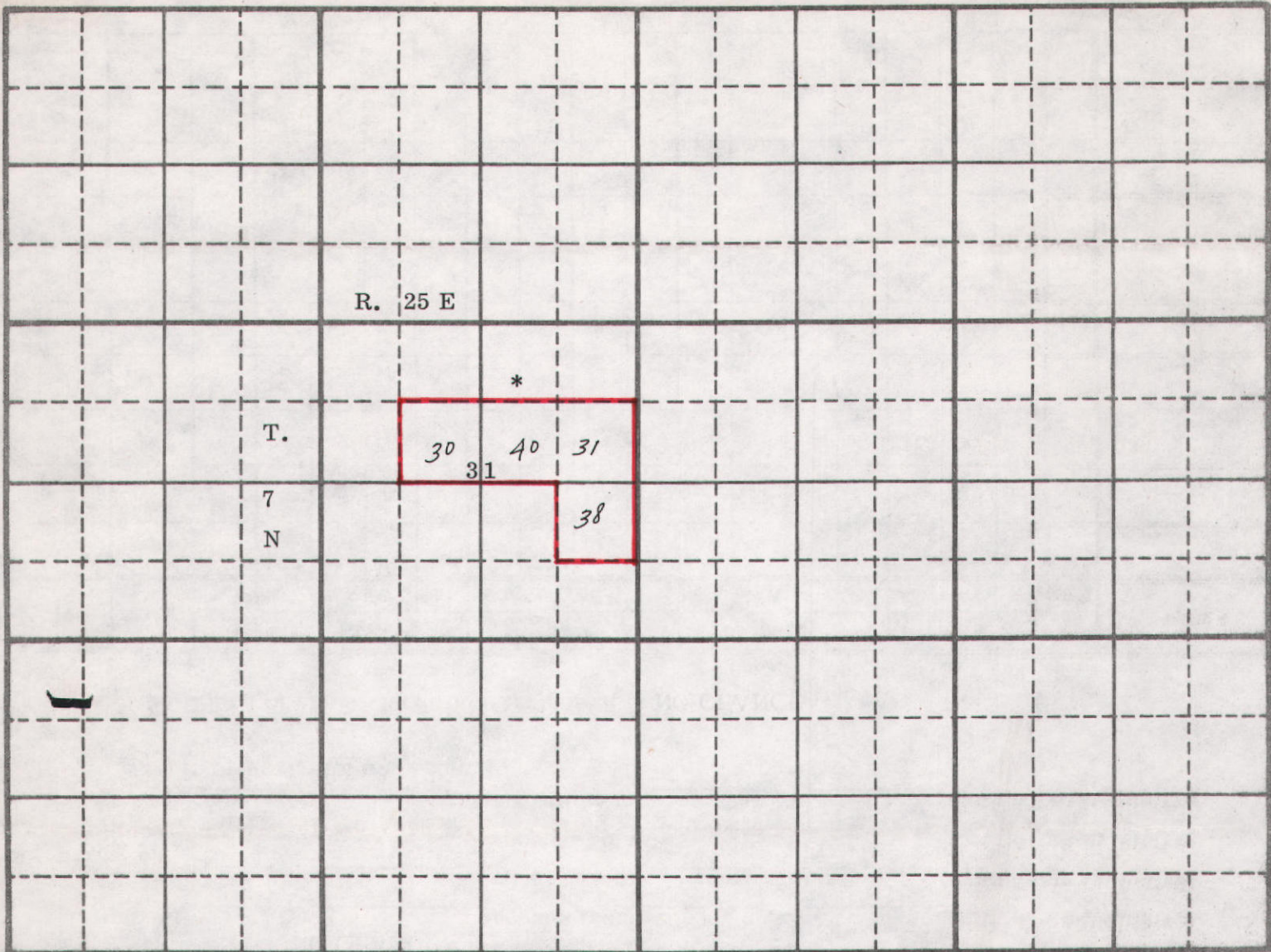


Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Mackay Idaho, this 22 day of February, 19 75.
Kenneth Stewart
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, Director of the Department of Water Resources
hereby approve the above application for amendment for Permit No. 29767/34-2418.

Witness my hand this 24 day of February, 19 75.

R. Keith Higgins
Director

A-129
KENNETH STEWART

Well

Point of
Injection

Flume

Burnett Canal

Out

40

31

OUT

1 A-268
WILLIAM SCOTT 195

38

13.5

24.70

30 29
31 32

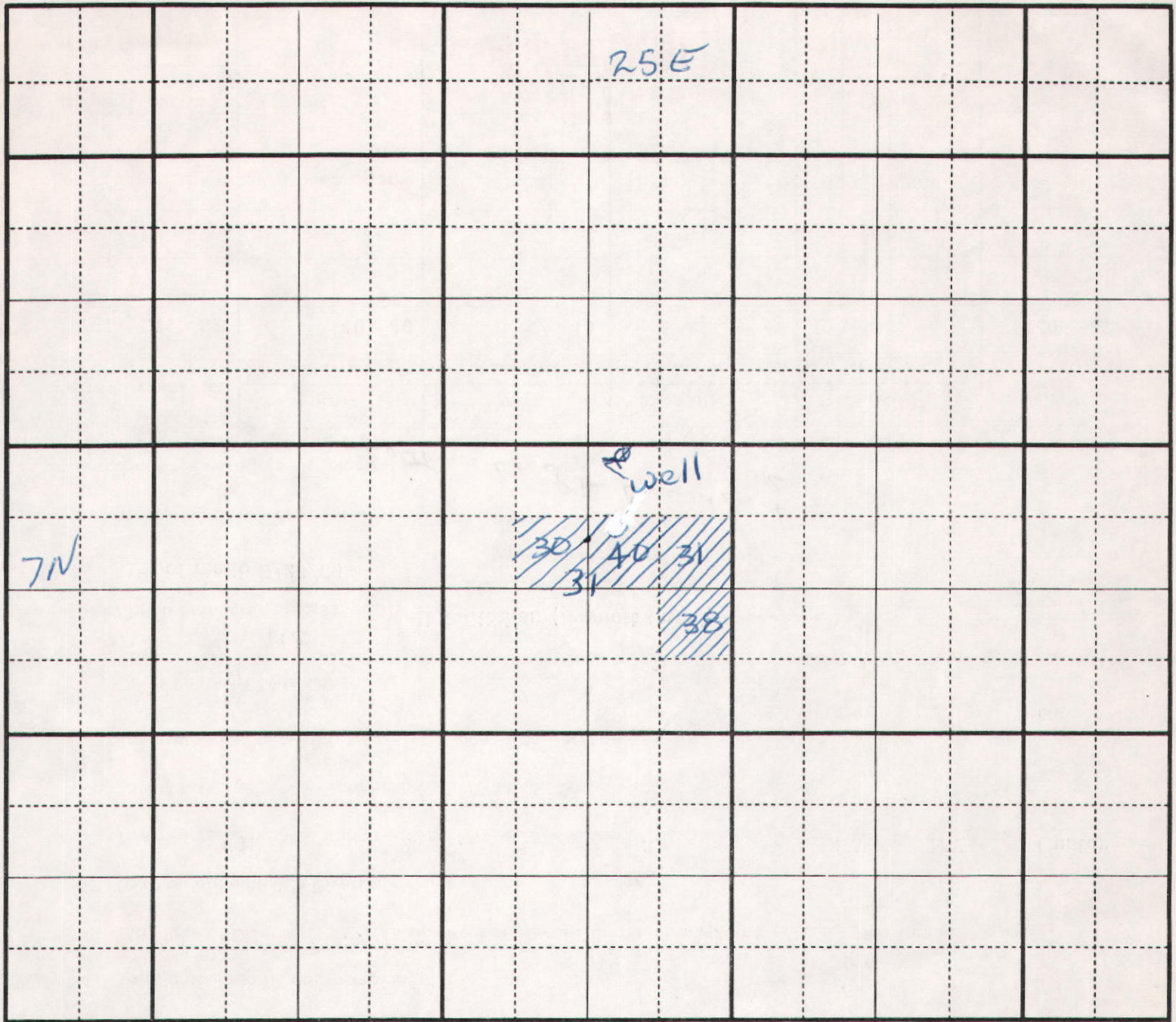
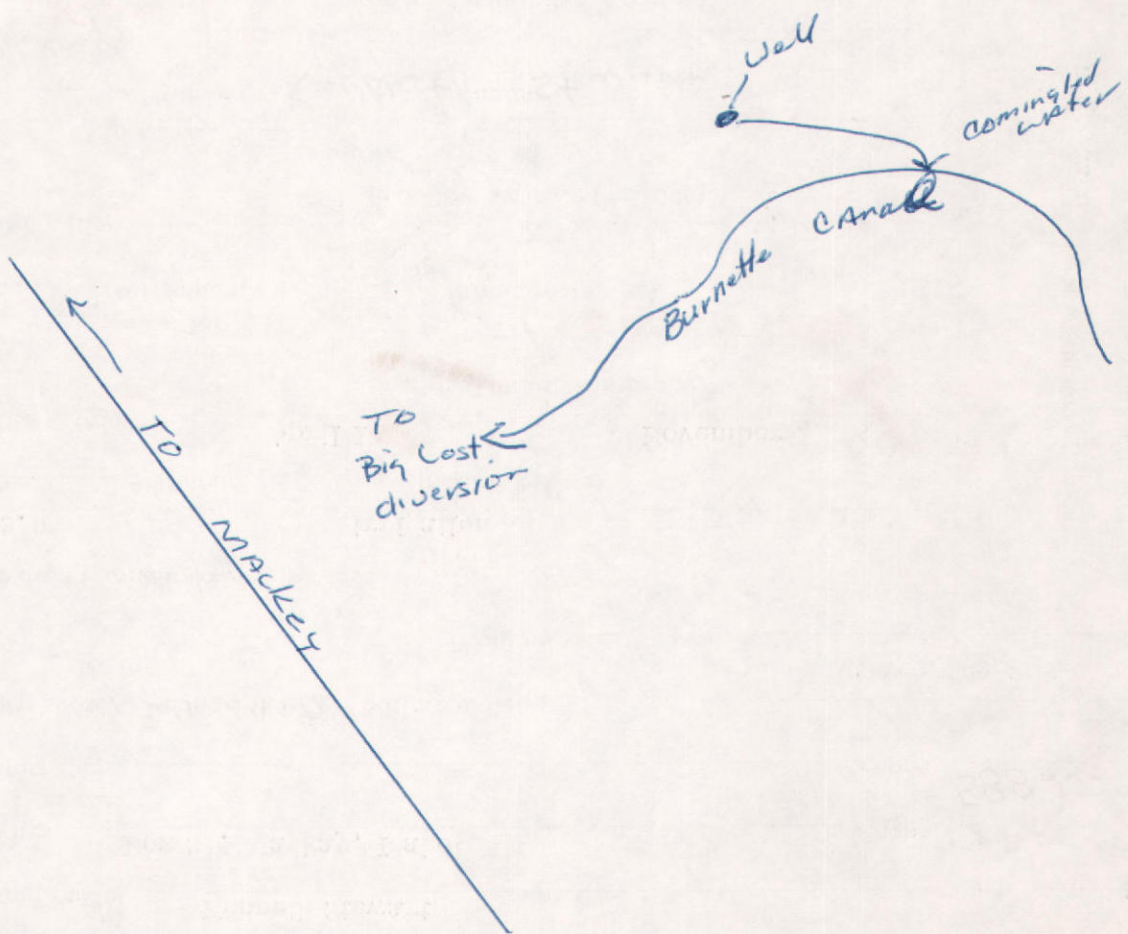


Diagram of System



Age 25 E.

Twp 7 N

P.D.

20

31

20

30

38

total 160 A.

To Mackay

RECEIVED
MAY 27 1966

Department of Reclamation

Affidavit of Publication

STATE OF IDAHO }
County of Custer } SS.

NOTICE OF PROOF OF COMPLETION OF WORKS

and

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on the 26th day of May, 1966, at Mackay, County of Custer, State of Idaho, before Kent Giles, Notary Public at Mackay, Idaho, proof will be submitted of the completion of works for the diversion of 3 cubic feet per second of underground water from a well, and of the application to beneficial use of said

water, in accordance with the terms and conditions of Permit No. G29767, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Kenneth Stewart, Rte 1, Mackay, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 3 cubic feet per second.

3. The use to which said water has been applied is irrigation Supplemental water, purposes and the amount applied to beneficial use is 3 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 31, Twp 7 N., Range 25 E., B.M.

5. The place where said water is used is SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 31, Twp 7 N., Range 25 E., B. M.

6. The date of priority which said user is prepared to establish is May 24, 1961.

CARL E. TAPPAN,
State Reclamation Engineer
Ppb. April 21, 28; May 5 and 12

I, Ruth Hanawalt

the Publisher
of The MACKAY MINER, a weekly newspaper of General Circulation published weekly and entered in the post office Mackay, Idaho, continuously since February 6, 1906, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for —

4 consecutive weeks,
commencing with the issue dated

April 21, 1966

and ending with the issue dated

May 12, 1966

Ruth Hanawalt

Subscribed and sworn to before
me this 26th day of

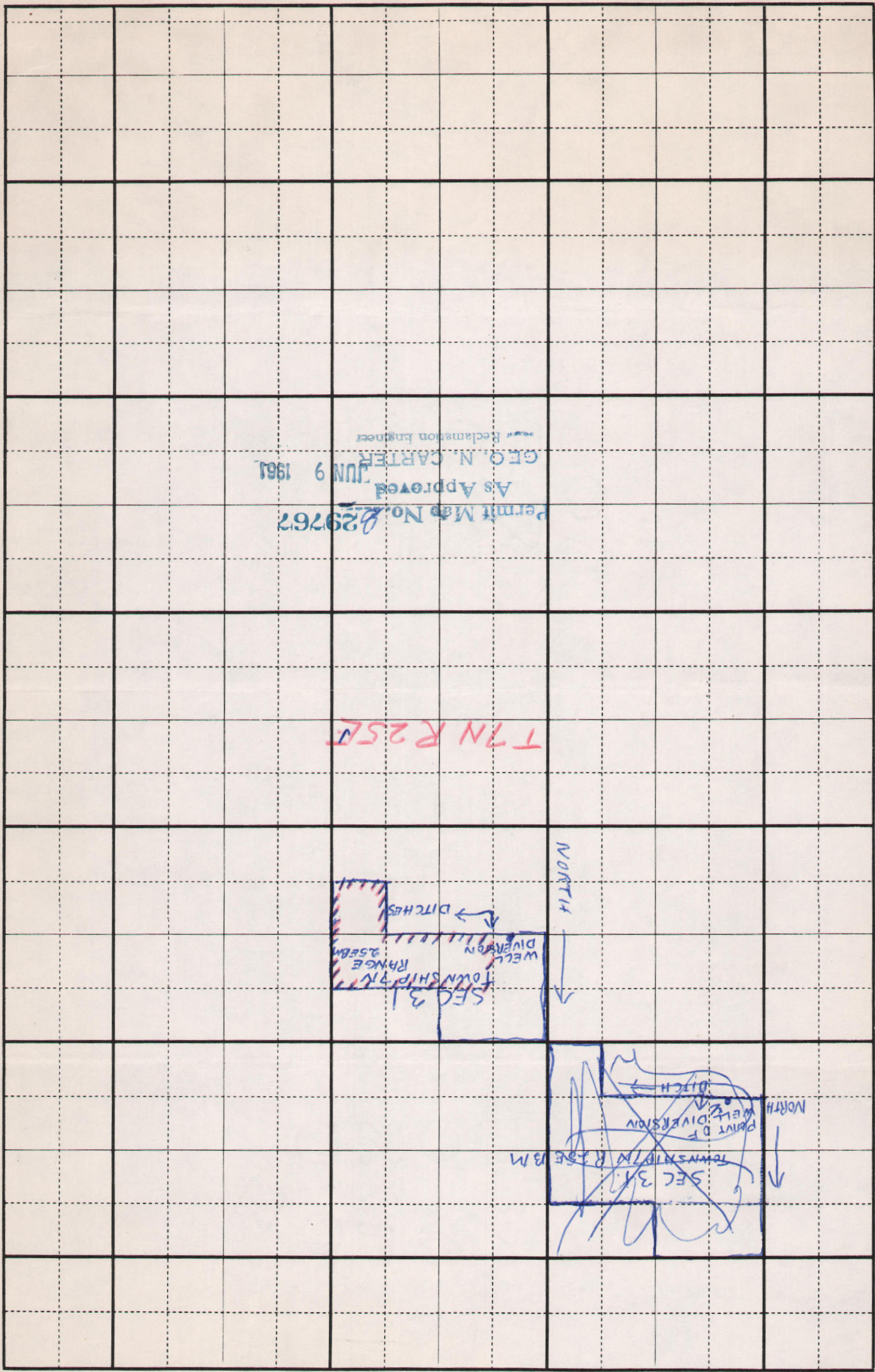
May, 1966

Kent Giles
Notary Public.

29767

29767

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.



Frank Stewart

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No 29767/34-2418 Priority May 24, 1961 Amount 2.78 cfs

THIS IS TO CERTIFY, that KENNETH STEWART
of Mackay, Idaho, has complied with the terms and conditions of Permit
No 29767/34-2418 issued pursuant to Application for Permit dated May 24, 1961,
and has submitted proof to the Department of Water Resources on May 26, 1966,
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 3.0 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>Nov. 1</u>	at <u>2.78</u> cfs and	<u>417 acre feet or</u> <u>3.0 af per acre</u>
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 2.78 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
417 acre feet per year, said waters to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 31,
Twp. 7 N, Rge. 25 E, B. M. in the County of Custer

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 $\frac{1}{4}$	
7 N	25 E	31			40	31				30					38				139

Total number of acres irrigated 139

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 26 day of
February, 19 75.

RECORDED

Director

Receipt # 1802

APPLICATION FOR AMENDMENT

RECEIVED
FEB 23 1964

FEB 22 1975
Department of Water Resources
Unit No. 29767/34-2018

Permit No. 29767/34-2-18

IMMORTALIZED

A 10x10 grid with dashed lines. Handwritten text includes "R. 25 E" at (3,4), "*" at (4,5), "T." at (5,3), "30" at (5,4), "31" at (5,5), "40" at (5,6), "31" at (6,3), "7" at (6,4), "N" at (6,5), and "38" at (6,6). A small boat icon is at (7,1).

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Kenneth Stewart
(signature)

I, R. KEITH HIGGINSON, Director of the Department of Water Resources hereby approve the above application for amendment for Permit No. 29767/34-2418.


Director

34-2418

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 37758
Permit No. G- 29767
District No.

1. Name of Applicant: **Kenneth Stewart**
Box 31
Postoffice address: **Mackay** County: **Custer** State: **Idaho**
2. Quantity of water claimed: **Three (3) cubic feet**
 - (a) Rate of withdrawal in cubic feet per second _____ or Idaho
Miners' inches _____ or gallons per minute
 - (b) Annual withdrawal in acre feet per annum _____
3. Source of water supply: **subterranean**
4. Location of point of diversion or well is in the **SW** $\frac{1}{4}$ of the **NW** $\frac{1}{4}$ of Section **31**
Twp. 7 N , Rge. **25 E.** , B.M., County of **Custer**
5. Water is to be used for: **irrigation**
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section _____ , Twp.
Rge. _____ , B. M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section _____ , Twp _____ , Rge. _____ , B. M.
7. Kind of works: **drilled well and elec tric pump**
8. Estimated cost of works: **\$ 5,500**
9. (a) Is reservoir to be used? **no**
(b) Capacity of reservoir: _____
10. The time required for the completion of such work and complete application of the water to the proposed use is **5** years.
11. If applicant is a corporation, give:
 - I. (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: _____
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **40 inches in Congdon Springs; 255 in. decreed in Big Lost River (1889-1895)**
 - (a) **3** (cubic feet per second, ~~inches or gallons per minute~~) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) **none** (cubic feet per second, inches or gallons per minute) is for new lands.

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

Applicant.

Agent.

Corrected application received: **June 6, 1961**

The number of this permit is G-29767

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

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before **December 9, 1963**

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before **June 9, 1966**

Witness my hand this 9th day of June, 1961

s/ GEO. N. CARTER

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, 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 9th
day of June, 1961.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLIE

Governor

12.

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 N	25 E	31	40 40	40		40	160

USE PAID FOR 2.78 SEC. FT.

February 27, 1975

Re: 29767/34-2418

Mr. Kenneth Stewart
Box 31
Mackay, Idaho 83251

Dear Mr. Stewart:

Enclosed herewith is a copy of the water license issued on the above referenced permit.

We are also enclosing a copy of the approved amendment along with Receipt No. 1802 in the amount of \$10.00.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MICROFILMED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

February 18, 1975

Mr. Kenneth Stewart
Box 31
Mackay, Idaho 83251

Dear Mr. Stewart:

A representative of this Department has made an examination of the works covered by your Permit No. 29767/34-2418 and has found the following:

Quantity of water diverted: 3.0 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 2.78 cfs

The maximum quantity diverted shall not exceed 417 acre feet per year.

Beneficial use: For irrigation of 139 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 31, Twp. 7N, Rge. 25E

Point of diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 31, Twp. 7N, Rge. 25E, B.M.

Priority date established: May 24, 1961

The point of diversion was found by our examiner to differ from that listed under your permit, therefore, it will be necessary for you to amend the permit before a water license can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the application and return it to this office with a \$10.00 filing fee. Please be advised that there is also a \$13.00 licensing fee due. Therefore, please submit the application for amendment along with a fee totaling \$23.00 within 30 days of the date of this letter in order that we may issued a license as set forth above.

MICROFILMED

WATER RESOURCE BOARD:

John F. Streiff
Chairman

Franklin Jones
Member

George L. Yost
Vice-Chairman

M. Reed Hansen
Member

Donald R. Kramer
Secretary

Scott W. Reed
Member

Edwin C. Schlender
Member

Joseph H. Nettleton
Member

Page 2
Mr. Kenneth Stewart
Re: Permit No. 34-2418
February 18, 1975

If you do not concur with these findings, please contact this office within the 30 day period.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

February 18, 1975

Mr. Kenneth Stewart
Box 31
Mackay, Idaho 83251

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MICROFILMED

Page 2
Mr. Kenneth Stewart
Re: Permit No. 34-2418
February 18, 1975

If you do not concur with these findings, please contact this office within the 30 day period.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosure

MICROFILMED

FIELD REPORT

TOTAL ACREAGE _____ **160**

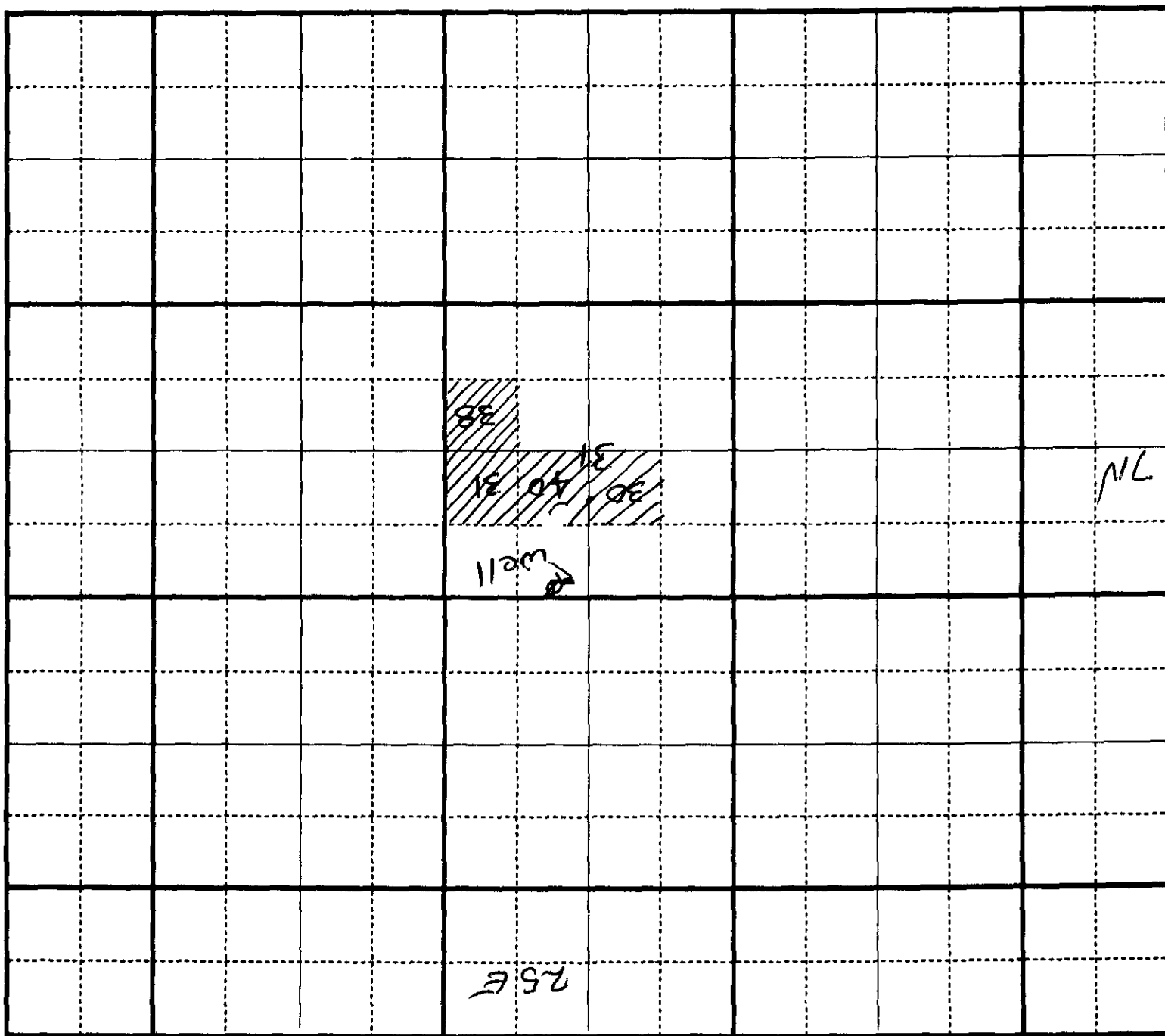
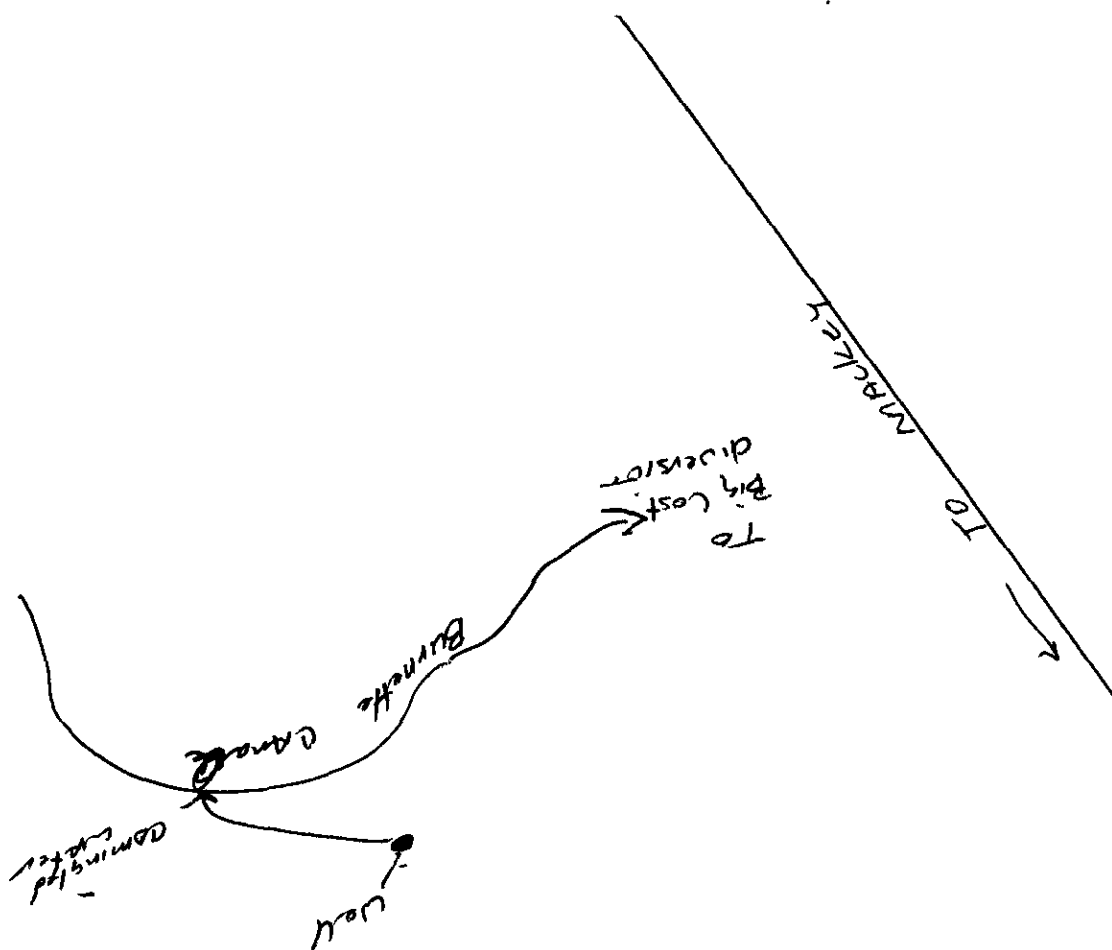


Diagram of System



DATE OF EXAM July 9, 1974

ACREAGE
Found 139
Recommended 139

Irrigation Requirement 3.0 Ac Ft/Ac

USE

Irrigation Q= c.f.s. V= AF/Ann. from Apr to Nov
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 X no

Name source: Big Lost River, Burnett Canal
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. 7N N/S, Rge 25E E/W, B.M., Sec. 31, Sub. NE 1/4 NE 1/4 Custer
County

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

Total Q measured 3.0 cfs Method of measurement Sparkling Meter

Total Q recommended 2.78 cfs Meter No. 61016 Type Condition IDWR

Total V recommended 417 Af/Ann

Recommended Amendments:

P.D. X NW 1/4 NE 1/4 SEC 31
Place of Use
Other
None

MEASUREMENT CALCULATION.

$$Q = 435.60 \text{ cu ft} / 145 \text{ sec} = 3.0 \text{ cfs}$$

$$V = 3.0 \times 139 \text{ Ac} = 417 \text{ Af/Ann}$$

SYSTEM DESCRIPTION:

U.S. MOTORS 20HP #1172745
Johnson Pump Ser # JQ9069

System is capable of delivering water to NW 1/4 NE 1/4 Sec 31
This 80 Acres Irrigated under Lic 34-2350

REMARKS:

System An Land shown by new
Owner C. Vernon Woodbury.

Examiner's Signature W. R. Rhoads Date July 10, 1974

Checked by Loren O. Holmes Date Dec 4, 1974

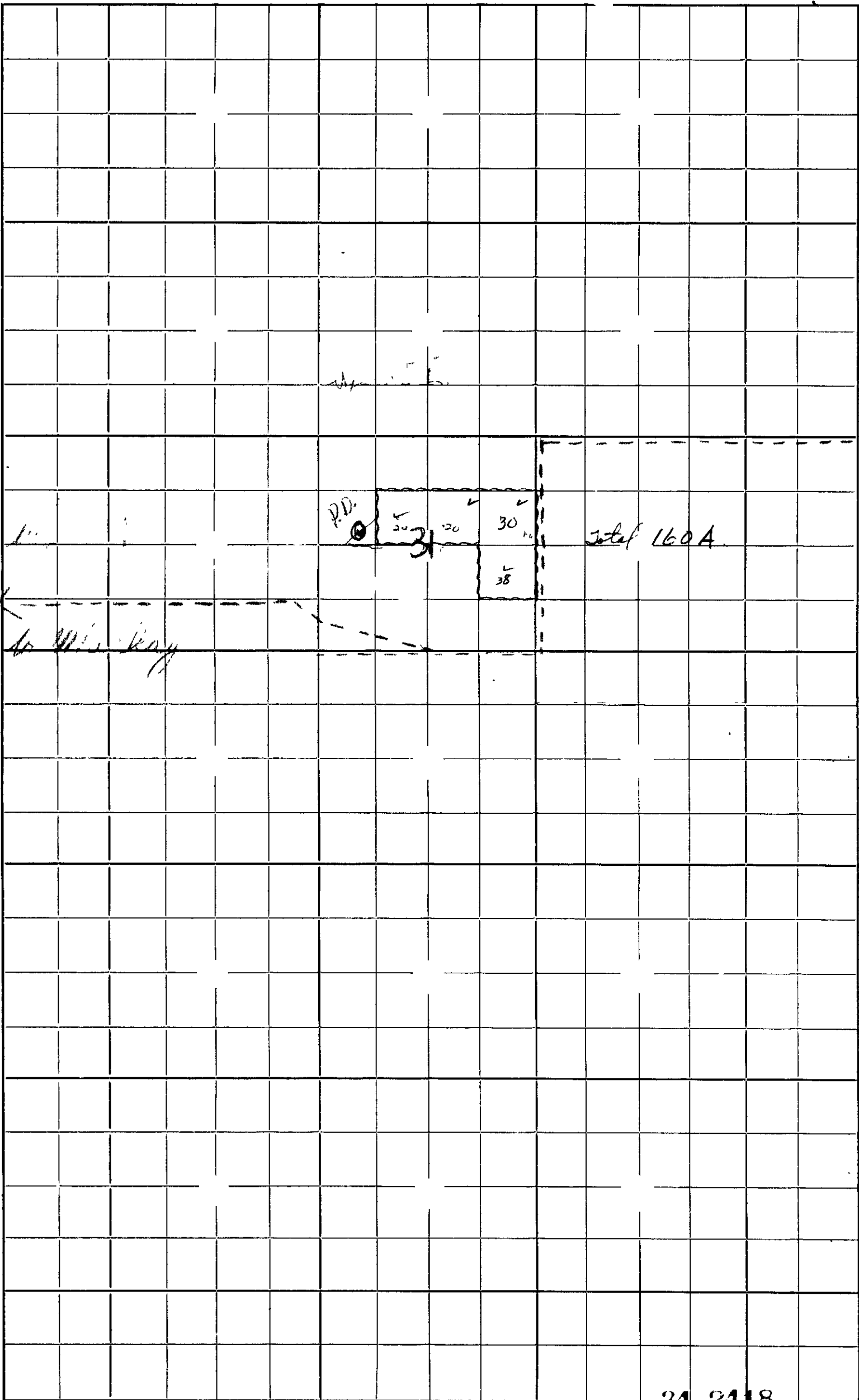
Approved by Date

1/16/63

See permit # G-30636 as
w¹/₂ NW¹/₄ Sec. 31, T7N, R25E covers this
land from PD NW¹/₄ NE¹/₄ Sec 31, 7N, 25E. ~~Acres~~
A-28039

34 2418

29767



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Sec. 1. R

REPORT OF ENGINEER

Order Entered:

Completion of Works:

Project:

Extension:

Date:

PERMIT NO. G-29767

Filed:

Use:

E.D.:

Genl.:

Quantity:

REPORT ON PROOF OF Completion of Works & Beneficial Use

*New exam report
sent to I.F.
3/72 da*

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

Permit No. G-29767 ✓

This proof is for Completion of Works & Beneficial Use in Water District No.

1. Name of applicant Kenneth Stewart
2. Source of water supply: a well
3. Location of point of diversion: Is in the SW 1/4 of Section 31
T. 7 N R. 25 E., B.M. County of Custer
4. Describe works as they exist, giving dimensions and capacities of same:

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):
- S~~Y~~NEX, SE~~X~~NW~~X~~, NE~~X~~SE~~X~~, Sec. 31, T. 7 N., R. 25 E., 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 :.....

This examination was made on the _____ day of _____, 19____.

(Signed) _____

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.

34 2418

Kenneth Stewart
Rt 1 Box 30
Mackay, Idaho

Permit No. G-29767/34-2418

Examination for Completion of Works & Beneficial Use

County Guster

Quantity: 3.0 c.f.s. Sec. 31 T7N R. 25 E., B.M.

Source: a well

P.D.: SW1/4, Sec. 31, T. 7 N., R. 25 E., B.M.

Use: Irrigation ✓

Filed: May 24, 1961

Date: June 9, 1966

Made: May 26, 1966

Extension:

Protest:

Completion of Works:

Other Rights: 40" Congdon Springs; 255" Big Lost River, 1889-1895

G-29767

(Check other loc on spec of H. m. -

8" Discharge x 7'

US Motor 20 HP

ser 1172745

Johnston Pump

ser TO 4069

Base Buster 1' sq growing roots to be replaced.

AMON D P.D. NW NE S 31

WM measured 140"

24" CMP across canal

waters land by exchange with canal water

Also used load to cover Grain across canal to NE NE

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho

June 9, 1966

Re: Permit No. G - 29767

Kenneth Stewart
Box 31
Mackay, Idaho

Dear Mr. Stewart:

The date for proofs of Completion of Works and Application of water to beneficial use, as set out under terms of Permit No. G- 29767 are due not later than **June 9, 1966**

Before these proofs can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county in which the land is located. In completing the Notice of proof for publication, the information should be taken from your Permit, including any amendments made in connection with a change of point of diversion or land list, which has been recorded in this department. If changes have been made and no amendments are on record, we advise you request a form for this purpose before your Notice is published.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least FORTY (40) DAYS BEFORE THE MENTIONED DATE, (allowing for four weeks publication). Please give the name of the town, the address of the place where the depositions will be executed, and, the name of the notary public before whom you will appear to make the depositions of proof (this may be at any place convenient for you and your two witnesses), the quantity of water filed; for what purpose it is used; the point, or points, of diversion; and the location of use or the lands which are irrigated - - all by legal land description.

Enclosed also is Form 11, which is the authorization for us to have the notice published in the designated county newspaper at your expense. This is to be returned with two Forms 36.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, at the place named, and before the notary public, as advertised in the publication notice.

Very truly yours,

Carl E. Johnson
STATE RECLAMATION ENGINEER

Enc. Form 36 and 11

cc:

29767

Re: Permit No. G-29767

June 2, 1966

Kenneth Stewart
Rt 1
Mackay, Idaho

Dear Mr. Stewart:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Mackay Miner all submitted in proof of completion of works and beneficial use on Permit No. G-29767.

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

We cannot tell just when this examination will be made, but our field engineer will try to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:mr

29767

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

RECEIVED
MAY 27 1961
Department of Reclamation

Permit No. G 29767

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: Kenneth
STEWART RTE #1 MACKEY IDAHO

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

Ques. 3. State number, approval date of permit, and date of priority: G 29767 JUNE 9, 1961 MAY 24, 1961

Ques. 4. State source of water supply: DRILLED WELL
Give location of point of diversion, showing subdivision, section, township and range
SW 1/4 of NW 1/4 SEC 31 TWP 7N RGE 25E3M

Ques. 5. Describe your works of diversion: DITCHES
; state amount of water they are capable of conveying from point of diversion to place of use: 4 SEC. FT.; Give name of canal or ditch or other works by which water is conducted to such place of use: BURNETT CANAL
; if a well, state depth of well 125'; depth and size of casing 80' - 8 inch casing; depth to water 10"; if pump is used, state discharge of pump: 4 cu. FT.; tell how it was measured or determined weir measurement; if sprinkler irrigation, give number and size of nozzles and operating pressure:

Ques. 6. State for what purpose water is used: IRRIGATION
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

SW 1/4 of NE 1/4, SE 1/4 of NE 1/4, SE 1/4 of NW 1/4,
NE 1/4 of SE 1/4, TOTAL 160 - SEC 31, TWP 7N
RGE 25E3M

D

29767

State nature of all improvements which have been made as a direct result of said use:

DITCHES and HEAD GATES

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: BOYD LAMBERT MACKAY, IDAHO

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: JUNE, 1961 4,566 FT Time used since first use:

1965

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

40 INCHES IN CONGDON SPRINGS, 255 in.
DECREED WATER in BIG LOST RIVER 1889 and
1895

(sign) Benneth Stewart

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

MACKAY, County of CLUSTER
State of Idaho, on this 26th day of MAY, A. D. 1966.

My commission expires: 1-1-1969

John E. Gie

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G 29767

* * * * *

RECEIVED
MAY 27 1966
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

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:

VERNON E. WARNER (38), RANCHER
Box 202, Leslie, IDAHO

Ques. 2 Are you acquainted with Kenneth Stewart, the holder of
Permit No. G 29767? How long have you known him and where does he reside?

11 YEARS MACKAY, IDAHO

Ques. 3. Have you read or heard said Permit No. G 29767 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: DRILLED WELL Electric pump

Give location of place of diversion, showing subdivision, section, township and range

SW 1/4 of the NW 1/4 Sec. 31 Twn 7N Rge 25 E. B.M.

Describe works for conveying water to place of use: ditches

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 4 Sec. ft. How much water have you seen being so
conveyed? 4 Sec. ft.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

SW 1/4 of the NE 1/4, SE 1/4 of NE 1/4, SE 1/4 of
NW 1/4, NE 1/4 of SE 1/4 total 160 acres
Sec. 31 Twn 7N Rge 25 E. B.M.

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

THIS IS SUPPLEMENTAL WATER.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No ✓

Ques. 10. When did you first see this water used? JUNE 1962

Other times you have seen such use: SEVERAL VARIOUS TIMES

(Signed):

Vernon E. Thomas

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 MACKAY

/, County of CASTER, State of Idaho, on this 26th day of MAY, A. D. 1966

John E. Li

Notary Public for the State of Idaho

Residing Mackay, Idaho

My commission expires 1-1-1969

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. G 29767

* * * * *

RECEIVED
MAY 27 1966

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

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:

CHARLES W BURGESS, AGE 44, RTE 1, MACKAY,
CLUSTER CO., IDAHO, FARMER

Ques. 2 Are you acquainted with KENNETH STEWART, the holder of
Permit No. G 29767? How long have you known him and where does he reside?

YES, 2 1/2 YRS ACQUAINTANCE, RTE 1, MACKAY, IDAHO

Ques. 3. Have you read or heard said Permit No. G 29767 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: DRILLED WELL

Give location of place of diversion, showing subdivision, section, township and range

SW 1/4 OF NW 1/4, SEC 31, TWP 7N, R 25 E 3M

Describe works for conveying water to place of use: DITCHES

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 4 SEC FT How much water have you seen being so

conveyed? 4 SEC FT

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

SW 1/4 OF NE 1/4, SE 1/4 OF NE 1/4, SE 1/4 OF NW 1/4,
NE 1/4 OF SE 1/4, TOTAL 160 ACRES, SEC 31, TWP 7N
R 25 E 3M

29767

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

NONE

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

THIS IS SUPPLEMENTAL WATER

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? NO INTEREST ✓

Ques. 10. When did you first see this water used? JULY 1964

Other times you have seen such use: VARIOUS TIMES IN SUMMER 1964
AND ONCE DURING SUMMER OF 1965.

(Signed):

Charles W. Burger

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 MACTAY

_____, County of CUSTER, State of Idaho, on
this 26th day of MAY, A. D. 1966

Tenn. E. E.
Notary Public for the State of Idaho
Residing Mackay, Ida.

My commission expires 1-1-1969

RECEIVED
MAY 27 1966

Affidavit of Publication

Department of Reclamation

STATE OF IDAHO

County of Custer

ss.

I, Ruth Hanawalt

the Publisher
of The MACKAY MINER, a
weekly newspaper of General Cir-
culation published weekly and en-
tered in the post office Mackay,
Idaho, continuously since Febru-
ary 6, 1906, do solemnly swear
that a copy of the notice, as per
clipping attached, was published
weekly in the regular and entire
issue of said newspaper and not in
any supplement thereof, for —

4 consecutive weeks,
commencing with the issue dated

April 21, 1966
and ending with the issue dated

May 12, 1966

Ruth Hanawalt

Subscribed and sworn to before
me this 26th day of

May, 1966
Thom
Notary Public.

29767

April 11, 1966

Re: Permit No. G-29767

Kenneth Stewart
Rt 1
Mackay, Idaho

Dear Mr. Stewart:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. G-29767. The proofs are to be made at xxxxxxx clock xxxxxxx on the 26th day of May, 1966, before Kent Olive, Mackay, Idaho Notary Public.

As of this date, we have mailed the Notice to the Mackay Miner, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

XXXXXXXXXXXXXXXXXXXX
CARL E. TAPPAN, P. RULE
XXXXXXXXXXXXXXXXXXXX
Chief Clerk
H. Russell Bosch
Office Manager

Encl.

EPR:pmk

cc: Notary

P.S. The date the application for permit was received in this office is the date of priority, which is May 24, 1961.

29767

Re: Permit No. G-29767

April 11, 1966

Mackay Miner
Mackay, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to May 26, 1966. The expense of the publication is to be paid by Kenneth Stewart of Rt 1, Mackay, Idaho to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

29767

APR 8 1966
2:00 P.M.
Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that ~~at H.A.M.~~, on the 26th day of May
1966, at MACKAY, County of CUSTER, State of Idaho
before KENT GILES, Notary Public, at (address) MACKAY
IDAHO, proof will be submitted of the completion
of works for the diversion of 3 cubic feet per second of underground water from a
well, and of the application to beneficial use of said water, in accordance with the
terms and conditions of Permit No. G29767, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is Kenneth STEWART RTE. 1 MACKAY IDAHO

2. Said works of diversion will be fully completed on the date for such completion,
and the amount of water which said works are capable of conveying to the place of
use is 3 cubic feet per second.

3. The use to which said water has been applied is IRRIGATION
SUPPLEMENTAL WATER, purposes and the amount applied to beneficial use is
3 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ of NW $\frac{1}{4}$ SECTION 31
TWP. 7N Rge. 25E.B.M.

5. The place where said water is used is SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ SECTION 31 TWP. 7N
Range 25E.B.M.

6. The date of priority which said user is prepared to establish is July 13, 1959
May 24, 1961

State Reclamation Engineer

29767

RECEIVED
APR 8 1966
2:00 P.M.
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 8, 1966
(P. O.) MACKAY, IDAHO

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the MACKAY MINER of
MACKAY, IDAHO Published in
the county in which the works are situated.

Berneth Stewart

(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

29767

RECEIVED

APR 8 1966

Department of Reclamation

Mackay Idaho

Rte 1

April 8, 1966

Department of Reclamation
Boise, Idaho,

Dear Sir;

On date of priority on
this well water I put it
the same as my other filing
on the same well.

Is this all right? If
not please let me know.

Kenneth Stewart
Mackay Idaho 83251
Rte 1

29767

June 14, 1961

Re: Permit No. G-29767

Mr. Kenneth Stewart,
Box 31,
Mackay, Idaho.

Dear Mr. Stewart:

We enclose Permit No. G-29767 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. G-5971 which was issued covering payment in the amount of \$5.50 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

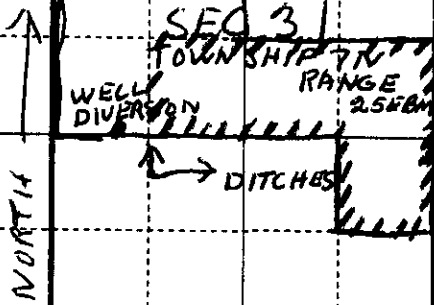
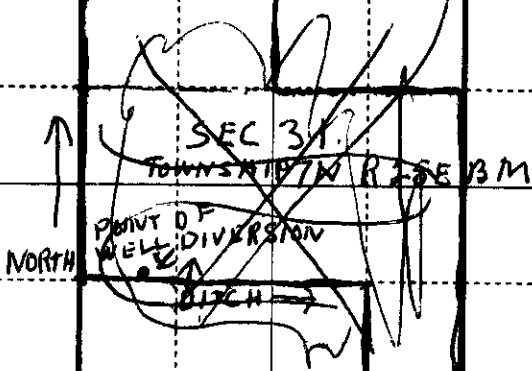
(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk

29767

NAME OF APPLICANT Kenneth Stewart

Form No. 0



T 7N R 25E

Permit Map No. 29767
As Approved
JUN 9 1981
GEO. N. CARTER
Reclamation Engineer

May 25, 1961

RE: Application for Permit No. G-37758

Mr. Kenneth Stewart
Mackay, Idaho

Dear Mr. Stewart:

Returned herewith is your application for permit with attached receipt No. G-5971 for the \$5.50 filing fee.

You show the point of diversion, on the application, as being in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 7 North, Range 25 East, whereas the maps show the well as being in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 31 as we show in red pencil on the application. Kindly correct the place in error.

The land you show as being irrigated under 12 of the application is shown outlined with red pencil hatching. Kindly correct if necessary.

Return the corrected application within 60 days for processing.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

Enc. application
receipt

29767



ROBERT E. SMYLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
GEO. N. CARTER, STATE RECLAMATION ENGINEER
BOISE



May 25, 1961

RE: Application for Permit No. G-37758

Mr. Kenneth Stewart
Mackay, Idaho

Dear Mr. Stewart:

Returned herewith is your application for permit with attached receipt No. G-5971 for the \$5.50 filing fee.

You show the point of diversion, on the application, as being in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, Township 7 North, Range 25 East, whereas the maps show the well as being in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 31 as we show in red pencil on the application. Kindly correct the place in error.

The land you show as being irrigated under 12 of the application is shown outlined with red pencil hatching. Kindly correct if necessary.

Return the corrected application within 60 days for processing.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr

Enc. application
receipt

Where I have outlined in ink spots, that is the land that will be irrigated. I also changed the diversion of the well on the first page. I am very sorry for the mistakes. Thank you 29767 Kenneth Stewart

**NOTICE OF PROOF OF
COMPLETION OF WORKS**

- and

**APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that on the 26th day of May, 1966, at Mackay, County of Custer, State of Idaho, before Kent Giles, Notary Public at Mackay, Idaho, proof will be submitted of the completion of works for the diversion of 3 cubic feet per second of underground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G29767, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Kenneth Stewart, Rte 1, Mackay, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 3 cubic feet per second.

3. The use to which said water has been applied is irrigation. Supplemental water, purposes and the amount applied to beneficial use is 3 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 31, Twp 7 N., Range 25 E.B.M.

The place where said water is used is SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 31, Twp 7 N., Range 25 E. B.M.

6. The date of priority which said user is prepared to establish is May 21, 1961.

29767
CARL E. TAPPAN,

State Reclamation Engineer
Pub. April 21, 28; May 7 and 14