

23^a. add irrigated brush

340' drop in
5600' of 12" pipe

R-22 E.

T.
9
N.

DICKEY

6

7

18

8

4

9

10

A hand-drawn map on a grid background, showing a property layout with various features and measurements. The map includes a large rectangular area on the left, a winding path or road, and several labeled areas.

Key Features and Labels:

- Top Left:** "R-22 E." in red ink.
- Top Right:** "Concrete heading 4' x 8' x 2' deep" and "30" outlets both N. & S." in blue ink.
- Center:** "Concrete heading 4' x 8' x 2' deep" in blue ink.
- Right Side:** "Concrete Flume or ditch heading" in red ink.
- Bottom Right:** "Flume heading large ditch around edge of bench" in blue ink.
- Bottom Center:** "Buried 12" pipe line" in red ink.
- Bottom Left:** "Cedar or Dry Creek" in blue ink.
- Left Side:** "U.S. Highway 93A" in red ink.
- Measurements:** Various numbers (25, 30, 35, 20, 5, 8, 9, 10, 17) are scattered across the map, likely indicating distances or dimensions.
- Other Labels:** "OPEN FLUME" in red ink, "P.D." in blue ink, and "Subdivisions = 8" in blue ink.
- Area and Quantity:** "Area = 200 a." and "Q = 4 cfs." in blue ink.

Subdivisions = 8

Area = 200 a

$$Q = 4 \text{ cfs}$$

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

RECEIVED
NOV 12 1954
Department of Reclamation

November 9, 1954
(Date)

NOTICE OF ALLOWANCE

Francis L. Smith

Francis L. SmithChilly, Idaho

Sir:

Your Desert-Land Application, Serial No. Idaho 04096
Desert-Land application, Serial No. Idaho 04096
(Kind of application or entry)

Receipt No. 6191, for the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 5; SE $\frac{1}{4}$ SE $\frac{1}{4}$
6191, for the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 5; SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 6; NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ 8
Section 6; NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8

Township 9 N., Range 22 E., Boise Meridian,
9 N., Range 22 E.,
containing 320 acres, has this day been allowed, subject to

your further compliance with law and regulations applicable thereto.

In correspondence relating to this entry, always refer to the serial number.

The above entry is allowed, subject to existing rights-of-way

~~The above entry is allowed, subject to existing rights-of-way~~

and to any valid existing rights.

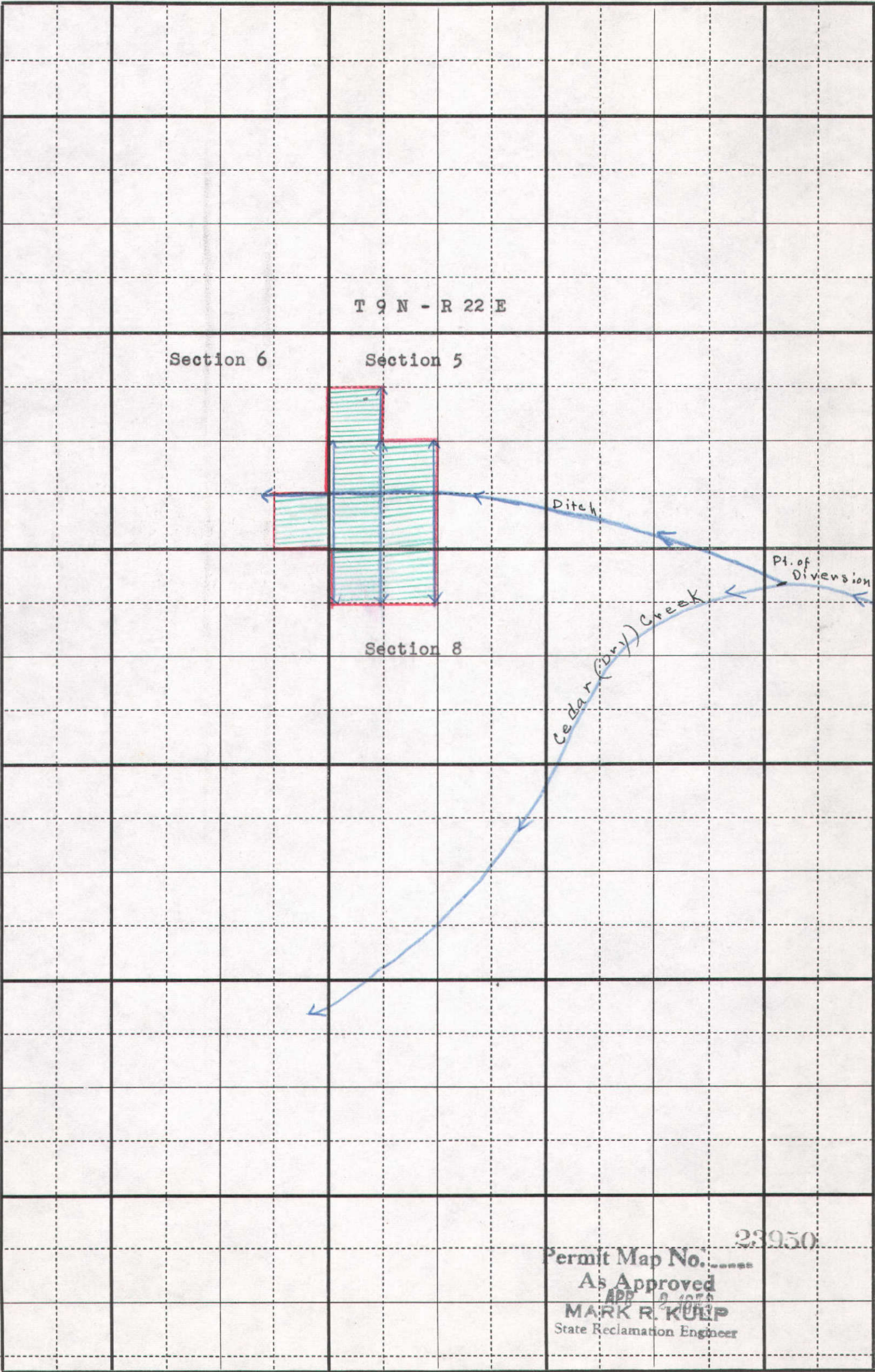
~~and to any valid existing rights.~~

Very respectfully,

Paul A. Shepard
Manager

cc: DRN, Salmon, Idaho
State Recla. Engr., Boise, Idaho ✓
R. M.

23950



APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

34- 2303

APPLICATION No. 31732
 PERMIT No. 23950
 DISTRICT No.

1. Name of Applicant: FRANCIS L. SMITH

Postoffice address: Chilly

County: Custer

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 6.4 cubic feet per second.

3. Source of water supply: Cedar Creek or Dry Creek which is a tributary of Lost River

4. Location of point of diversion: 900 feet distant from the N. W.

corner of Section 10, T. 9 N., R. 22 E., B. M., and is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 10, T. 9 N., R. 22 E., B.M., County of Custer

5. Water is to be used for Irrigation

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

(a) Point of use of water: feet distant from corner of Section

T., R., B.M., in the of Section, T., R., B.M.

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

(c) Water is to be returned to at a point feet

distant from the corner of Section, T., R., B.M., in the
 of Section; T., R., B.M.

7. Estimated cost of works: \$ 200.00

8. Kind of works: Ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width 3 feet; height 3 feet.

11. Ditch: Width at bottom 3 feet; width at water line 5 feet; depth of water 1 $\frac{1}{2}$ feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile 5 to 15 % feet.

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

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

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

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

State of Idaho
License and Certificate of Water Right

Water License No. 23950 Amount 4.0 c.f.s.
Water District No. Priority March 30, 1953

THIS IS TO CERTIFY that FRANCIS L. SMITH
of Chilly, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 30, 1953; that Permit No. 23950
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6.4 second feet, was issued thereunder on February 21, 1958, showing that said works
were completed on the 10 day of February, 1958; and that on the 2nd
day of April, 1959,
FRANCIS L. SMITH

of Chilly, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Cedar or Dry Creek
, a tributary of Lost River, for the purpose of irrigation
, under Use Permit No. 23950 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 6812, on the 10 day of November, 1959;
The right hereby confirmed dates from March 30, 1953;
The Point of Diversion is located

in the NW 1/4 NW 1/4, Sec. 10, Tp. 9 N., R. 22 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 4.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 N.	22 E.	5	SW 1/4 NW 1/4	40	25
			NE 1/4 SW 1/4	40	30
			NW 1/4 SW 1/4	40	35
			SW 1/4 SW 1/4	40	30
			SE 1/4 SW 1/4	40	35
		6	SE 1/4 SE 1/4	40	5
			NE 1/4 NW 1/4	40	20
			NW 1/4 NW 1/4	40	20
			Total number of acres to be irrigated:		200

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
10 day of November, 1959.

/s/ GEO. N. CARTER
State Reclamation Engineer.

(SEAL)

34 2203

State of Idaho
License and Certificate of Water Right

Water License No. G-23877 Amount 1.8 c.f.s.
Water District No. _____ Priority March 7, 1953.

THIS IS TO CERTIFY that ORVAL S. MORTENSEN
of Paul, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 7, 1953; that Permit No. G-23877
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.8 second feet, was issued thereunder on November 10, 1959, showing that said works
were completed on the 20 day of December, 1958; and that on the 20
day of December, 1958,

ORVAL S. MORTENSEN

of Paul, 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-23877 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 6811, on the 10 day of November, 1959;
The right hereby confirmed dates from March 7, 1953;

The Point of Diversion is located
in the SE 1/4 SW 1/4, Sec. 9, Tp. 7 S, R. 23 E., B. M. County of Lincoln

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 1.8 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 S,	23 E.	8	SE 1/4 NE 1/4	40	13
			NE 1/4 SE 1/4	40	30
		9	NW 1/4 SW 1/4	40	20
			SW 1/4 SW 1/4	40	20
			SE 1/4 SW 1/4	40	20
			Total number of acres to be irrigated:		103

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
10 day of November, 1959.

/s/ GEO. N. CARTER
State Reclamation Engineer.

(SEAL)

November 10, 1959

Re: Permit No. 23950

Francis L. Smith
Chilly, Idaho

Dear Mr. Smith:

We enclose license and Certificate of Water Right issued
on Permit No. 23950.

We also enclose departmental receipt No. 29846 in the
amount of \$16.00, covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

KPR:ew
Enc. license
receipt

23950

RT

October 20, 1959

Re: Permit No. 23950

Francis L. Smith
Chilly, Idaho

Dear Mr. Smith:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 23950 shows the creek is capable of conveying 200 miner's inches, or 4.0 c.f.s. of water for the irrigation of 200 acres.

Upon receipt of the statutory fee of \$ 16.00 -based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of March 30, 1953 to the use of 4.0 second feet of surface water with the point of diversion in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10 for irrigation of 200 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 5; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6; N $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 9 North, Range 22 East, Boise Meridian.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:mr

23950

RT

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 23950

REPORT ON PROOF OF Beneficial Use

Francis L. Smith, Chilly, Idaho



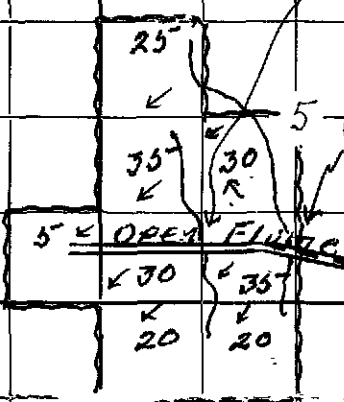
5400 concrete flume.
 175a total
 255a. add irrigated brush.

340' drop in
 5600' of 12" pipe

R-22E.

T.
 9
 N.

DICKEY



Concrete heading same spec.
 8' x 8' x 2' deep
 30' outlet to N. & S.

Concrete Flume or ditch heading

Flume heading
 large ditch around road
 or bench.
 P.D.

Buried
 12" pipe line

U.S. MAILING 933A
 AC MAGNAY

Cedar or Dry Creek

Subdivisions = 8

Area = 200 a.

Q = 4 cfs.

7 in 100' drop in pipe

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

Permit No. 23950

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

1. Name of applicant Francis L. Smith

2. Source of water supply: Cedar Creek or Dry Creek

3. Location of point of diversion: Is in the NW 1/4 of Section 10

T. 9 N R. 22 E B. M. County of Custer

4. Describe works as they exist, giving dimensions and capacities of same; *12" x 5' head gate*

pipe, pressure treated. Concrete heading 4' x 6' head gate = 3' W x 3' H x 6' L.

Low rock dam into stream. This water is brought across a high bar in a pipe line and concrete flume because of porosity of soil and to prevent washing deep gulches.

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):

SW 1/4, SW 1/4 of Sec. 5., NW 1/4 of Sec. 8., SE 1/4 of Sec. 6., Twp. 9 N., Rgs. 22 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. Smith along on inspection.

This examination was made on the 16 day of Oct, 19 59

(Signed) E. N. Humphrey Examiner.

Francis L. Smith
Chilly, Idaho

Permit No. 23950

Examination for Beneficial Use

County Custer

Q 3 6.4 a.p.s.

S = Section or Dry Creek

A.C. = NW. NW., Sec. 10, T. 9 N. - R. 22 E.

Use = Irrigation

Filed = March 30, 1953

Due = April 24, 1964

Q/M. = 2-21-58

no other rights

X9

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 19 1959

Department of Reclamation

October 5, 1959

Re: Permit # 23950

Francis L. Smith
Chilly, Idaho

Dear Mr. Smith

Statutes requires a field inspection in connection with the proofs on Permit # 23950 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.

An inspecting 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 Friday, October 16,
or Saturday, October 17, 1959 .

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,

GEO. N. CARTER
State Reclamation Engineer
By

E. N. Humphrey
Deputy

23950

April 6, 1959

RE: Permit No. 23950

Mr. Francis L. Smith
Chilly, Idaho

Dear Mr. Smith:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in The Mackay Miner, all submitted in proof of beneficial use on Permit No. 23950.

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

Chief Clerk

EPR

23950

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 6 1959
Department of Reclamation

Permit No. 23950

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Francis L. Smith - ~~Idaho~~, Farming and Ranching- Chilly, Idaho
Chilly

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

Ans. _____

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

Ans. No. 23950 - ~~March 30~~, 1953 is date of priority - March 30, 1953

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

Ans. Cedar Creek or Dry Creek 900 feet distance from the NW corner of Sec. 10
T9N Rgn. 22EBM and located in the NW 1/4 Sec. 10 T9N R22EBM

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. Present works consists of a ditch capable of conveying 720 inches to point
of diversion where a pipeline and flume pick up 580 inches of water and the ditch
that continues on carries 300 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. 25^{1/2} A. in SW 1/4, 40 A. ; NE 1/4 SW 1/4, 40 A. 23A. Irrigated. ; SE 1/4 SW 1/4, 40 A. 30 A. Irrig.
NW 1/4 SW 1/4, 40 A. 37 A. Irrig. ; SW 1/4 SW 1/4, 40 A. 20 A. Irrig. ; Sec 5 : SE 1/4 SE 1/4, 40 A. 5 A. Irrig.
sec 6 ; NW 1/4 NW 1/4, 40 A. 15 A. Irrig. NE 1/4 NW 1/4, 40 A. 15 A. Irrig. Sec 8 T9N R 22 EBM.
All irrigated land is cultivated. Land has been changed from a sage brush land to
a irrigated cropland.

23950

D

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

Ans. _____

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

Ans. 6.4 Cu. Ft.

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. Water has been used through out the growing season on all cropland for the last three years. The amount of water used was 6.4 Cu. Ft. .

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

Ans. _____

(Sign)

Francis L. Smith

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 2nd day of April A.D. 1959

My commission expires 1-9-60

Leon McCreilly

23950

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 6 1959
Department of Reclamation

PERMIT NO. 23950

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Roy C Pearson, 73, Moore, retired Farmer, Moore Idaho

Ques. 2. Are you acquainted with Francis L Smith, the holder of Permit No. 23950? How long have you known him and where does he reside?

Ans. 40 years, Chilly, Idaho

Ques. 3. Have you read or heard read said Permit No. 23950, 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. Cedar Creek or Dry Creek, 900 feet from the ^{NW} corner of Section 10 T9N R22EBM, Wooden pipe that is buried and a cement 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. 580 inches, 6.4 Cu. Ft.

Ques. 6. 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. 25 A. Irrig. in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A., 23 A. irrigated in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 A. 30 A. irrigated in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 A., 37 A. Irrig. NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 A., 20 A. Irrig. SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40A., Sec. 5 ; 5 A. Irrig. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 A. Sec. 6 ; 15 A. in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A., 15 A. in NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A. in Sec 8 T 9 N R 22EBM. A 11 irrigated land is cultivated. Land classification has been changed from a sage brush area to cropland.

23950

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

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

Ans. Good sage brush land and need 1 inch to the acre for irrigation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. NONE

Ques. 10. 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. June 1956 July 1957 6.4 Cu. ft.

(Signed) Roy L. Pearson

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 2nd day of April, A. D. 1959

My commission expires 1-9-60

[Signature]
Notary Public.

23950

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 6 1959
Department of Reclamation

PERMIT NO. 23950

Proof of Application of Water to Beneficial Use
Deposition of Witness

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

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

Ans. Walter E. Crawford, 57, Darlington, Idaho Farming, Darlington, Idaho

Ques. 2. Are you acquainted with Francis L. Smith, the holder of Permit No. 23950? How long have you known him and where does he reside?

Ans. Yes - 40 years Chilly, Idaho

Ques. 3. Have you read or heard read said Permit No. 23950, 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. Cedar Creek or Dry Creek 900 ft. distance from the NW corner of Sec 10 Twp. 9N Rgn. 22 EBM. 12 inch pipe and a cement 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. 6227027722 580 inches 6.4 Cu. ft.

Ques. 6. 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. 25 A. Irrigated in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A., 23 A. Irrig. in NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 A., 30 A. Irrig. in SE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 A., 37 A. Irrig. in NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 A., 20 A. Irrig. in SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 A. Sec 5 5.A. Irrig. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 A., Sec 6 15 A. irrig. in NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 A., 15 A. Irrig in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 8, T 9 N R 22 EBM. All land in irrigation is being cultivated. Land has been changed from a sage brush type land to a producing cropland.

23950

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

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

Ans. Arid sage brush land with good depth of soil 6.4 Cu. Ft.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. NONE

Ques. 10. 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 about the middle of June I seen application of water in the 6.4 Cu. Ft.
being applied to the mentioned land.

(Signed) Walter E. Crawford

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 Guster, State of Idaho, on this 2nd day of April

A. D. 19 59

[Signature]
Notary Public.

My commission expires 1-9-60

23950

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

Notice is hereby given that at 2:00 p. m. on the 2nd day of April, 1959, at Mackay, County of Custer, State of Idaho, before Leon McInelly, A.S.C. Office, Mackay, Idaho, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of Cedar Creek or Dry Creek in accordance with the terms and conditions of Permit No. 23950 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: Francis L. Smith, Chilly, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 6.4 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 320 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 5; N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 8; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6; Twp. 9 No., Rge. 22 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is unnamed pipe line and flume from Cedar Creek or Dry Creek, tributary of Lost River.

The right to take water from such works is based upon Permit No. 23950.

The source of supply from which such water is diverted is Cedar Creek or Dry Creek in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Twp. 9 No., Rge. 22 E. B.M.

The date of priority which said user is prepared to establish is March 30, 1958.

GEO. N. CARTER

State Reclamation Engineer

2-26-3-5, 12, 13, 1959

MRS

RECEIVED
APR 6 1959

Department of Reclamation

Affidavit of Publication

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 Feb 26, 1959, and ending with the issue dated March 19, 1959.

Ruth Hanawalt

Subscribed and sworn to before me this 2nd day of April, 1959

Beit A. Hordal
Notary Public.

23950

March 30, 1959

Re: Permit No. 23950

Mr. Francis L. Smith
Chilly, Idaho

Dear Mr. Smith:

It is unfortunate that you picked on two witnesses who have never seen your land being irrigated. Can't you get two other witnesses who have actually seen the land being irrigated?

You can drop your proofs at this time, pay the advertising and then advertise later for another date of submitting your proofs and pay the second advertising bill.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew

23950

RET

RECEIVED

MAR 30 1959

Department of Reclamation 27/59

Dept. of Reclamation
Baise, Idaho

Dear Sir:

In regards to this application of water to Beneficial use, I find in the Deposition of Witness, questions 5 and 10 asks: Have you witnessed the water on the ground.

One witness has lived here all his life. Knows the land; water, ditches, and crops grown. But didn't actually see the water applied.

The other witness hasn't been here quite as long, and is familiar with the same, and did not actually see the water applied.

Had I known what the Deposition questions were, I would have had them see the water applied.

Should I postpone the Proof of Application until a later date, or what shall I do.

Would you please advise me what to do.

23950

RUTH HANAWALT, Publisher

TED E HANAWALT, Editor

The MACKAY MINER

Printers - Publishers

Mackay, Idaho

Feb 18, 1959

RECEIVED
FEB 23 1959
Department of Reclamation

Edna Rutledge
Dept of Reclamation ;

Acknowledgement is made of the pub. in the Mackay
Miner issues of Feb 26, March 5, 12, 19 of the Notice of Proof Application
of Water to Beneficial Use for Francis Smith.

Yours Truly

Ruth Hanawalt

23950

February 18, 1959

Re: Permit No. 23950

Mr. Francis L. Smith
Chilly, Idaho

Dear Mr. Smith:

This acknowledges the Notice of Proof of Application of Water to Beneficial Use under Permit No. 23950. The proofs are to be made at 2:00 P. M. on the 2nd day of April, 1959, before Leon McInelly, A. S. C. Office, Mackay, Idaho.

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, at the place, on the date, 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

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (3)
cc: Leon McInelly
A. S. C. Office
Mackay, Idaho

23950

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

DEPARTMENT OF RECLAMATION
Boise, Idaho

Date: February 18, 1959

Re: Permit No. 23950
Francis L. Smith

Mackay Miner
Mackay, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **April 2, 1959** the date set for proof; the expense of the publication is to be paid by the applicant

Francis L. Smith of **Chilly, 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
By

(Mrs.) Edna P. Rutledge
** 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.

23950

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

Notice is hereby given that at 2:00 P. M. on the 2nd day of April, 1959
at Mackay, County of Custer, State of Idaho, before
Leon McImmelly, A. S. C. Office, Mackay, Idaho, proof will be submitted of the
application to beneficial use of 6.4 cubic feet per second of the waters of Cedar Creek
or Dry Creek in accordance with the terms and conditions of Permit No. 23950
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Francis L. Smith, Chilly, Idaho

The use to which said water has been applied is 6.4 second feet

The amount applied to beneficial use is

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

320 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 5; N $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6;

Top. 9 No., Rge. 22 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

Unnamed pipe line and flume from Cedar Creek or Dry Creek, tributary of Lost River

The right to take water from such works is based upon Permit No. 23950

The source of supply from which such water is diverted is Cedar Creek or Dry Creek

in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 10, Top. 9 No., Rge. 22 E.B.M.

The date of priority which said user is prepared to establish is March 30, 1953

Geo. W. Carter

State Reclamation Engineer.

23950

RECEIVED
FEB 18 1959
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 16, 1959

Address

Chilly, Idaho
City State

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 Custer County, Idaho published in the county in which the works are situated.

The two witnesses for the Final Proof are: Lyle Ivie and Eli Sayer of Mackay, Idaho.

Idaho. *Carster Co.* *Francis L. Smith*

(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.

23950

Engineer

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

RECEIVED
 FEB 18 1959
 Department of Reclamation

Notice is hereby given that at **2:00** ~~P.~~^{2nd} ~~Ed~~ A. M. on the ~~1st~~^{2nd} day of **April**, 1959, at **Mackay**, County of **Custer**, State of Idaho, before **Leon McInnelly, A. S. C. office, Mackay, Idaho**, proof will be submitted of the application to beneficial use of **6.4** cubic feet per second of the waters of **Cedar Creek or Dry Creek** in accordance with the terms and conditions of Permit No. **23950** heretofore issued by the **State Reclamation Engineer** of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are **Francis L. Smith**

The use to which said water has been applied is **Irrigation**

The amount applied to beneficial use is **6.4 second feet**

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

320 acres in the SW1/4NW1/4, NE1/4SW1/4, NW1/4SW1/4, SW1/4SW1/4, SE1/4SW1/4, Section 5; NE1/4NW1/4, NW1/4NW1/4, Section 8; SE1/4SE1/4, Section 6; Township 9 North, Range 22 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

unnamed pipe line and flume from Cedar Creek or Dry Creek, tributary of Lost River

The right to take water from such works is based upon Permit No. **23950**

The source of supply from which such water is diverted is **Cedar Creek or Dry Creek,**

a tributary of Lost River

The date of priority which said user is prepared to establish is **March 30, 1953**

State Reclamation Engineer.

23950

re signed

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

Notice is hereby given that at 2:00 ^{2nd} ~~5th~~ A. M. on the 3rd day of April, 1959,
at Mackay, County of Custer, State of Idaho, before
Leon McInnelly, A. S. C. office, Mackay, Idaho, proof will be submitted of the
application to beneficial use of 6.4 cubic feet per second of the waters of Cedar Creek
or Dry Creek in accordance with the terms and conditions of Permit No. 23950
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Francis L.

Smith *Chilly, Idaho*

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 6.4 second feet

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

320 acres in the SW¹/₄NW¹/₄, NE¹/₄SW¹/₄, NW¹/₄SW¹/₄, SW¹/₄SW¹/₄, SE¹/₄SW¹/₄ Section 5;
N²SW¹/₄
NE¹/₄NW¹/₄, NW¹/₄NW¹/₄ Section 8; SE¹/₄SE¹/₄ Section 6; Township 9 North,
Range 22 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is

unnamed pipe line and flume from Cedar Creek or Dry Creek,
tributary of Lost River

The right to take water from such works is based upon Permit No. 23950

The source of supply from which such water is diverted is Cedar Creek or Dry Creek,

a tributary of Lost River in NW¹/₄NW¹/₄ Sec. 10, T. 9N. - R. 22E. B.M.

The date of priority which said user is prepared to establish is March 30, 1953

State Reclamation Engineer.

23950

AB

February 21, 1958

Re: Permit No. 23950

Mr. Francis L. Smith
Chilly
Idaho

Dear Mr. Smith:

Enclosed is the Certificate of Completion of Works issued under Permit No. 23950 for the diversion of 6.4 second feet of the water from Cedar Creek or Dry Creek, with the point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, for irrigation of 320 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 5; N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 8; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 9 North, Range 22 East, B.M.

Enclosed also is departmental receipt #28986 for \$5.00, issued as receipt of the fee for the Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

23950

February 19, 1958

RE: Permit No. 23950

Mr. Francis L. Smith
Chilly, Idaho

Dear Mr. Smith:

This acknowledges receipt of the \$5.00, for which a receipt and a Certificate of Completion of Works will be mailed you in a few days.

Beneficial Use proof is not due until April 2, 1964, however it can be made at any time, if you have applied the water to beneficial use.

Assuming you are prepared to make final proof at this time, we are enclosing Forms 10 & 11, and, instructions in completing them.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

R:vm
Encl.

23950

February 13, 1958

Re: Permit No. 23950

Mr. Francis L. Smith
Chilly
Idaho

Dear Mr. Smith:

This will acknowledge receipt of the Proof of Completion of Works in connection with the above stated permit.

We have checked the proof with the records in this department and find said proof is in due form. However you failed to send in the five dollar fee for Completion of Works for returning Completion of Works Certificate.

Upon receipt of said fee, a Certificate of Completion of Works will be issued you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw



ROBERT E. SMYLLIE
Governor

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

RECEIVED
FEB 18 1958
Department of Reclamation

February 13, 1958

Re: Permit No. 23950

Mr. Francis L. Smith
Chilly
Idaho

Dear Mr. Smith:

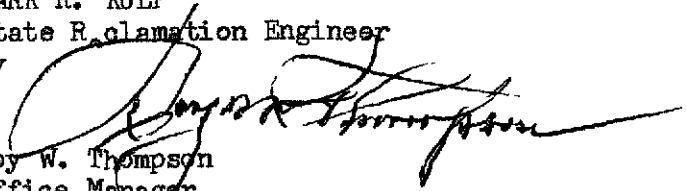
This will acknowledge receipt of the Proof of Completion of Works in connection with the above stated permit.

We have checked the proof with the records in this department and find said proof is in due form. However you failed to send in the five dollar fee for Completion of Works for returning Completion of Works Certificate.

Upon receipt of said fee, a Certificate of Completion of Works will be issued you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By


Roy W. Thompson
Office Manager

RWT:lw

Dear Sir:
Am very sorry I forgot to send
the \$5⁰⁰ with the Proof.
Thank you -
Francis Smith 23950

28986

RECEIVED
FEB 12 1958

Department of Reclamation

Dear sir

Enclosed please find Proof of Completion
of Works.

Would you please send me information
for the last proof.

Yours truly,

Francis L. Smith
Chilly Idaho

Permit 23950

B/u - due - april 2, 1964

23950

no fee

Permit No. 23950

STATE OF IDAHO
Department of Reclamation

RECEIVED
FEB 12 1958
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of CUSTER

ss.

Francis Smith, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. _____, and that his postoffice address is Chilly, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Cedar Creek or Dry Creek.

Third: That the point of diversion of said water is About 900 feet from NW corner of section 10, T. 9N, R. 22E, B. M. And is in NW 1/4 NW 1/4.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 2, 1958, 19____.

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

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

I. Kind of works: Ditch, Pipe and Flume
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit _____ width at bottom _____ feet, width at water line _____
(State whether ditch, flume or pipe)

feet, depth of water _____ feet; diameter of pipe 12 inches, average grade per mile is 1.5% feet. Length of conduit is 8200 ft. pipe and flume

Seventh: That said works are capable of conducting to the place of intended use 6.4
500 miner's inches of water.

Eighth: That water appropriated under said permit is available for 320

acres of land described as follows: Twp. 9N, R. 22E, Sec. 5 SW 1/4 NW 1/4; NE 1/4 SW 1/4; NW 1/4 SW 1/4; SW 1/4 SW 1/4; SE 1/4 SW 1/4 Twp. 9N, R. 22E, Sec. 8; NE 1/4 NW 1/4; NW 1/4 NW 1/4 Twp. 9N, R. 22E Sec. 6 SE 1/4 SE 1/4.

Ninth: Remarks: That The ditches are complete and the water put to beneficial use in 1957.

Francis Smith
(Sign Here)

Subscribed and sworn to before me this 10 day of February, 1958

My commission expires 1-9-60

Notary Public.

23950

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

RE: Permit No. 23950

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Francis L. Smith
Chilly, Idaho

Boise, Idaho **February 3, 1958**

Dear Sir:-

Under the terms of your permit No. 23950 you are required to complete your diversion works on or before April 2, 1958. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

23950

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Land Office
P. O. Box 2237
Boise, Idaho

RECEIVED
NOV 12 1954
Department of Reclamation

November 9, 1954
(Date)

NOTICE OF ALLOWANCE

Francis L. Smith

~~Francis L. Smith~~~~Chilly, Idaho~~

Sir:

Your Desert-Land Application, Serial No. Idaho 04096
~~Desert-Land Application~~
(Kind of application or entry)

Receipt No. 6191, for the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 5; SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 6; NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 6; NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8
9 N., Range 22 E., Boise Meridian,
Township 9 N., Range 22 E.,
containing 320 acres, has this day been allowed, subject to

your further compliance with law and regulations applicable thereto.

In correspondence relating to this entry, always refer to the serial number.

The above entry is allowed, subject to existing rights-of-way

~~The above entry is allowed, subject to existing rights-of-way~~

~~and to any valid existing rights.~~

Very respectfully,

Paul A. Shepard
Manager

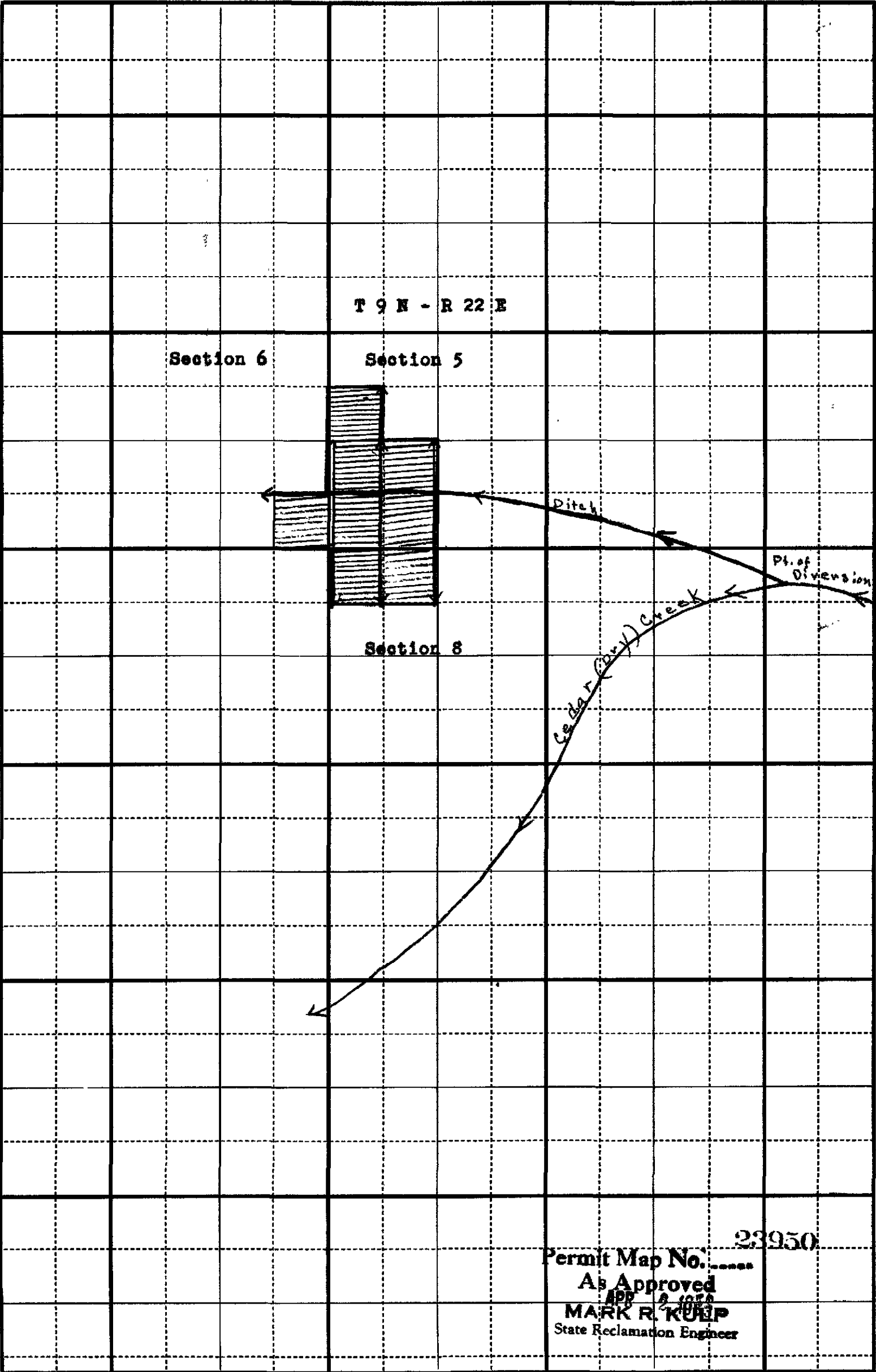
cc: WFM, Salmon, Idaho
State Reclam. Engr., Boise, Idaho
R. R.

23950

Permit No. 23950

See letter of transmittal with Permit No. 23948.

23950



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

Notice is hereby given that at 2:00 p. m. on the 2nd day of April, 1959, at Mackay, County of Custer, State of Idaho, before Leon McInelly, A.S.C. Office, Mackay, Idaho, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of Cedar Creek or Dry Creek in accordance with the terms and conditions of Permit No. 23950 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: Francis L. Smith, Chilly, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 6.4 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 320 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 5; N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 8; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6; Twp. 9 No., Rge. 22 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is unnamed pipe line and flume from Cedar Creek or Dry Creek, tributary of Lost River.

The right to take water from such works is based upon Permit No. 23950.

The source of supply from which such water is diverted is Cedar Creek or Dry Creek in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Twp. 9 No., Rge. 22 E. B.M.

The date of priority which said

user is prepared to establish is March 30, 1953.

GEO. N. CARTER
State Reclamation Engineer
2-26-3-5, 12, 10, 1959

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

Notice is hereby given that at 2:00 p. m. on the 2nd day of April, 1959, at Mackay, County of Custer, State of Idaho, before Leon McInelly, A.S.C. Office, Mackay, Idaho, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of Cedar Creek or Dry Creek in accordance with the terms and conditions of Permit No. 23950 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: Francis L. Smith, Chilly, Idaho.

The use to which said water has been applied is irrigation.

The amount applied to beneficial use is 6.4 second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) 320 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Sec. 5; N $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6; Twp. 9 No., Rge. 22 E.B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is unnamed pipe line and flume from Cedar Creek or Dry Creek, tributary of Lost River.

The right to take water from such works is based upon Permit No. 23950.

The source of supply from which such water is diverted is Cedar Creek or Dry Creek in NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, Twp. 9 No., Rge. 22 E. B.M.

The date of priority which said user is prepared to establish is March 30, 1958.

GEO. N. CARTER
State Reclamation Engineer
2-26-3-5, 12, 19, 1959