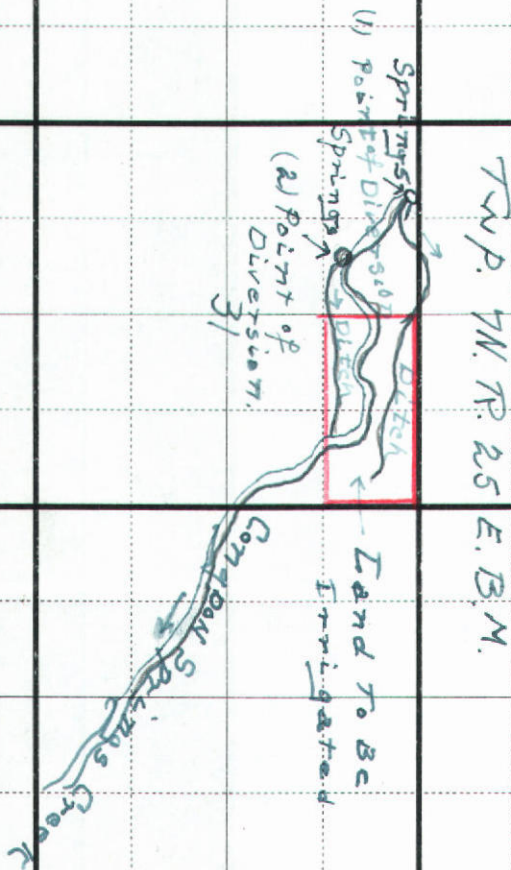




Permit Map No. 19852
As Approved
JUN 27 1946
MARK R. KULP
State Reclamation Engineer

State of Idaho
License and Certificate of Water Right

Water License No. 19852

Amount 1.3 second feet

Water District No.

Priority June 11, 1946

THIS IS TO CERTIFY that KENNETH STEWART
of Mackay, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 11, 1946; that Permit No. 19852
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on June 21, 1947, showing that said works
were completed on the 19th day of June, 1947; and that on the 15th
day of May, 1952,

KENNETH STEWART

of Mackay, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Congdon Springs and Congdon
Springs Creek, for the purpose of irrigation and domestic use
under Use Permit No. 19852 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
8 of Licenses at page 4958, on the 2nd day of August, 1952;

The right hereby confirmed dates from June 11, 1946;

The Point of Diversion is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and
in the NE $\frac{1}{4}$ $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, Tp. 7 N., R. 25 E., B. M. Custer County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.3 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	25 E.	31	NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$	40 40	28 37
			Number of Acres Actually Irrigated -		65

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

2nd day of August, 1952.

MARK R. KULP

State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT To Appropriate the Public Waters of the State of Idaho

Application No. 27395
Permit No. 19852
District No.

1. Name of Applicant: KENNETH STEWART

Postoffice address: Mackay

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: 1.6 cubic feet per second.

3. Source of water supply: Congdon Springs and Congdon/Creek Springs which is a tributary of no stream

4. Location of point of diversion: # 1- 80 feet West of N E corner NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31
2- 600 ft. N. W. feet distant from the S E corner NE $\frac{1}{4}$ NW $\frac{1}{4}$
corner of Section 31, T. 7 N., R. 25 E., B. M., and is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$
of Section 31, T. 7 N., R. 25 E., B. M., County of Custer

5. Water is to be used for Irrigation and domestic purposes

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: \$ 300.00

8. Kind of works: Dams and ditches for each point of diversion
(Each ditch)

9. Height of dam 3 feet; length of dam at top 16 feet; length of dam at bottom 14
feet; material used in dam: Rock, brush and earth

(Each ditch)
10. Size of headgate: Width 3 feet; height 3 feet;

(Each)
11. Ditch: Width at bottom 2 feet; width at water line 5 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit 3/4 miles.

Average grade per mile 10 feet.

12. The time required for the completion of such work is One (1) years.

13. The time required for the complete application of the water to the proposed use is Five (5) additional years.

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

10. (a) Is reservoir to be used? If so, fill in (b) and (c) below.
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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.

KENNETH STEWART

Applicant.

By

Agent.

² Date of first receipt at Department of Reclamation: 9:00 A. M. June 11, 1946

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

~~The~~ number of this permit is 19852

Recorded in Book 71 Page 19852 Approved June 27, 1946

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 August 27, 1946

and to continue diligently and uninterruptedly to completion,

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

One-fifth of the work above specified to be completed on or before December 27, 1946

7. The whole of said work to be completed on or before June 27, 1947

Beneficial use of water appropriated in accordance herewith, to be made on or before June 27, 1952

Witness my hand this 27th day of June, 1946

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ARNOLD WILLIAMS, 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 27th

day of June, 19 46

STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

Secretary of State.

By ARNOLD WILLIAMS

Governor

Remarks:

14

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
7 N.	25 E.	31	40	40														80	
14-A.	Existing water rights and/or valid permits appurtenant to the lands to be irrigated are..Storage water right from Mackay Dam.																		
AFFIDAVIT OF PERMISSION TO FILE ON SPRINGS																			
We, Florence Longson and Harvey Ewing, of Mackay, County of Custer, State of Idaho, do hereby certify that we are the owners or lessees of the land on which the springs mentioned in the application of Kenneth Stewart are located, to-wit: NE ¹ / ₄ NW ¹ / ₄ and NW ¹ / ₄ NW ¹ / ₄ Sec. 31, Twp. 7 N., R. 25 E., B.M., and that we do hereby grant unto the said Kenneth Stewart permission to file on the said springs as set forth in the foregoing application.																			
FLORENCE LONGSON HARVEY EWING																			
STATE OF IDAHO) COUNTY OF CUSTER) ss. On this 8th day of June, 1946, before me, a Notary Public for the State of Idaho, residing at Mackay, Idaho, personally appeared Florence Longson and Harvey Ewing, known to me to be the persons whose names are subscribed to the foregoing certificate, and acknowledged to me that they executed the same. Witness my hand and seal, the day and year in this certificate first above written.																			
(S E A L) GEORGE L. AMBROSE Notary Public for Idaho, residing at Mackay, Idaho. My Com. expires Oct. 16, 1948.																			

PERMIT NO. 19852

Certificate of Completion of Works

To All Whom it May Concern:

This is to certify that KENNETH STEWART, of Mackay, County of Custer, and State of Idaho, the holder of Permit No. 19852, issued upon Application No. 27395, bearing date of priority of June 11, 1946, authorizing the diversion of 1.6 second feet of the waters of Congdon Springs and Congdon Springs Creek, County of Custer, State of Idaho, for irrigation and domestic 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 1.6 second feet of the waters of Congdon Springs and Congdon Springs Creek; that the points of diversion of said waters are as follows: No. 1- 80 ft. West of the Northeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31; No. 2- 600 ft. Northwest of the Southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31; both in Township 7 North, Range 25 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, Township 7 North, Range 25 East, B.M.

Witness my hand this 21st day of June, A. D. 1947.

MARK R. KULP

State Reclamation Engineer

Proof of completion of works made June 19, 1947

Certificate of completion of works issued June 21, 1947.

LICENSE ISSUED FOR 1.3 SEC. 7

Age 4958

August 6, 1952

Re: Permit No. 19852

Mr. Kenneth Stewart
Box # 231
Mackay, Idaho

Dear Mr. Stewart:

We enclose License and Certificate of Water Right issued under Permit No. 19852, confirming your right to the use of 1.3 second feet of water from Congdon Springs and Congdon Springs Creek, with priority of June 11, 1946, points of diversion being in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Township 7 North, Range 25 East, B. M., for irrigation and domestic use on the N $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 31.

We also enclose Departmental Receipt No. 24704 for the \$4.00 fee paid in connection with beneficial use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Encls.

14852

✓
July 30, 1952

RE: Permit No. 19852

Mr. Kenneth Stewart
Box 231
Mackay, Idaho

Dear Mr. Stewart:

The report of our field engineer on examination for beneficial use under Permit No. 19852, shows that you have irrigated 65 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, Township 7 North, Range 25 East, B.M.

Therefore, upon receipt of the statutory fee of \$4.00, a license will be issued for 65 inches, or 1.3 second feet of water from Congdon Springs and Congdon Springs Creek.

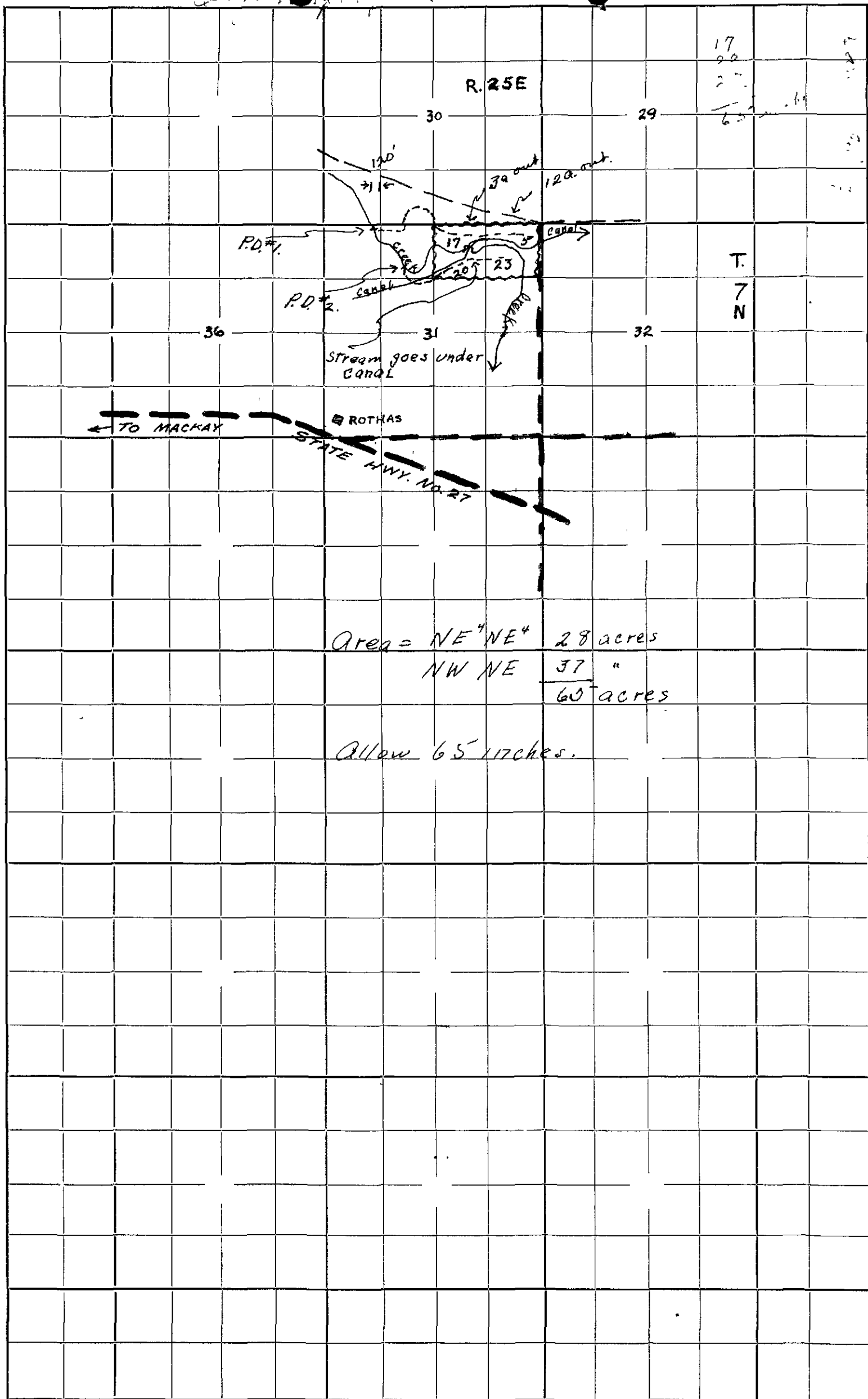
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

14852



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19852

REPORT ON PROOF OF Beneficial use

KENNETH STEWART, Box 231, Mackay, Idaho

1.3 efs
SMR

app' 1,600's

65 acres
2-40's

P.D. #2 has approx.
same dam and headgate
in main st. as #1
Large ditch there in #1
Est 100 to 120' water
Ditch takes off to west

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.

Kenneth Stewart
Box 231, Mackay, Idaho
Permit No. 19852

Examination for Beneficial use

County... Custer
S. 31 - 7N - 2SE

$Q = 1.6$ c.f.s.

$S =$ Longdon Ln & Longdon Spg. Creek

P.D. = #1: 80' W of NE Cor. NW 1/4 Sec 31
#2: 600' NW of SE Cor. NE 1/4 " "
T. 7N - R. 2SE

RECEIVED
JUL 19 1952
Department of Reclamation

Priority: June 11, 1946
Due: June 27, 1952

P.D. #1 =
3' x 3' W x 30" long headgate
in main stream
Small rock and mud dam
approx. 20' L. x 3' W x 2' W
Ditch to East 2' W on bottom

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

Permit No. 19852This proof is for Beneficial use In Water District No. _____

1. Name of applicant Kenneth Stewart, Box 231, Mackay, Idaho
2. Source of water supply: Congdon Springs and Congdon Springs Creek
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31
T. 7 N. R. 25 E. County of Custer
4. Describe works as they exist, giving dimensions and capacities of same: P.D. #1 consists of a dam and headgate across the main stream. The headgate is 3' wide by 3' high by 2 $\frac{1}{2}$ ' long, made of 2" planking. Dam is made of rocks and mud. It is approx. 20' long by 3' high by 8' wide. Ditch 2' wide in the bottom leads to the West. P.D. #2 is practically a duplicate of No. 1, except that the ditch is larger and leads to the Southwest, Then Easterly.
5. Water is used for: Irrigation and domestic purposes.
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):
N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 31, Township 7 North, Range 25 East, B. M.
See Map.

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

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

Remarks: Congdon Springs Creek heads less than a mile above the top diversion and is probably fed by rising water from the irrigation stream.

This examination was made on the 17th day of July, 19 52(Signed) E. M. Humphrey Examiner.19852

May 20, 1952

RE: Permit No. 19852

Mr. Kenneth Stewart
Box 231
Mackay, Idaho

Dear Mr. Stewart:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in the Mackay Miner, all in proof of beneficial use under Permit No. 19852.

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

We cannot say just when this examination will be made as this department has but one field engineer who makes examinations all over the State.

However, he will try to contact you at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

19852

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

Notice is hereby given that at 11 A. M. on the 15th day of May, 1952, at Mackay, County of Custer, State of Idaho, before Eugene Buster, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of Congdon Springs and Congdon Springs Creek in accordance with the terms and conditions of Permit No. 19852 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 Kenneth Stewart, Mackay, Idaho.

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

The amount applied to beneficial use is 1.6 cubic feet per second.

The place where said water is used NE $\frac{1}{4}$, NE $\frac{1}{4}$, and NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 31, Twp. 7 N. R. 25 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 Private Ditches from Congdon Springs and Congdon Springs Creek.

The right to take water from such works is based upon Permit No. 19852.

The source of supply from which such water is diverted is Congdon Springs and Congdon Springs Creek.

The date of priority which said user is prepared to establish is June 11, 1946. 19852

Mark R. Kulp

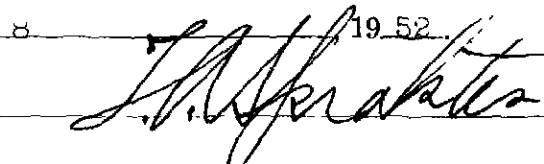
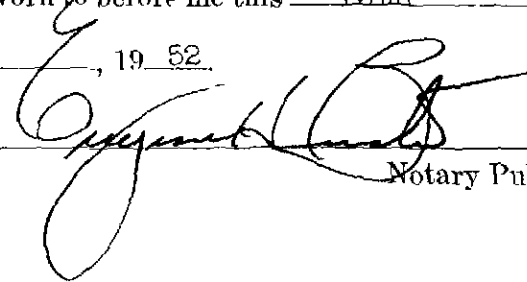
State Reclamation Engineer
First publication, April 17, 1952
Last publication, May 8, 1952

Affidavit of Publication

State of Idaho }
County of Custer } ss.

I, F. A. Spraktes, Editor of THE MACKAY MINER, a weekly newspaper of General Circulation published weekly at Mackay, Idaho, continuously since February 16, 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 (4) consecutive weeks, commencing with the issue dated April 17, 1952, and ending with the issue dated May 8, 1952.

Subscribed and sworn to before me this 15th day of May, 1952.



Notary Public

19852

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAY 20 1952
Department of Reclamation

Permit No. 19852

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Kenneth Stewart, Mackay, Idaho, Farmer, Mackay, Idaho Bx 231

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. 19852 dated June 11, 1946 and priority dated June 11, 1946.

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

Ans. Congdon Springs and Congdon Springs Creek.

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.

Ans Dirt and rock fill diversion dams. No. 1 diversion dam can carry 1 6/10th second feet of water and No. 2 diversion dam can carry approximately 120 inches, which is all handled in privately owned ditches.

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. Used for Irrigation on the following land: NE 1/4, NW 1/4 Sec 31 Twp 7 N R 25 E. containing 80 acres. Thirty-two acres cultivated land, 48 acres pasture land. All reclaimed from use of water.

14870

STATE OF IDAHO

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

Ans. No

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

Ans. no other purpose

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. Owner

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

Ans. The water has been used for five years for irrigating the foregoing described land.

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

Ans. This land has 800 inches of storage in the Mackay Reservoir which was acquired in 1938. This water has been used, when available, from that date. No other rights.

(Sign) Hermett Stewart

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Mackay,

County of Custer, State of Idaho, on this 15th day of May,

A. D. 1952,

My commission expires January 17, 1953

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19852

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. Harvey C. Ewing, Age 58, Residence Rancher, Mackay, Idaho

Ques. 2. Are you acquainted with Kenneth Stewart, the holder of Permit No. 19852? How long have you known him and where does he reside?

Ans. Personally acquainted for 38 years and he resides at Mackay, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19852, and are you familiar with its provisions and conditions?

Ans. Have read the permit and am familiar with the provisions and 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. Congdon Springs and Congdon Springs Creek. Two Diversions, (1) 80 feet west of NE cor. NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 31 Twp 7 N.R. 25 E (2). 600 feet NW of SE Cor NE $\frac{1}{4}$ NW $\frac{1}{4}$ said Sec 31 NW $\frac{1}{4}$ NW $\frac{1}{4}$ said Sec 31 and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Said Sec 31. Water carried in open ditches from diversion to place of use.

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. Have personally seen 1 6/10 second feet of water conveyed.

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. Used for Irrigation. Used on: NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ of Sec 31 Twp 7 N R 25 E., containing 80 acres. Thirty Two acres of cultivated land and 48 acres of pasture land have been reclaimed from the use of this water.

14852

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

Ans. Irrigation only

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. Sagebrush land has been reclaimed. Will take all of 1 6/10 second feet of water.

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

Ans. Yes in the work of diversion no. two. Interest is for use only of the dam, no water or land.

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. For 5 years by being a neighbor I have seen approximately 32 acres of cultivated land and 48 acres of pasture irrigated by this water.

(Signed)

Harvey C. Ewing

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 15 day of May,

A. D. 1952.

Ernest H. Lester
Notary Public.

My commission expires January 17, 1953

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19852

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 Charles Warren. Age 65. Address Mackay, Idaho. Occupation Rancher

Ques. 2. Are you acquainted with Kenneth Stewart, the holder of Permit No 19852? How long have you known him and where does he reside?

Ans. Have known Mr. Stewart for 21 years during which time he has resided at Mackay.

Ques 3. Have you read or heard read said Permit No 19852, and are you familiar with its provisions and conditions?

Ans. I have read the permit and am acquainted with it.

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 Water comes from Congdon Springs and Congdon Springs Creek and is handled by two diversions, (one) 80 feet west of NE cor NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec 31 Twp 7 N R 25 E. and (two) 600 feet NW of SE Cor NE $\frac{1}{4}$ NW $\frac{1}{4}$ said Sec 31 NW $\frac{1}{4}$ NW $\frac{1}{4}$ said Sec 31 and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, said Sec 31. Open Ditches carry the water.

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. It will take all of the 1 and 6/10ths second feet of water which has been used.

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. For Irrigation purposes only and will be used on the following land: NE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ AND THE NW $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ of Sec 31 Twp 7 N R 25 E. about 80 acres. In the property, 32 acres are cultivated and 48 acres in good pasture land which has been reclaimed. All land fenced.

19852

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

Ans. No other use.

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. Reclaimed from sagebrush land and will use all 1 and 6/10th second feet of water.

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. Being a neighbor I have watched the water used on this land for the past 5 years and observed it made into useful cultivated and pasture land.

(Signed) Charles Warren

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 15th day of May,

A. D. 1952.

My commission expires 1-17-53

Eugene H. Smith
Notary Public.

✓
April 14, 1952

RE: Permit No. 19852

Mr. Kenneth Stewart
Box 231
Mackay, Idaho

Dear Mr. Stewart:

We have corrected your notice of beneficial use proof in accordance with your instructions, and have sent a copy to the Mackay Miner with instructions to publish it once a week for four consecutive weeks prior to May 15, 1952, and to send you the affidavit of publication together with statement of costs.

We enclose the necessary forms of deposition to be used in making this proof, consisting of one for yourself and one for each of two witnesses, and at the time set you should appear before Mr. Eugene Buster, Notary Public, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

The affidavit of publication should be sent to this department along with the depositions as it is an essential part of this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

19852

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 19852

Date: April 12, 1952

Mackay Miner

Mackey, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 15, 1952**, the date set for proof, the expense of the publication to be paid by the applicant, **Kenneth Stewart** of **Mackay, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,
MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

19852



LEN JORDAN
GOVERNOR

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

BOISE

April 9, 1952

RE: Permit No. 19852

RECEIVED
APR 12 1952
Department of Reclamation

Mr. Kenneth Stewart
Box 231
Mackay, Idaho

Dear Mr. Stewart:

We are in receipt of notice of beneficial use proof to be made under your Permit No. 19852 on May 15, 1952.

However, we note that you describe the place of use as the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, Township 7 North, Range 25 East, B.M. instead of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of this section as given in the permit.

The permit states that the springs are located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ and we wonder if you have confused this with the place of use in the NE $\frac{1}{4}$.

It is important that you reply by return mail if the notice is to reach the Mackay Miner in time for the four weeks' publication prior to May 15, 1952.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By Jeanne L. Anderson
Chief Clerk

A:fg

Dear Sir;

I am very sorry that I made this mistake
The land description is NE $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$

I hope this reaches you in time, If not you can
mail me new forms to fill out and I will change my
proof date.

yours Truly
Kenneth Stewart 14852

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 7, 1952
(P. O.) Mackay Idaho Box 231

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Mackay Miner of Mackay Idaho published in
the county in which the works are situated.

Kenneth Stewart

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

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

Engineer.

19852

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

Notice is hereby given that at 11 A. M. on the 15th day of MAY, 1952,
at MAC KAY, County of CUSTER, State of Idaho, before
EUGENE BUSTER - NOTARY PUBLIC, proof will be submitted of the
application to beneficial use of 1.6 cubic feet per second of the waters of CONGDON SPRINGS
and CONGDON SPRINGS CREEK in accordance with the terms and conditions of Permit No. 19852
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.....

KENNETH STEWART - MAC KAY IDAHO

The use to which said water has been applied is IRRIGATION and DOMESTIC PURPOSES

The amount applied to beneficial use is 1.6 CUBIC FEET PER SECOND

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) NE ^{NE} 4 ~~NE~~ 4, and NW ^{NE} 4 ~~NW~~ 4, SEC. 31 TWP. 7 N
R. 25 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 PRIVATE DITCHES from CONGDON SPRINGS and CONGDON SPRINGS CREEK
TO PROPERTY

The right to take water from such works is based upon Permit No. 19852

The source of supply from which such water is diverted is CONGDON SPRINGS
AND CONGDON SPRINGS CREEK

The date of priority which said user is prepared to establish is JUNE 11, 1946

Mark R. Kulp

State Reclamation Engineer.

14852

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

D E P A R T M E N T O F R E C L A M A T I O N

Boise, Idaho

April 4, 1952

Mr. Kenneth Stewart

Mackay, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 19852. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than June 27, 1952, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

19852

✓
June 24, 1947

Re: Permit No. 19852

Mr. Kenneth Stewart
Box # 231
Mackay, Idaho

Dear Mr. Stewart:

We enclose Certificate of Completion of works issued under Permit No. 19852, for 1.6 second feet of water from Congdon Springs and Congdon Springs Creek, with priority of July 11, 1946, for irrigation and domestic use on the NE 1/4 NW 1/4 Section 31, Township 7 North, Range 25 East, B.M., Custer County.

We also enclose Departmental Receipt No. 20026 for the \$5.00 fee paid by you in connection with completion of works proof.

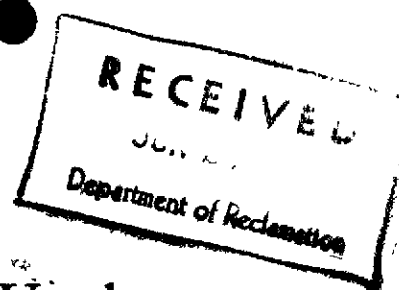
Very truly yours,

MARK . . KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19852

Permit No. 19852STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Custer } ss.Kenneth Stewart, 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. 19852, and that his postoffice address is Box 231 - Mackay, State of Idaho.Second: That the name of the stream from which said water is to be directed is Congdon Springs and Congdon Springs Creek.Third: That the point of diversion of said water is ^{(1) 80 feet west of N.E. cor. NW 1/4 Twp 7 N. R. 25 E. and is in NW 1/4 NE 1/4 said Sec 31.} ~~(2) 60 feet NW of S.E. Cor. NE 1/4 NW 1/4 said Sec 31.~~ ^{(1) 80 feet west of N.E. cor. NW 1/4 Twp 7 N. R. 25 E. and is in NW 1/4 NE 1/4 said Sec 31.} ~~(2) said Sec 31 and is in NW 1/4 NW 1/4 said Sec 31.~~Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 27, 1947.Fifth: That the use for which said water is intended is Irrigation and Domestic purposes.

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: Dams and Ditches for each point of diversion
(Reservoir, dam, ditch, flume, pipe or otherwise)II. Dimensions of work: Dam(a) Height of dam 3 feet, length of dam at top 16 feet, length of dam at bottom 14 feet. Material used in construction rock, brush and earth

(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~~ Ditch width at bottom 2 feet, width at water line 5 feet, depth of water 1 feet; diameter of pipe _____ inches, average grade per mile is 1.0 feet. Length of conduit is three-fourths miles.

(State whether ditch, flume or pipe)

Seventh: That said works are capable of conducting to the place of intended use 1.6 cu. ft. (80 inches) second feet of water.Eighth: That water appropriated under said permit is available for 8.0 acres of land described as follows: NE 1/4 - NE 1/4 and NW 1/4 - NE 1/4 - Sec. 31 - Twp 7 N. Range 25 E. B.M.

Ninth: Remarks: That _____

Subscribed and sworn to before me this 19th day of June, 1947.My commission expires 8/15/49Kenneth Stewart
(Sign here)

Notary Public.

14852

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. Kenneth Stewart

Blackfoot, Idaho

Boise, Idaho April 2, 1947

Dear Sir:-

Under the terms of your permit No. 19852-----you are required to complete your diversion works on or before June 27, 1947----- 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

19852

July 31, 1946

Re: Permit No. 19852

Mr. Kenneth Stewart
Box # 231
Mackay, Idaho

Dear Mr. Stewart:

In reply to your letter of July 29th:

There are no filings on Congdon Springs
or Congdon Springs Creek of record in
this department, for a period of more than
two years prior to the date of your filing
under Permit No. 19852.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

1-1860

Box 231

RECEIVED

JUL 1

Department of Reclamation

Mackay Idaho

Box 231

July 29, 1946

Mark R. Hulp
 State Reclamation Engineer
 Boise, Idaho

Dear Sir;

I am writing to
 you for a little information. Would you please
 tell me if any body has
 filed on any water from
 Congdon Springs and Congdon
 Springs Creek within two
 years prior to the time
 I filed on it. My filing
 was entered on June 1, 1946. Thanking you for the
 above information I remain yours truly,
 Kenneth Stewart
 Mackay Idaho

GEORGE L. AMBROSE
ATTORNEY AND COUNSELLOR
MACKAY, IDAHO

July 6, 1946

In Re: Permit No. 19852

Hon. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

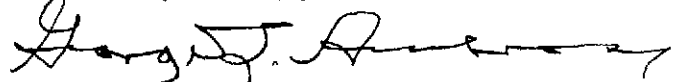
Dear Sir:

This will acknowledge receipt of your letter of July 1st, with enclosure of the above permit, approved June 27th, 1946.

I note your statement in the last paragraph of your letter regarding the probable error in the range number, which should be 25 instead of 24. I have changed the permit to show "25". However, I note you state that the sketch map shows Township 5 north, range 25 east. I presume you meant Township 7 north, range 25, which is correct.

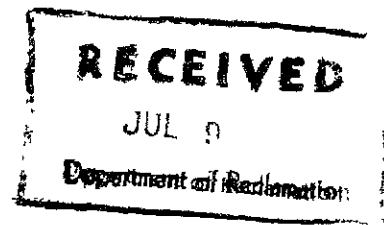
Thank you.

Yours very truly,



GEORGE L. AMBROSE

GLA:wp



1-7552

July 1, 1946

Re: Permit No. 19852

Mr. George L. Ambrose
Attorney at Law
Mackay, Idaho

Dear Mr. Ambrose:

We enclose herewith Permit No. 19852, issued to Kenneth Stewart, and direct his attention to the limitations and conditions of same, as given on the fourth page.

We also enclose Departmental Receipt No. 19485 for the \$5.25 filing fee.

Your attention is called to the land description given on page 2 of the application- which shows the land as in Section 31, Twp. 7 North, Range 24 East, B.M. 7

We think this must be in error, as the sketch map shows it in Twp. 6 North, Range 25 East- so we have recorded it as in 25 East. If this is correct, please change the permit accordingly- Otherwise, please so advise us, and we shall correct the record.

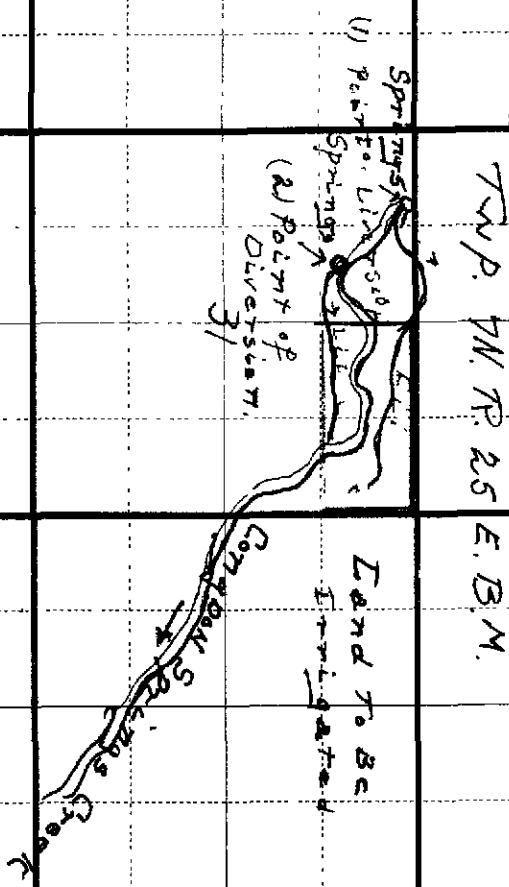
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19852



Permit Map No. 19852
As Approved
JUN 27 1946
MARK R. KULP
Reclamation Engineer

GEORGE L. AMBROSE
ATTORNEY AND COUNSELLOR
MACKAY, IDAHO

June 15, 1946

In Re: Application No. 27395

Honorable Mark R. Kulp
State Reclamation Engineer
State Capitol
Boise, Idaho

Dear Sir:-

This will acknowledge receipt of your letter of June 12th, regarding the above application, and returning to me my check for \$5.00 and requesting another check for \$5.25.

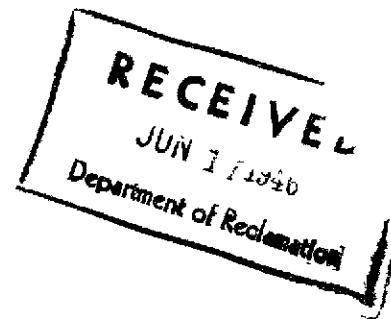
Accordingly, I enclose herewith my check No. 7851 for \$5.25.

Please return the approved permit to me and oblige.

Yours very truly,

George L. Ambrose
GEORGE L. AMBROSE

GLA:wp
1 Encl.



198522

✓
June 12, 1946

Re: Application No. 27395

Mr. George L. Ambrose
Attorney at Law
Mackay, Idaho

Dear Mr. Ambrose:

We acknowledge receipt of your letter of June 8th, enclosing the application of Kenneth Stewart for permit to appropriate 1.6 second feet of water from Congdon Springs and Congdon Springs Creek.

However, the correct fee for this amount of water is \$5.25, so we are returning your check for \$5.00 with the request that you substitute for it a check for \$5.25.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

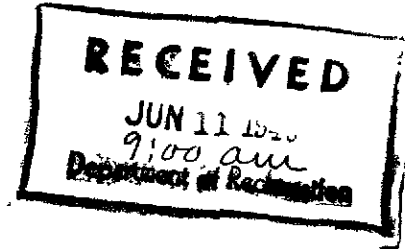
Chief Clerk

A
Encl.

19852-

GEORGE L. AMBROSE
ATTORNEY AND COUNSELLOR
MACKAY, IDAHO

June 8, 1946



Hon. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:-

Herewith is the Application for Permit of
Kenneth Stewart, for 1.6 cubic feet per second of
the waters of Congdon Springs Creek in Custer
County, Idaho, with the duplicate maps attached
together with my check for \$5.00 to cover your fee.

Please issue permit and return to me to be
approved.

Yours very truly,

GEORGE L. AMBROSE

GLA:wp

encls. 2

19852

LEGAL NOTICES

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11 A. M. on the 15th day of May, 1952, at Mackay, County of Custer, State of Idaho, before Eugene Buster, Notary Public, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of Congdon Springs and Congdon Springs Creek in accordance with the terms and conditions of Permit No. 19852 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 Kenneth Stewart, Mackay, Idaho.

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

The amount applied to beneficial use is 1.6 cubic feet per second.

The place where said water is used NE $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 31, Twp. 7 N. R. 25 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 Private Ditches from Congdon Springs and Congdon Springs Creek.

The right to take water from such works is based upon Permit No. 19852.

The source of supply from which such water is diverted is Congdon Springs and Congdon Springs Creek.

The date of priority which said user is prepared to establish is June 11, 1946.

Mark R. Kulp

State Reclamation Engineer
First publication April 17, 1952
Last publication, May 8, 1952