

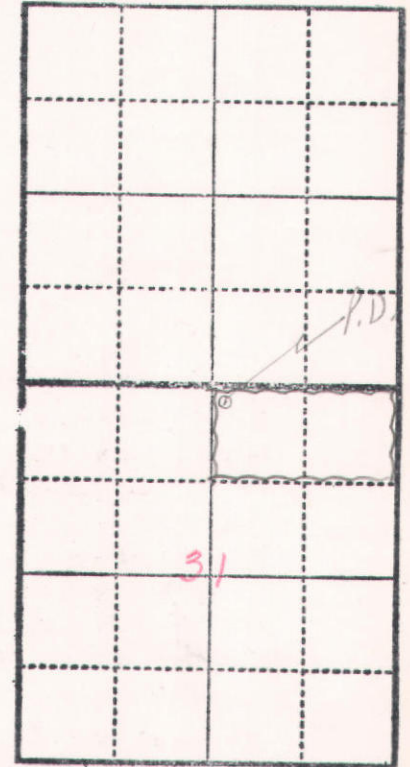
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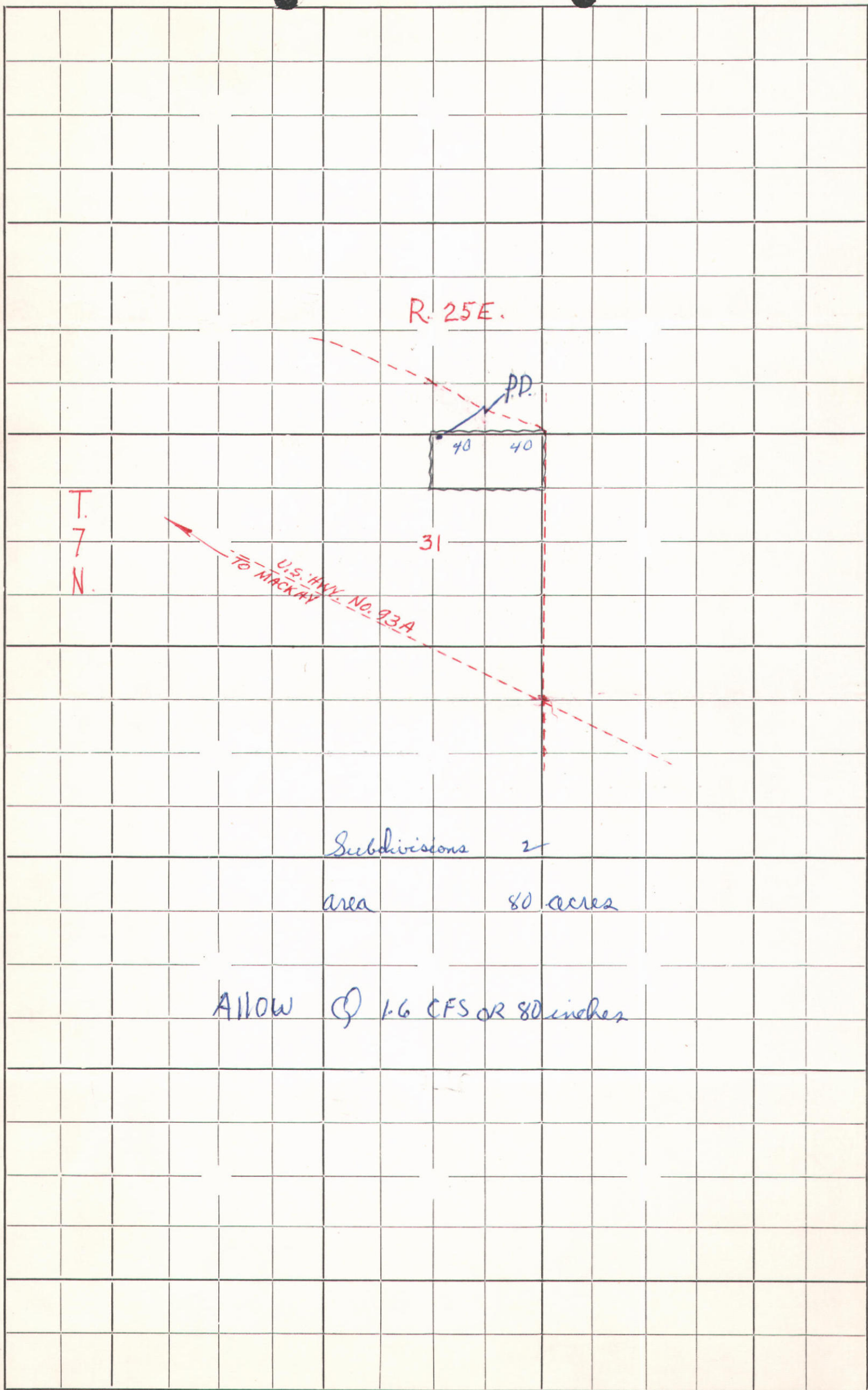
APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35998
Permit No. G- 28039
District No.

1. Name of Applicant: Kenneth . Stewart
Postoffice address: Mackay - Rt #1 County: Custer State: Idaho
2. Quantity of water claimed: 80 miner's inches
(a) Rate of withdrawal in cubic feet per second 1.6 or Idaho
Miners' inches or gallons per minute
(b) Annual withdrawal in acre feet per annum
3. Source of water supply: Drilled well
4. Location of point of diversion or well is in the NW 1/4 of the NE 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 1/4 of the 1/4 of Section , Twp.
Rge. , B. M.
(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp. , Rge. , B. M.
7. Kind of works: Drilled well and electric pump
8. Estimated cost of works: \$ 3500.00
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: About 1000 miners inches storage and 65 miners inches in Congdon Springs
(a) 1.6 (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.





RECEIVED

DEC 1 1961

Affidavit of Publication

Department of Reclamation

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

Notice is hereby given that at 2 p. m., on the 29th day of November, 1961, at Mackay, County of Custer, State of Idaho, before Bert A. Hoidal, Notary Public, Mackay, Idaho, proof will be submitted of the completion of works for the diversion of 1.6 cubic feet per sec.

State of Idaho }
County of Custer } ss.

ground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 28039, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding said permit is Kenneth Stewart, Mackay, Idaho, Route One.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.6 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 1.6 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, Township 7 N., Range 25 E.B.M. County of Custer.

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

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

GEO. N. CARTER

State Reclamation Engineer

Pub. 10-26, 11-2, 9, 16, 1961.

I, Ruth Hanawalt, Editor of THE MACKAY MINER, a weekly newspaper of General Circulation published weekly at Mackay, Idaho, continuously since Febr. 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 Oct 26, 1961, and ending with the issue dated Nov 16, 1961.

Ruth Hanawalt

Subscribed and sworn to before me this 20th day of November, 1961

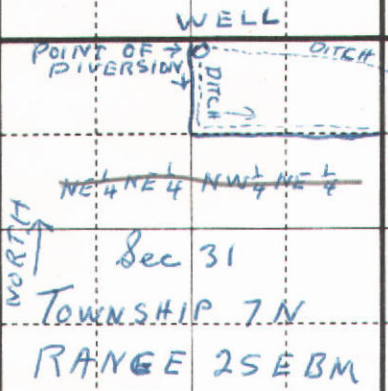
Glenn Murray
Notary Public.

my commission Expires 12/25/61

28039

NAME OF APPLICANT KENNETH STEWART

Form No. 0



Permit Map No. 9.28039
As Approved
GEO. N. CARTER JUL 17 1959
State Reclamation Engineer

1-77-18

State of Idaho
License and Certificate of Water Right

Water License No. G-28039 Amount 1.6 c.f.s.
Water District No. Priority July 13, 1959

THIS IS TO CERTIFY that KENNETH STEWART
of Mackay, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 13, 1959; that Permit No. G-28039
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on September 4, 1962, showing that said works
were completed on the 29th day of November, 1961; and that on the 29th
day of November, 1961,
KENNETH STEWART

of Mackay, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation
, under Use Permit No. G-28039 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7408, on the 4 day of September, 1962;
The right hereby confirmed dates from July 13, 1959;

The Point of Diversion is located
in the NW 1/4 NE 1/4, Sec. 31, Tp. 7 N., R. 25 E., B. M. Custer County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N	25 E	31	NE 1/4 NE 1/4	40	40
			NW 1/4 NE 1/4	40	40
			Total number of acres to be irrigated:		80

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
4th day of September, 1962.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

34-

APPLICATION FOR PERMIT To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 35998
Permit No. G- 26039
District No.

1. Name of Applicant: Kenneth . Stewart

Postoffice address: MacLay -

County: Custer

State: Idaho

2. Quantity of water claimed: 80 miner's inches

(a) Rate of withdrawal in cubic feet per second 1.6 or Idaho
Miners' inches or gallons per minute

(b) Annual withdrawal in acre feet per annum

3 Source of water supply: Drilled well

4. Location of point of diversion or well is in the NW 1/4 of the NE 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 1/4 of the 1/4 of Section , Twp.
Rge. , B.M.,

(b) Waste water or sewage effluent is to be returned to
at a point in the 1/4 of the 1/4 of Section , Twp , Rge , B.M.

7 Kind of works: Drilled well and electric pump

8 Estimated cost of works: \$ 3500.00

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:

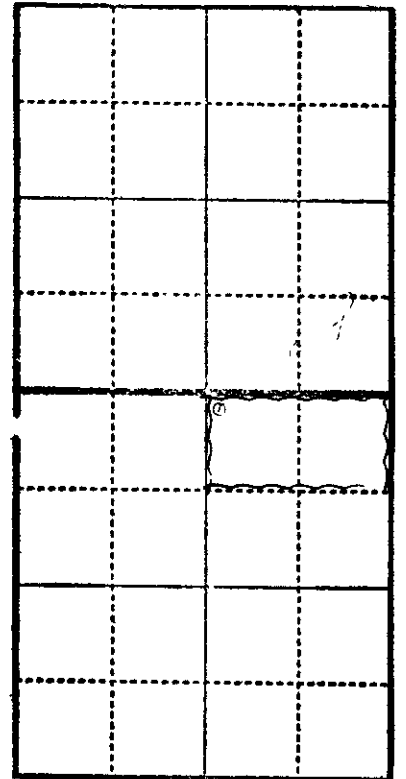
(d) Other resources:

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: About 1000 miners inches storage and 65 miners inches in Congdon Springs

(a) 1.6 (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.



100 - June 20-62

State of Idaho

DEPARTMENT OF RECLAMATION

Boise, Idaho

August 28, 1962

Re: Permit No. G-28039

Kenneth Stewart
Rt 1
Mackay, Idaho

Dear Mr. Stewart:

Our field engineer's report on his inspection of proof of completion of works and application of water to beneficial use under the terms of Permit No. G-28039 shows the well is (good) capable of conveying 80 miner's inches, or 1.6 c.f.s. of water for the irrigation of 80 acres.

Upon receipt of the statutory fees, totaling \$9.00, which consists of a Completion of Works fee of \$5.00 and License and Certificate of Water Right fee of \$4.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of July 13, 1959 to the use of 1.6 second feet of subterranean water with the point of diversion in the NW¹/₄NE¹/₄, Sec. 31 for irrigation of 80 acres in the NW¹/₄NE¹/₄, Sec. 31, T. 7 N., R. 25 E., B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Bule
Chief Clerk

EPR:mf

28039

Sept. 4, 1962

Re: Permit No. G-28039

Kenneth Stewart
Maskay, Idaho

Dear Mr. Stewart:

Enclosed are Certificate of Completion of Works and License and Certificate of Water Right issued on Permit No. G-28039.

Also enclosed is departmental receipt No. G-7332 in the amount of \$9.00 covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates
receipt

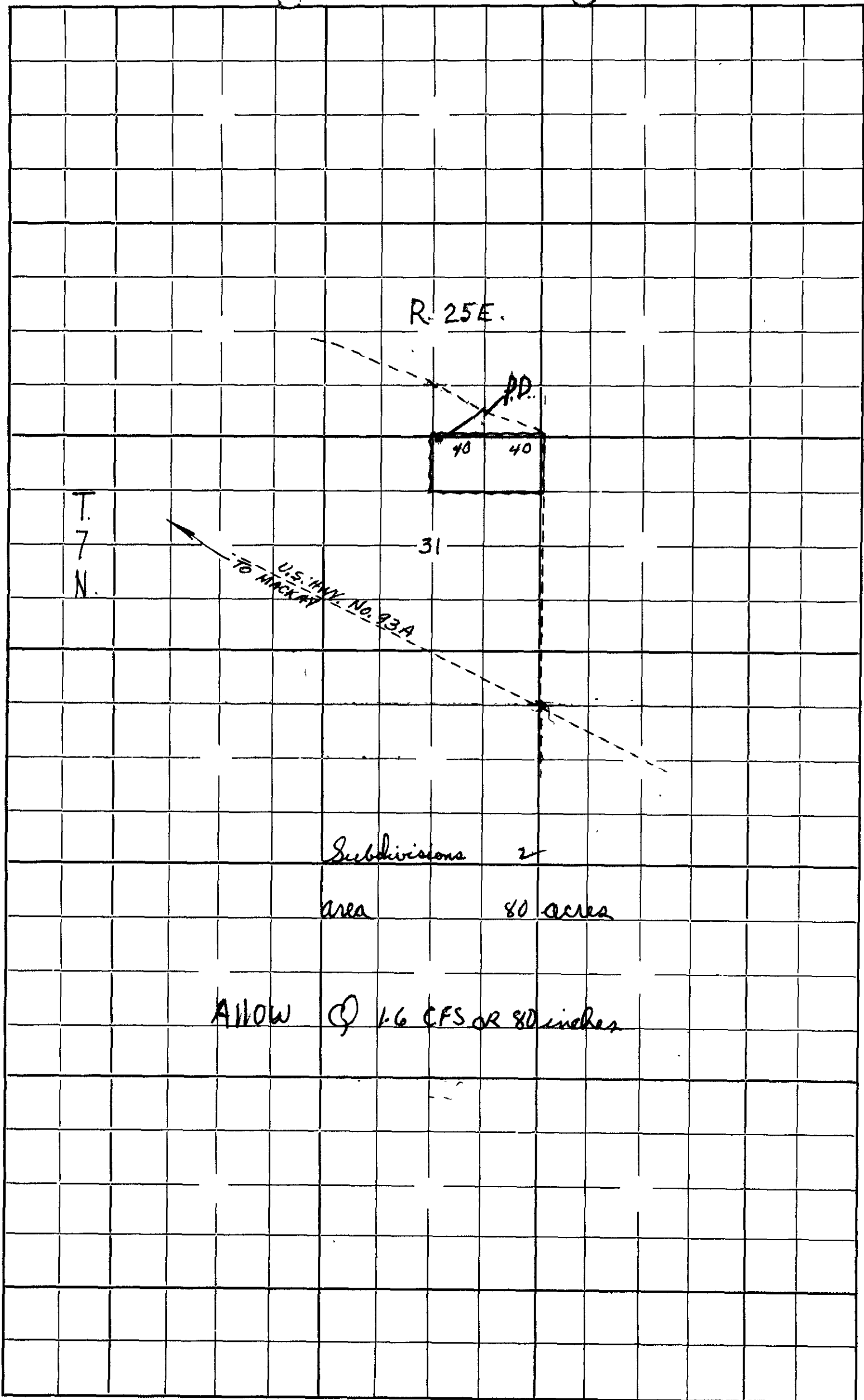
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28039

REPORT ON PROOF OF Completion of Works & Beneficial Use

Kenneth Stewart, Rt. #1, Mackay, Idaho



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

28039

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-28039

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

1. Name of applicant Kenneth Stewart

2. Source of water supply: Drilled Well

3. Location of point of diversion: Is in the NW 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: 20 U.S. motor #1172745 Johnson pump #10-4069 8" discharge into open ditch 8" x 70' column 20" x 125' casing h: 4' oo. 50' well depth 125'

5. Water is used for: irrigation

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

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):

NW 1/4 Sec. 31, Twp. 7 N., Rge. 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: Mr. Kenneth Stewart along

Measurement was made with siphonette weir .54 over 2' weir = 133 inches

Mr. Stewart pumps this water into the irrigation canal and then releases it from the canal about 1/2 mile east of P.D.

This examination was made on the 17th day of August, 1962

(Signed) Ron Helberg Examiner.

28039

Kenneth Stewart 4-16-3
Route #1
Mackay, Idaho
Permit No. G-28039

Examination for Completion of Works & Beneficial Use

County Custer

Sec. 31 T. 7 N R. 25 E. B.M.

Quantity: 1.6

Source: Well

P.D.: NW. 1/4, Sec 31, T. 7 N. R. 25 E. B.M.

Use: Irrigation

Filed: July 17, 1959

Due: July 17, 1964

Extension:

Completion of Works:

Other Rights: About 1000 miners
inches storage and 65 "
" in Teton Springs
Driller - Boyd Lambert

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;

RECEIVED

AUG 27 1962

Department of Reclamation

December 1, 1961

Re: Permit No. G-28039

Kenneth H. Stewart
Route #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-28039.

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 and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

28039

1961

Affidavit of Publication

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

Notice is hereby given that at 2 p. m., on the 29th day of November, 1961, at Mackay, County of Custer, State of Idaho, before Bert A. Fitch, Notary Public, Mackay, Idaho, proof will be submitted of the completion of works for the diversion of 1.6 cubic feet per second.

ground water from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G 28039, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding said permit is Kenneth Stewart, Mackay, Idaho, Route One.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.6 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 1.6 cubic feet per second.

4. The point of diversion of said water is NW 1/4 of the NE 1/4 of Section 31, Township 7 N., Range 25 E.B.M. County of Custer.

5. The place where said water is used is NW 1/4 of NE 1/4 and NW 1/4 of NE 1/4 Section 31, Township 7 N., Range 25 E.B.M.

6. The date of priority, which said user is prepared to establish is July 12, 1900.

GEO. H. CARTER
State Reclamation Engineer
Pub. 10-24, 11-2, 1, 16, 1961.

State of Idaho

County of Custer

ss.

I, Ruth Hanawalt, Editor of THE MACKAY MINER, a weekly newspaper of General Circulation published weekly at Mackay, Idaho, continuously since Febr. 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 Oct 26, 1961, and ending with the issue dated Nov 16, 1961.

Ruth Hanawalt

Subscribed and sworn to before me this 20th day of

November, 1961

Glen Murray
Notary Public.

My Commission Expires 12/25/61

28039

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 28039

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.

Ans. Kenneth Stewart Mackay, Idaho Route 1
FARMER

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

Ans. no

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

Ans. G 28039 - ~~44444~~ July 17, 1959 - Priority July 13, 1959

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

Ans. DRILLED WELL NW 1/4 of the NE 1/4 of SECTION 31
TWP 7N RANGE 25E B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. DRILLED WELL & ELECTRIC PUMP, PRIVATE DITCH
DEPTH OF WELL 120 FEET DEPTH OF CASING 120 FEET
SIZE OF CASING 20 INCH. DEPTH TO WATER 5 FEET
MEASURED BY CIPPOLETTI WIER, CAPACITY OF PUMP IS
2.6 CUBIC FT. or 130 MINERS INCHES

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

Ans. Water is used for Irrigation purposes and is used
in NW 1/4 of the NE 1/4 and NE 1/4 of the NE 1/4 of Section
31 Township 7 North Range 25 E. B.M. 40 acres in
each quarter or 80 ACRES in ALL 45 ACRES of cultivated
ground and 35 acres of pasture land. Water is essential for operations

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

Ans. Boyd Lambert - Mackay Idaho

G
28039

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

Ans. no None

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

Ans. no None

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

Ans. _____

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

Ans. This water has been used for irrigation purposes during the 1959, 1960 and 1961 seasons by electric pump pumping into private ditches- Supplemental water in the amount of 2.6 cubic feet per second-(capacity of pump)

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

Ans. This water has been used for irrigation purposes during the 1959, 1960 and 1961 seasons by electric pump pumping into private ditches- Supplemental water in the amount of 2.6 cubic feet per second- (capacity of Pump)

(Sign) Hermeth 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 Custer,

State of Idaho, on this 29th day of November, A. D. 19 61,

Bert A. Andral

My commission expires May 22, 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No.

Proof of Application of Water to Beneficial Use

Deposition of Witness ^{and Completion of Works}

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

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

Ans. Dean Babum age 43 Farming
Macpary Idaho

Ques. 2. Are you acquainted with Hereth Stuart, the holder of Permit No. 628029? How long have you known him and where does he reside?

Ans. 7 Years Macpary Idaho

Ques. 3. Have you read or heard read said Permit No. 628029, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Drilled well NW 1/4 of NE 1/4 Sec 31 Town
Ship 7, N. R. 28 E B. 11. Private Ditch

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

Ans. 2 1/2 cub. feet

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

Ans. 130 in. Test Pump
Johnson's Test Pump Idaho Falls Idaho

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. irrigation N.W. $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ all in
Sec. 31. Cultivated and meadow land 80.

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

Ans. None

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Supplemental water and all of the water
is needed for the land

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

Ans. No

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. 1959, 1960, 1961. 2.18 cu. feet.
2. line next place

(Signed) Dean Laburn

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 Custer, State of Idaho, on this 29th day of November,
A. D. 19 61.

Bert A. Hordal
Notary Public.

My commission expires May 22, 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. G 28039

**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.

Ans. W. H. Jones Moore Idaho
Farmer

Ques. 2. Are you acquainted with Kenneth Stewart, the holder of Permit No. G 28039? How long have you known him and where does he reside?

Ans. 30 years Mackay Idaho

Ques. 3. Have you read or heard read said Permit No. G 28039, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Drilled Well NW 1/4 of NE 1/4 S 31 - 7th R 25E
Private ditch

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

Ans. 206 Cubic Feet

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

Ans. 206 Cubic Ft per Second measured by Weir
and the Johnson Pump Co test pump

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation NW 1/4 of NE 1/4 and NE 1/4 of NE 1/4
all in S 31-T 1 N-R 25 E

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

Ans. Supplement

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Supplement water

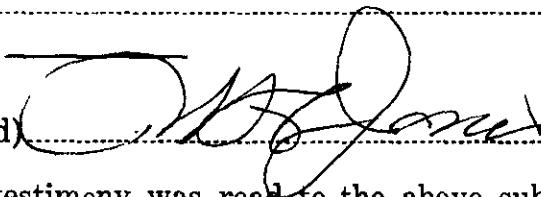
Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

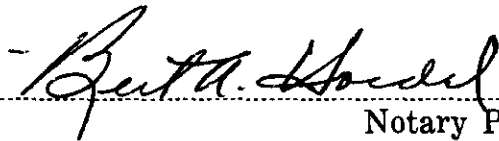
Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. 2.6 Cubic Ft Per Second

(Signed)



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 Custer, State of Idaho, on this 29th day of November,
A. D. 19 61.



Notary Public.

My commission expires May 22, 1962.

October 30, 1961

Re: Permit No. G-28039

Mr. Kenneth Stewart
Route #1
Mackay, Idaho

Dear Mr. Stewart:

Upon receipt of your letter of October 26th we checked the priority date and found you are correct.

We are sorry this error was made and have written the Mackay Miner to make the necessary correction in the next publication, November 2, 1961.

Please find enclosed a carbon copy of letter to the newspaper.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew
Enc
cc - Mackay Miner
Mackay, Idaho

28039

October 30, 1961

Re: Permit No. G-28039
Kenneth Stewart

Mackay Miner
Mackay, Idaho

Gentlemen:

Please make the following correction in the next publication of "Notice of Proof of Completion of Works and Application of Water to Beneficial Use" under subject permit number:

✓ Par. 6: The date of priority which said user is prepared to establish is July 13, 1959.

The next publication is November 2, 1961.

Thank you for this cooperation.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

H. PETRI
Water Rights Clerk

HP:ew

cc: Kenneth Stewart
Route #1
Mackay, Idaho

Mackay Idaho
Route 1

Oct 26, 1961

Department of Reclamation
Boise Idaho

Dear Sir:

On the advertisement in the Mackay
Miner on the proving up on the well on
my place, the date of priority published in
the Mackay Miner is July 13, 1961 and
it should be according to my permit, be
July 13, 1959.

Did I make the mistake when I sent
you the papers? I thought that I copied
it off of my permit correct, but I can
and often do make mistakes.

What should I do to make this
correct?

Please let me know as soon as possible
Every thing else was correct in the
publication, but that.

Yours Truly

RECEIVED

OCT 30 1961

Department of Reclamation

Kenneth Stewart
Mackay Idaho
Route 1

28039

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

October 23, 1961

Re: Permit No. G-28039

Kenneth Stewart,
Route #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-28039. The proofs are to be made at 2:00 o'clock P.M., on the 29th day of November, 1961, ~~1960~~, before Bert A. Hoidal, 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 and 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,

GEO. N. CARTER
State Reclamation Engineer

By:

Rule
(Mrs.) Edna P. ~~xxxxxx~~
Chief Clerk

Encl.
EPR: pak
cc: Notary

24201

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. G-28039
Kenneth Stewart

Date: Oct. 23, 1961

Mackay Miner,
Mackay, Idaho.

Gentlemen:

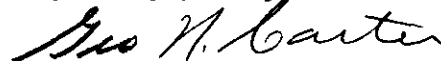
Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **November 29, 1961** the date set for proof; the expense of the publication is to be paid by the applicant

Kenneth Stewart of **Route 1, Mackay, Idaho**

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

28039

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

Notice is hereby given that at 2 P M., on the 29 day of November 1961, at Mackay, County of Custer, State of Idaho, before Bert A. Nordal, Notary Public, at (address) Mackay Idaho, proof will be submitted of the completion of works for the diversion of 1.6 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 4.28039, heretofore issued by the Department of Reclamation of the State of Idaho.

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

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.6 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 1.6 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31 Township 7N. Range 25EBM County of Custer

5. The place where said water is used is NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 31 Township 7N. Range 25EBM.

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

Geo. H. Carter

State Reclamation Engineer

OCT 23 1961

Department of Information

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 21, 1961
(P. O.) Mackay Idaho, Route 1

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. Kootenai

Kenneth 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.

28039

OCT 19 1961

Mackay Idaho
Department of Reclamation Route # 1

Oct 18, 1961

Department of Reclamation
Room 107 State House
Boise Idaho

Dear Sir,

Please send me the necessary
papers for proving up on my
irrigation well.

I wish to make the
required proofs at this time

Yours Truly
Kenneth Stewart

Permit No. G. 28039

Forms 36 and 11 mailed with instruction sheet

Oct. 19, 1961

28039

July 24, 1959

Re: Permit No. G-28039

Mr. Kenneth Stewart
Mackay, Idaho.

Dear Mr. Stewart:

We enclose Permit No. G-28039 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-4181 which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit.

You will note, under Question 10, that we have changed the required time for completion of works and complete application of the water to the proposed use to five years. However, you may make the required proofs at any time you are prepared to do so within that time.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR/pmk

28039

NAME OF APPLICANT.

STEWART

Form No. 0

A hand-drawn map of the Well area. It shows a rectangular area with dashed lines. At the top center is the word "WELL". Below it, on the left, is "POINT OF DIVERSION" with an arrow pointing to a small circle. To the right of the circle is a vertical line labeled "DITCH". Further right is another vertical line labeled "DITCH".

~~NE 1/4 NE 1/4 NW 1/4 NE 1/4~~
NORTH
Sec 31
TOWNSHIP 7 N
RANGE 25 E BM

Permit Map No. 9 28039

As Approved

GEO. N. CARTER
State Reclamation Engineer

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

28039

June 23, 1959

Re: Application for Permit

Mr. Kenneth Stewart
Box 31
Mackay, Idaho

Dear Mr. Stewart:

Enclosed is form 3, application for permit to appropriate subterranean water with instructions.

It is not necessary to obtain a permit to appropriate water, however it is preferable in many cases. In case of court action, the owner with a "use right" to water obtained by appropriation and beneficial use has to be able to prove when the water was first used and in what amount. The permit method gives a priority as of the time of filing the application and if properly completed a water license is issued for the amount of water beneficial used. Leasing agencies are frequently skeptical of all "use rights" on farms.

The application fee is given in the enclosed instructions. In addition, there is a fee of \$5.00 for the certificate of completion of works and a fee of \$2.00 for each "10" acre subdivision listed in the license, and publication costs of the notice of making proofs vary, about \$20.00.

There is no set distance a well must be from a stream or ditch or a well, except it should not divert water appropriated by some other owner.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew

23039 RT

400

RECEIVED
JUN 23 1959

Department of Reclamation

Mackay Idaho
Box 31

June 20, 1959

Department of Reclamation
Boise, Idaho

Dear Sir;

Does a person have to
have a permit to drill a
well for irrigation purposes?

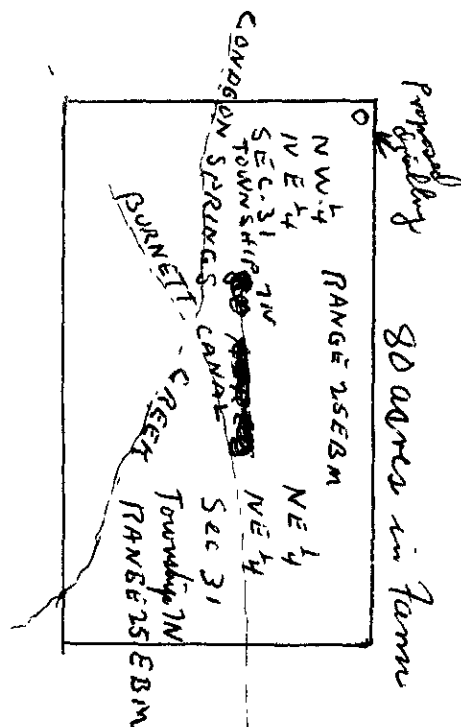
How far does a well,
which will be between 50 to
~~75~~⁷⁵ foot deep, have to be
from a live stream or
canal?

If I have to have a
permit to drill please send
me the necessary papers and
If I can drill a well please
send the filing papers also.

28039

Enclosed is a partial map
of the proposed drilling
and description of land and
location of pump.

Yours Truly
Kenneth Stewart
Machay Idaho
Box 31



28039

**NOTICE OF PROOF OF
COMPLETION OF WORKS AND
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 2 p. m., on the 29th day of November, 1961, At Mackay, County of Custer, State of Idaho, before Bert A. Hoidal, Notary Public, Mackay, Idaho, proof will be submitted of the completion of works for the diversion of 1.6 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. C 28039, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding said permit is Kenneth Stewart, Mackay, Idaho, Route One.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.6 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 1.6 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, Township 7 N., Range 25 E.B.M., County of Custer.

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

6. The date of priority which said user is prepared to establish is July 15, 1951.

GEO. N. CARTER
State Reclamation Engineer
Pub. 10-26, 11-2, 9, 16, 1961. 283