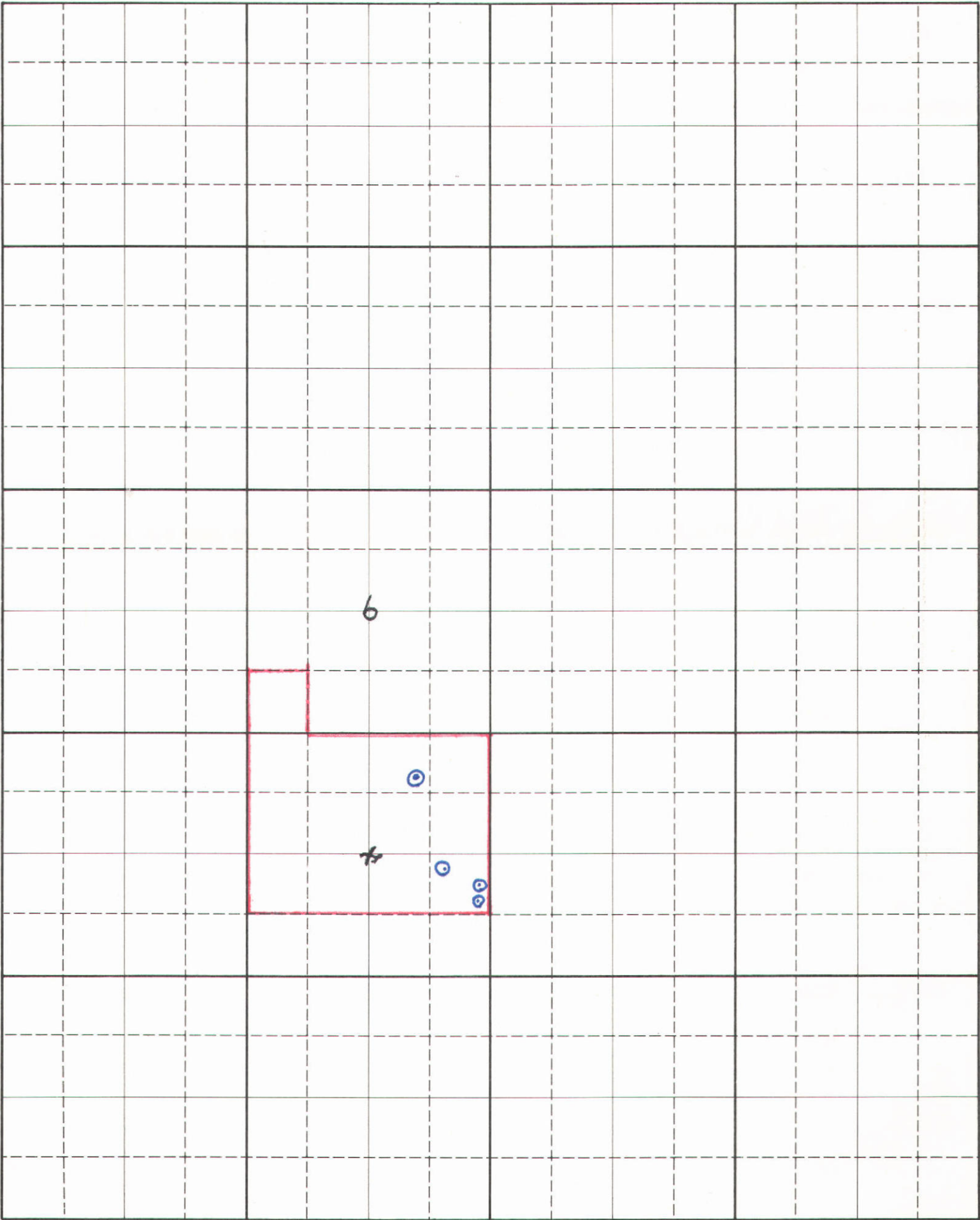


R 25 F



4
3
2
1
6
N
T



9

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

TEN R 25 E 8 M



on Boundary
of hills
water
Flaming
East by
Stanch



P.S. be sure to get this map back, Bill ph

N

Copy prepared in the office of
Big Lost River Irrigation District

34 2304

for: William J. Langley, Attorney

Date 3/19/69 By Edwin Lamm
Ass't. Sect. - Treas.

Dewain Clark
Leslie, Idaho

Permit No. G-24135

Examination for Completion of Works &
Beneficial Use Proof

County Custer
4-6N.-25E.

Qr 9.0 c.f.s.

Sz Wells

P.D. & SW. NW. Sec. 4, T. 6N. R. 25E

Use = Irrigation & Stock

1 electric pump 25 Hp
110' deep 20" casing 240" long
40' column

1 power pump Belt driven
25' deep 48" casing 210"
Now by gravity
to irrigate S²NE⁴, S²NW⁴, SW⁴, SE⁴

Filed - May 18, 1953.

Due - May 29, 1958

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
OCT 3 11 1958
Department of Reclamation

Harbanks 25 Hp
motor 25 Hp # F 283586
Harbanks power turbine
PV1864
DE - Westinghouse
controls
SE meter # 83270363
20' x 110' well
10' x 40' column 1 bowl 16"
9 1/2" discharge into open
ditch 4' x 4' concrete slab
1 min 33 sec 500 cf
5.05
99 / 500.100 5.05 252.50
495 50 126250
5.14 500 252.50 227250
15' lift
21 measured over
2' cipp. weir 202.0 inches
H. 0.44 ft.
Parma lifter size #6
12" column x 20'
12" discharge
John Deere 51 Hp
used
25' Deep 50' x 30' hole

LEGAL NOTICES

NOTICE OF PROOF OF COMPLETION OF WORKS

and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 6:00 P.M., on the 26th day of May, 1958, at Leslie, County Custer, State of Idaho, before Ruth Olsen, Notary Public, at Leslie, Idaho, proof will be submitted of the completion of works for the diversion of 9.0 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-24135 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 Dwain Clark, Leslie, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water said works are

capable of conveying to the place of use is 9.0 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 9.0 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, Twp. 6 S., Rge. 25 E.

5. The place where said water is used is S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 4, Twp. 6 N., Rge. 25 E., N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 3, Twp. 6 N., Rge. 25 E.

6. The date of priority which said user is prepared to establish is May 18, 1953.

MARK R. KULP

State Reclamation Engineer

Pub. April 24, May 1, 8, 15, 1958.

G 24135

RECEIVED
MAY 29 1958

Department of Reclamation

Affidavit of Publication

State of Idaho

County of Custer

ss.

Ted E.

1, ~~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 four consecutive weeks, commencing with the issue dated April 24, 1958, and ending with the issue dated May 15, 1958

T.E. Hanawalt

Subscribed and sworn to before me this 24th day of May, 1958

Kenneth H. Deming
Notary Public.

Residing at Mackay, Idaho

NAME OF APPLICANT.....Dewain Clark,.....

Form No. 0

RECEIVED
MAR 17 1958

Department of Reclamation

Location of points of diversion or well locations,
as amended, March 15 1958

Twp. 5.N. Range 25. E. Section 4

Wells



A

9

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-24135

RECEIVED
MAR 17 1958
Department of Reclamation

Comes now Dewain Clark, 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. G-24135.

That the point of diversion is described in said permit as being located
SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Twp. 6.S. Range 25.E.

That he now requests that the point of diversion be changed to a point
located Two wells in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, Twp. 6.S. Range 25 E.

That his reasons for desiring to make such change are as follows:

Was forced to abandon well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, for lack of water

Now have two wells in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4,

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

Signed at Leslie, this 15 day of March, 1958

Dewain Clark

Date of receipt at Department of Reclamation March 17, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

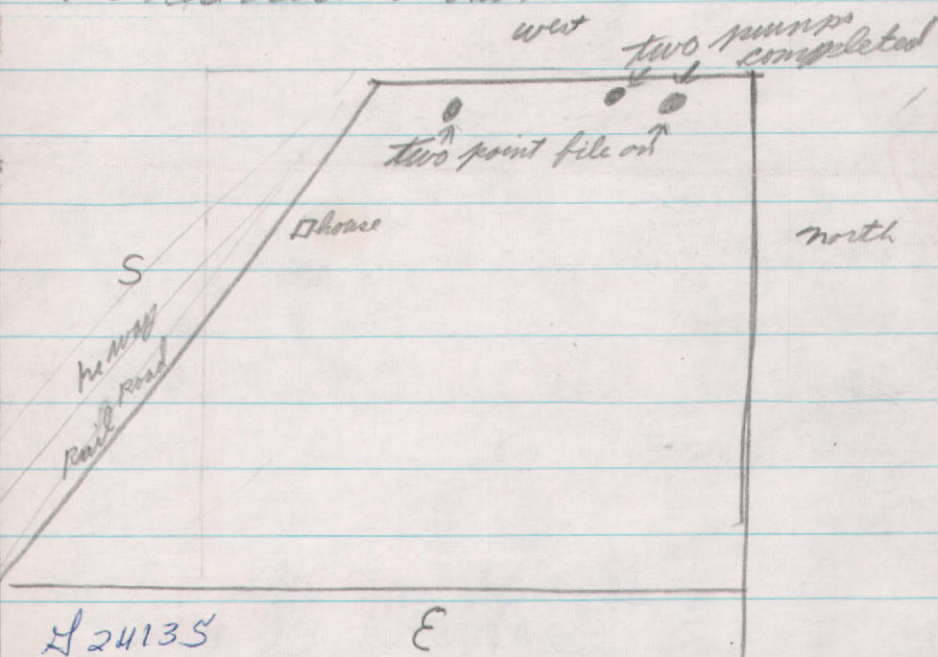
I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby
approve the above and foregoing application for amendment to Permit to appropriate
the Public Waters of the State of Idaho, No. G-24135. This approval constitutes
a new permit and is issued as an amendment to the original permit, to which it re-
fers and of which it becomes a part, and said application is approved only insofar
as the rights of others will not be adversely affected thereby.

Mark R Kulp
State Reclamation Engineer

24135

points of diversion and we put
a pump in north west corner.
But S west corner did not supply
but very little water so was
abandoned. Then we drill
a well about 200 ft. ^S west of the
first hole.

Will try to make a map
of farm. So you can understand
what I did do and you
can send me paper or information
to correct errors.



AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Custer, } ss:

I, Louis Kristan, publisher
of The Challis Messenger, a
weekly newspaper, publish-
ed at Challis, Idaho, do sol-
emnly swear that the notice
hereto attached and made a
part hereof, was published
in the regular and entire
issue of The Challis Messen-

ger for Two
consecutive weeks, com-
mencing with the issue
dated Mar. 30 1972
and ending with the issue
dated Apr. 6 1972
dated _____, 19____.

Louis Kristan

Subscribed and sworn to
before me this 17th
day of April, 1972.

Jack B. Zurey
Notary Public, Residing at
Challis, Idaho.

My Commission expires
5-4-73

PUBLIC NOTICE

NOTICE OF PROPOSED CHANGE OF WATER RIGHT No. 34-2304

Notice is hereby given that
DONALD H. BIRNEY of Grouse,
Idaho, has applied to the Depart-
ment of Water Administration
for a change of point of diver-
sion of the waters of a ground
water source. The right sought to
be changed is evidenced by Lic-
ense No. 34-2304 and is recorded
as follows:

Amount: 7.18 c.f.s. Priority: May
18, 1953. Point of Diversion:
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 6 N, R. 25
E, B.M., Custer County. (2
points) The water is used for
irrigation purposes from April 1,
to November 1, within the S $\frac{1}{2}$ -
NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and the S $\frac{1}{2}$ of
Sec. 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, all
within T. 6 N, R. 25 E, B.M.

TO BE CHANGED AS FOLLOWS

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 4, (3 points), and the SE $\frac{1}{4}$ -
SW $\frac{1}{4}$, Sec. 4, all in T. 6 N, R.
25 E, B.M., Custer County. The
water will be used for irrigation
purposes.

Any protests against approval
of the proposed change of water
right application must be filed
with the Department of Water
Administration, Statehouse, An-
nex No. 2, Boise, Idaho, 83707,
on or before April 17, 1972.

R. KEITH HIGGINSON
Director

Published in the Challis Mes-
senger, Challis, Idaho, on March
30, 1972 and April 6, 1972.

Identification No. _____

Transfer No. 34-2304 #1800

APPROVED

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

**APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use**

1 Name of Right Holder Donald H. Birney

Post office address Grouse, Idaho 83242

2. Right obtained by:

a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court. County of _____.

b. License No. 34-2304 issued by the State of Idaho, Department of Reclamation.

3. Source of water Groundwater tributary to _____
(Name of stream or source)

4. Date of Priority May 18, 1953

5. Amount of water a. 7.18 c.f.s. and/or

b. _____ acre feet/annum

6 Water is used for irrigation from April 1 to Nov. 1
(2 points) (Month, Day) (Month, Day)

7 Original location of point of diversion is SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4,

Township 6N, Range 25E, B.M., in Custer County;

Additional points of diversion, if any _____

8. Lands presently irrigated or 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 $\frac{1}{4}$	
6N	25E	4			25	24			35	30	40	40	2	30	30	20	23	40	339
		9	20																20

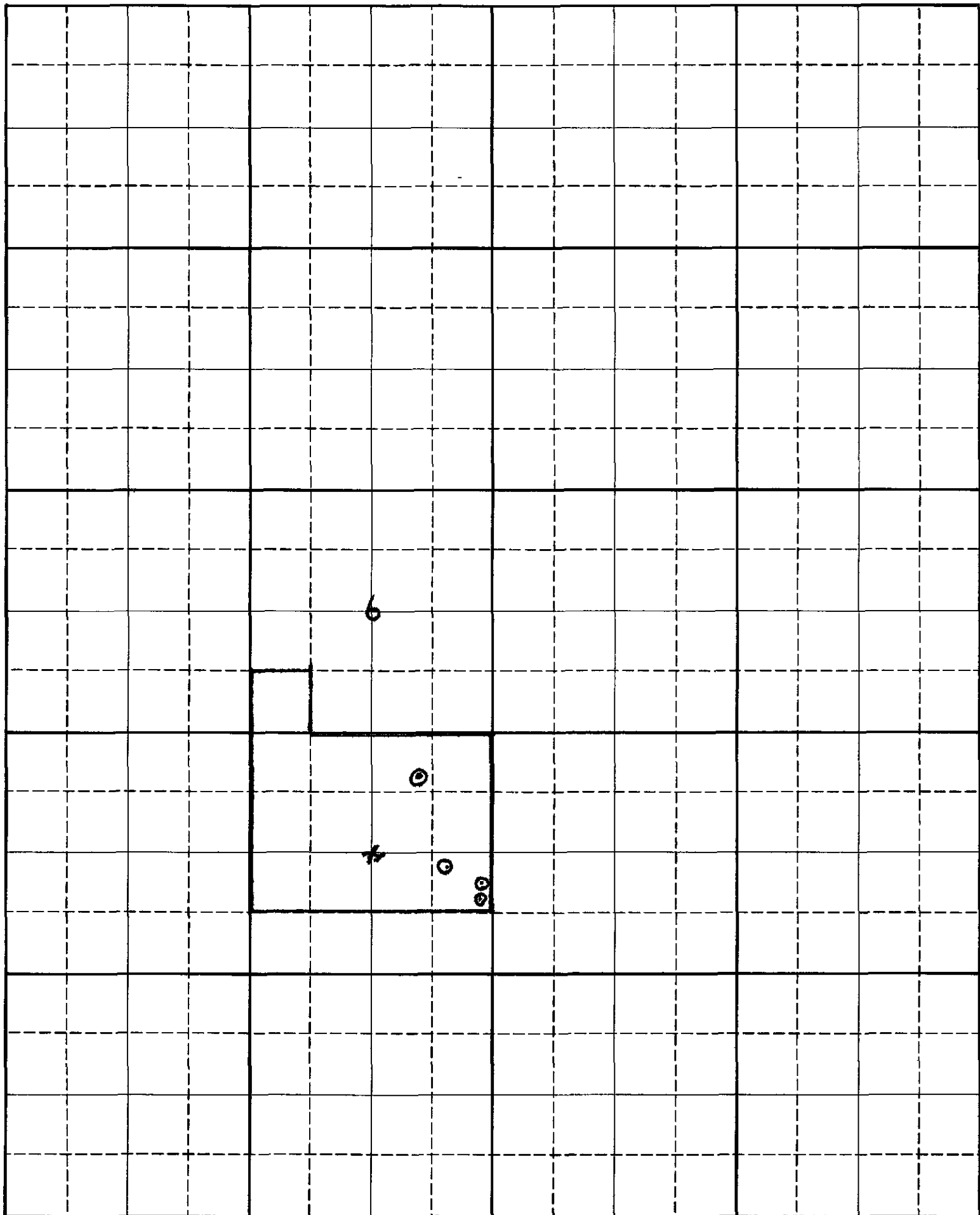
Total number of acres presently irrigated 359

34 2304

~~130~~ R25F

130
261

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



9. If applicant was not the original holder of this right explain how it was acquired: Applicant purchased
the land.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: 7.18 c.f.s. and/or _____ acre feet
(3 points)
- b. New point of diversion: SW 1/4 NW 1/4, Section 4, Township 6N
(1 point)
Range 25E, B.M. & SE 1/4 SW 1/4, Sec. 4, T. 6N, R. 25E, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: Electric pumps,
drilled wells, and earth ditches
- d. Is water to be conveyed to the lands previously irrigated? Yes X No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
To include additional wells located on the property and to allow more
flexibility in the operation of the irrigation system. A new application has
been filed to raise the quantity diverted to 1 1/2" per acre. This transfer does
not expand this right.
- f. Do you intend to make the transfer permanent? Yes.
- g. Do you intend to abandon completely the old point of diversion? No.
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

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	

Total number of acres to be irrigated

34 2304

- b. Do you intend to make the transfer permanent? _____
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans: _____

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

x Donald D. Burney
(signature of applicant)

Subscribed and sworn to before me this 24 day of Febrero, 1972

My commission expires Permanente



ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 34-2304,
and said application is hereby APPROVED.

- 1 Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

- 2 Denial of said application is for the following reasons:_____

Witness my hand this 9 day of May, 19 72

[Signature]

R. KEITH HIGGINSON, Director
Department of Water Administration

FOR DEPARTMENT USE ONLY

Rest #8136

Received by Y Date 3-6-72

Protest filed by:

Date _____

Prelim. check by Ze Date 3-7-1972

Fee received by ei Date 3/7/72 Fee \$ 30⁰⁰

Approved for publication by Challis De

Published in Messenger - Dates 3/30/72 & 4/6/72

Hearing held _____

Watermaster Recommendation sent _____

State of Idaho
License and Certificate of Water Right

Water License No. G-24135

Amount 7.18 c.f.s.

Water District No. _____

Priority May 18, 1953

THIS IS TO CERTIFY that **DEMAIN CLARK**
of **Leslie, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **May 18**, 19 **53**; that Permit No. **G-24135**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
9.24 second feet, was issued thereunder on **November 14**, 19 **58**, showing that said works
were completed on the **26th** day of **May**, 19 **58**; and that on the **26th**
day of **May**, 19 **58**, **DEMAIN CLARK**

of **Leslie**, State of **Idaho**, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of **two wells**
, a tributary of **subterranean**, for the purpose of **Irrigation and stock**
watering, under Use Permit No. **G-24135** 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
11 of Licenses at page **6519**, on the **14** day of **November**, 19 **58**;
The right hereby confirmed dates from **May 18**, 19 **53** **r**
are
The Point of Diversion is located **two wells**
in the **SW 1/4 NW 1/4, Sec. 4, Tp. 6 N., R. 25 E., B. M. County Custer**

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 **7.18** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	25 E.	4	SE NE	40	24
			SW NE	40	25
			SE NW	40	30
			SW NW	40	35
			NE SE	40	30
			NW SE	40	20
			SW SE	40	23
			SE SE	40	40
			NE SW	40	40
			NW SW	40	40
			SW SW	7	2
			SE SW	30	30
		9	NE NE	14	20
			Total number of acres irrigated - - - 359		

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

WITNESS the seal and signature of the State Reclamation Engineer, officed at Boise, Idaho, this

14th day of **November**, 19 **58**.

/s/ Geo. H. Carter

34-2304

(SEAL)

APPLICATION FOR PERMIT 34-2304

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 31914
 Permit No. G- 24135
 District No.

1. Name of Applicant: DEWAIN CLARK
 Postoffice address: Leslie County: Custer State: Idaho
2. Quantity of water claimed: 9.0
 (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: Wells, subterranean water
4. Location of point of diversion or well is in the SW NW 1/4 of the SW 1/4 of Section 4) both in
 Twp. 6 N , Rge. 25 E , B.M., County of Custer
5. Water is to be used for: Irrigation and stock watering
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: Wells, pumps
8. Estimated cost of works: \$ 4,000.00
9. (a) Is reservoir to be used?
 (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 onhand: \$
 (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: 312 inches, 1894, 64 inches 1900, 6615 of storage water, from Big Lost River and Mackay Res.
 (a) 9.0 (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) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks: It is the intention to drill one well first and if necessary drill the second well if not enough water is developed from the first well. This is supplemental water right.

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

DEWAIN CLARK

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 10:00 a.m. May 18, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-24135

Recorded in Book 85 Page 24135 Approved May 29, 1953

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 July 29, 1953

and to continue diligently and uninterruptedly to completion,

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

One-fifth of the work above specified to be completed on or before November 29, 1955

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before May 29, 1958

Witness my hand this 29th day of May, 1953

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho, and IRA H. MASTERS, 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 29th day of May, 1953.

Countersigned:

STATE OF IDAHO

(SEAL)

By IRA H. MASTERS

Secretary of State.

By LEN JORDAN

Governor

12.

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 $\frac{1}{4}$	
6 N	25 E	4			40	40			40	40	40	40	7	30	40	40	40	40	437
"	"	9	14	1															15
APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, NO. G-24135																			452

Comes now Dewain Clark, 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. G-24135. That the point of diversion is described in said permit as being located SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Twp. 6.N. Range 25.E. That he now requests that the point of diversion be changed to a point located two wells in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, Twp. 6.N. Range 25 E. That his reasons for desiring to make such change are as follows: Was forced to abandon well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, for lack of water Now have two wells in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4. That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Leslie, this 18 day of March, 1958

/s/ Dewain Clark

Date of receipt at Department of Reclamation
March 17, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. G-24135. 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.

/s/ Mark R. Kulp
State Reclamation Engineer

Approved and recorded:
March 18, 1958.

Permit No. G-24135

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that DEWAIN CLARK of Leslie, County of Custer, and State of Idaho, the holder of Permit No. G-24135, issued upon Application No. G-31914 bearing date of priority of May 18, 1953, authorizing the diversion of 9.0 second feet of waters of Wells, subterranean water County of Custer, State of Idaho, for Irrigation and stock water ng 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 9.24 second feet of the waters of subterranean flow from two wells that the points of diversion of said waters two wells in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, Township 6 North, Range 25 East, BM and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 359 acres in the S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$ of Section 4, Township 6 North, Range 25 East, BM NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, Township 6 North, Range 25 East, BM Proof of Completion of Works made: May 26, 1958

Witness my hand this 14th day of November, A.D. 1958

/s/ Geo. N. Carter
State Reclamation Engineer

Proof of Completion of Works made: May 26, 1958
Certificate of Completion of Works issued: November 14, 1958.

LICENSE ISSUED FOR 2.18 SEC. FT.
Page 6519



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 11, 1990

RE: Water Right Nos. 34-02304/02312/07076

The Aetna Casualty & Surety Company
City Place
Hartford, CT 06156

Dear Water Right Holder (s):

We are in receipt of the correspondence concerning ownership of the above referenced water rights.

In Idaho, licensed water rights are considered real property and are acquired when the property to which they are appurtenant is purchased. Proof of owning the land is proof of owning the water right license decree, if the previous land owner did not exclude the water right from the sale. Therefore, we have placed your correspondence in the files for future reference and have changed our computer records to show you are the present owners of the property.

If you have any questions, please let us know.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

MICROFILMED

DEC 1 (1990)

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	G-24135 [34-2304]	Clark, Dewain	9.00
~~Full Assignment~~	~~G-24135~~	~~Birney, Donald H.~~	
~~Full Assignment~~	~~34-02304~~	~~First Continental Corporation~~	
Full Assignment	34-02304	The Aetna Casualty & Surety Company	

MICROFILMED

DEC 17 1990

WILLIAMS, JENT & DOCKINS

ATTORNEYS AT LAW
506 EAST BABCOCK STREET
BOZEMAN, MONTANA 59715

MATTHEW W. WILLIAMS
LARRY JENT
WILLIAM S. DOCKINS

(406) 586-1373
FAX (406) 586-4548

RECEIVED
DEC 07 1990

Department of Water Resources

December 3, 1990

Department of Water Resources
1301 N. Orchard
Boise ID 83706

Dear Sir/Madam:

34-2304

Enclosed for filing please find Assignment of Permit numbers G-24135, G-25070, 34-7103, 34-2304, and 34-7076.

34-2312

Sincerely,

Anne D. Lageson

Anne D. Lageson
Secretary to Matthew W. Williams

Enclosure

RECEIVED

DEC 11 1990

State of Idaho
Department of Water Resources
ASSIGNMENT OF PERMIT

RECEIVED
DEC 07 1990

Department of Water Resources
K First Continental Corporation, hereby assigns to The Aetna Casualty & Surety Company
of CityPlace, Hartford, Connecticut 06156
Address

CHECK ONE



All my right, title, and interest in and to Permit No. G-24135 (34-2304)
to appropriate the public waters of the State of Idaho.



The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 25th day of September, 19 86.

FIRST CONTINENTAL CORPORATION

[Signature]
Permit Holder
Its President

[Signature]
Spouse of Permit Holder

State of ~~Idaho~~ Montana)
County of Yellowstone) ss.

On this 25th day of September, 19 86, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

Rosalie A. Lizinaki
Notary Public residing at

Billings

My commission expires:

12-21-87

NOT FILMED

DEC 17 1990

State of Idaho
Department of Water Resources

RECEIVED
DEC 07 1990

ASSIGNMENT OF PERMIT

Department of Water Resources

I, First Continental Corporation, hereby assign to The Aetna Casualty & Surety Company
of CityPlace, Hartford, Connecticut 06156
Address

CHECK ONE

- ☒ All my right, title, and interest in and to Permit No. 34-2304
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.
(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 25th day of September, 19 86.

FIRST CONTINENTAL CORPORATION

[Signature]
Permit Holder
Its President

[Signature]
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State of ~~Idaho~~ Montana)
County of Yellowstone) ss.

On this 25th day of September, 19 86, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

[Signature]
Notary Public residing at

Billings

My commission expires:
12-21-87

MICROFILMED
DEC 17 1990

WATER RIGHT NUMBER 34-2304

OWNER LAST NAME - CLARK
OWNER LAST NAME - BIRNEYFIRST NAME - DEWAIN
FIRST NAME - DONALD H.ORIG OWNER - D
ORIG OWNER -ADDRESS LINE 1 -
ADDRESS LINE 3 -ADDRESS LINE 2 -
CITY - GROUSE

STATE - ID ZIP CODE - 83242

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 05-18-1953 COUNTY - CUSTER

TOTAL DIV. RATE - 7.1800 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND - T

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWNW 04 06N 25E LOT

REDIV -

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

SESW 04 06N 25E LOT

REDIV -

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE -

7.1800 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 06N RNG 25E SEC 04

TRACT NENE LOT

AC 20

USE - IRRIGATION

PLACE OF USE - TWN 06N RNG 25E SEC 09

TRACT SWNE LOT

AC 25 TRACT

SENE LOT

AC 24

TRACT SWNW LOT

AC 35 TRACT

SENE LOT

AC 30

TRACT NESW LOT

AC 40 TRACT

NWSW LOT

AC 40

TRACT SWSW LOT

AC 02 TRACT

SESW LOT

AC 30

TRACT NESE LOT

AC 30 TRACT

NWSE LOT

AC 20

TRACT SWSE LOT

AC 23 TRACT

SESE LOT

AC 40

DATE -

TOTAL ACRES

359

DECREE NAME -

REMARKS - 3 P/OS IN SWNW, S4, T6N, R25E. TRANS. 1800.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 24135

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL - R01

DIVERSION MEANS -

IDENT. NO. 34-2304

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 24135 / 34.2304
Old No. New No.

Record

1, 2 & 3 Original Owner: Duwan Clark

Address:

Present Owner: Donald H. BirneyAddress: House 104. A. Source of Water groundwater

B. Tributary of:

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 5-18-1953D. County: 37E. Total Diversion Rate: 7.18

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank): T

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

Tract Sec. Twp. Rge. Gov't Lot Rediv.6. A. Point of Diversion SWNW 4 6N 25ESESW 4 6N 25E

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 11-1 for A purposes. Amount 7.18
(cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
<i>6N</i>	<i>25E</i>	<i>4</i>			<i>25</i>	<i>24</i>			<i>30</i>	<i>35</i>	<i>40</i>	<i>40</i>	<i>2</i>	<i>30</i>	<i>30</i>	<i>20</i>	<i>23</i>	<i>40</i>
		<i>9</i>	<i>20</i>															

9. A. Decree Name:

B. Decree Date:

10. Remarks:

- A. 3 P/Ds in SWNW, S4, T6N, R25E*
B. Trans. 1800

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: *24135*

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

SHO 4-11-79

May 10, 1972

C
Re: Transfer No. 34-2304

Mr. Donald H. Birney
Grouse,
Idaho 83242

O
Dear Mr. Birney:

P
Enclosed is a copy of your approved Application for Transfer of Water Right No. 34-2304.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your points of diversion has been placed upon this transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Y
Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of transfer
Information ltr.

bc: Eastern District Office
Enc: Copy of transfer

April 17, 1972

Re: Application for Transfer No. 34-2304 - Donald H. Birney

The Challis Messenger
Post Office Box #97
Challis, Idaho 83226

Gentlemen:

We wish to advise you that we have not yet received the affidavit of publication or certified bill in connection with the above referenced transfer. The legal notice was to have been published on March 30, 1972 and April 6, 1972.

Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

James Booker
Appropriation Examiner

JB:CS

*B-P submitted
4/19/72*

34 2304

March 24, 1972

Re: Transfer Application No. 34-2304 - Donald H. Birney

The Challis Messenger
Post Office Box #97
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week 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 us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bobby D. Fleenor
Assistant Director

BDF:CS

Enc: legal notice (1)

34 2304

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

No. 34-2304

Notice is hereby given that DONALD H. BIRNEY of Grouse, Idaho, has applied to the Department of Water Administration for a change of point of diversion of the waters of a ground water source. The right sought to be changed is evidenced

by License No. 34-2304 and is recorded as follows:

Amount: 7.18 c.f.s. Priority: May 18, 1953 Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 6 N, R. 25 E, B.M., Custer County. (2 points) The water is used for irrigation purposes from April 1, to November 1, within the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ and the S $\frac{1}{2}$ of Sec. 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9, all within T. 6 N, R. 25 E, B.M.

TO BE CHANGED AS FOLLOWS

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, (3 points), and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, all in T. 6 N, R. 25 E, B.M., Custer County. The water will be used for irrigation purposes.

Any protests against approval of the proposed change of water right application must be filed with the Department of Water Administration, Statehouse, Annex #2, Boise, Idaho, 83707, on or before April 17, 1972.

R. KEITH HIGGINSON
Director

Published in the Challis Messenger, Challis, Idaho, on March 30, 1972 and April 6, 1972.

34 2304

WILLIAM J. LANGLEY
ATTORNEY AT LAW
248 THIRD AVE. EAST
TWIN FALLS, IDAHO
83201

TELEPHONE 733-8452

March 2, 1972

Mar 6 1972
Department of Water Administration

Department of Water Administration
State of Idaho, State House Annex
Boise, Idaho 83707

Gentlemen:

I enclose application for permit and application for transfer of water right on behalf of Donald H. Birney. I enclose my check for \$115 for filing fees.

I will appreciate it if all correspondence corresponding concerning this matter is directed to my office.

Very truly yours,



William J. Langley

WJL:ch
Enclosures

March 8, 1972

William J. Langley
Attorney at Law
248 Third Avenue
Twin Falls, Idaho 83301

Dear Mr. Langley

Attached herewith is your receipt No. 8136 in the amount of \$ 115.00
for the application and transfer you submitted in the name of Donald H. Birney
which was received in this office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure: Receipt

741 1356M

54
89



I - 148194105
II - " " 79.3
III - " " 141.5
IV - " " 113.2
660' = 1 Mile
436.1

A. 10.1
H. 10.1
H. 10.1

20.3

23.2

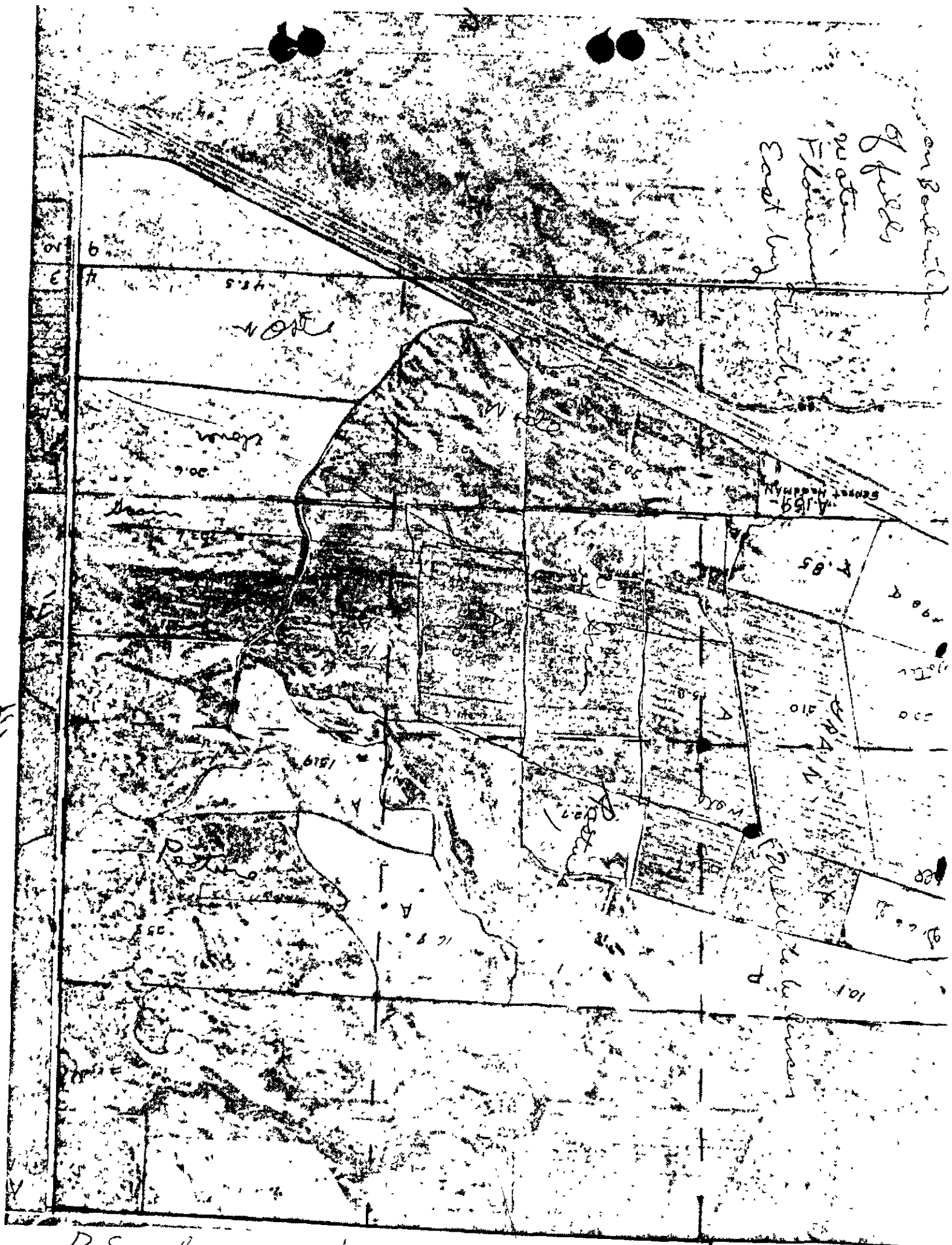
51.2

20.6

21.9

43
910

located 1
Sections 4 & 9



P.S. be sure to get this map back, Bill pua.
N

Copy prepared in the office of
Big Lost River Irrigation District

34 2304

for: William J. Langley, Attorney

Date 3/19/69 By Edith Hammond
Ass't. Sect. - TREAS

March 18, 1969

RE: License G-24135 34-2304

William J. Langley
Attorney at Law
248 Third Avenue East
Twin Falls, Idaho 83301

Dear Mr. Langley:

The assignment you submitted to this office for recording has been filed in the name of Mr. Donald H. Birney, under the above referenced license number.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

C
O
P
Y

24135
34-2304

MAR 11 1969

Department of Reclamation

ASSIGNMENT

FOR VALUE RECEIVED, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, Permit No. G-24135 to DONALD H. BIRNEY, HB Ranch, Grouse, Idaho.

Dewain Clark
Permit Holder

None
Wife of Permit Holder

STATE OF OREGON)
County of Malheur) ss

On this 23 day of January, 1969, before me, a Notary Public for Oregon, personally appeared Dewain Clark and none ~~Clark~~, husband and wife, known to me to be the persons whose names are subscribed to the foregoing Assignment and acknowledged to me that they executed the same.

IN WITNESS WHEREOF I have set my hand and seal the day and year first above written.

Larry L. Field
Notary Public
Residing at Ontario Oregon

34-230#
24135

MAR 11 1969

March 7, 1969

V. Ty.

34-2304
24135

October 29, 1968

RE: License G-24135

William J. Langley
Attorney at Law
248 Third Avenue East
Twin Falls, Idaho 83301

Dear Mr. Langley:

Enclosed please find a copy of the water license listed above. Once a license has been issued it becomes appurtenant to the lands. If your client, Mr. Donald H. Birney, owns the property he also owns the water right. His sales contract should have included the license number, We are enclosing herewith an assignment form to be completed and will be filed with the license if you so choose.

There is a 25¢ fee for the copy of the license which you may remit to our office.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

34-2204
7-24135

RECEIVED

OCT 25 1968

WILLIAM J. LANGLEY
ATTORNEY AT LAW
248 THIRD AVE. EAST
TWIN FALLS, IDAHO
83301
TELEPHONE 733-8452

Department of Reclamation

October 24, 1968

Department of Reclamation
State of Idaho
State House, Annex 2
Boise, Idaho 83707

RE: License G-24135

Gentlemen:

I am attorney for Mr. Donald H. Birney who is now the owner of the land which contains the two wells covered by the above license.

Would you please be kind enough to forward to me a copy of the license and an assignment form so I may get this license in the name of my client.

Please advise any expense in connection with this, and I will immediately forward my check.

Very truly yours,


William J. Langley

WJL:ch

34-2304

34-2304
9-24135

January 29th, 1969

RE: License G-24135

*Permit # 2666
mailed
2-12-69*

William J. Langley
Attorney at Law
248 Third Avenue East
Twin Falls, Idaho 83301

Dear Mr. Langley:

Checking through our files I find that on October 29, 1968, a copy of the above referenced permit was mailed to you, per your request. The fee for this copy was 25¢ which to date we have no record as being paid. Would you please check your records and either mail us the receipt number or remit the amount so our records can be cleared?

Thank you.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

*34-2304
G-24135*

C
O
P
Y

July 10, 1968

RE: License G-24135

34- 2304

Blair W. Archibald
Manager
Federal Land Bank Association
P.O. Box 72
Blackfoot, Idaho 83221

Dear Mr. Archibald:

We do have license G-24135 issued to DeWain Clark. It is licensed for 7.18 cubic feet per second of water and the priority date is May 18, 1953 for use on 359 acres in Section 4 and 9 of Township 6 North, Range 25 East, B.M. There are two wells under this one license. We still do not find a permit in Mr. Birney's name or Mrs. Hardman or Fayle.

Hope this helps. It seems one of the wells is not covered by a permit, however, the lands in Township 5 North, Range 25 East, and T 4 N., R 24 E., B.M. are not covered by a permit, either.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

FEDERAL LAND BANK ASSOCIATION OF BLACKFOOT

P.O. BOX 72, 188 WEST JUDICIAL BLACKFOOT, IDAHO 83221

TELEPHONE: 785-0820



BLAIR W. ARCHIBALD, MANAGER

July 2, 1968

RECEIVED

JUL 8 1968

Department of Reclamation

M. Russell Bosch
Administrative Assistant
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 83707

Dear Mr. Bosch:

Thank you for your letter of June 28 in which you advised you can find no information regarding water rights for 3 wells owned by Mr. Donald Birney. Since we wrote you previously we have been advised that Ernest Hardman, a previous owner of this property, filed for 9.24 cfs with a priority of 5-8-53 under permit #G-24135. Since then it is our understanding that other wells have been drilled either by Mr. Hardman or by Raymond Fayle who bought from Hardman and sold to Birney.

We hope that this additional information will be of help to you. We would appreciate it if you would advise as to any information you can furnish regarding water rights in view of this additional information.

Yours truly,

A handwritten signature in cursive script that reads "Blair W. Archibald".

Blair W. Archibald
Manager

BWA:dj

7.18

7884-C
8271-



"OWNED BY FARMERS : FOR FARMERS"

general

June 23, 1968

Clair W. Archibald
Manager
Federal Land Bank Association
P.O. Box 72
Blackfoot, Idaho 83221

Dear Mr. Archibald:

Our records do not indicate water rights for the three wells owned by Mr. Donald H. Birney. We do not locate any rights in his name or to cover the land listed in your letter of June 25, 1967.

Very truly yours,

M. RUSSELL BOGGS
Administrative Assistant

MRB:ejw

C
O
P
Y

FEDERAL LAND BANK ASSOCIATION OF BLACKFOOT

P. O. BOX 72, 188 WEST JUDICIAL BLACKFOOT, IDAHO 83221

TELEPHONE: 785-0820



BLAIR W. ARCHIBALD, MANAGER

RECEIVED
JUN 26 1968

June 25, 1968

Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

Re: Donald H. Birney

Dear Sir:

We have an application for loan from Donald H. Birney of Kenilworth, Illinois on the following described property:

S1/2N1/2; N1/2S1/2 and that portion of S1/2S1/2 of Sec. 4 lying North of Union Pacific Railroad; that portion of N1/2NE1/4 of Section 9 lying North of Union Pacific Railroad, all in Township 6 North, Range 25 EBM; Fr. NENW of Sec. 17, T4N, R24EBM being all that portion of the NENW of sd Section 17, that lies South and East of Antelope Creek in Butte County; SWNE, Lot 3 (NENW), Lot 4 (NWNW), S1/2NW1/4, SW1/4, W1/2SE1/4, SE1/4SE1/4, Section 5; Lot 1 (NENE), Lot 2 NWNE), S1/2NE1/4, Lot 3 (NENW), SENW, E1/2SW1/4, SE1/4, Sec. 6; NE1/4, Lot 1 (NWNW), Lot 2 (SWNW), E1/2NW1/4, Lot 3 (NWSW), Lot 4 (SWSW), E1/2SW1/4, N1/2SE1/4, SESE, Sec. 7; W1/2, SWSE Sec. 8; and NWNW, that part of the NENW lying North of Antelope Creek, in Custer County, Sec. 17, T4N, R24EBM, and W1/2NE1/4, SENE, NESE, Lot 7 (SESE), Sec. 31, W1/2SW1/4, SESW, Sec. 32, T5N, R24EBM, in Custer County, State of Idaho; Also Fr. SENE T#289; NESE of Sec. 15, ~~22~~ T5N, R25EBM; NENW, Fr. NWNW T#288, S1/2NW1/4, NWSW of Sec. 14, T5N, R25EBM.

Mr. Birney states he has 3 deep wells for irrigation purposes. Will you please send us the date of priority and amount of priority for each well. We enclose a self-addressed, stamped envelope for your convenience in returning this information to us.

Yours truly,

Blair W. Archibald
Blair W. Archibald
Manager



November 14, 1958

Re: Permit No. G-24135

Mr. Dewain Clark
Leslie
Idaho

Dear Mr. Clark:

Enclosed is the Certificate of Completion of Works and the License
and Certificate of Water Right issued under Permit No. G-24135, also,
Departmental receipt #G-3684 for fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc. (3)

24135

RT

of Eric \$31.00

RECEIVED

NOV 7, 1958

Department of Reclamation

Nov. 5, 1958

Dear Res. W. Carter;

I am sending check for
Certificate of Completion of work
and the license and Certificate of
water rights. Total is \$31.00
For Permit No. E-24135

Yours truly
Dewain Clark
Box 27
Leslie, Idaho

E 24135

November 3, 1958

Re: Permit No. G-24135

Mr. Dewain Clark
Leslie
Idaho

Dear Mr. Clark:

Our field engineer's report on his inspection of the beneficial use of the water under the terms of Permit No. G-24135 shows that the two wells are capable of conveying 359 miners inches (7.18 c.f.s.) of water for irrigation of 359 acres.

Upon receipt of the statutory fees, totaling \$31.00, we will issue the Certificate of Completion of Works (for which the fee is five dollars) and the License and Certificate of Water Right (fee twenty-six dollars--based at the rate of two dollars for each 40-acre subdivision) confirming the right with priority of May 18, 1953, to the use of 7.18 second feet of subterranean water, with points of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ (two wells) of Section 4, for irrigation of 359 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ of Section 4 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, Township 6 North, Range 25 East, B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

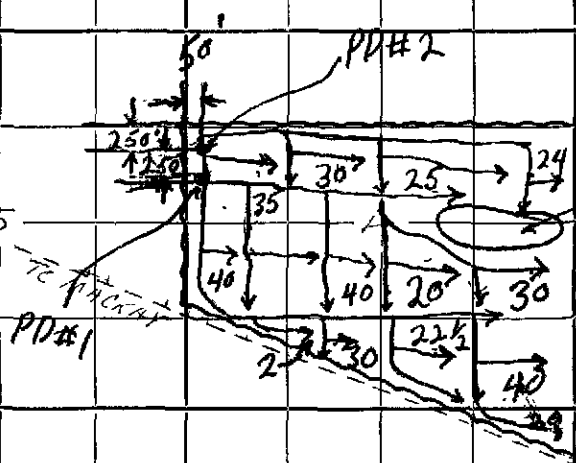
EFR:nls

24135

107

R-25E.

T.
6
N.



the land is sub irrigated

1140
150
95
21
359

Subdivisions = 13

Area = 354 1/2 acres 359.11

Q = 44187 minus inches

Q = 359 miles

7.1840

c/w =

c/w = 9.24 cfo

Nov 17-28

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-24135

REPORT ON PROOF OF Completion of Works & Beneficial Use
Dewain Clark
Leslie, Idaho

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

OCT 3 1 1954

Department of Reclamation

90 c.i.s.

Controls

Station 22 880 70 363

22' x 110' width

10' x 200' channel 1 foot 10"

1/2" discharge at 1000

date 1 14' x 4' channel

bottom 33.289

79' bottom

5.14

15'

1.2'

2' c.i.s.

17' c.i.s.

3' c.i.s.

1' c.i.s.

1' c.i.s.

1' c.i.s.

1' c.i.s.

1' c.i.s.

1' c.i.s.

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

Permit No. G-24135

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

1. Name of applicant Dewain Clark
2. Source of water supply: Subterranean flow from 2 wells
3. Location of point of diversion: Is in the 2 in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4
T. 6 N., R. 25 E.B.M. County of Custer PLW
4. Describe works as they exist, giving dimensions and capacities of same: PD #1 Well 20" x 110'
Garbancs Morse motor 25 Hp 220 V # F 283586 Garbancs
Morse Vertical turbine # PV 1864 GE + Westinghouse controls
10" x 40' column 1-16" bowl 9 1/2" discharge into open ditch
pump mounted on 4' x 4' concrete slab. 239.87 minus inches
measured by spooling meter 26"
5. Water is used for: Irrigation and stock watering
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):

S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4; and N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 9, all in Township 6
North, Range 25 East, B. M. PLW

Filed 5/18/53

Due 5/29/58

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

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

Remarks: Accompanied by Dewain Clark
PD #2 excavation 25' deep 30' x 50' hole. Panna water
after size #6 powered by John Deere Diesel 51 Hp to
the belt 12" x 20' column 12" discharge into open ditch
measured left during low water table in 15'
21" measured over 2' cupulette was 202.0 minus inches

This examination was made on the 19 day of August, 19 58

(Signed) David B. Stevenson Examiner.

G 24135

260
202
408
9.28
- 7.18

August 13, 1958

Re: Permit # C-24135

Mr. Dewain Clark
Lewie, Idaho

Dear Mr. Clark

Statutes requires a field inspection in connection with the proofs on Permit # C-24135 before license and certificate of water right can be issued.

Such inspection and report on same is required for any and all permits being brought to license within this State.

Mr. Darrell Stevenson,

~~Respecting~~ Engineer from this Department requests that you or someone familiar with the terms of the permit and representing you be prepared to accompany him on the inspection, on Wednesday

August 20, 1958.

If he cannot get in touch with you by phone or otherwise he will drive to the well location or point of diversion given in the permit.

Very truly yours,

~~MARK N. RULIN~~ **CHD. W. CARTER**
State Reclamation Engineer
By

E. N. Humphrey
E. N. Humphrey
Deputy

E.H.L.

24135

June 3, 1958

Re: Permit No. G-24135

Mr. Dewain Clark
Leslie, Idaho

Dear Mr. Clark:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Mackay Miner, all submitted in Proof of Completion of Works and Application of Water to Beneficial Use, on Permit No. G-24135.

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,

MARK R. NULP
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR:lw

24135

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAY 29 1958
Department of Reclamation

Permit No. g-24135

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. Devin Clark Farmer Leslie Idaho

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

Ans. NO

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

Ans. No. g-24135 May 29, 1953 May 18, 1953

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

Ans. Two wells on the SW 1/4 NW 1/4 Section 4 Twp 6
N. Range 25 E. B.M. County of Custer

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. One electric pump, 25 hp, 40 ft. diam. 240 in. well depth 110 ft
one power pump belt driven 25 ft deep 20 in. 210 in
and big lost river canal on steep ditch

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

Ans. Irrigation, on farm 6 N. 25 E. 4
SW 1/4 40 SE 1/4 40 NE 1/4 40 NW 1/4 40 SW 1/4 40 SE 1/4 40
NE 1/4 40 NW 1/4 40 SW 1/4 40 SE 1/4 40
Twp 6 N Range 25 E Sec 9 NE 1/4
NE 1/4 40 NW 1/4 40
all of part under cultivation

Land list: S²NE⁴, S²NW⁴, SW⁴, SE⁴; - 24135

N²NE⁴, Sec. 9; all in 6N.-25E.B.M.

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

Ans. 770

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

Ans. 770

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. was originally

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

Ans. Supplemental to irrigation district
one well July 24, 1954 210 in. other well
April, 1956, 242 in put at all in each year

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. 262 inches 1894, 64 inches 1900 ~~7350~~ 7350
storage of big lost river res ~~and~~ when full
to old level. old water right to farm

(Sign) Dewain Clark

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 Leslie, County of Custer

State of Idaho, on this 26 day of May, A. D. 1958

Ruth J Olsen

My commission expires Sept. 1959

#24135

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAY 29 1958
Department of Reclamation

Permit No. B. 24135

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. Clara C. Hamlett, age 67, Mackay, Farming
P.O. Mackay Idaho

Ques. 2. Are you acquainted with Devain Clark, the holder of Permit No. B. 24135? How long have you known him and where does he reside? I have known Devain Clark 6 yrs, and he
Ans. resides at Leslie Idaho.

Ques. 3. Have you read or heard read said Permit No. B. 24135, and are you familiar with its provisions and conditions?

Ans. Yes I am familiar provisions & conditions

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. Two wells located in the S.W. 1/4 N.W. 1/4 Section
4 Twp 6 N. R. 25 E B.M. Custer County

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. 9 Second feet per second.

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

Ans. 50 inch in Cubic foot. I have seen 9 second
feet of water delivered from these two wells
estimated running through ditches leading to
farming land.

B. 24135

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. Said water is used for the irrigation of this farm, because of this well water has been of untold benefit making a very productive farm.

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

Ans. No use other than irrigation of farm land.

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. The character of land irrigated is a gravel formation and takes a least one inch per acre.

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

Ans. I have no interest whatever.

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. I have been on farming land irrigated by these two wells a good many times and have seen water used to produce hay grain, etc.

(Signed) *W. C. Hammett*

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 Leslie County of Custer, State of Idaho, on this 26 day of May, A. D. 1958.

Ruth J. Olsen
Notary Public.

My commission expires

Sept 1959

24135

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAY 29 1958
Department of Reclamation

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. George H. Hone, age 36, Leslie, Idaho
Farmer. Leslie, Idaho Box 63

Ques. 2. Are you acquainted with Herwin Clark, the holder of Permit No. G 24135? How long have you known him and where does he reside?

Ans. 30 years - Leslie Idaho

Ques. 3. Have you read or heard read said Permit No. G 24135, 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. Pumps, S.W. 1/4 NW 1/4 Sec 4 Twp 25 N. R. 25 E.
ditches

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. nine (9) second 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. 9 second feet - I guessed at it

G 24135

2
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 on his place. Irrigation furrows cultivated. The pumps on his place have adequate water to raise crops.

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. All soil is prone and needs at least an inch per acre -

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. In 1957 I watched these pumps at work

(Signed) George H. Dore

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 Leslie County of Custer, State of Idaho, on this 26 day of May, A. D. 1958

Ruth J. Olsen
Notary Public.

My commission expires Sept 1959

L 24135

LEGAL NOTICES

NOTICE OF PROOF OF COMPLETION OF WORKS

and

APPLICATION OF WATER TO

Notice is hereby given that at 6:00 P.M., on the 26th day of May, 1958, at Leslie, County of Custer, State of Idaho, before Ruth Olsen, Notary Public, at Leslie, Idaho, proof will be submitted of the completion of works for the diversion of 9.0 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-24135 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 Dwain Clark, Leslie, Idaho.

2. Said works of diversion will be fully completed by the date set

capable of conveying to the place of use is 9.0 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 9.0 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, Twp. 6 N., Rge. 25 E.

5. The place where said water is used is S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 4, Twp. 6 N., Rge. 25 E., N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 3, Twp. 6 N., Rge. 25 E.

6. The date of priority which said user is prepared to establish is May 18, 1953.

MARK R. KULP
State Reclamation Engineer
Pub. April 24, May 1, 8, 15, 1953.

L 24135

RECEIVED
MAY 29 1958

Department of Reclamation

Affidavit of Publication

State of Idaho

County of Custer

ss.

Ted E.

1, ~~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 four consecutive weeks, commencing with the issue dated April 24, 1958, and ending with the issue dated May 15, 1958

T. E. Hanawalt

Subscribed and sworn to before me this 24th day of

May, 1958

Kenneth H. Deming
Notary Public.

Residing at Mackay, Idaho

April 16, 1958

RE: Permit No. G-24135

Mr. Dwain Clark
Leslie, Idaho

Dear Mr. Clark:

This acknowledges receipt of the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. G-24135, to be made at Leslie at 6:00 P.M. on the 26th day of May, Before Ruth Olsen, 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 to 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. The information especially required (using the data published in the Notice as your guide) is:

The time, the date, the place, and before the Notary named in the Publication.

The signatures of the Holder and Witnesses and the Notary's seal are essential.

It is also very necessary that each question be answered in detail.

In returning all the depositions (Holder's and two Witnesses) to this office, please be sure to enclose the Affidavit of Publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

R:vm
Enclosures 3

24135

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. G-24135
Dwain Clark

Date: April 16, 1958

The Mackay Miner
Mackay, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 26th, 1958** the date set for proof; the expense of the publication is to be paid by the applicant,

Dwain Clark of **Leslie, Idaho**
to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

Rvm
Enclosure 1

24135

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

Notice is hereby given that at 6:00 P. M., on the 26th
day of May, 19 58, at Leslie, County of
Custer, State of Idaho, before Ruth Olsen, Notary
Public, at Leslie, Idaho, proof will be submitted of the completion of
works for the diversion of 9.0 cubic feet per second of underground waters
from a well, and of the application to beneficial use of said water, in accordance
with the terms and conditions of Permit No. G-24135 heretofore issued by
the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person ~~of the person~~ holding said
permit ~~is~~ is Dwain Clark, Leslie, Idaho

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 9.0 cubic feet per second.

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

4. The point of diversion of said water is SW $\frac{1}{4}$ Sec. 4, Twp. 6 S., Rge. 25 E.

5. The place where said water is used is S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, & SE $\frac{1}{4}$ Sec. 4
Twp. 6 N., Rge. 25 E., N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 9, Twp. 6 N., Rge. 25 E.

6. The date of priority which said user is prepared to establish is
May 18, 1953.

G 24135

MARK R. KULP
State Reclamation Engineer

March 26, 1958

Re: Permit No. G-24135

Mr. Dewaine Clark
Box 27
Leslie, Idaho

Dear Mr. Clark:

Under date of March 20, 1958 we wrote you regarding an approved amendment changing the points of diversion in regard to the wells in connection with Permit No. G-24135.

In checking over the record, we note that there was a mistake in the amendment stating the Township as 6 South, Range 25 East, in place of 6 North, Range 25 East.

We would appreciate you changing the amendment you have on hand to read 6 North, Range 25 East, in place of 6 South, as stated in the amendment.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

G-24135

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

RECEIVED
MAR 17 1958

Department of Reclamation

(Date) March 15, 1958

(P. O.) Lees Ferry, 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, Ida published in
the county in which the works are situated.

Gerrard Clark

(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.

24135

RECEIVED
MAR 17 1958
Department of Reclamation

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

Notice is hereby given that 6 P., M., on the 26 day of May, ^{Due 5-29-58}
1958, at Leche, County of Butte, State of Idaho,
before Ruth Olsen, Notary Public, at (address) Leche, Idaho
proof will be submitted of the completion
of works for the diversion of 90 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. 9-24135 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 are Duwan Park Leche, Idaho

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 con-
veying to the place of use is 9 cubic feet per second.

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

4. The point of diversion of said water is SW 1/4, Sec 14, T. 2 N., R. 2 E.,
Township 6 North, Range 2 East

5. The place where said water is used is turn over
turn over

6. The date of priority which said user is prepared to establish is
May 29, 1953

24135

March 20, 1958

Re: Permit No. G-24135

Mr. Dewain Clark
Box 27
Leslie, Idaho

Dear Mr. Clark:

Enclosed is the application for amendment to Permit No. G-24135 as approved by the State Reclamation Engineer and recorded in the Department of Reclamation in Book 35 of Permits at Page 24135 amending the points of diversion as described on record to read as follows: "Two wells in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 6 South, Range 25 East, B. 1." This should now be attached to the original permit to which it refers and of which it becomes a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

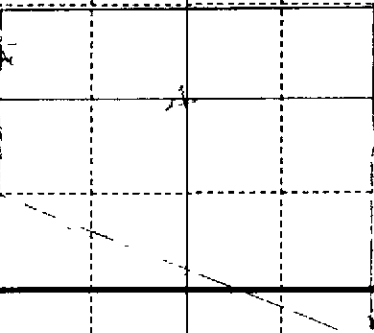
EPR:nls
Enc.

24135

Location of points of diversion or well locations,
as amended, March 5 1958

Twp. 5.N. Range 25. E. Section 4

with



APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. G-24135

RECEIVED
MAR 17 1958
Department of Reclamation

Comes now Dewain Clark, 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. G-24135.

That the point of diversion is described in said permit as being located
SW $\frac{1}{4}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, Twp. 8 N. Range 25 E.

That he now requests that the point of diversion be changed to a point
located Two wells in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, Twp. 8 N. Range 25 E.

That his reasons for desiring to make such change are as follows:

Was forced to abandon well located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, for lack of water

Now have two wells in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4,

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

Signed at Reedley, this 15 day of March, 1958

Dewain Clark

Date of receipt at Department of Reclamation March 17, 1958

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby
approve the above and foregoing application for amendment to Permit to appropriate
the Public Waters of the State of Idaho, No. G-24135. This approval constitutes
a new permit and is issued as an amendment to the original permit, to which it re-
fers and of which it becomes a part, and said application is approved only insofar
as the rights of others will not be adversely affected thereby.

Mark R. Kulp
State Reclamation Engineer

24135

March 12, 1958

Re: Permit No. G-24135

Mr. Dewain Clark
Box 27
Leslie, Idaho

Dear Mr. Clark:

In answer to your letter of March 6, 1958 relative to the above captioned permit, we are enclosing herewith an application for amendment to Permit No. G-24135.

We have prepared the amendment changing the points of diversion from the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, Township 6 South, Range 25 East, to two wells located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, Township 6 South, Range 25 East.

We are enclosing a map showing the points of diversion as you described same in your letter of March 6th. If the amendment is correct, please fill in date and place and sign same and return to this department.

You should comply in order to make your proofs by May 29, 1958, under our letter of March 1, which gives you instructions to fill out notice of publication of intent to make proof to be published in the Mackay Miner, Mackay, Idaho

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Encls. Application for Amendment
Map

24135

24135-2
Dervain Clark
Box 27
Leslie, Idaho

Leslie, Idaho

March 6, 1958

RECEIVED
MAR 7 1958

Department of Reclamation

Mark R. Kulp
Boise, Idaho

Dear Mr. Kulp,

I received your letter yesterday.

The way I understand your letter. I should ask for a amendment form.

My papers are now, in Salmon. but should get them soon.

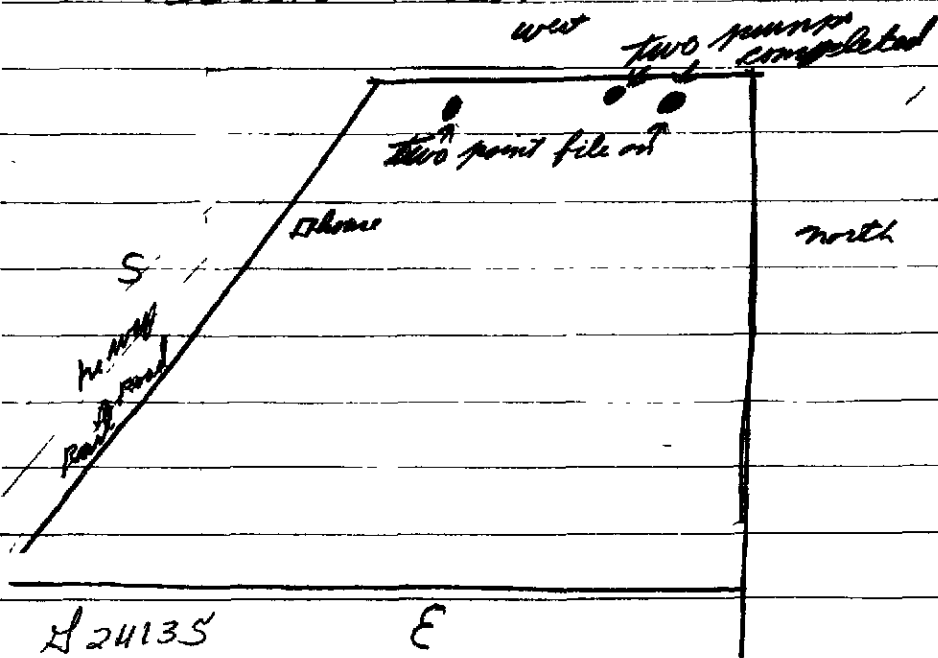
As near, as I remember, the 2 points of diversion file on. were at the top end of farm at each corner.

He did dig at the two

Q24135

points of diversion and we put
a pump in north west corner.
But S west corner did not supply
but very little water so was
abandoned. Then we drill
a well about 200 ft. west of the
first hole.

Will try to make a map
of farm. So you can understand
what I did do and you
can send me paper or information
to correct error.



STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RE: Permit No. G-24135

Date March 1, 1958

Dwain Clark
Leslie, Idaho

Dear Sir:

The date for proofs of completion of works and application of water to beneficial use, as set out under the terms of Permit No. G-24135 are due not later than May 29, 1958.

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 with the county.

We enclose Form 36, in duplicate, which is to be filled out and returned to this department at least forty (40) days before the above 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 on, 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 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,

MARK R. KULP
State Reclamation Engineer

Enclosures

G-24135

October 14, 1955

RE: Permit No. G-24135

Mr. Dewain Clark
P. O. Box 27
Leslie, Idaho

Dear Mr. Clark:

Reference is made to your letter of October 12, 1955, in regard to your Permit No. G-24135.

If your Permit shows proof of Completion of Works to be due on or before May 29, 1955, it is a typographical error as our record of this Permit shows that it was approved May 29, 1953, 1/5 of the works to be completed on or before November 29, 1955, and proof of Completion of Works and Beneficial Use to be made on or before May 29, 1958.

If we understand from your letter that you wish to drill another well you may apply for Amendment to the original Permit to include the additional well using the Form enclosed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.
CC: Mr. Edwin M. Smith

24135

RECEIVED
OCT 14 1955

Department of Reclamation

Oct 14 1955

Dear Mr. Kulp,

There has been a little
mistake on my application
for ~~quantity~~ water. Since
I cannot prove, up on
water on or before May 29, 1955
please correct application
I believe the date that should
be on permit was May 29, 1956.
please check permit no. G-24135
application no. G-31914

Please send this information
direct to Elwin^{Mr.} Smith, Box K-38
Salmon, Idaho Farmers Home
administration. He has old permit
now.

I have dug a hole last year
N 24135

in summer and have been
pumping from it every
since. It will deliver
about 175 in. on 24 hr pumping
now I want to drill a 20 in.
hole down, for more water.
In order to get it financed
I had to go to Farm Home adn.

Yours truly
Dewain
Clark

L24135

June 3, 1953

RE: Permits Nos. G-24135 and 21853

Mr. Dewain Clark
Leslie
Idaho

Dear Mr. Clark:

We enclose Permit No. G-24135 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Permit No. 21853 of J. P. Walbrecht, which you left in the office when you filed your application. Was it Mr. Walbrecht's intention to relinquish Permit No. 21853? If so, will you please have him sign the enclosed relinquishment, have it witnessed and return to this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

24135

LEGAL NOTICES

NOTICE OF PROOF OF COMPLETION OF WORKS and

APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 6:00 P. M., on the 26th day of May, 1958, at Leslie, County of Custer, State of Idaho, before Ruth Olsen, Notary Public, at Leslie, Idaho, proof will be submitted of the completion of works for the diversion of 9.0 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No G-24135 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 Dwain Clark, Leslie, Idaho.

2 Said works of diversion will be fully completed on the date set for such completion, and the amount of water said works are capable of conveying to the place of use is 9.0 cubic feet per second.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 9.0 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, Twp. 6 S., Rge. 25 E.

5. The place where said water is used is S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ & SE $\frac{1}{4}$ Sec. 4, Twp. 6 N.,

Rge. 25 E., N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 3, Twp. 6 N., Rge. 25 E.

6 The date of priority which said user is prepared to establish is May 18, 1953

MARK R. KULP

State Reclamation Engineer

Pub. April 24, May 1, 8, 15, 1958