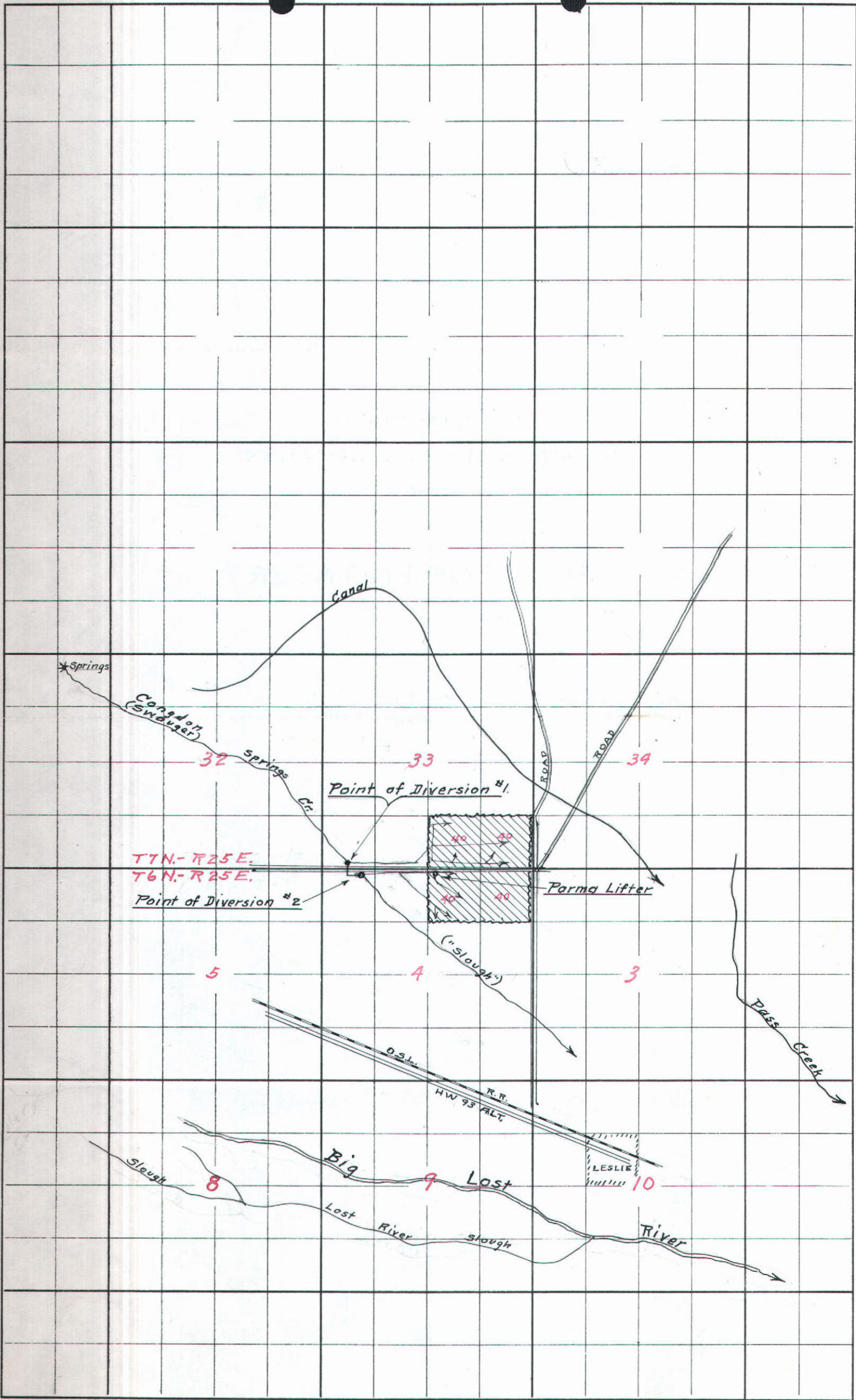




NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 11:00 A. M. on the 26th day of August, 1946, at Mackay, County of Custer, State of Idaho, before Don Green, Notary Public, proof will be submitted of the application to beneficial use of 3.20 cubic feet per second of the waters of Swauger Slough (waste water) in accordance with the terms and conditions of Permit No. 19828 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Harry G. Miller, Mackay, Idaho.

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

The amount applied to beneficial use is 3.20 second feet.

The place where said water is used S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33, Township 7 North, Range 25 East, B. M., and N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 4, Township 6 North, Range 25 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 no name.

The right to take water from such works is based upon Permit No. 19828.

The source of supply from which such water is diverted is Swauger Slough (waste water).

The date of priority which said user is prepared to establish is May 14, 1946.

19828
MARK R. KULP,

State Reclamation Engineer
First publication August 1, 1946
Last publication August 22, 1946

Affidavit of Publication

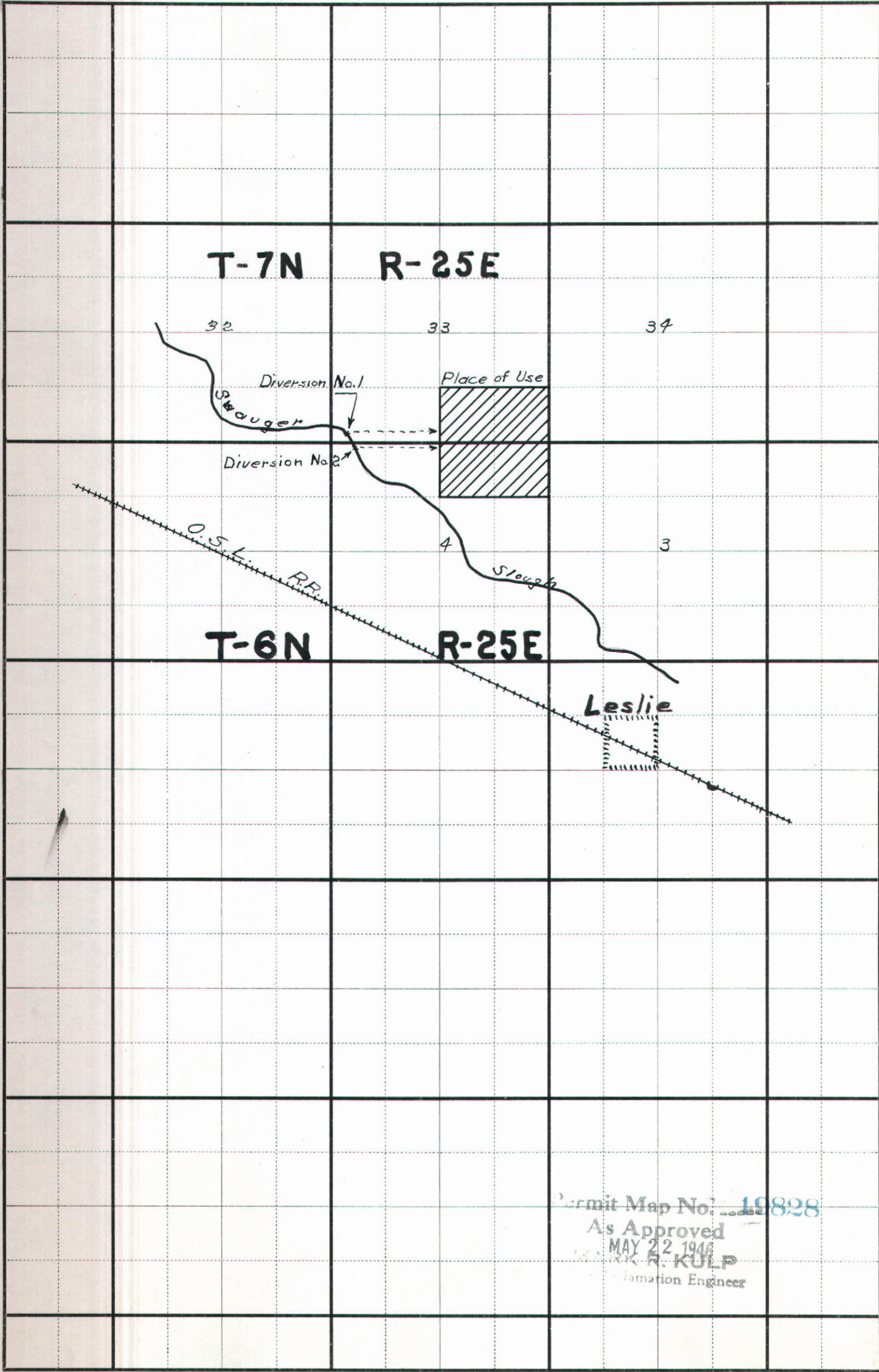
State of Idaho }
County of Custer } ss.

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 consecutive weeks, commencing with the issue dated August 1, 1946, and ending with the issue dated August 22 1946.

F. A. Spraktes
Subscribed and sworn to before me this 26th day of August, 1946.

[Signature]
Notary Public

19828



Permit Map No. 19828
As Approved
MAY 22 1946
MARK R. KULP
Registration Engineer

State of Idaho

License and Certificate of Water Right

Water License No. 19828

Amount 3.2 second feet

Water District No. _____

Priority May 14, 1946

THIS IS TO CERTIFY that HARRY G. MILLER

of Mackay, Idaho

, made application for a permit to appropriate the

public waters of the State of Idaho, dated May 14

, 19 46 ; that Permit No. 19828

was issued under said application; that Certificate of Completion of works, with a carrying capacity of

3.2 second feet, was issued thereunder on July 24

, 19 46 , showing that said works

were completed on the 23rd day of July

, 19 46 ; and that on the 26th

day of August

, 19 46 ,

HARRY G. MILLER

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 Swanger Slough

(waste water), a tributary of _____

, for the purpose of irrigation and domestic

use

, under Use Permit No. 19828

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

7 of Licenses at page 4339 , on the 6th day of March

, 19 47 :

The right hereby confirmed dates from May 14

, 19 46 ;

are

The Point of Diversion is located in the SW 1/4 SW 1/4 Section 33, Twp. 7 N., Range 25 E., B.M., and

in the NW 1/4 NW 1/4, Sec. 4

, Twp. 6 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 3.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>7 N.</u>	<u>25 E.</u>	<u>33</u>	<u>SW 1/4 SE 1/4</u>	<u>40</u>	<u>40</u>
			<u>SE 1/4 SE 1/4</u>	<u>40</u>	<u>40</u>
<u>6 N.</u>	<u>25 E.</u>	<u>4</u>	<u>NE 1/4 NE 1/4</u>	<u>40</u>	<u>40</u>
			<u>NW 1/4 NE 1/4</u>	<u>40</u>	<u>40</u>
Number of acres actually irrigated					<u>160</u>

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

6th day of March

, 19 47.

MARK R. KULP

State Reclamation Engineer

(SEAL)

34-2273

APPLICATION FOR PERMIT

Application No. 27372

Permit No. 19828

District No.

1. Name of Applicant: HARRY G. MILLER

County: Custer

State: Idaho

- (a) Date and place of incorporation:

- (b) Amount of capital stock:

- (c) Amount paid in:

- (d) Names and addresses of directors:

- (a) Cash on hand:

- (b) Treasury stock:

- (c) Bonds to be issued:

- (d) Other resources:

2. Quantity of water claimed: 3.20 cubic feet per second.

3. Source of water supply: Swauger Slough (Waste Water) which is a tributary of Sinks before entering Big Lost River

4. Location of point of diversion:
- No. 1-North line County Road between Sections 33 and 34-
feet distant from the
No. 2-South line " " " " "
corner of Section , T. , R. , B. M., and is in the No. 1- In SW¹/₄ SW¹/₄ Section 33
7 N. No. 2- In NW¹/₄ NW¹/₄ Section 4
of Section , T. 6 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: \$ 50.00

8. Kind of works: Headgate and ditches

9. Height of dam None 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 2 feet:

11. Ditch: Width at bottom 3 feet; width at water line 4 feet; depth of water 1 feet:

- dimensions of flume:**

- Diameter of pipe inches; length of conduit 1 miles.

- Average grade per mile 5.28 feet.

12. The time required for the completion of such work is Two months years.

13. The time required for the complete application of the water to the proposed use is None additional years.

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

15. (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.

HARRY C. MILLER Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 3:45 P. M. May 14, 1946

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 19828
Recorded in Book 71 Page 19828 Approved May 22, 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 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 June 22, 1946
The whole of said work to be completed on or before July 22, 1946
Beneficial use of water appropriated in accordance herewith, to be made on or before July 22, 1946

Witness my hand this 22nd day of May, 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 22nd
day of May, 19 46.

STATE OF IDAHO

Countersigned:

(SEAL) By IRA H. MASTERS Secretary of State.

By ARNOLD WILLIAMS Governor

Remarks: The water filed upon herewith is waste water only, and sinks in the gravels below applicants proposed points of diversion

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 N.	25 E.	33														40	40	80	
6 N.	25 E.	4	40	40														80	
Total Number of acres to be Irrigated - 160																			
14-A:	Existing water rights and/or valid permits appurtenant to the lands to be irrigated are..3.20 c.f.s. March 10, 1894 priority, Big Lost River (See also Permit No. 19829)																		
PERMIT NO. 19828 Certificate of Completion of Works																			
To All Whom it may Concern: This is to certify that HARRY G. MILLER, of Mackay, County of Custer, and State of Idaho, the holder of Permit No. 19828, issued upon Application No. 27372, bearing date of priority of May 14, 1946, authorizing the diversion of 3.20 second feet of the waters of Swauger Slough (waste water), 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 3.20 second feet of the waters of Swauger Slough (waste water; that the points of diversion of said watets are as follows: # 1- SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Twp. 7 N., Range 25 E., B.M.; # 2- NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, Two. 6 N., Range 25 E., B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33, Twp. 7 N., Range 25 E., E.M., and N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 4, Twp. 6 N., Range 25 E., B.M. Witness my hand this 24th day of July, A. D. 1946.																			
MARK R. KULP State Reclamation Engineer																			
Proof of completion of works made July 23, 1946 Certificate of completion of works issued July 24, 1946																			
3.2 SEC. FT.																			

C. A. Robins

✓
March 8, 1947

Re: Permit No. 19828

Mr. Harry G. Miller
Lackay, Idaho

Dear Mr. Miller:

We enclose herewith License and Certificate of Water Right issued under Permit No. 19828, confirming your right to the use of 3.2 cubic feet per second of water from Swauger Slough (waste water), with priority of May 14, 1946, for irrigation and domestic use, supplemental to the S $\frac{1}{2}$ S $\frac{1}{2}$ Section 33, Township 7 North, Range 25 East, B.M., and the N $\frac{1}{2}$ NE $\frac{1}{2}$ Section 4, Township 6 North, Range 25 East, B.M., Custer County.

We also enclose Departmental Receipt No. 19851 for the \$8.00 fee paid by you in connection with beneficial use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

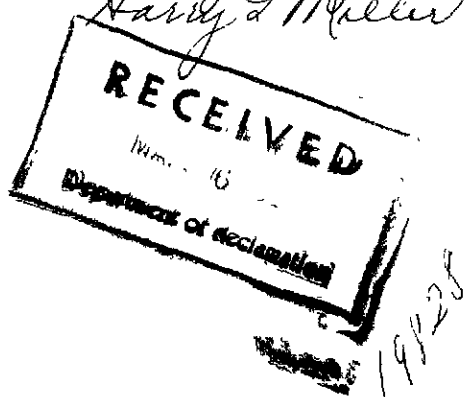
Mackay Idaho
Mar. 5th 1947

Dept of Reclamation
Boise, Idaho.

Dear Sirs.

Please find
enclosed my check of
\$8.00 the statutory fee which
you requested in your
letter of February 24th 1947.
My permit No. 19828.

Yours very truly
Harry E Miller



G. A. Robins

February 24, 1947

Re: Permit No. 19828

Mr. Harry G. Miller
Mackay, Idaho

Dear Mr. Miller:

We now have on file the report of our field engineer on examination for beneficial use under your Permit No. 19828 covering waste water from Swager Slough.

This report shows that you are irrigating 160 acres, described as the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33, Township 7 North, Range 25 East, B.M. and the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 4, Township 6 North, Range 25 East, B.M. Therefore, upon receipt of the statutory fee of \$8.00, being at the rate of \$2.00 for each legal subdivision in which the land is located, a license will be issued for 3.2 cubic feet per second of said water supplemental to your decreed water rights.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPM

19828

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19828

REPORT ON PROOF OF Beneficial use

3.2 c.f.s. ²

160 acres
8⁰⁰ ft

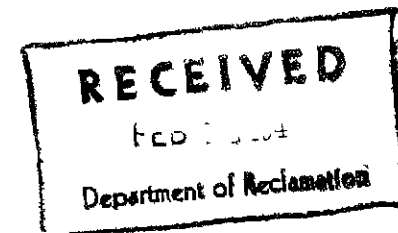
81
Harry G. Miller
Mackay, Idaho
Permit No. 19828

Examination for Beneficial use

County Custer

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 a 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
-



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19828

This proof is for Beneficial use In Water District No.

1. Name of applicant Harry G. Miller, Mackay, Idaho
2. Source of water supply: "Waste water from Swauger Slough"
3. Location of point of diversion: Is in the of Section
T. R. County of Custer (See below)
4. Describe works as they exist, giving dimensions and capacities of same: Diversion is through two head-gates, each of which is 4 feet long, 2 feet wide, and 3 feet high; These gates discharge into ditches of 2 feet width, and 1 foot in depth.
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 for other than irrigation):
S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33, Twp. 7 North, Range 25 East, B.M.; and
N; NE $\frac{1}{4}$ Section 4, Twp. 6 North, Range 25 East, B.M.

Points of diversion: No. 1 North side of County road in SW $\frac{1}{4}$ Sec. 33, 7 N. 25 E.
No. 2 South " " " " NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4- 6 N. 25 E.

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

8. What large stream would the water here appropriated finally reach? None
- Remarks: This Permit is principally supplied from Congdon Springs Creek, (so designated in in the Big Lost River Decree, P-138) sometimes called "Swauger Springs Creek, Swauger Slough, etc."
- Some "waste water comes into the creek at times from irrigated areas above.

This examination was made on the 7th. day of September, 1946

(Signed)

Richard L. Dolman

19828 Examiner.

19828

J

September 17, 1946

Mr. Kenneth Stewart
Box 231
Mackay, Idaho

Dear Mr. Stewart:

Swauger Slough, Congdon Spring and Congdon Spring Creek seem to be one and the same source of water supply, except that Congdon Spring seems to be the head of a series of springs and seeps that are known farther down as Congdon Spring Creek and Swauger Slough.

Location of points of diversion as shown on filings, and inspection by our field engineer, as well as the Big Lost River Decree, confirm this.

It is unfortunate that the different names have been used in the various filings, as it has caused much confusion, and incomplete or misleading information from this office in answering inquiries as to filings on the same stream, under different names.

If you still desire a certified copy of the Harry G. Miller permit, in view of the above information, we shall be glad to furnish you with same. The fee for this amounts to \$1.50.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:A

145728

Mackay Idaho
Box 231

Sept 12, 1946

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho
Dear Sir;

Please send me a certified
copy of the filing of Mr. Harry
G. Miller of Mackay on Swanger
Slough.

I also would appreciate
a little information on this
filing. It seems he filed
on Swanger Slough and in
the first place he meant
to file on Tongueon Springs.
According to Mr. George
L. Ambrose - Swanger Slough.
1946-28

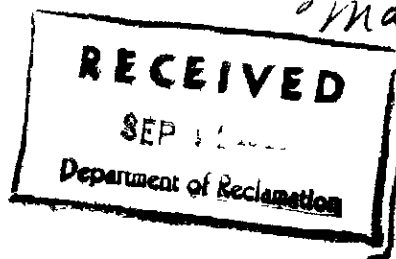
is in or near Mackay.

How would this affect
my filing on Congdon Springs
his filing was in May
and mine was in June.

Is Swaggert Laugh's part
of Congdon Springs? The
original filings are all filed
on Congdon Springs.

I would appreciate it
very much if you would
straighten me out on this
matter.

Yours truly
Kenneth Stewart
Mackay Idaho



1204231

19828

August 30, 1946

Re: Permit No. 19828

Mr. Harry G. Miller
Mackay, Idaho

Dear Mr. Miller:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in the Mackay Miner, all being submitted in proof of beneficial use under the above numbered permit.

We also have placed on file your affidavit in connection with this permit, in which you state that the water intended to be filed on under Permit No. 19828 is actually water originating in Congdon Spring and fed into Swauger Slough.

No action will be taken in this matter until after a thorough inspection and field examination can be made by an engineer from this department.

Very truly yours,

MA K R. KULP
State Reclamation Engineer

A:A

19828

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 11:00 A. M. on the 26th day of August, 1946, at Mackay, County of Custer, State of Idaho, before Don Green, Notary Public, proof will be submitted of the application to beneficial use of 3.20 cubic feet per second of the waters of Swauger Slough (waste water) in accordance with the terms and conditions of Permit No. 19828 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Harry G. Miller, Mackay, Idaho.

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

The amount applied to beneficial use is 3.20 second feet.

The place where said water is used S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33, Township 7 North, Range 25 East, B. M., and N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 4, Township 6 North, Range 25 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 no name.

The right to take water from such works is based upon Permit No. 19828.

The source of supply from which such water is diverted is Swauger Slough (waste water).

The date of priority which said user is prepared to establish is May 14, 1946. 19828

MARK R. KULP,

State Reclamation Engineer
First publication August 1, 1946
Last publication August 22, 1946

Affidavit of Publication

State of Idaho }
County of Custer } ss.

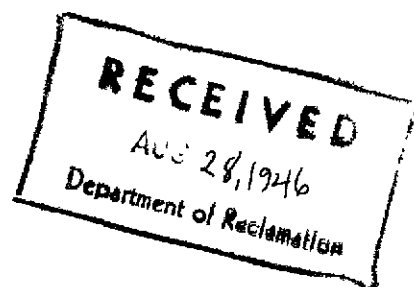
I, F. A. Sprakles, Editor of the MACKAY MINER, a weekly newspaper of General Circulation published weekly at Mackay, Idaho, continuously since February 16, 1906, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated August 1, 1946, and ending with the issue dated August 22, 1946.

F. A. Sprakles

Subscribed and sworn to before me this 31 day
of August, 1946.

[Signature]
Notary Public

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 19828

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Harry G. Miller
Macray Idaho.

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

Ans. _____

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

Ans. Permit No. 19828 - May 14th 1946

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

Ans. Congdon Springs, fed into Swanger Slough, Diversion No. 1 North Line County road between Sections 33 & 44 T 7 and 6 N. R. 25 E. B.M. to SW 1/4 SW 1/4 Diversion No. 2. North Line County Road between Sections 33 and 44, T 7 and 6 R. 25 E. B.M. to NW 1/4 NW 1/4 to place of use

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.

Ans. 2- Diversion Headgates diverting water out of Swanger Slough Capable of conveying 3.20 cu. ft. of water. Ditches used are old established ditches Capable of conveying 3.20 cu. ft. of water after being put in shape, which work has been done.

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. For irrigation and domestic purposes. S 1/2 SE 1/4 Sec 33 Twp 7 N. Range 25 E B.M. consisting 80 acres of which 78 acres irrigated and N 1/2 NE 1/4 Sec 4 Twp 6 N Range 25 E. B.M. of which 74 acres have been irrigated. Cultivated, no Natural Meadow 25 acres Domestic Pasture and 55 acres of alfalfa have been seeded balance planted to grain.

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

Ans. Irrigation & domestic purposes only.

19828

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

Ans. 3.20 cu. feet

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. Land was purchased by present holder.

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

Ans. Water diverted has been used, when needed, for past 4 years for irrigation and domestic purposes. when not use it ran to waste and sank in gravel short distance below my place.

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. 160 inches of 1894 decreed water which is usually turned off in July when it is needed most.

(Sign) Harry G. Miller

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 Blackfoot, County of Custer

State of Idaho, on this 2nd day of August, A. D. 1946

My commission expires Aug 10, 1949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19828

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. M. E. Miller age 56 Farmer - Leslie, Idaho

Ques. 2. Are you acquainted with Larry E. Miller, the holder of Permit No. 19828? How long have you known him and where does he reside?

Ans. Yes - 10 years. Mackay Idaho

Ques. 3. Have you read or heard read said Permit No. 19828, 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. Congdon Springs fed into Swauger Slough diverted into ditches on North & South side of County Road line between Sections 33 & 4 T 7 N R 25 E B.M. - 2 New Hadgate and ditches cleaned out 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. 320 cu ft - same

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. Irrigation 78 acres of S 1/4 Sec 33 Twp 7 N R 25 E B.M. and 74 acres of N 1/4 Sec 4 Twp 6 N R 25 E B.M. Cultivated - Seeding domestic pasture and alfalfa also growing grain

19828

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

Ans. Irrigation and Domestic Purposes 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. Good productive land - 3.20 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. Have seen the land being irrigated for the past 4 years.

(Signed) M. Miller

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 Evans, State of Idaho, on this 26 day of August, A. D. 1946.

[Signature]
Notary Public.
My commission expires Aug. 10, 1949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19828

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. L. L. Berg Age 21 Farmer, Mackay Idaho

Ques. 2. Are you acquainted with Harry G. Miller, the holder of Permit No. 19828? How long have you known him and where does he reside?

Ans. Yes, 5 years - Mackay Idaho

Ques. 3. Have you read or heard read said Permit No. 19828, 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. Congdon Springs fed into Swanger Slough diverted into ditches on North and South side of County Road line between Sections 33 & 4, T 7 N & 6 N R 25 E B.M. 2 New Headgates and ditches cleaned out 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. 320 Cu. ft. - Same

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. Irrigation. 78 acres of S 1/4 SE 1/4 Sec. 33 Twp 7 N R 25 E. B.M. and 74 acres of N 1/2 NE 1/4 Sec. 4 Twp 6 N R 25 E. B.M. Cultivated seeding domestic pasture & alfalfa also growing grain

19828

Ans.

Irrigation and Domestic Purposes only

Ans.

good productive land - 3.20 cu feet.

Ans.

None

Ans.

Have seen the land irrigated also have
gited said land.

(Signed)

L. L. Berg
read to the above subscriber

St

My commission expires _____

Aug 10, 1949

Notary Public.

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, August 16, 1946

Re: Permit No. 19828
Harry G. Miller

Mr. Don Green
Notary Public
Mackay, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 19828

DEPOSITION OF PERMIT HOLDER, DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On August 26, 1946, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to. at Mackay, Idaho before Don Green, Notary Public

2. When the depositions have been taken, they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

MAK R. KULP

~~Commissioner of Reclamation.~~
State Reclamation Engineer

198-28

HARRY G. MILLER, of Mackay, Idaho, being first duly sworn,
deposes and says:

That he is the holder of Permit to appropriate the Public Waters
of the State of Idaho, No. 19828, for 3.2 cubic feet per second of water
from Swauger Slough (waste water);

That the water claimed under this permit is surplus water from
Congdon Spring, fed into the Swauger Slough, and that it was his intention
when filing the application to apply for said surplus water from Congdon
Spring diverted through Swauger Slough.

He therefore requests that said Permit No. 19828 be amended
to show that the water appropriated thereunder is surplus water from
Congdon Spring.

Harry G. Miller

Subscribed and sworn to before me this 12th day of August, 1946

William G. Kelly

Notary Public for Idaho
Residing at Boise

19828

19828

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date: July 24, 1946

The Mackay Miner

Mackay, Idaho

Gentlemen:

Enclosed you will find notice for publication
once a week for four consecutive weeks prior to August 26,
1946 the date set for proof, the expense of the
publication to be paid by the applicant, Harry G. Miller
of Mackay, Idaho, to whom
you should furnish affidavit 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

19828

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

Notice is hereby given that at 11:00 A. M. on the 25th day of August, 1946,
at Mackay, County of Custer, State of Idaho, before
Don Green, Notary Public, proof will be submitted of the
application to beneficial use of 3.20 cubic feet per second of the waters of Swauger Slough
(~~waste water~~) in accordance with the terms and conditions of Permit No. 19828
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Harry G. Miller, Mackay, Idaho

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

The amount applied to beneficial use is 3.20 second feet

The place where said water is used (~~if for irrigation, give full and accurate description of the~~
~~lands irrigated~~ S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33, Township 7 North, Range 25 East, B.M., and N $\frac{1}{2}$ NE $\frac{1}{4}$
Section 4, Township 6 North, Range 25 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 no name

The right to take water from such works is based upon Permit No. 19828

The source of supply from which such water is diverted is Swauger Slough (waste water)

The date of priority which said user is prepared to establish is May 14, 1946

MARK R. KULP

State Reclamation Engineer.

19828

July 24, 1946

Re: Permit No. 19828

Mr. Harry G. Miller
Mackay, Idaho

Dear Mr. Miller:

We enclose herewith Certificate of Completion of Works issued under the above numbered permit to appropriate 3.20 second feet of water from Swauger Slough (waste water), with priority of May 14, 1946, for the irrigation and domestic use on the S¹/₂ SE¹/₄ Section 33, Twp. 7 North, Range 25 East, B.M., and the N¹/₂ NE¹/₄ Section 4, Twp. 6 North, Range 25 East, B.M., Custer County.

A copy of the notice of beneficial use proof to be made on this permit has been sent to the Mackay Miner, with instructions to publish it once a week for four consecutive weeks prior to August 26th, the date set for proof, and to send you the affidavit of publication, together with statement of costs.

About ten days prior to the date set for proof, we shall send to Mr. Don Green, the Notary Public, the proper forms of deposition, consisting of one for yourself as holder, and one for each of two witnesses, so that he may have them in ample time for the proof.

At the time set you should appear before Mr. Green, together with two disinterested witnesses, who are familiar with the terms of the permit, and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

198-28

Permit No. 19828

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO }
County of Ada } ss.

HARRY G. MILLER, 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. 19828, and that his postoffice address is Mackay, State of Idaho.

Second: That the name of the stream from which said water is to be directed is Swauger Slough (Waste water).

Third: That the point of diversion of said water is # 1- SW¹/₄ SW¹/₄ Sec. 33, T. 7 N., R. 25 E., B. M. # 2- NW¹/₄ NW¹/₄ Sec. 4, T 6 N., R. 25 E., B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 22, 1946, 19.

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: Headgate and ditches
(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 2 feet.

(d) Conduit Ditch width at bottom 2 feet, width at water line 4 feet, depth of water 1 feet; diameter of pipe inches, average grade per mile is 5.28 feet. Length of conduit is 1 miles.

(State whether ditch, flume or pipe)

Seventh: That said works are capable of conducting to the place of intended use 3.20 second feet of water.

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: S¹/₂ SE¹/₂ Section 33, Twp. 7 N., Range 25 E., B.M., and N¹/₂ NE¹/₄ Section 4 " 6 N. " " "

Ninth: Remarks: That

H. G. Miller
(Sign here)

Subscribed and sworn to before me this 23 day of July, 1946

My commission expires 11-5-47

Notary Public.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 23, 1946

(P. O.) Boise, Idaho

STATE RECLAMATION ENGINEER :

TO THE ~~COMMISSIONER OF RECLAMATION~~ :

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.

H. G. Miller

(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.

1946-28

19828 ✓
June 5, 1946

Mr. Harry G. Miller
Mackay, Idaho

Dear Mr. Miller:

We enclose Permit No. 19828, and also Departmental Receipt No. 19441, for \$11.50, which includes the filing fee on this Permit and also on Permit No. 19829.

Since this application states that you will require two months in which to make the proofs necessary to complete this water right, we have set July 22nd, as the date within which these proofs must be made.

The first, or completion of works proof, is made on Form 6, enclosed, executed by you before a Notary Public, and returned to this Department with the statutory fee of \$5.00; upon receipt and approval of which a Certificate of completion of works will be issued.

The final or beneficial use proof requires publication once a week for four consecutive weeks before the date set for proof. This notice is made in duplicate on Form 10 enclosed- setting the time sufficiently far ahead to allow for the four weeks publication, and naming the Notary Public, or other officer authorized by law to administer oaths, before whom the proof is to be made.

Both copies of the notice are to be returned to this Department, together with Form 11, which is your authorization for us to have the notice published at your expense in the county newspaper named. We shall then send one copy of the notice to the designated newspaper, with instructions in regard to publishing.

At the time set for proof you should appear before the Notary Public, with two witnesses, for the purpose of executing depositions of proof on forms to be furnished by this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

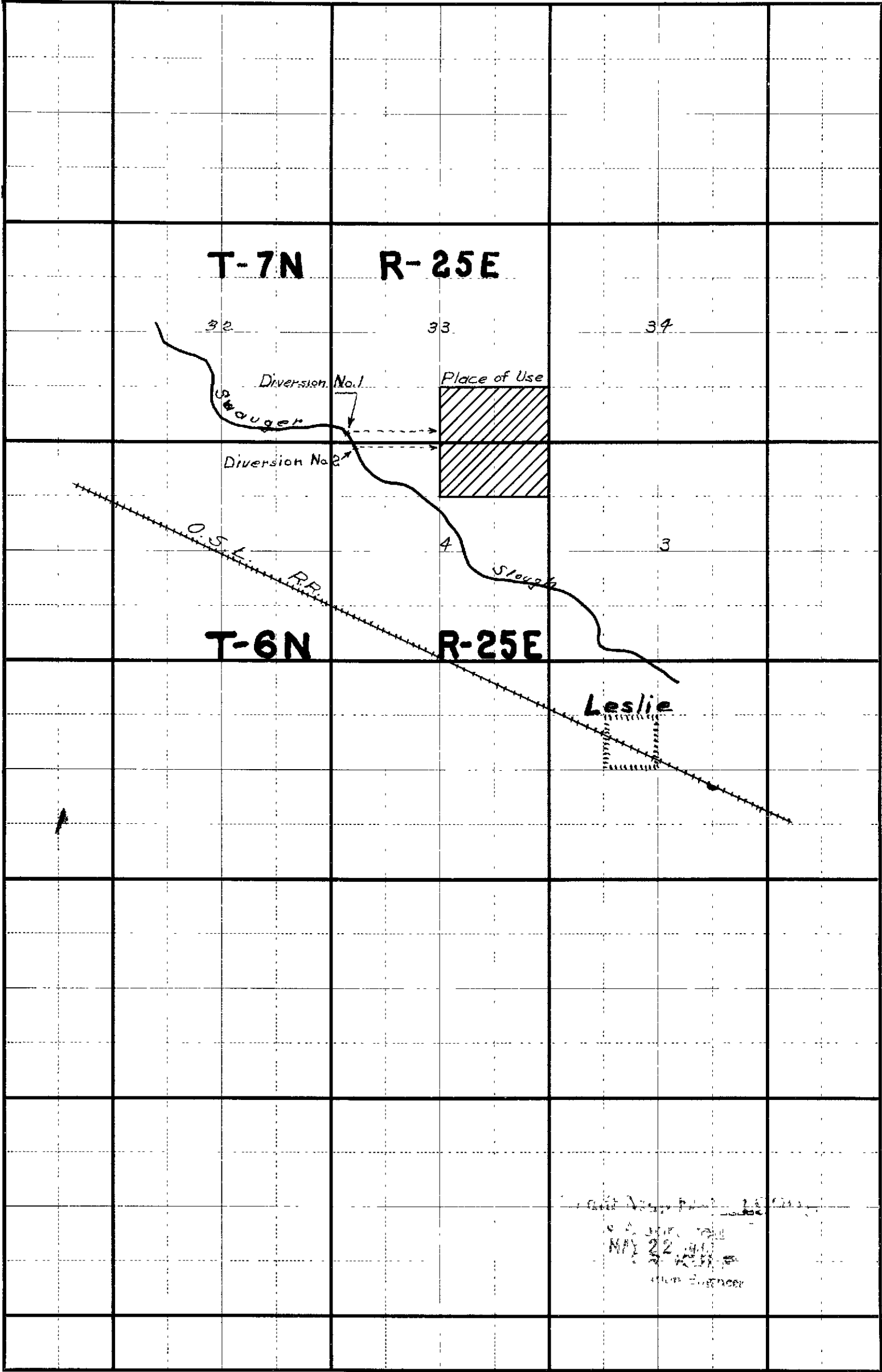
A
Encls.

19828

Recommended that P-19828
be granted 3.2 Sec. Ft. of
supplemental water (for what-
ever it may be worth

H

J. H. H.



14325

Aug. 1 - 1946

IDAHO

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 11:00 A. M. on the 26th day of August, 1946, at Mackay, County of Custer, State of Idaho, before Don Green, Notary Public, proof will be submitted of the application to beneficial use of 3.20 cubic feet per second of the waters of Swauger Slough (waste water) in accordance with the terms and conditions of Permit No. 19828 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Harry G. Miller, Mackay, Idaho.

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

The amount applied to beneficial use is 3.20 second feet.

The place where said water is used S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33, Township 7 North, Range 25 East, B. M., and N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 4, Township 6 North, Range 25 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 no name.

The right to take water from such works is based upon Permit No. 19828.

The source of supply from which such water is diverted is Swauger Slough (waste water).

The date of priority which said user is prepared to establish is May 14, 1946.

MARK R. KULP,
State Reclamation Engineer
First publication August 1, 1946
Last publication August 22, 1946