134

APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store
The Public Waters of the State of Idaho

Application No. R 36781
Permit No. R 1134

41-2027

1. Name of Applicant: Wallace Hayes

Post office address: Rockland

County

Power

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 corporation are:

(a) Cash on hand: \$

(b) Treasury Stock: \$

(c) Bonds to be issued: \$

(d) Other resources:

2. Quantity of water to be stored: 19

acre feet per annum.

3. Source of water supply is Hess Spring Creek (Creek) (River) (Spring), a tributary of

SNAKE

River.

4. The outlet of the proposed reservoir is located Approx. N 44° W-2800 feet, distant from the SE corner of Section 22, Township 11 S, Range 31 E, B.M. and is in the NW 1/4 of SE 1/4 of Section 22, Township 11 S, Range 31 E, B.M. County of Power

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

(a) The reservoir is located in the channel of Hess Spring Creek *

(Creek) (River)

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located

feet distant from

the corner of Section, Township, Range, B.M., and is in the (bearing) 1/4 of 1/4 of

Section, Township, Range, B.M.; width at bottom feet, width at top

feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second

6. (a) The area of the high water line of the reservoir is 4.3

acres.

(b) The reservoir capacity is 19

acre feet.

7. Height of reservoir dam 16 feet, length at top 610 feet, length at bottom 20 feet, size of outlet 10 feet, spillway 10 feet. The dam is to be constructed of materials as follows: Earth fill, also 12" pipe

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

Hess Spring (Creek) (River)? No

* Tributary from V.I. Stewart place on South Fork of Rock Creek

(b) Water stored in reservoir will be carried in the channel of Hess Spring (Creek) (River) a distance of 1/2 miles to point of diversion located N. 39 E. 2060 feet, distant from the SW corner of Section 22, Township 11 S, Range 31 E, B.M., and in the NE 1/4 of SW 1/4 of Section 22, Township 11 S, Range 31 E, B.M.

9. (a) Area of watershed above dam site 0.34

square miles.

(b) Estimated maximum flow of stream 50 CFS

cubic feet per second.

10. Water is to be used for Irrigation

purposes.

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

(a) Point of use of water feet, distant from Corner of Section, Township, Range, (bearing) B.M., and is in the 1/4 of 1/4 of Section, Township, Range, B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point feet distant from the corner of Section, Township, Range, (bearing) B.M. in the 1/4 of 1/4 of Section, Township, Range, B.M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No.

which is hereby referred to and made a part hereof.

13. Kind of diversion works: Headgate and open ditch

(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed

of materials as follows: The diversion is to be a 12" concrete pipe placed in concrete to divert irrigation water to ditch

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width feet, Height feet. 12" concrete pipe
Ditch
 16. Diversion canal Width at bottom 1 feet, width at water line 2 feet, depth of water 1 feet, Dimensions of Flume
 Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.
 17. Estimated Cost of Works: Storage Works: \$ 3100.00 Diversion Works: \$
 18. Time required for completion of work 2 years years.
 19. Time required for complete application of water to proposed beneficial use is 5 years.
 20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
11 S	31 E	15											7	10					17
11 S	31 E	21	7																7
11 S	31 E	22					12	20											32

Total Number of Acres to Be Irrigated 56

21. Existing rights and/or valid permits appurtenant to lands described above are Rock Cr. Decree - 4-1-86, 45" to 50". See letter from
O. R. BAUM, Attorney at Law, dated 9-14-62.
 REMARKS:

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and appropriate and store the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

s/ Wallace Hayes, Applicant.

By , Agent.

Date of first receipt at Department of Reclamation: 9:30 A.M. Sept. 7, 1962

Returned to applicant for correction:

Corrected application received:

APPROVAL OF STATE RECLAMATION ENGINEER

The number of this permit is R 1134

Recorded in book R 5, page 1134. Approved September 11, 1962

This is to certify that I have examined the within application for a permit to construct a reservoir and appropriate and store 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 November 11, 1962

uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control. and to continue diligently and

One-fifth of the work above specified to be completed on or before September 11, 1963

The whole of said work to be completed on or before September 11, 1964

Beneficial use of water stored in accordance herewith, to be made on or before September 11, 1969

Witness my hand this 11th day of September, 1962

s/ CARL E. TAPPAN
 Assistant State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS,

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 11th day of September, 1962

COUNTERSIGNED

STATE OF IDAHO

By s/ ARNOLD WILLIAMS
 Secretary of State.

By s/ ROBERT E. SMYLLIE
 Governor.

(SEAL)

PERMIT NO. R-1134

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that WALLACE HAYES of Rockland, County of Power, and State of Idaho, the holder of Permit No. R-1134, issued upon Application No. R-38781 bearing date of priority of September 7, 1962, authorizing the diversion of 19 acre feet of waters of Hess Spring Creek, County of Power, State of Idaho, for irrigation 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 19 acre feet of the waters of Hess Spring Creek, tributary of Snake River, that the point of diversion of said waters NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 11 S., R. 31 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 56 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15; NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 22, T. 11 S., R. 31 E.,B.M.

Witness my hand this 3rd day of August, A.D. 1964.

s/ CARL E. TAPPAN
State Reclamation Engineer

Proof of Completion of Works Made: July 27, 1964

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF POWER. } ss.

Phyllis Ring being first duly sworn
on oath, states:

That she is the principal clerk of the printer

of the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said County; that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice or advertisement was published as per clipping attached in the regular and entire edition of said

newspaper and not in any supplement thereof for 2
successive weekly issues thereof, the date of the first publica-

tion being the 14th day of December, 1969

the date of last publication being the

11th day of December, 1969

(Signed) Phyllis Ring

Subscribed and sworn to before me this

14th day of December, 1969

Notary Public, residing at American Falls, Idaho.

My Commission expires the

Residing at American Falls, Idaho

My Commission Expires

(SEAL) day of Aug. 20, 1973, 1969

1969

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Wallace Hayes, Rockland, Idaho, has received an approved permit No. R-1134 issued by the Idaho State Reclamation Department authorizing the storage of 19.0 acre feet per annum of water from Hess Spring Creek tributary of the Snake River, subject to all prior rights. The priority to be established under this permit is Sept. 7, 1962 and the permit was approved Sept. 11, 1962. Water is to be diverted to reservoir, headgate and open ditch from a point within the NW 1/4 SE1/4, Sec. 22, T. 11 S, R. 31 E, B.M., Power County to be used for irrigation in the SW1/4NE1/4, SW1/4SW1/4, Sec. 15; NE1/4NE1/4, Sec. 21; NW1/4 NW1/4, NW1/4SW1/4, Sec. 22, T. 11 S, R. 31, E, B.M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before September 11, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten(10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

✓
file

1. a) Name of Permit Holder WILLIAM HAYES
b) Post Office Address Rockland, Idaho
2. Permit Number R-1134
3. Date of Priority that you are prepared to establish See attached sheet. (Page 1)
4. a) Source from which water was appropriated Hess Spring Creek
b) Location of the point of diversion: 1/4 NW 1/4 SE 1/4, Section 22
Township 11 S, Range 3 E Boise Meridian, Other points of diversion: _____
(See attached sheet)
5. a) The amount of water and use to which the water has been applied.
amount 35 acre feet for irrigation purposes from April 1 to November 1 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated _____ cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: Bud Hadfield, Employee of Conservation Power County; later approved by Donald P. Stewart, Engineer Specialist; Meader Wilkins, State Cons. Eng. SCS-Idaho.
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: See sheet attached.
b) Describe the agreement or understanding by which you take water from the works: See sheet attached.
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) See sheet attached.
b) Describe the type and size of measuring device which you have installed at your point of diversion: See sheet attached.
c) Give well drillers name and address and date the well was completed See sheet attached.

Exam. tapes
12-12-69
gms

41-10001
11-11-69

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use See sheet attached.

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision; See sheet attached.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11	31	15			7														7 acres
11	31	15											10						10 acres
11	31	21	7																7 acres
11	31	22						12											12 acres
11	31	22											20						20 acres

Total number of acres irrigated 56 acres

10. Remarks: The waters from Hess Spring Creek rise on applicant's land and has been utilized and all of the water has been utilized from the time the lands were patented either by using the normal flow over lands that could be irrigated or by storing the water there being a reservoir above this present reservoir which was constructed somewhere near 1900. Its capacity is small holding 8 acre feet.

The above information is a true statement of the extent to which the above numbered permit has been developed.

10/14/69
(Date)

Wallace Hayes
(Signature)

State of IDAHO)
County of BANNOCK) ss.

On this 14th day of October, 19 69, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Grace E. King
Notary Public residing at Pocatello, Idaho

My commission expires 6/15/71

6a. A reservoir has been constructed which is located on applicant's own premises and in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 11 South, Range 31 E.B.M. and water is taken from the reservoir through a steel pipe with a headgate and the canal runs from the low point of the reservoir to the land that is to be watered.

6b. No agreement is necessary in view of the fact that the water has been utilized either by direct flow or by reservoir since the year 1907 and the reservoir was constructed in 1963. A map of such reservoir which is described in 5c has been made and a copy can be furnished to you.

7a. A reservoir has been constructed having a capacity of 35 acre feet of water. The height of the dam making the reservoir is 14 feet. The length of the dam at the top is 400 feet and the length of the dam at the bottom is 75 feet. Material used in construction is concrete and earth and the size of the headgate is 1 foot in width and 3 feet in height. There is a conduit pipe located at the bottom. The length of the conduit is 105 feet. The length of the pipe and canal is approximately 1 mile.

7b. No measuring device has been installed and this is owing to the fact that the reservoir is on the applicant's land. The canal is on the applicant's land and the water from Hess Spring Creek since 1907 has been utilized during the irrigation season every year and when the water is not being used it spreads out over the meadows which meadow is within the land owned by the applicant and if water is needed the gate is opened as to the amount of water needed and diverted through the pipeline to the canal. The type of crop and the season regulates the amount of water needed.

7c. Not applicable.

8. Irrigation purposes.

9. 17 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 15; 7 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ although there is a very small portion of seven acres in the extreme NE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21 and 32 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22 all in Township 11 South, Range 31 E.B.M.

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION



Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

August 29, 1973

Re: Permit No. R-1134/41-2027

Mr. Wallace Hayes
Rockland,
Idaho 83271

Dear Mr. Hayes:

Enclosed please find a copy of the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

bjg

Enclosure

44 2027

August 3, 1973

Mr. Wallace Hayes
Rockland,
Idaho 83271

Dear Mr. Hayes:

A representative of this Department has made an examination of the works covered by your Permit No. R-1134/41-2027 and has found the following:

Quantity of water diverted: 19 acre feet

Amount of water that can be recognized as beneficially used under Idaho law: 19 acre feet

The maximum quantity diverted shall not exceed 19 acre feet per year.

Beneficial use: Irrigation of 56 acres within the SW1/4SW1/4 (17), Sec. 15; NW1/4NE1/4 (7), Sec. 21; NW1/4NW1/4, NW1/4SW1/4, (32), Sec. 22, Twp. 11S, Rge. 31 E, B.M.

Point of diversion: NW1/4SE1/4 Sec. 22, Twp. 11S, Rge. 31 E, B.M.

Priority date established: October 12, 1962

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg

11 2027

DATE OF EXAM SEPTEMBER 2, 1972

ACREAGE
Found 106.7 IRP. ACRES.
Recommended 56.0

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 1.12 c.f.s. V = 19.0 AF/Ann from MARCH 15 to NOV-15
Domestic Q = c.f.s. V = AF/Ann. from to
Livestock Q = c.f.s. V = AF/Ann from to

Is water co-mingled? yes no ✓

Name source
twp N/S, Rge E/W, B.M., Sec , Sub ^{1/4} ^{1/4}
County

Exchange? yes no

Name source exchanged with
twp N/S, Rge E/W, B.M., Sec , Sub ^{1/4} ^{1/4}
County

Point of injection
twp N/S, Rge E/W, B.M., Sec , Sub ^{1/4} ^{1/4}
County

Point of exchange
twp N/S, Rge E/W, B.M., Sec , Sub ^{1/4} ^{1/4}
County

Total Q measured 9.1 c.f.s. Method of measurement CURRENT METER

Total Q recommended 1.12 c.f.s. Meter No Type FRICKE Condition GOOD
METER

Total V recommended 19.0 AC FT/ANN

Recommended Amendments:

P.D.
Place of Use
Other
None

MEASUREMENT CALCULATION

SEE DISCHARGE MEASUREMENT NOTES FOR C.F.S.
(3.5)(56.0) = 196.0 AC FT/ANN APPLIED FOR 19.0 AC FT/ANN
AND ALLOW WHAT THEY REQUESTED

SYSTEM DESCRIPTION:

I MADE THE MEASUREMENT BELOW THE FIRST
RESERVOIR AT MAXIMUM FLOW.

REMARKS

THERE ARE TWO RESERVOIRS THAT SUPPLY
STORAGE WATER. THESE RESERVOIRS FILL UP EACH
YEAR (3) TIMES ANNUALLY. THE LAND NOT INCLUDED
IN THIS APPLICATION (PERMIT) MAY NEED A FILING IF THERE
ISN'T ANY WATER ALREADY APPROPRIATED.

Examiner's Signature GAIL L. FUNDERBURG Date DEC 4, 1972

Checked by Bob Haynes Date 12-8-72

Approved by Date

Form 23

2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. R-1134/41-2027

REPORT ON PROOF OF Wallace Hayes, Rockland, Idaho

12027

5. Fk. Rock Cr. 2

R 31 E

FREE LAND

— Recommended
by THIS A.C.

— 100 V/S

T

11

S

17.0
32.0

17.0
7.0 26.5

5.5
34.7

11-30-25

4. Total amount to be appropriated:

Max Rate of Diversion _____ cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion.

Township_____N/S, Range_____E/W, B M , Section_____, Subdivision_____1/4_____1/4, _____
County

Township _____ N/S, Range _____ E/W, B.M. , Section _____, Subdivision _____ 1/4 _____ 1/4, _____
County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Other Points of Diversions: _____

Description of diverting works: _____

Measuring device required, yes ☐ no ☐

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____

6a. A reservoir has been constructed which is located on applicant's own premises and in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, Township 11 South, Range 31 E.B.M. and water is taken from the reservoir through a steel pipe with a headgate and the canal runs from the low point of the reservoir to the land that is to be watered.

6b. No agreement is necessary in view of the fact that the water has been utilized either by direct flow or by reservoir since the year 1907 and the reservoir was constructed in 1903. A map of such reservoir which is described in 6a has been made and a copy same is furnished to you.

7a. A reservoir has been constructed having a capacity of 25 acre feet of water. The height of the dam making the reservoir is 14 feet. The length of the dam at the top is 400 feet and the length of the dam at the bottom is 75 feet. Material used in construction is concrete and earth and the size of the headgate is 1 foot in width and 2 feet in height. There is a conduit pipe located at the bottom of the dam. The length of the conduit is 105 feet. The length of the pipe and canal is approximately 1 mile.

7b. No measuring device has been installed and the water is taken from the reservoir by a gate which is 14 feet high. The water from the reservoir is within the land owned by the applicant and the water from Hess Spring Creek since 1907 has been utilized during the irrigation season every year and when the water is not being used it spreads out over the meadows which meadow is within the land owned by the applicant and if water is needed the gate is opened as to the amount of water needed and directed through the pipeline to the canal. The type of gate and the size of the gate regulates the amount of water needed.

7c. Not applicable.

8. Irrigation purposes.

9. 17 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 15; 7 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$ although there is a very small portion of seven acres in the extreme NE corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21 and 32 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 22 all in Township 11 South, Range 31 E.B.M.

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

Permit No. R-1134/41-2027

This proof is for b/u - 19 AF PROOF - 35 AF In Water District No. _____

1. Name of applicant Wallace Hayes, Rockland, Idaho 548-2253

2. Source of water supply: Hess Spring Creek

3. Location of point of diversion: Is in the _____ NWSE _____ of Section 22

T. 11 S R. 31 E County of _____ Power _____

4. Describe works as they exist, giving dimensions and capacities of same: _____

Reservoir, headgate and open ditch.

5. Water is used for: 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):

11 S - 31 E, Sec. 15 SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ (17 acres)

Sec. 21 NE $\frac{1}{4}$ NE $\frac{1}{4}$ (7 acres)

Sec. 22 NW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ (32 acres) TOTAL - 56 acres

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

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

Remarks: PROOF - The waters from Hess Spring Creek rise on applicant's land and has been utilized and all of the water has been utilized from the time the lands were patented either by using the normal flow over lands that could be irrigated or by storing the water there being a reservoir above this present reservoir which was constructed somewhere near 1900. Its capacity is small, holding 8 AF.

SEE ATTACHED.

This examination was made on the Sept 2 day of Sept, 19 72

(Signed) _____

Examiner.

2

DATE

EXAMINATION RECORDS

by:

by:

by:

by:

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.

ASCS OFFICE - American Falls
SCS OFFICE - American Falls

Permit No R-1134/41-2027

Examination for b/u - Wallace Hayes, Rockland

County _____ Power /

Sec. 22 T. 11S R. 31 E

Quantity: 19 AF

Source: Hess Spring Creek

P.D.: NW 1/4 SE 1/4

Use: irrigation

~~Extension~~

~~Protest:~~

~~Completion of Works:~~

~~Other Rights:~~

Filed: 9-7-62 / Made: 10-16-69 /
Due: 9-11-69 / Priority: 10-12-62 /
(late proof)

-Due:

CHKD
JMB
HJ

41 25

41-20.7

Kye 11.11
Photo 12.12

C-23

810

515

9 10
10 6

10 11
15 14
8
121.6

C
96

A
45.0

No +
IR 12

A
120.6

A
83.5

C
141.4

C 28

C
11.9

(17.0)

16 15
21 22

(7.0)

(26.5)

C
32.1

C
130

15 14
22 25
D
79.7

E
16.2

131

E
11.9

R
55.0

41 20

21 22
21 22

30 29

20 21
29 28

F
228.4

A
100.0

18.2

129.6

F
789

8
191

30 29
31 32

F
162.4

29 28
32 33

D
157

NW 1/4

Not
+ 122

G
803

D
380.1

157

39

H
170

112

286

F
1130

32 33
33 34

6 5

E
427

11 2027

Price Meter 2-624

.85

Ditch River at Reservoir

River at Passyville

.90

.92

91

.97

93

99

1.00

1

57

.96

...

85

.76

December 17, 1969

Re: Permit No. R-1134/41-2027

Wallace Hayes
Rockland, Idaho 83271

Dear Mr. Hayes:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license can be issued, a field examination must be made by a representative from this Department.

We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

cc. O. R. Baum
Baum, Peterson & Kugler
P. O. Box 570
Pocatello, Idaho 83201

41-2027
R-1134

BAUM, PETERSON & KUGLER

ATTORNEYS AT LAW

P O BOX 570
POCATELLO, IDAHO

TELEPHONE 232-4033

December 15, 1969

Department of Reclamation
Statehouse
Statehouse Annex
Boise, Idaho

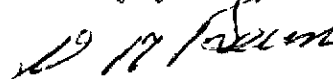
Re: Permit No. R-1134

Wallace Hayes

Gentlemen:

Subjoined hereto you will find Proof of Publication in the
above entitled matter.

Sincerely yours,



O. R. Baum

ORB:ns

enclosure

November 26, 1969

Re: Permit No. R-1134 - Wallace Hayes

Power County Press
174 Idaho Street
American Falls, Idaho 83211

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by Wallace Hayes,
Rockland, Idaho
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

411-2027

83-1134

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Wallace Hayes, Rockland, Idaho,

has received an approved permit no.

R-1134 issued by the Idaho State Reclamation Department authorizing the

~~diversion~~ storage of 19.0 ~~cubic feet per second~~ acre feet per annum

of water from Hess Spring Creek tributary of the Snake River

subject to all prior rights. The priority to be established under this permit is

Sept. 7, 1962 and the permit was approved Sept. 11, 1962 .

Water is to be diverted by _____ reservoir, headgate and open ditch _____

from a point within the NW¹, S¹, Sec. 22, T. 11 S., R. 31 E., B.M.,

Power County

to be used for irrigation

in the $\text{SW}\frac{1}{4}\text{NE}\frac{1}{4}$, $\text{SW}\frac{1}{4}\text{SW}\frac{1}{4}$, Sec. 15; $\text{NE}\frac{1}{4}\text{NE}\frac{1}{4}$, Sec. 21; $\text{NW}\frac{1}{4}\text{NW}\frac{1}{4}$, $\text{NW}\frac{1}{4}\text{SW}\frac{1}{4}$, Sec. 22, T. 11 S,

R. 31 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before September 11, 1969. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Power County Press, American Falls, Idaho on

December 11 and December 18, 1969

copy of AMENDED ADVERTISEMENT

41-2027

Q-1134

November 25, 1969

Re: Permit No. R-1134/41-2027

Mr. Wallace Hayes
Rockland,
Idaho

Dear Mr. Hayes:

Enclosed please find a copy of the APPROVED application for amendment for the above referenced permit. Also enclosed is departmental receipt #3894 in the amount of \$5.00 covering the filing fee for the amendment.

We acknowledge receipt of the affidavit submitted as proof of beneficial use. for permit no. R-1134/41-2027. This is to advise that although you submitted proof on 35 acre feet per annum, this permit can only be licensed for 19 acre feet.

Before a license can be issued you must submit an affidavit of publication to this Department. The affidavit may be obtained from the Power County Press, American Falls, Idaho, (after December 18th) upon payment of the bill of publication.

Prior to the issuance of the license a field examination must also be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted by the examiner, please advise.

Very truly yours,

Donald W. McElldowney
Appropriation Examiner

DWM:DR

Enc: Copy of amendment
Receipt #3894

cc: O. R. Baum

1 RECEIVED

NOV 14 1969

Department of Reclamation

November 12, 1969

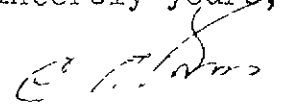
Mr. C. Stephen Allred, Deputy
State Reclamation Engineer
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83700

Re: Permit No. R-1134/41-2027 - Wallace Hayes

Dear Mr. Allred:

Subjoined hereto you will find Application for Amendment
signed by Wallace Hayes together with check. This is
pursuant to your letter of November 5th.

Sincerely yours,


O. R. Baum

ORB:ns

enclosures: Application for Amendment
Check

Law
Offices
C R Baum
and
Ben Peterson
P O Box 570
Pocatello
Idaho
83204

J. James Manning
Associate

41 5-07

1 - 7

November 6, 1969

Re: Permit No. R-1134/41-2027 - Wallace Hayes

Mr. O. R. Baum
P.O. Box 570
Pocatello, Idaho 83201

Dear Mr. Baum:

Enclosed please find an order REINSTATING the above referenced permit.

We have taken the liberty of retyping the amendments submitted for this permit on our new forms. Please have Mr. Hayes sign the amendment and submit it to the Department with a \$5.00 filing fee. Pending the receipt of the completed amendment form, we will acknowledge receipt of the affidavit submitted as proof of beneficial use and go ahead with the advertising of the legal notice for this permit.

We are enclosing additional amendment forms for your use in the future.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR

Enc: Reinstatement order
Application for amendment
Amendment forms (10)

41-2027
R-1134

October 27, 1969

Mr. C. Stephen Allred, Acting Deputy
State Reclamation Engineer
Statehouse
Annex 2
Boise, Idaho 83701

Re: Wallace Hayes
Permit NO. R-1134

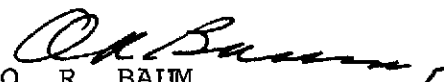
Dear Mr. Allred:

Last Friday morning I called at your office and was treated in a very fine manner by your Mr. Reynolds and as I now recall the matter he was unable to find the papers that this office had forwarded on behalf of Mr. Hayes, namely, motion to suspend the cancellation of the permit, proof of compliance with the terms of the permit and a motion to amend.

When time permits will you kindly look at the file and advise me.

Thanking you, I am

Very truly yours,


O. R. BAUM

ORB:ge

Law
Offices
C R Baum
and
Ben Peterson
P O Box 510
Pocatello
Idaho
83204

L James Manning
Associate

October 14, 1969

Department of Reclamation
Statehouse Annex 2
Boise, Idaho

Re: Wallace Hayes
Permit No. R-1134

Gentlemen:

According to the legend on the map in possession of applicant it reads as follows:

Farm No. URC 10
Scale 4 Mile Acres 6,522
Photo No. 400-81, 83, 86, 87 300-234
232, 229

Owner: Wallace Hayes, Power County, Idaho

And as we understand it a copy of this map is on file with the Department. The map shows the cross section of the dam, the rock fill toe and so forth and the rip rapping. And as we understand it the department at the time the permit was granted inspected the dam and so forth and the report should be in the department files. And as we understand it, the U. S. of America paid for a portion of the map.

We can furnish a photostatic copy of the lands in question and the legend on the map.

Sincerely yours,

O. R. Baum
O. R. Baum

ORB:ns

*Law
Offices
C R Baum
and
Ben Peterson
P O Box 570
Pocatello
Idaho
83204*

*L James Manning
Associate*

October 14, 1969

State Reclamation Engineer
Department of Reclamation
Statehouse Annex 2
Boise, Idaho

Re: Wallace Hayes
Permit No. R-1134

Dear Sir:

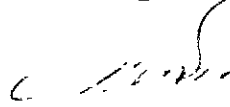
Subjoined hereto you will find the following:

1. Proof of application of water to beneficial use;
2. Motion for amendment; and
3. Notice of existing water permit supported by an application as to completion of works.

We request that the cancellation order heretofore issued requesting an extension of time be given in which to submit proof and to vacate and set aside any and all forfeitures or suspensions that may be had as to such permit.

If these papers are not adequate or you need an additional showing would you please call me at 232-4033.

Very truly yours,


O. R. BAUM

ORB:ge

Enclosures

*Law
Offices
O R Baum
and
Ben Peterson
P O Box 570
Pocatello
Idaho
83204*

*D James Manning
Associate*

Application for Amendment

POINT OF DIVERSION

Permit No. R-1134

Comes now WALLACE HAYES and represents s to the State Reclamation Engineer of the State of Idaho:

That he is (~~also~~) the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. R-1134.

That the point of diversion is described in said Permit as being located: Approximately N. 44°, W. 2,800 ft. Distance from the SE corner of Sec. 22, T. 11 S., R. 31 E.B.M.

That he now requests that the point of diversion be changed to a point located: In the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 11 S., R. 31 E.B.M. Power County, Idaho.

That the reason for desiring to make such change is as follows:

The first description was somewhat misleading owing to the distance set forth, but the point of the reservoir is located as last stated, The change being merely one that more particularly describes the location.

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

Signed at Power Co. Idaho, this 14 day of October 1969

Wallace Hayes

Date of Receipt at Department of Reclamation: _____

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, 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. _____. 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.

Recorded in Book _____ of Permits, at Page _____, 19____

State Reclamation Engineer

44-1134
R-1134

Application for Amendment

LAND LIST

Permit No. R-1134

Comes now WALLACE HAYES, and represents to the STATE RECLAMATION ENGINEER 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. R-1134, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

The source of water is Hess Springs Creek; the point of diversion is in the NW¹SE¹₄, Sec. 22, T. 11 S., R. 31 E., Power County. ~~The land to be irrigated is 56 acres in the~~

~~NE¹SW¹₄ Sec. 15, NE¹NE¹₄ Sec. 21, NE¹SW¹₄ Sec. 22, and 17 acres~~

~~in the NW¹SW¹₄ Sec. 15, NE¹NE¹₄ Sec. 21, NE¹SW¹₄ Sec. 22, and 17 acres~~ 17 acres in the W¹SW¹₄, Section 15;

7 acres in the E¹NE¹₄ although there is a very small portion

of seven acres in the extreme NE corner of the SE¹NE¹₄, Section 21 and 32 acres in the W¹NW¹₄ of Section 22, Township 11 South, Range 31 E.B.M., making a total of 56 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 Power Co. Idaho this 14 day of October, 1969

Wallace Hayes

Date of receipt at office of Department of Reclamation _____

APPROVAL OF STATE RECLAMATION ENGINEER

I, GEO. N. CARTER, 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. _____. 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.

State Reclamation Engineer

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Power County Press of American Falls, Idaho; published in the county in which the works are situated.

(signature)

(address)

(date)

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 when proof is for completion of works.

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

Engineer

41 2001

10 11 1

October 14, 1969

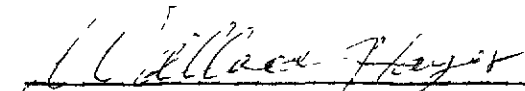
State Reclamation Engineer
Department of Reclamation
Statehouse Annex 2
Boise, Idaho

Re: Wallace Hayes
Permit No. R-1134

Dear Sir:

Request for extension of time and an order vacating any order of cancellation and for the reinstatement of said permit and for the acceptance of proof submitted herewith.

DATED this 14th day of October, 1969.


Wallace Hayes

44-2007

R-1134

October 6, 1969

Re: Permit No. R-1134 - Wallace Hayes

Mr. O. R. Baum
Baum & Peterson
Spaulding Building
Pocatello, Idaho 83201

Dear Mr. Baum:

Pursuant to your request, we are enclosing the publication authorization along with blank proof of beneficial use forms, for your use.

If we may be of further assistance, please advise.

Very truly yours,

G. STEPHEN ALLRED, Acting
Deputy State Reclamation Engineer

CSA/jmb

Enc. Advertising package
Proof forms

41-5551
R-1134

**PLEASE DO NOT re-arrange any of the
correspondence in this folder. I have gone
through the folder and placed the correspon-
dence in the correct order.**

DATED: 2-10-40
Lerry

October 6, 1969

Mr. C. Stephen Allred, Acting Deputy
State Reclamation Engineer
Statehouse
Annex 2
Boise, Idaho 83701

Re: Wallace Hayes
Permit No. R-1134

Dear Mr. Allred:

I have before me your letter of October 2 to Mr. Hayes concerning the above permit and also Mr. Higginson's letter of July 1 to Mr. Hayes in reference to the same permit.

For some unknown reason, between Mr. Hayes and this office, the contents of your letter of July 1 were overlooked and what Mr. Hayes should have done was to ask for an extension which was not done. Mr. Hayes has been utilizing the reservoir and is in a position to make proof but I take it we will have to ask that the permit be reinstated.

If you have a special form for such an affidavit kindly furnish, otherwise I will draw the necessary affidavit.

I have read Section 42-204 as amended and, hence, this letter is a request for reinstatement of the permit and when we obtain that, proof will be submitted.

Will you kindly call me at my expense concerning the matter.

*Law
Offices
C R Baum
and
Ben Peterson
P O Box 570
Pocatello
Idaho
83201*

*D James Manning
Associate*

Mr. C. Stephen Allred, Acting Deputy
October 6, 1969
Page 2

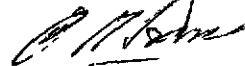
The water that is being stored is the water that rises on Mr. Hayes' farm and no one is injured by the operation of the reservoir.

If this letter does not suffice call me as heretofore mentioned.

There has been considerable sickness in Mr. Hayes' immediate family, namely, his mother, Mrs. Hayes and for some unknown reason the matter was overlooked.

The publications will be made in the Power County Press in American Falls, that being the only paper published in Power County.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "O. R. Baum", written over a horizontal line.

O. R. Baum

ORB:ns

July 1, 1969

Re: Permit No. R-1134

Wallace Hayes
Rockland,
Idaho

Dear Mr. Hayes:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit and are now submitting proof of beneficial use. Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:DR
Enc: Order
Proof due notice
Proof package
Adv. package

R-1134

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

1

Wallace Hayes

INSURED NO.

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Art Sager

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

L 1 - 1969

3

R-1134

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
DELIVERING OFFICE

JUL 1 1969

**RETURN
TO**

INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moisten gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED**.

NAME OF SENDER

STREET AND NO. OR P.O. BOX

POST OFFICE, STATE, AND ZIP CODE

Department of Defense
Arlington Hall
Arlington, VA 22204
DC 22204

655-16-71849-10

Apr. 1967

POD Form 3811

July 1, 1969

Wallace Hayes
Rockland,
Idaho

Re: Permit No R-1134

Dear Mr. Hayes:

One of the conditions of the approval of your permit
R-1134 was that proof of application of the water to
beneficial use be submitted to this office on or before _____
Sept. 11, 1969.

Enclosed is an affidavit form which must be used to submit
this proof. You may request an extension of time provided the
delay is for reasonable cause as indicated in Section 42-204, ICA.

Either the proof or a request for extension must be received
by this department on or before the above mentioned date, otherwise
the permit will lapse and be of no further force or effect.



State Reclamation Engineer

Enclosure: Proof form
DR

August 3, 1964

Re: Permit No. R-1134

Wallace Hayes
Rockland, Idaho

Dear Mr. Hayes:

Enclosed is Completion of Works issued on the
above numbered permit.

Also enclosed is departmental receipt No. 32366
in the amount of \$5.00 covering fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificate
receipt

R-1134

1

1

7000 1-11-60
JUL 29 1964
RECEIVED - RECLAMATION

July 27, 1964

Mr. Carl E. Tappan
State Reclamation Engineer
State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Re: Permit R-1134
Wallace Hayes

Dear Mr. Tappan:

This will acknowledge receipt of your letter of July 16 in reference to the above permit and desire to say that Mr. Hayes' error was occasioned by looking at the Metzker's map which shows the roadway was one-half mile off course.

I am enclosing herewith new Completion of Works, together with check in the sum of \$5.00.

Very truly yours,

O. R. Baum

O. R. BAUM

ORB:ge

Enclosures

*Law
Offices
C. R. Baum
and
Ben Peterson
Pocatello
Idaho*

*John B. Hugler
Associate*

R-1134

Permit No. R-1134STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of BANNOCK

SS.

WALLACE HAYES

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. R-1134, and that his postoffice address is Rockland State of Idaho.

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

Hess Spring Creek

Third: That the point of diversion of said water is

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22 T. 11 S., R. 31 E.B.M., Power County

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by 9-11-64, 1964 construction completed July, 1963.

Fifth: That the use for which said water is intended is Purposes of Irrigation

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: Reservoir

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work:

(a) Height of dam 16 feet, length of dam at top 610 feet, length of dam at bottom 20 feet. Material used in construction concrete and earth

(STATE WHETHER WOOD, EARTH STONE OR CONCRETE)

(b) Capacity of reservoir 19 acre feet.

(c) Size of headgate: Width 3 feet, height 3 feet.

(d) Conduit pipe width at bottom length of dam at bottom feet, width at water line

(STATE WHETHER DITCH, FLUME OR PIPE)

feet, depth of water 2 inches per 100 ft. feet; diameter of pipe 12 inches, average grade per mile is 105 ft. pipe feet. Length of conduit is Ditch one mile

Seventh: That said works are capable of conducting to the place of intended use

4 second feet of water.

Eighth: That water appropriated under said permit is available for 56 acres of land described as follows: Lying in:

W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21; W $\frac{1}{2}$ NW $\frac{1}{4}$, SEC. 22, T. 11 S., R. 31 E.B.M.

Ninth: Remarks:—That

Wallace Hayes
(SIGN HERE)

Subscribed and sworn to before me this 27th day of July, 1964.

C. A. Baum

NOTARY PUBLIC

My commission expires

Aug 15-65

R-1134

July 16, 1964

RE: Permit R-1134
Wallace Hayes

Baum & Peterson
Spaulding Building
Pocatello, Idaho

Attention: Mr. O. R. Baum

Dear Mr. Baum:

Enclosed is an additional form for making Proof of Completion of Works under subject permit.

Your request stated that the form was for Proof of Loss of Works. Since this office does not use such a form we presumed the enclosed blank is what you need.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

H. PETRI
State Water Rights Clerk

HP:ct

Enc. Proof of Completion of Works form

R-1134

RECEIVED
JUL 17 1964

Department of Reclamation

July 15, 1964

Department of Reclamation
State of Idaho
State House
Boise, Idaho

Attention: Mr. Rhodes

Re: Permit No. R1134
Wallace Hayes

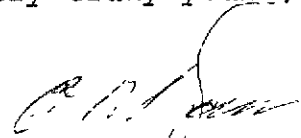
Gentlemen:

Please send us another Proof of Loss of Works.
The proof as submitted was in error as Mr. Hayes
was referring to the Metzker map which shows the
road located erroneously and off forty acres.

We will have the same verified by a photostatic
copy.

Thanks.

Very truly yours,



O. R. BAUM

ORB:ge

*Law
Offices
O. R. Baum
and
Ben Peterson
Pocatello
Idaho*

*John B. Hugler
Associate*

R-1134

July 7, 1964

Re: Permit No. R-1134
Wallace Hayes

O. R. Baum
Attorney at Law
P. O. Box 570
Pocatello, Idaho

Dear Mr. Baum:

Returned herewith is proof of completion of works on the above numbered permit, to be corrected according to our records.

The source of water is Hess Springs Creek; the point of diversion is NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T. 11 S., R. 31 E., Power County. The land to be irrigated is 56 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 21; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 22, all in T. 11 S., R. 31 E.

The submitted These items differ from those in our records and if they are right it will be necessary to make amendments to the point of diversion and land list. We enclose forms for this purpose.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

D. L. RHODES, Assistant
State Water Rights Clerk

DLR:ew

Enc. proof of completion *also \$5.00 check.*
amendments

R-1134

RECEIVED
JUL 7 1964
STATE HOUSE

July 6, 1964

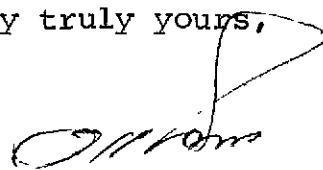
Mr. Carl E. Tappan
State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

Re: Permit No. R-1134

Dear Mr. Tappan:

Enclosed find Proof of Completion of Works regarding
the above permit number, together with check in the
sum of \$5.00.

Very truly yours,



O. R. BAUM

ORB:ge

Enclosure

Law
Office
C. R. Baum
and
Ben Petersen
Boise, Idaho

John B. Hugler
Associate

R-1134

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho

Re: Permit No. R-1134

July 1, 1964

Wallace Hayes
Rockland, Idaho

Dear Mr. Hayes:

Under the terms of your Permit No. R-1134 you are required to complete your diversion works on or before Sept. 11, 1964. I enclose 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.

Very truly yours,

CARL E. TAPPAN

State Reclamation Engineer

Enc. Form 6

\$5.00 Statutory Fee Must be Paid before Certificate of Completion can be issued

R-1134

1 1
UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

P. O. Box 1247
Boise, Idaho 83701

FEB 14 1964
DEPARTMENT OF AGRICULTURE

February 14, 1964

Carl Tappan
State Reclamation Engineer
State House
Boise, Idaho

Dear Carl:

Attached is a copy of the Completion Report on Wallace
Hayes Dam, Power County, Idaho. The plans were approved by
you in October, 1962 and construction was completed in the
summer of 1963. This is primarily a regulating reservoir
to accumulate flow from a small spring for more efficient
irrigation.

Sincerely,

Meador H. Wilkins
Meador H. Wilkins
State Conservation Engineer

Attachment - 1

R-1134

R-1134

COMPLETION REPORT

WALLACE HAYES DAM

Construction checks were made on July 23, 1963 and September 24, 1963. On July 25, 1963, a report was submitted on the deficiencies of construction left to be completed.

The subsequent inspection on September 24, 1963, by Donald Stewart, Engineering Specialist, and Meader Wilkins, State Conservation Engineer, found that all items on the construction check and all items of construction were essentially complete and met the Plans and Specifications prepared by the Soil Conservation Service.

A later inspection by Donald Stewart, Engineering Specialist, in December 1963, found that all items of construction were complete and met the Plans and Specifications. Mr. Hayes had begun to store water in the reservoir.

The essential features of the dam were constructed as planned. The E of the dam was approved for moving approximately 50 ft. upstream due to the embankment foundation conditions. No other major changes were made.

Mr. Hayes was very cooperative and had a high desire to follow and complete the dam according to the Plans and Specifications which were developed.

The completed dam with all features cost - - - - - \$5,357.36.

Cost breakdown was as follows:

Seeding and seed bed - - - - -	\$ 240.00
Reinforced concrete - - - - -	\$ 233.51
Outlet pipe, gates, controls - - - - -	\$ 946.85
Rock riprap - - - - -	\$1,073.00
Earth work - excavation & compacted earthfill - -	<u>\$2,864.00</u>

TOTAL

\$5,357.36

PREPARED BY:

Donald Stewart
Engineering Specialist

DATE:

2/7/64

R-1134

September 27, 1962

Re: Permit No. R-1134

Mr. Wallace Hayes,
Rockland, Idaho.

Dear Mr. Hayes:

We enclose Permit No. R-1134 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 31225 which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:pmk
Encl.

R-1134

September 14, 1962

Mr. George N. Carter
State Reclamation Engineer
State House
Boise, Idaho

Re: Application No. R-38781

Attention: (Mrs.) Edna P. Rule
Chief Clerk

Dear Mr. Carter:

This office is replying on behalf of Mr. Wallace Hayes and concerns your letter of September 7 and the permit above numbered and we desire to say to you that if you will refer to "Decreed Water Rights, Rock Creek and Tributaries, Oneida County" (Printed Copy), the right of I. L. Stewart, Mr. Hayes is the owner of the O. S. Hess land which was formerly owned by Mr. Stewart. He, likewise, is the owner of the John E. Hadley land which is described as:

The East Half of the Northeast Quarter,
Section 21.

The Hess land lies in Sections 21 and 22 and 23 and is described as:

The East Half of the Southeast Quarter of
Section 21; The North Half of the South Half
of Section 22; The Southwest Quarter of the
Southwest Quarter, Section 22 and the Northwest
Quarter of the Southwest Quarter, Section 23,
Township 11 S. R. 31 E.

and he desires to impound the water and to utilize the same on the Hadley land which is the East Half of the Northeast Quarter, Section 21.

*Law
Office
C. R. Baum
and
Ben Petersen
Pocatello
Idaho*

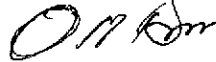
*Ruby H. Brown
Associate*

R-1134

Mr. George N. Carter
September 14, 1962
Page 2

You will note from the Decree that the former owner, I. L. Stewart, is entitled at all times to the use of the water of said springs, which right dates to April 1, 1886 and includes all of the water of said spring, there being approximately 45 to 50 inches.

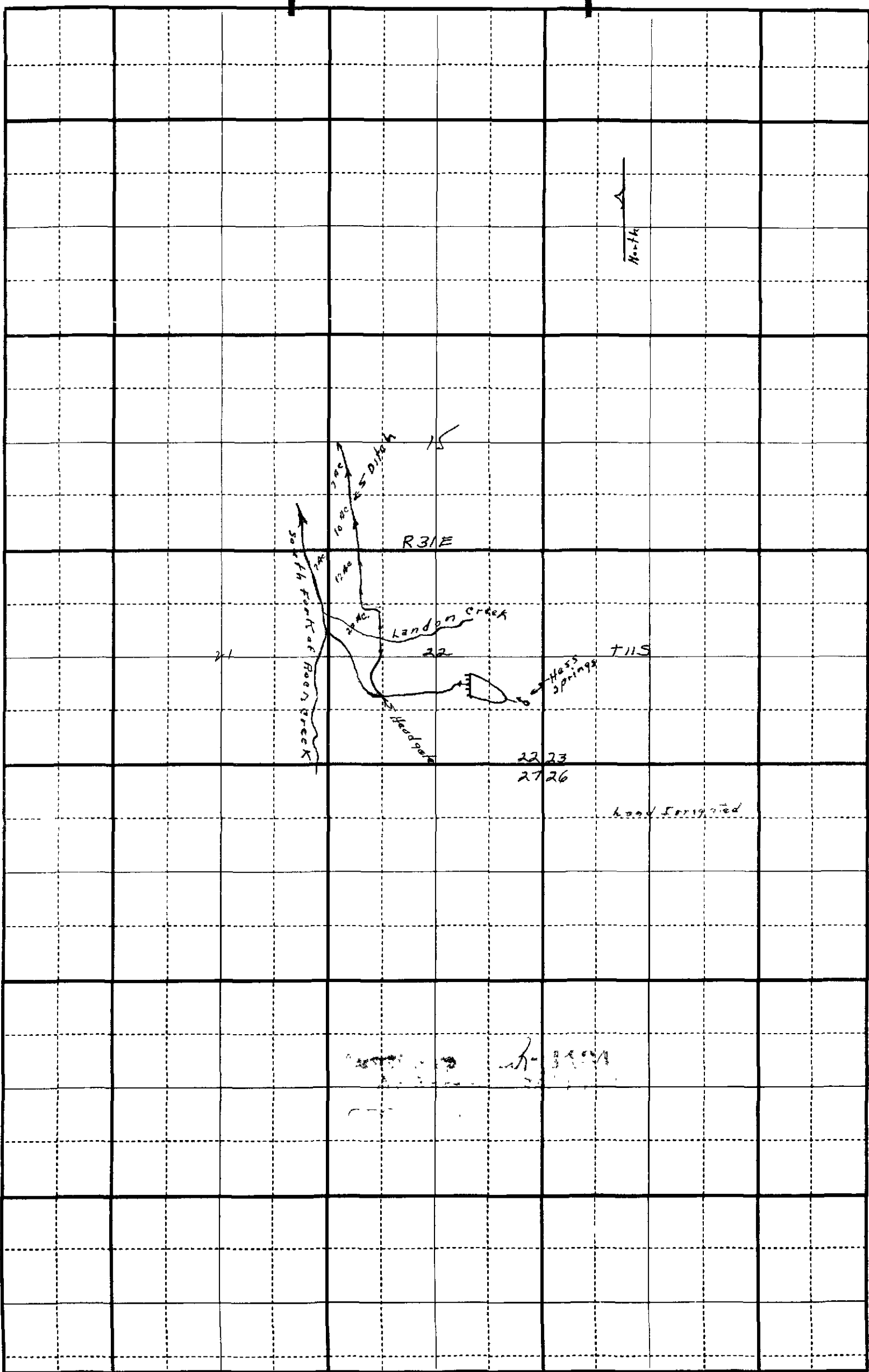
Very truly yours,

A handwritten signature in cursive script, appearing to read "O. R. Baum".

O. R. BAUM

ORB:ge

R-1134



FARM STORAGE RESERVOIRS

(Data Sheet)

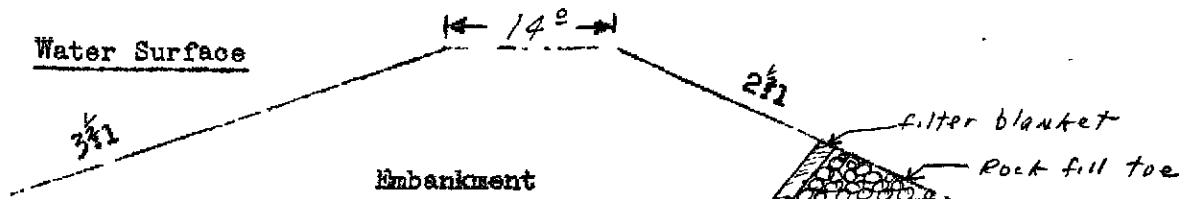
Prepared For: Wallace Hayes Dam
 Location: Near Rockland, Idaho NW 1/4 SE 1/4 Sec. 22
 Date: 8-15-62 T 115 R 31 E

RESERVOIR:

Capacity 19 acre feet.
 Stream of 5 cubic feet per second for 45 hours.
 Depth 112 feet.

EMBANKMENT:

Top width 140 feet.
 Length 610 feet.
 Fill 9,426 cubic yds.
 Available cut. 10,370 cubic yds.
 Over-run (% more out than fill). 10 per cent.



VERTICAL CONTROL:

Top of bank elevation 1000 feet.
 Bottom of reservoir elevation 850 feet.
 Water surface elevation 962 feet.
 Free board required 35 feet.
 Available water surface elevation 959 feet.
 Distance from inlet feet.
 Bench mark elevation 870 feet.
 (See field notes for location)
 Attach grade sheet to this form

HORIZONTAL CONTROL:

Embankment staked-out on reservoir site.
 (Sketch showing horizontal distances, location of stakes and location of inlet and outlet structures.)
 Attach to this sheet.

OUTLET CONDUIT:

Size of flow desired 5 C.F.S.

(1)

Permit Map No. 1134As Approved 11 1962

GEO. N. CARTER

State Reclamation Engineer

R-1134

Length of outlet pipe 105 feet.
Type of pipe to be used double dipped + paved CMP
Size of outlet pipe required. 12 inches.

Remarks:

CONTROL GATE:

Size of slide headgate (pressure type) required . . . 12 in.
Gate installation: Vertical _____ Inclined ✓
Length of gate stem or frame. 60 feet.

OUTLET STRUCTURE:

See Standard Drawing No. _____ attached.

INTAKE STRUCTURE:

See Standard Drawing No. _____ attached.

INLET STRUCTURE TO RESERVOIR:

Type: Pipe drop _____ Concrete chute _____
Other: (Specify details) _____

Standard drawing No. _____ attached.

SPILLWAY OR OVERTLOW:

Type Earth
(Specify details)
 $b = 10'$ $d = 3'$ side slope = $2:1$

Attach field notes and computation sheets to this form.

Prepared by _____ Date _____

Checked by _____ Date _____

Reviewed by _____ Date _____

Permit Map No. R-1134
As Approved SEP 11 1962
GEO. N. CARTER
State Reclam. _____

R-1134

September 7, 1962

Re: Application No. R-38781

Wallace Hayes
Rockland, Idaho

Dear Mr. Hayes:

Your application for permit has been accepted and will be processed.

You did not show whether you have a water right for irrigation of the 56 acres shown in the application.

Kindly notify this office promptly as to existing rights on the land.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

R-1134

September 4, 1962

RE: Application for Permit

Wallace Hayes
Rockland, Idaho

Dear Mr. Hayes:

Returned herewith is your application for permit to store water, with attached check for \$5.00 filing fee.

Your reservoir is in the stream and that would be the answer under 3 as well as 5 (a). That includes the spring and any water entering the stream between spring and dam.

Arrows are shown to indicate information or questions which should be answered.

The maps are not complete. Show the stream farther downstream. Show point of diversion from the stream or the reservoir, canals and place of use.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr
Enc. application, check

R-1134