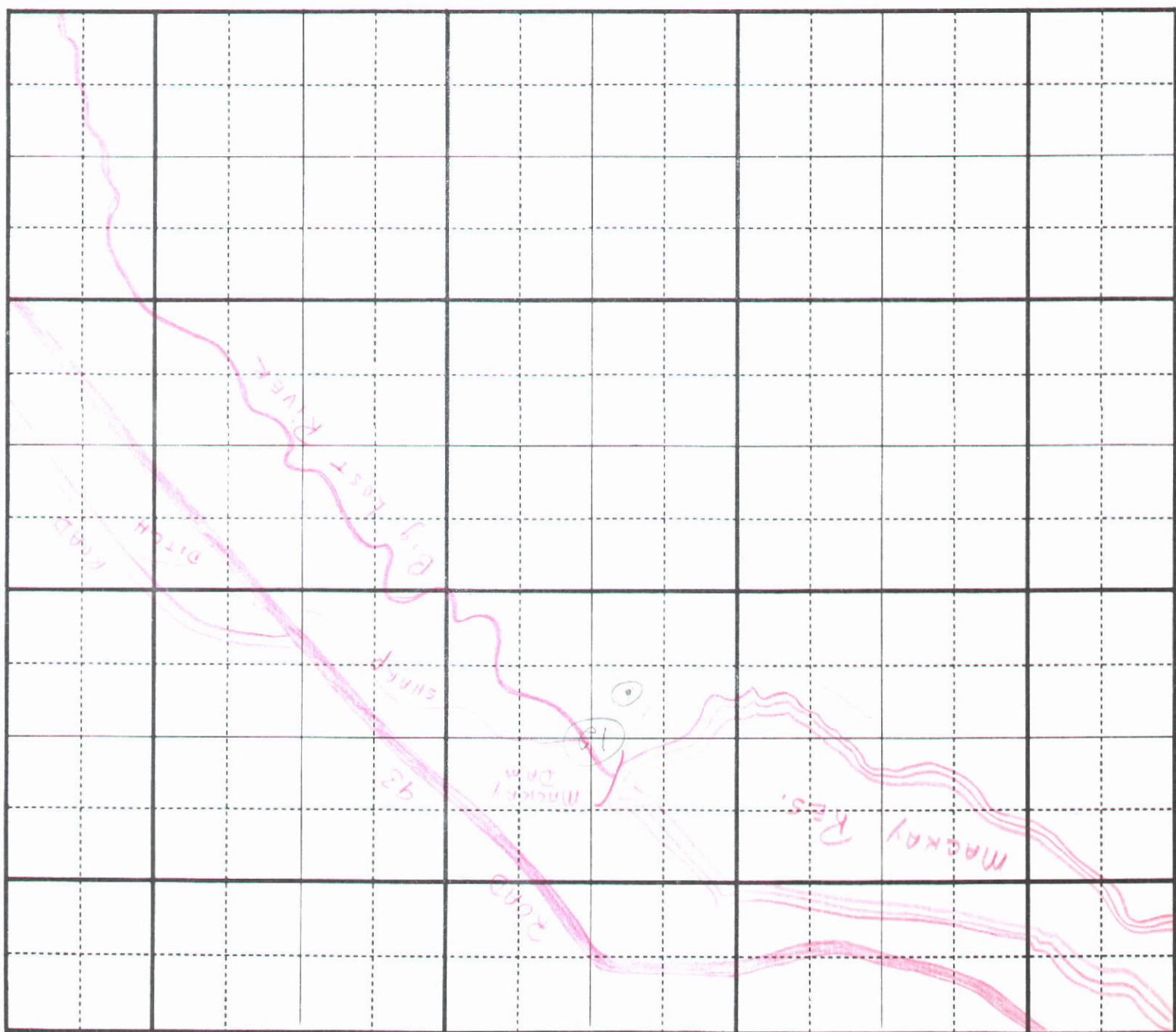


34 2507

Diagram of System



N. 7. T.

R. 93 E.

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

NOTICE IS HEREBY GIVEN THAT ON THE 7th day of June, 1968 at Mackay, County of Custer, State of Idaho before Eileen Lemmon, Notary Public at Mackay, Idaho, proof will be submitted of Completion of Works for the diversion of 6,000 acre feet of storage, of waters of Big Lost River, and of the application to Beneficial Use of said water, in accordance with the terms and conditions of Permit No. R-882, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Big Lost River Irrigation District, Mackay, Idaho.

2. Said works of diversion of water for storage will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of storage is 6,000 acre feet per annum.

3. Reservoir capacity is 44,600 acre feet.

4. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6,000 acre feet.

5. The point of diversion of said waters for beneficial use is NE 1/4 SW 1/4, Sec. 12, T. 7 N, R. 23 E, B. M., Custer County, and the amount which can be diverted is 6,000 acre feet per annum.

6. The place where said water is used is Lands within Big Lost River Irrigation District boundary. (T. 7 N, Rs. 24 and 25 E., T. 6 N, Rs. 24, 25 and 26 E., T. 5 N, Rs. 25 and 26 E., T. 4 N, Rs. 26 and 27 E., T. 3 N, Rs. 26 and 27 E., lying in Butte County and Custer County, Idaho.)

7. The date of priority which said user is prepared to establish is October 27, 1951 (Subject to late proof).

R. KEITH HIGGINSON,
State Reclamation Engineer
Pub. May 9, 16, 23 and 30, 1968

Affidavit of Publication

STATE OF IDAHO }
County of Custer } ss.

I, Ruth Hanawalt
the Co-publisher
of The MACKAY MINER, a weekly newspaper of General Circulation published weekly and entered in the post office Mackay, Idaho, continuously since February 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

May 9, 1968

and ending with the issue dated

May 30, 1968

Ruth Hanawalt

Subscribed and sworn to before me this 7th day of

JUNE, 1968

Eileen Lemmon

Notary Public.

Mackay, Idaho - Residence
My Commission Expires: 6-7-69

Affidavit of Publication

I, Elizabeth L. Brummer, of the
Arco Advertiser, a weekly newspaper of general
circulation, published weekly at Arco, Idaho, since
March, 1909, do solemnly swear that a copy of
this notice, 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 May 9, 1968
and ending with the issue dated May 30, 1968

Elizabeth L. Brummer

Subscribed and sworn to before me this

27 day of May, 1968

Betty J. Mayo
Notary Public.

Residence: Arco, Idaho.

My commission expires 2-4, 1969

RECEIVED

JUL 20 1968

Department of Reclamation

PUBLIC NOTICE

NOTICE OF PROOF OF APPLI- CATION OF WATER TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN
THAT ON THE 7th day of June,
1968, at Mackay, County of Cus-
ter, State of Idaho, before Eileen
Lemmon, Notary Public at Mac-
kay, Idaho, proof will be sub-
mitted of Completion of Works
for the diversion of 6,000 acre
feet of storage, of waters of Big
Lost River, and of the applica-
tion to Beneficial Use of said
water, in accordance with the
terms and conditions of Permit
No. R-882, heretofore issued by
the Department of Reclamation
of the State of Idaho.

1. The name and postoffice ad-
dress of the person or corpora-
tion holding said permit is Big
Lost River Irrigation District,
Mackay, Idaho.

2. Said works of diversion of
water for storage will be fully
completed on the date set for
such completion and the amount
of water which said works are
capable of conveying to the place
of storage is 6,000 acre feet per
annum.

3. Reservoir capacity is 44,600
acre feet.

4. The use to which said water
has been applied is irrigation pur-
poses, and the amount applied
to beneficial use is 6,000 acre
feet.

5. The point of diversion of
said waters for beneficial use is
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 7 N, R. 23
E, B.M., Custer County, and the
amount which can be diverted is
6,000 acre feet per annum.

6. The place where said water is
used is Lands within Big Lost
River Irrigation District bound-
ary. (T. 7 N, Rs. 24 and 25 E.,
T. 6 N, Rs. 24 and 25, and 26 E,
T. 5 N, Rs. 25 and 26 E, T. 4 N,
Rs 26 and 27 E, T. 3 N, Rs. 26 and
27 E., lying in Butte County and
Custer County, Idaho.)

7. The date of priority which
said user is prepared to establish
is October 27, 1951 (Subject to
late proof).

R. KEITH HIGGINSON
State Reclamation
Engineer

Pub. 5-9,16,23,30

R-882

Big Lost River Irrigation

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

Permit No. R-882This proof is for Completion of Works In Water District No. _____1. Name of applicant Richard C. Rothwell - Big Lost River Irrig. Dist.2. Source of water supply: Big Lost River3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12T. 7 North R. 23 East County of Custer RWS

4. Describe works as they exist, giving dimensions and capacities of same: _____

If c/w must be issued it should be plainly stated in c/w "issued by Court Order and against the judgment of the State Recl. Engrs."

5. Water is used for: Irrigation ✓

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

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):

The lands within Big Lost River Irrigation District Boundary ✓

to which water was directed under statutory court decree entered RWS

March 15, 1923.

Filed 10/27/51

C/w due 8-1-57

BU " 8-1-60

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

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

Remarks: *This is for 6000 acre feet additional by raising dam 5 feet. Dam was raised and spillway has had a 5' high age concrete plug installed.*

There is a report 10-10-57 by the U.S. B.R. saying that a spillway of 2000 cfs capy is too small and that the present spillway has less capy than that. With the 5' plug it is still less.

C/w should not be issued on this.

This examination was made on the Nov 3 day of _____, 1955

(Signed) E. N. Humphrey Examiner.

R-882

Permit No. R-882

Mackay Dam
Examination for Completion of Works

County Custer

12 - 7N. - 23E.

Q = 6,000 A.F. (additional)

S = Big Lost River

P.D. = NE. SW., Sec. 12, T. 7N. - R. 23E.

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.

Diversion Dam
Mez Irrigation
{ earth filled Dam 5' High
14' wide at top
5' High concrete spillway
Land in Big Lost River Irrigation Dist.

Filed = Oct. 27, 1951

Due = Aug. 1, 1957 (Ext.)

THURSDAY, SEPT. 5, 1957

Legal Notice

NOTICE FOR PUBLICATION

Notice is hereby given that at 9 A.M., on the 13th day September 1957, at Blackfoot, County of Bingham, State of Idaho, before Robert M. Kerr, Jr., Notary Public proof will be submitted of the completion of works for the diversion of approximately 6000 acre feet of the waters of Big Lost River in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Big Lost River Irrigation District.

2. The postoffice address of such person or principal place of business of such corporation is Mackay, County of Custer, State of Idaho.

3. The number of such permit is R882, and the date set for the completion of such work is August 1, 1957.

4. Said water is to be used for irrigation purposes.

5. Said works of storage and diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit as amended is approximately 6000 acre feet.

6. The amount of lands for which said water is available is _____ acres, particularly described as follows: Land within Big Lost River Irrigation District boundary to which water was decreed under Federal Court degree entered on March 15, 1923.

MARK R. KULP

Commissioner of Reclamation

Publish 8-15-22-29-9-5, 1957

Affidavit of Publication

State of Idaho }
County of Custer } ss.

1, Ruth Hanawalt, Editor of THE MACKAY MINER, a weekly newspaper of General Circulation published weekly at Mackay, Idaho, continuously since Febr. 6, 1906, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated Aug. Sept 15, 1957, and ending with the issue dated Sept 5, 1957.
Ruth Hanawalt

Subscribed and sworn to before me this 16th day of

September, 1957

Engelbert B. B.
Notary Public.

R-882

NOTICE FOR PUBLICATION

Notice is hereby given that at 9 A.M., on the 13th day September 1957, at Blackfoot, County of Bingham, State of Idaho, before Robert M. Kerr, Jr., Notary Public proof will be submitted of the completion of works for the diversion of approximately 6000 acre feet of the waters of Big Lost River in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Big Lost River Irrigation District.

2. The postoffice address of such person or principal place of business of such corporation is Mackay, County of Custer, State of Idaho.

3. The number of such permit is R882, and the date set for the completion of such work is August 1, 1957.

4. Said water is to be used for irrigation purposes.

5. Said works of storage and diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans ac-

companying the application for such permit as amended is approximately 6000 acre feet.

6. The amount of lands for which said water is available is _____ acres, particularly described as follows: Land within Big Lost River Irrigation District boundary to which water was decreed under Federal Court decree entered on March 15, 1923.

MARK R. KULP
Commissioner of Reclamation

Publish 8-15-22-29-9-5, 1957

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 August 15, 1957, and ending with the issue dated Sept 5, 1957.

Ruth Hanawalt

Subscribed and sworn to before me this 19th day of September, 1957

Emory B. Stiles
Notary Public.

R-882

Address where proofs will be
submitted not given.

Otherwise check by
R-882

Due 2 C/W = 8-1-57

NOTICE FOR PUBLICATION

September 1957, at Blackfoot, County of Bingham, State of Idaho, before Robert M. Kerr, Jr., Notary Public proof will be submitted of the completion of works for the diversion of approximately 6000 acre feet of the waters of Big Lost River in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or

corporation holding said permit is Big Lost River Irrigation District.

2. The postoffice address of such person or principal place of business of such corporation is Mackay, County of Custer, State of Idaho.

3. The number of such permit is R882, and the date set for the completion of such work is August 1, 1957.

4. Said water is to be used for irrigation purposes.

5. Said works of storage and diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit as amended is approximately 6000 acre feet.

6. The amount of lands for which said water is available is _____ acres, particularly described as follows: Land within Big Lost River Irrigation District boundary to which water was decreed under Federal Court degree entered on March 15, 1923.

R-882
MARK R. KULP
Commissioner of Reclamation

Publish 8-15-22-29-9-5, 1957

Is not paid
at this time.

PM

L. 882

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. R-882/34-2507 Priority Sept. 2, 1959 Amount 6,000 acre feet
(late proof)

THIS IS TO CERTIFY, that BIG LOST RIVER IRRIGATION DISTRICT
of Mackay, Idaho, has complied with the terms and conditions of Permit
No. R-882/34-2507 issued pursuant to Application for Permit dated October 27, 1951,
and has submitted proof to the Department of Water Administration on June 7, 1968,
that he has applied water to a beneficial use, an examination by the Department indicates that the
works have a capacity of 45,000 acre feet, and that the water has in fact been applied to a
beneficial use, a right to the use of water from Big Lost River
tributary of _____, is hereby confirmed in the following amounts:

Amount 6,000 af for Storage for from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for Irrigation from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 6,000 acre feet of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12, Twp. 7 N, Rge. 23 E, B.M.

in the county of Custer, and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 6,000 acre feet per year or _____
5.0 acre feet per acre. * Lands within the Big Lost River Irrigation

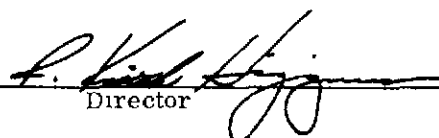
* Description and location of place of use: District boundary to which water was decreed
March 15, 1923.

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 $\frac{1}{4}$	

Total number of acres irrigated _____

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 10 day of
October, 19 72.


Director

11-882

APPLICATION FOR PERMIT

To Construct a Reservoir and Appropriate and Store
The Public Waters of the State of Idaho

Parry, Keenan, Robertson & Daly
Fidelity Bank Bldg.
Twin Falls, Idaho

Application No. R 30182
Permit No. R 882

1. Name of Applicant: Big Lost River Irrigation District

Postoffice address: Mackay County Custer State Idaho

I. If applicant is a corporation, give:
organization Moore, Idaho, under Title XXXIII Chap. 175, Compiled Statutes of Idaho, 1919,
(a) Date and place of incorporation June 29, 1920, at / (b) Amount of Capital Stock: \$ Vol. 1, Political Code
(c) Amount paid in: \$ (d) Names and addresses of directors: Albert B. Pearson, Moore, Idaho;
George A. Waite, Arco, Idaho; J. E. Metcalf, Leslie, Idaho; Parry, Keenan, Robertson and Daly, Twin Falls,
Idaho; R. J. Newell, Boise, Idaho.

II. The financial resources of the corporation are:

(a) Cash on hand: \$ (b) Treasury Stock: \$
(c) Bonds to be issued: \$ (d) Other resources:

2. Quantity of water to be stored: 6,000 additional to present 38,600 acre feet per annum.

3. Source of water supply is Big Lost River (Creek) (River) River.

4. The outlet of the proposed reservoir is located S. 60° 15' W. / 2800 feet, distant from the N $\frac{1}{4}$ corner of Section 12, Township 7 N.,
(bearing)
Range 23 E., B. M. and is in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, Township 7 N., Range 23 E., B. M. County of Custer

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Big Lost River (Creek) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from
the corner of Section, Township, Range, B. M., and is in the $\frac{1}{4}$ of $\frac{1}{4}$ of

Section, Township, Range B. M.; width at bottom feet, width at top

feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is 1300 acres.

(b) The reservoir capacity is 6,000 additional to 38,600 present- Total 44,600 acre feet.
to present increased to

7. Height of reservoir dam 75 feet, length at top 1500 feet, length at bottom 400 feet, size of outlet 10 feet
5' to spring line with 5' radius arch
by feet. The dam is to be constructed of materials as follows: Earth, gravel and rock.

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or aqueduct, thence to land to be irrigated without commingling with natural flow of

Big Lost River (Creek) (River)? No

(b) Water stored in reservoir will be carried in the channel of Big Lost River (Creek) (River) a distance
up to 35 various existing Irrig. District boundary
of / miles to point of diversion located within the Big Lost River / feet, distant from the corner of Section
(bearing)
Township, Range, B. M., and in the $\frac{1}{4}$ of $\frac{1}{4}$ of Section Township, Range
B. M.

9. (a) Area of watershed above dam site 800 square miles

(b) Estimated maximum flow of stream Record flood 3,000 cubic feet per second.

10. Water is to be used for Irrigation purposes.

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

(a) Point of use of water feet, distant from Corner of Section, Township, Range
(bearing)
B. M. and is in the $\frac{1}{4}$ of $\frac{1}{4}$ of Section, Township, Range, B. M.

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

(c) Water is to be returned to (Creek) (River) (Spring) at a point feet
(bearing)

distant from the corner of Section, Township, Range, B. M. in

the $\frac{1}{4}$ of $\frac{1}{4}$ of Section, Township, Range, B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No.

, which is hereby referred to and made a part hereof.

13. Kind of diversion works: Various existing diversions within Big Lost River Irrig. Dist. boundary
Various existing (Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed

of materials as follows:

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

- Various existing
15. Size of headgate: Width feet, Height feet.
Various existing
16. Diversion Canal: Width at bottom feet, width at water line feet, depth of water feet, Dimensions of Flume
Diameter of Pipe inches; Length of Conduit miles. Average grade per mile feet.
17. Estimated cost of Works: Storage Works: \$ 50,000.00 Diversion Works: \$
18. Time required for completion of work Two (2) years.
19. Time required for complete application of water to proposed beneficial use is Three (3) years.
20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

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 $\frac{1}{4}$	
			Lands within Big Lost River Irrigation District boundary (See attached map), to which water was decreed under Federal Court Decree entered on March 15, 1923. See Paragraph 21.																

Total Number of Acres to be Irrigated
All set out in the

21. Existing rights and/or valid permits appurtenant to lands described in Sec. 20 are /Decree entered by Judge Farrington on March 15, 1923, in the United States District Court for the District of Idaho, Eastern Division, in that certain action entitled "Utah Construction Company, Remarks: a corporation, plaintiff, vs. John F. Abbott, et al.", in Equity No. 222.

Permit for which permit is applied for contemplates raising the height of Mackay Dam 5 feet, thus increasing maximum storage capacity 6,000 acre feet.

increase the capacity of an existing

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and appropriate and store the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

BIG LOST RIVER IRRIGATION DISTRICT Applicant.

By Parry, Keenan, Robertson & Daly Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. October 27, 1951

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE RECLAMATION ENGINEER

LICENSE ISSUED FOR 6,000-SEC. FT.
LICENSE PAGE NO. _____

The number of this permit is R R-882

Recorded in book R 44, page 882 Approved November 7, 1951

This is to certify that I have examined the within application for a permit to construct a reservoir and appropriate and store 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 \$ 1,000, to be filed on or before January 7, 1951

Work to begin on or before _____ and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before November 7, 1952

The whole of said work to be completed on or before November 7, 1953

Beneficial use of water stored in accordance herewith, to be made on or before November 7, 1956

Witness my hand this 7th day of November, 1951.

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN, Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in

the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 7th day of

November, 1951.

Countersigned:

STATE OF IDAHO

(SEAL)

By LEN JORDAN

By IRA H. MASTERS
Secretary of State.

Governor.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. R-882 to November 7, 1956.

Witness my hand this 17th day of November, 1953.

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

WHEREAS, Permit No. R-882 in the name of The Big Lost River Irrigation District requires proof of completion of work to be made on or before November 7, 1953; and

WHEREAS, under date of November 17, 1953 an extension of time was granted for the completion of construction work under said permit to November 7, 1953; and

WHEREAS, application for an extension of time for completion of works by The Big Lost River Irrigation District requesting an additional extension of time was received in the Office of the Department of Reclamation on January 31, 1957; and

NOW, THEREFORE, I, MARK R. KULP, State Reclamation Engineer of the State of Idaho hereby extend the time for the completion of construction of work on Permit No. R-882 to appropriate the Public Waters of the State of Idaho to August 1, 1957, for the reason that there is and has been litigation over plans and specifications required by Section 42-1707 of the Idaho Code.

Given under my hand and Seal this 31st day of January, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer

(SEAL)

PERMIT NO. R-882

CERTIFICATE OF COMPLETION OF WORKS }

TO ALL WHOM IT MAY CONCERN:

This is to certify that BIG LOST RIVER IRRIGATION DISTRICT of Mackay, County of Custer, and State of Idaho, the holder of Permit No. R-882, issued upon Application No. 30182 bearing date of priority of October 27, 1951, authorizing the storage of an additional 6000 acre feet of waters of Big Lost River County of Custer, State of Idaho, for irrigation 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 storing to the place of intended use an additional 6000 acre feet of the waters of Big Lost River (Mackay Reservoir) that the point of diversion of said waters is in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, T. 7 N., R. 23 E, B.M., Custer County, and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: the lands within the Big Lost River Irrigation District located in: T. 7 N, Rs. 24 and 25 E., T. 6 N, Rse. 24, 25, and 26 E, T. 5 N, Rs. 25 and 26 E, T. 4 N. Rs. 26 and 27 E., T. 3 N, Rs, 26 and 27 E., lying in Butte County and Custer County, Idaho.

Witness my hand this 4th day of January, A.D. 1968

/S. R. KEITH HIGGINSON
State Reclamation Engineer

* According to Opinion No. 8493 of the Supreme Court, State of Idaho, filed February 26, 1957 in the case of Big Lost River Irrigation District vs. Mark R. Kulp.

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

October 11, 1972

Re: Permit No. R-882/34-2507

C
Big Lost River Irrigation District
Mackay,
Idaho 83251

G
Gentlemen:

Enclosed herewith is the Water License issued on the above referenced permit.

Sincerely,

P
BOBBY D. FLEENOR
Assistant Director

Y
BDF:DR
Enc: License

bc: Eastern District Office

34 2507

October 10, 1972

Re: Permit No. R-882/34-2507

C Big Lost River Irrigation District
Mackay,
Idaho 83251

O Gentlemen:

O You recently requested information on the nature of your water right for 38,600 acre feet of storage in Mackay Reservoir. Our records indicate a right was set forth in the decree entitled "Utah Construction Company -vs- John F. Abbott, et al", in Equity No. 222. This decree was entered by Judge Farrington on March 15, 1923, in the U.S. District Court for the District of Idaho, Eastern Division.

P The 8,000 acre feet that is now proposed for licensing under Permit No. R-882/34-2507 is the additional storage created by increasing the height of the reservoir by five feet.

If you have further questions, please contact us.

Y Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

September 29, 1972

Big Lost River Irrigation District
Mackay,
Idaho 83251

Gentlemen:

A representative of this Department has made an examination of the works covered by your Permit No. R-882/34-2507 and has found the following:

Quantity of water diverted: 45,000 acre feet

Amount of water that can be recognized as beneficially used under Idaho law: 6,000 acre feet

The maximum quantity diverted shall not exceed 6,000 acre feet per season.

Beneficial use: Irrigation of lands within the Big Lost River Irrigation District boundary

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, Twp. 7 N, Rge. 23 E, B.M.

The priority date established is: Sept. 2, 1959 (late proof)

If you do not concur with these findings, please advise us within 10 days; otherwise, a license will be issued as set forth in this letter.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

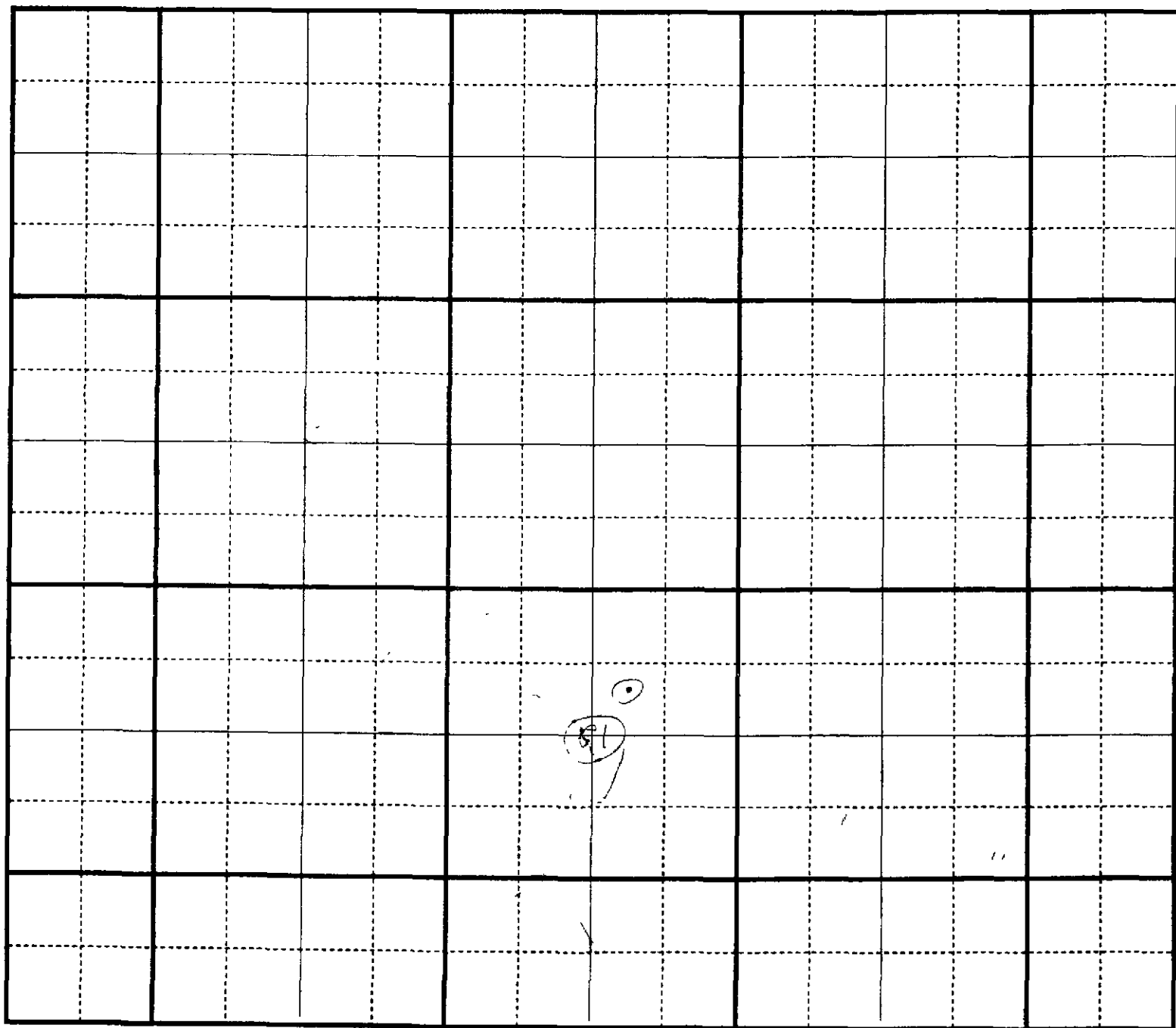
34 2507

FIELD REPORT

TOTAL ACREAGE

04 2507

Diagram of System



DATE OF EXAM 21 July 71

ACREAGE
Found _____
Recommended _____

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q= _____ c.f.s. V= 44,600 AF/Ann. from 1 April to 1 Nov
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no _____

Name source: Surface water - Big Lost River
twp. 7 N/S, Rge 25 E/W, B.M., Sec. 12, Sub. NE $\frac{1}{4}$ SW $\frac{1}{4}$ Custer
County

Exchange? yes _____ no _____

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Point of exchange: .
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Total Q measured _____ Method of measurement USGS Report

Total Q recommended _____ Meter No. _____ Type _____ Condition _____

Total V recommended 44,600 Ac ft/yr

Recommended Amendments:

P.D. _____
Place of Use _____
Other
None

MEASUREMENT CALCULATION:

at the time of examination the sea. is jumping
over the spillway slightly. Therefore it would
say it is holding its capacity of 45,000 Ac ft

SYSTEM DESCRIPTION:

6062' to 6090' el w. Elevation of Reservoir has been
45,000 Ac ft increased about 5' the USGS
says the Capacity now is
45,000 Ac ft

REMARKS:

New addition to dam crest has been riprapped
with rock on the face & back

Devene Jensen would like to have license for entire 45,000 Ac ft

Examiner's Signature James Brooks Date 21 July 71

Checked by _____ Date 11/28/11

Approved by _____ Date _____

Mr. Devon Jensen Contacted Sept. 29-1969

Highest measured inflow 2680 cfs

Maximum Storage. 45,000 AF

5' rise to 6067' elevation

Capacity
Spillway at 6067' is (2015 - 3465)

43 916 Irrigated Acres 1969 Assessment
35 600

14% increase within the original subdivisions

Decree Supreme Court of the State of Idaho

Judge Thatcher 6th Judicial - Center

~~51-2507~~

34-2507

34-2507
~~51-2241~~

Permit No. R-882 For official use only

Name of Applicant Big Lost River Irrigation District

Source of Water Big Lost River

a tributary of _____

Location of P.D. NE 1/4 SW 1/4, Sec. 12, T. 7 N, R. 23 E, B.M., Custer County

Water is used for Irrigation

Quantity of water claimed: Permit 6,000 additional afDepositions 44,600 a.f.

Type of measuring device installed or method of measurement and general description of diversion works Mackay Dam and various canal diversions

Land to be irrigated or place of use.			Description
TWP	RGE.	SEC.	
			lands within the Big Lost River Irrigation District located in:
			T. 7 N, Rs. 24 and 25 E., T. 6 N, Rse. 24, 25, and 26 E, T. 5 N,
			Rs. 25 and 26 E, T. 4 N, Rs. 26 and 27 E., T. 3 N, Rs, 26 and
			27 E., Lying in Butte County and Custer County, Idaho.

Date filed: 10-27-51

Proof due: 8-1-60

Proof made: 6-7-68

PRIORITY: September 3, 1959 - LATE PROOF

Total acreage ?

Other rights and acreage covered: (Indicate amounts, source, licensed or decreed, and acreage covered by subdivision; also show land covered on the map.

decree

Source of supply _____
a tributary of _____
Location of P D (s) _____

Water is used for _____
Quantity of water found _____
How was the measurement made? _____
Measurement calculations _____

Diversion works description and diagram

Indicate area irrigated in each subdivision on the map.
Total acreage irrigated _____

If water is used for purposes other than irrigation, fully describe how the water is used and what is done with it after the use.

Who represented the permit holder at the examination?

Recommended allowance for licensing _____

Description of required amendments Comments, _____

Report checked? _____

Examination date _____

Signature _____

34-2507

File R-882

February 20, 1969

C Mr. Arthur W. Quist, President
Big Lost River Irrigation District
P. O. Box 205
Mackay, Idaho 83251

Dear Mr. Quist:

C During a recent conversation with Mr. R. Keith Higginson, you requested an answer to your letter concerning permission to overtop by two feet the ogee plug on Mackay Dam. In searching our files, I find your letter dated July 7, 1967, requesting this permission. Please accept my apology for the department's failure in answering the letter.

P In requesting permission to overtop the ogee plug, I assume you are concerned with Judge Thatcher's decree which ordered that the storage level of the reservoir be maintained at or below the crest of the ogee structure. My interpretation of Judge Thatcher's decree is that the restriction on storage was for a three year period from 1956 to 1959. Therefore, you do not need our permission to operate with flows over the ogee section.

Y I would hope that your future operating criteria would continue with a policy of trying to avoid spills over the ogee section. The spillway capacity of Mackay Dam is less than desirable, and if the outlet gates should experience a malfunction during a period of high runoff with the reservoir at or near capacity the spillway would not be adequate to handle the flows. Such a condition could cause serious damage to the dam and possible failure.

Regarding the feasibility of installing gates in a portion of the ogee plug, I assume by this that you mean removing a section of the ogee plug and installing a movable gate. Engineering of such work is feasible, and would have the full support of the department. We are concerned about the spillway, and would welcome any action by the district that would increase its capacity.

Very truly yours,

A. KENNETH DUNN, Assistant
State Reclamation Engineer

AKD/jmb

R-882

July 30, 1968

Re: Permit No. R-882
Big Lost River Irrigation District

Arthur W. Quist, President
Big Lost River Irrigation District
P. O. Box 205
Mackay, Idaho 83251

Dear Mr. Quist:

We acknowledge receipt of the depositions and affidavits of publication in the Arco Advertiser and Mackay Miner submitted as proof of ~~com~~
~~pletion of works~~ and beneficial use on Permit R-882.

Before ~~a certificate and~~ a license of water right can be issued, a field examination must be made by a representative from this department. We cannot tell just when this examination will be made, but our field examiner will try to contact you at the time he makes the examination so that you may show him the system.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

R-882

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. R-882

* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

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

Arthur W. Quist, Arco, Idaho Farmer

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

Big Lost River Irrigation District, Mackay, Idaho - President of the Board, and Director.

Ques. 3. State number, approval date of permit, and date of priority: R-882

Approved November 7, 1951

November 7, 1956

Ques. 4. State source of water supply: Big Lost River

Give location of point of diversion, showing subdivision, section, township and range

NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 12, Township 7 N., Range 23 E. B. M.

Ques. 5. Describe your works of diversion: Mackay Dam and various canal diversions.

_____; state amount of water they are capable of conveying from point of diversion to place of use: 44,600 Acre Feet; Give name of canal or ditch or other works by which water is conducted to such place of use: Various Canals

_____; if a well, state depth of well _____; depth and size of casing _____; depth to water _____; if pump is used, state discharge of pump: _____; tell how it was measured or determined _____

_____; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Irrigation
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

The water is used on lands within the Big Lost River Irrigation District boundary. (T. 7 N.,

Rs. 24 and 25 E., T. 6 N., Rs. 24, 25, and 26 E., T. 5 N., Rs. 25 and 26 E., T. 4 N.,

Rs. 26 and 27 E., T. 3 N., Rs. 26 and 27 E., lying in Butte County and Custer County, Idaho).

State nature of all improvements which have been made as a direct result of said use:

Raised Reservoir crest five feet.

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

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: 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:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 1956 - Time used since first use:

1956, 1957, 1958, 1964, 1965, and 1967.

Ques. 10. Describe all other water rights appurtenant to same place of use: _____

(sign)

Arthur D. Quist
President

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 7th day of June, A. D. 19 68.

My commission expires: June 7, 1969

Edmund L. Lamm
Notary Public for State of Idaho

Residing At: Mackay, Idaho

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

NOTICE IS HEREBY GIVEN THAT ON THE 7th day of June, 1968 at Mackay, County of Custer, State of Idaho before Eileen Lemon, Notary Public at Mackay, Idaho, proof will be submitted of Completion of Works for the diversion of 6,000-acre feet of storage, of waters of Big Lost River, and of the application to Beneficial Use of said water, in accordance with the terms and conditions of Permit No. R-882, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Big Lost River Irrigation District, Mackay, Idaho.

2. Said works of diversion of water for storage will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of storage is 6,000 acre feet per annum.

3. Reservoir capacity is 44,600 acre feet.

4. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6,000 acre feet.

5. The point of diversion of said waters for beneficial use is NE¼-SW¼, Sec. 12, T. 7 N, R. 23 E, B. M., Custer County, and the amount which can be diverted is 6,000-acre feet per annum.

6. The place where said water is used is Lands within Big Lost River Irrigation District boundary. (T. 7 N, Rs. 24 and 25 E., T. 6 N, Rs. 24, 25 and 26 E., T. 5 N, Rs. 25 and 26 E., T. 4 N, Rs. 26 and 27 E., T. 3 N, Rs. 26 and 27 E., lying in Butte County and Custer County, Idaho.)

7. The date of priority which said user is prepared to establish is October 27, 1951 (Subject to late proof).

R. KEITH HIGGINSON,
State Reclamation Engineer
Pub. May 9, 16, 23 and 30, 1968

Affidavit of Publication

STATE OF IDAHO }
County of Custer } ss.

I, Ruth Hanawalt
the Co-publisher
of The MACKAY MINER, a
weekly newspaper of General Cir-
culation published weekly and en-
tered in the post office Mackay,
Idaho, continuously since Febru-
ary 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

May 9, 1968

and ending with the issue dated

May 30, 1968

Ruth Hanawalt

Subscribed and sworn to before
me this 7th day of

JUNE, 1968

Eileen Lemon

Notary Public

Mackay, Idaho - Residence

My Commission Expires: 6-7-69

Affidavit of Publication

I, Elizabeth L. Branner, of the Arco Advertiser, a weekly newspaper of general circulation, published weekly at Arco, Idaho, since March, 1909, do solemnly swear that a copy of this notice, 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 May 9, 1968

and ending with the issue dated May 30, 1968

Elizabeth L. Branner

Subscribed and sworn to before me this

27 day of May, 1968

Betty J. Mayo
Notary Public.

Residence: Arco, Idaho.

My commission expires 2-4, 1969

PUBLIC NOTICE

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN THAT ON THE 7th day of June, 1968, at Mackay, County of Custer, State of Idaho, before Elleen Lammson, Notary Public at Mackay, Idaho, proof will be submitted of Completion of Works for the diversion of 8,000 acre feet of storage, of waters of Big Lost River, and of the application to Beneficial Use of said water, in accordance with the terms and conditions of Permit No. R-882, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Big Lost River Irrigation District, Mackay, Idaho.

2. Said works of diversion of water for storage will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of storage is 6,000 acre feet per annum.

3. Reservoir capacity is 44,600 acre feet.

4. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6,000 acre feet.

5. The point of diversion of said waters for beneficial use is NE 1/4 SW 1/4, Sec. 12, T. 7 N, R. 23 E, B.M., Custer County, and the amount which can be diverted is 6,000 acre feet per annum.

6. The place where said water is used is Lands within Big Lost River Irrigation District boundary (T. 7 N, Rs. 24 and 25 E., T. 6 N, Rs. 24 and 25, and 26 E., T. 5 N, Rs. 25 and 26 E., T. 4 N, Rs. 26 and 27 E., T. 3 N, Rs. 26 and 27 E., lying in Butte County and Custer County, Idaho.)

7. The date of priority which said user is prepared to establish is October 27, 1951 (Subject to late proof).

R. KEITH HIGGINSON
State Reclamation
Engineer

Pub. 5-9,16,23,30

R-882
Big Lost River Irrigation

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. R-882

* * * * *

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:

Reed Z. Asay - Age: 39 - Mackay, Idaho, P. O. Box 415 - Farmer

Ques. 2 Are you acquainted with Big Lost River Irrigation District, the holder of Permit No. R-882? How long have you known him and where does he reside?

Yes. I have been acquainted with the organization for the last 15 years. The location is Mackay, Idaho.

Ques. 3. Have you read or heard said Permit No. R-882 read, and are you familiar with its provisions and conditions: Yes Yes No.

Ques. 4. State source of water supply: Big Lost River

Give location of place of diversion, showing subdivision, section, township and range

The point of diversion is NE $\frac{1}{4}$ -SW $\frac{1}{4}$ of Section 12, Township 7 N, Range 23 E.B.M.

Describe works for conveying water to place of use: Various existing diversions within the Big Lost River Irrigation District Boundary.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 6000 Acre Feet, additional to the present 38,600 acre feet - Total-44,600 How much water have you seen being so ^{acre} conveyed? Same Amount (6000 Acre Feet), assitional to the present 38,600 acre feet, or ^{feet} 44,600 acre ft.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description: This water is used for irrigation.

The place where said water is used is lands within the Big Lost River Irrigation District boundary. (T.7 N, Rs. 24 and 25 E, T.6N, Rs. 24, 25, and 26 E., T.5N, Rs. 25 and 26 E., T.4N, Rs. 26 and 27 E., T.3N, Rs. 26 and 27 E., lying in Butte County and Custer County, Idaho.)

R-882

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Strictly used for irrigation purposes.

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.

This was supplemental to the water rights existing on the lands being irrigated.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? No. —

Ques. 10. When did you first see this water used? During 1957 Irrigation season.

Other times you have seen such use: 1958, 1964, 1965 and 1967

(Signed):

Reed Z Asay

* * * * *

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 7th day of June, A. D. 19 68.

(Seal)

Edna L. Lamm

Notary Public for the State of Idaho

Residing at Mackay, Idaho

My commission expires June 7, 1969

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. R-882

* * * * *

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:

Reed M. Nielsen - Age:46 - Bpx 216, Mackay, Idaho - Farmer

Ques. 2 Are you acquainted with Big Lost River Irrigation District, the holder of Permit No. R-882? How long have you known him and where does he reside?

I have known the organization for 22 years. Mackay, Idaho

Ques. 3. Have you read or heard said Permit No. R-882 read, and are you familiar with its provisions and conditions: Yes Yes No.

Ques. 4. State source of water supply: Big Lost River

Give location of place of diversion, showing subdivision, section, township and range

The point of diversion is NE1/4-SW1/4 of Section 12, Township 7 N, Range 23 E.B.M.

Describe works for conveying water to place of use: Various existing diversions within the Big Lost River Irrigation District Boundary

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use: 6000 additional to 38,600 present / Total 44,600
How much water have you seen being so conveyed? Same Amount - 6000 additional to 38,600 present - Total 44,600;

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description: Said Water is used for irrigation purposes.

The place where said water is used is lands within Big Lost River Irrigation District boundary. (T.7N, Rs. 24 and 25 E., T.6N, Rs. 24,25, and 26 E, T.5N, Rs. 25 and 26 E, T.4N, Rs. 26 and 27 E, T.3N, Rs. 26 and 27 E. lying in Butte County and Custer County, Idaho.)

R-882

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Strictly used for irrigation purposes.

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.

Supplemental to the existing water rights.

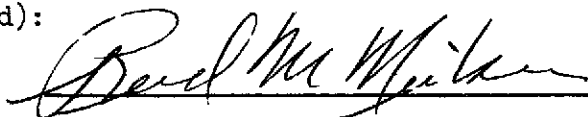
Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? During the 1956 irrigation season.

Other times you have seen such use: 1957 and 1964 and 1967.

(Signed):



Reed M. Nielsen

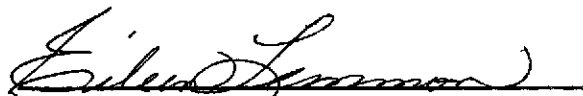
* * * * *

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 7th day of June, A. D. 19 68

(Seal)



Notary Public for the State of Idaho

Residing At: Mackay, Idaho

My commission expires June 7, 1969

ARTHUR W. QUIST
President
Arco, Idaho

ALFRED L. KING
Moore, Idaho

S. K. HINTZE
Mackay, Idaho

Big Lost River Irrigation District

Richard E. Beal, Secretary-Treasurer — Moore, Idaho
Address All Correspondence to Office at Mackay — Phone 588-2231

RICHARD C. ROTHWELL
Darlington, Idaho

Mackay, Idaho 83251

June 14, 1968

Department of Reclamation
Room 107 - State House
Boise, Idaho 83701

Re: Permit No. R-882

Gentlemen:

Please refer to a letter from Mr. Donald W. McEldowney of your Department dated May 1, 1968 regarding the above mentioned Permit.

As per Mr. McEldowney's instructions, we are enclosing herewith the following depositions and affidavits of publication:

1. Deposition of Witness made by Mr. Reed Nielsen, Mackay, Idaho.
2. Deposition of Witness made by Mr. Reed Asay, Mackay, Idaho.
3. Deposition of Holder made by Mr. Arthur W. Quist, President of the Big Lost River Irrigation District, Mackay, Idaho.
4. Affidavit of Publication from the Mackay Miner, Mackay, Idaho.
5. Affidavit of Publication from the Arco Advertiser, Arco, Idaho.

Very truly yours,

BIG LOST RIVER IRRIGATION DISTRICT


Eileen Lemmon, Notary Public and
Assistant Secretary-Treasurer

BLRID:el

Enclosures (5)

cc: Arthur W. Quist, President
Big Lost River Irrigation District
Arco, Idaho 83213

Handwritten signature

SPEED LETTER

TO Department of ReclamationFROM Big Lost River Irrigation DistrictRoom 107, State HouseEileen Lemmon, Notary Public
P. O. Box 205Boise, Idaho 83701Mackay, Idaho 83251SUBJECT Reference our letter dated 6/14/68 regarding Permit No. R-882

MESSAGE

DATE July 12, 1968

Gentlemen:

I am enclosing herewith our letter dated 6/14/68, along with Depositions from Witnesses and Affidavits of Publication. In error, I somehow accidentally enclosed the above mentioned letter and forms in a letter going to a firm in Salt Lake City, Utah. This firm just returned these papers to us; they were received in this morning's mail. I am very embarrassed about making this error, and I hope you will accept my sinere apology for the lateness in getting these forms, etc. ^{to you} because of this error. I am sincerely sorry for the delay I've caused you in completing this matter.

Very truly yours,

SIGNED

Eileen Lemmon
Assistant Secretary-Treasurer

REPLY

DATE July 30 1968.

Please be advised that we have received the papers you have submitted in connection with proof of beneficial use of water under the above referenced permit. Action will be taken promptly on this proof. Thank you very much for your cooperation.

Donald W. McEldowney

SIGNED Appropriation Examiner

BIG LOST RIVER IRRIGATION DIST.
Post Office Box 205
MACKAY, IDAHO 83251



Department of Reclamation
Room 107, State House
Boise, Idaho 83701

R. F. J.

May 3, 1968

Re: Permit No. R-882
Big Lost River Irrigation District

Arco Advertiser
Arco, Idaho 83213

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to June 7, 1968. The expense of the publication is to paid by Arthur W. Quist, President, Big Lost River Irrigation District, P. O. Box 205, Mackay, Idaho 83251,

to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: legal notice

R. 882

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

NOTICE IS HEREBY GIVEN THAT ON THE 7th day of June, 1968 at Mackay, County of Custer, State of Idaho before Eileen Lemmon, Notary Public at Mackay, Idaho, proof will be submitted of Completion of Works for the diversion of 6,000 acre feet of storage, of waters of Big Lost River, and of the application to Beneficial Use of said water, in accordance with the terms and conditions of Permit No. R-882, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Big Lost River Irrigation District, Mackay, Idaho.

2. Said works of diversion of water for storage will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of storage is 6,000 acre feet per annum.

3. Reservoir capacity is 44,600 acre feet.

4. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is 6,000 acre feet.

5. The point of diversion of said waters for beneficial use is NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 12, T. 7 N, R. 23 E, B. M., Custer County, and the amount which can be diverted is 6,000 acre feet per annum.

6. The place where said water is used is Lands within Big Lost River Irrigation District boundary. (T. 7 N, Rs. 24 and 25 E., T. 6 N, Rs. 24, 25 and 26 E, T. 5 N, Rs. 25 and 26 E, T. 4 N, Rs. 26 and 27 E, T. 3 N, Rs. 26 and 27 E., lying in Butte County and Custer County, Idaho.)

7. The date of priority which said user is prepared to establish is October 27, 1951 (Subject to late proof).

R. KEITH HIGGINSON,
State Reclamation Engineer
Pub. May 9, 16, 23 and 30, 1968

R-882

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

APR 26 1968
 Department of Reclamation

NOTICE IS HEREBY GIVEN THAT ON THE 27th day of June, 1968
 at Mackay, County of Custer, State of Idaho
 before William Lommon, Notary Public at (address) Mackay,
Idaho, proof will be submitted of Completion of Works for the
 diversion of 6,000 acre feet of storage, of waters of Big Lost River
, and of the application to Beneficial Use of said water, in
 accordance with the terms and conditions of Permit No. R-882, heretofore
 issued by the Department of Reclamation of the State of Idaho

1. The name and postoffice address of the person or corporation holding said
 permit is Big Lost River Irrigation District, Mackay, Idaho

2. Said works of diversion of water for storage will be fully completed on the
 date set for such completion and the amount of water which said works are capable
 of conveying to the place of storage is 6,000 acre~~feet~~ feet per second~~annum~~ annum.

3. Reservoir capacity is 44,600 acre feet.

4. The use to which said water has been applied is irrigation
 purposes, and the amount applied to beneficial use is 6,000 acre feet.

5. The point of diversion of said waters for beneficial use is
NE1/4SW1/4, Sec. 12, T. 7 N, R. 23 E, B.M., Custer County,

and the amount which can be diverted is
6,000 acre~~feet~~ feet per second~~annum~~ annum.

6. The place where said water is used is Lands within Big Lost River Irrigation
District boundary. (T. 7 N, Rs. 24 and 25 E., T. 6 N, Rs. 24, 25, and 26 E, T. 5 N,
Rs. 25 and 26 E, T. 4 N, Rs 26 and 27 E, T. 3 N, Rs. 26 and 27 E., lying in
Butte County and Custer County, Idaho.)

7. The date of priority which said user is prepared to establish is
October 27, 1951 (Subject to late proof).

R. KEITH HIGGINSON

State Reclamation Engineer

R. 882

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Mackay Miner & the local newspaper of Mackay, Idaho 83251 and Pocatello, Idaho; published in the county in which the works are situated.

PTG 1000 RIVER INVESTIGATION DISTRICT

(signature)

President

P. O. Box 205

Mackay, Idaho 83251
(address)

April 25, 1968
(date)

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 when proof is for completion of works.

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

Engineer

P-882

May 3, 1968

Re: Permit No. R-882
Big Lost River Irrigation District

Mackay Miner
Mackay, Idaho 83251

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to June 7, 1968. The expense of the publication is to paid by Arthur W. Quist, President, Big Lost River Irrigation District, P. O. Box 205, Mackay, Idaho 83251,

to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:dj

Enc: legal notice

R-882

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

APR 20 1968
Department of Reclamation

NOTICE IS HEREBY GIVEN THAT ON THE 24th day of June, 1968
at Mackay, County of Custer, State of Idaho
before Wilson L. Lamm, Notary Public at (address) Mackay,
Idaho, proof will be submitted of Completion of Works for the
diversion of 6,000 acre feet of storage, of waters of Big Lost River
Idaho, and of the application to Beneficial Use of said water, in
accordance with the terms and conditions of Permit No. R-882, heretofore
issued by the Department of Reclamation of the State of Idaho

1. The name and postoffice address of the person or corporation holding said
permit is Big Lost River Irrigation District, Mackay, Idaho

2. Said works of diversion of water for storage will be fully completed on the
date set for such completion and the amount of water which said works are capable
of conveying to the place of storage is 6,000 acre~~feet~~ feet per ~~second~~ annum.

3. Reservoir capacity is 44,600 acre feet.

4. The use to which said water has been applied is irrigation
purposes, and the amount applied to beneficial use is 6,000 acre feet.

5. The point of diversion of said waters for beneficial use is NE 1/4, Sec. 12, T. 7 N, R. 23 E, B.M., Custer County,

Idaho and the amount which can be diverted is
6,000 acre ~~feet~~ feet per ~~second~~ annum.

6. The place where said water is used is Lands within Big Lost River Irrigation
District boundary. (T. 7 N, Rs. 24 and 25 E., T. 6 N, Rs. 24, 25, and 26 E, T. 5 N,
Rs. 25 and 26 E, T. 4 N, Rs 26 and 27 E, T. 3 N, Rs. 26 and 27 E., lying in
Butte County and Custer County, Idaho.)

7. The date of priority which said user is prepared to establish is October 27, 1951 (Subject to late proof).

R. KEITH HIGGINSON

State Reclamation Engineer

R-882

DEPARTMENT OF RECLAMATION

(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Mackay Miner & the Arco Advertiser of Mackay, Idaho 83251 and Arco, Idaho 83203 published in the county in which the works are situated.

RIG. IOWA RIVER IRRIGATION DISTRICT

(signature)

President

P. O. Box 205

Mackay, Idaho 83251

(address)

April 25, 1968

(date)

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 when proof is for completion of works.

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

Engineer

R. 882

Re: Permit No. R-882

May 1, 1968

Arthur W. Quist, President
Big Lost River Irrigation District
P. O. Box 205
Mackay, Idaho 83251

Dear Mr. Quist:

This acknowledges receipt of the notice of intent to make proof of ~~com-~~
~~pletion of works and~~ application of water to beneficial use for permit No.
R-882.

We have mailed the notice to the Mackay Miner & Arco Adv. to be
published once a week for four consecutive weeks prior to June 7, 1968,
which is the hearing date when the permit holder _____

Big Lost River Irrigation District
and two disinterested witnesses must appear before _____
Eileen T. Emmon, notary public, to complete
the enclosed depositions. The witnesses must be familiar with the works and
permit.

After the hearing, the depositions and an affidavit of publication must be
submitted to this office. The affidavit may be obtained from the newspaper
when the advertising bill is paid by Arthur Quist, President.
Be sure all the forms have the notary's seal and are signed. Please feel free
to contact us if we may be of any assistance.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWN:dj

Enc: Depositions

cc: Notary

R-882

ARTHUR W. QUIST
President
Arco, Idaho

S. K. HINTZE
Mackay, Idaho

ALFRED L. KING
Moore, Idaho

Big Lost River Irrigation District

RICHARD C. ROTHWELL
Darlington, Idaho

Richard E. Beal, Secretary-Treasurer — Moore, Idaho
Address All Correspondence to Office at Mackay — Phone 588-2231

Mackay, Idaho 83251

April 25, 1968

RECEIVED
Department of Reclamation

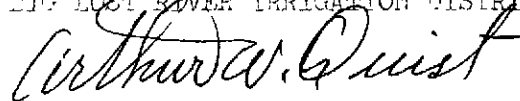
Mr. Keith Higginson
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Dear Mr. Higginson:

We are enclosing herewith the Notice of Proof of Application of Water to Beneficial Use (Form 18 - Reservoir Permit) and Form 11 authorizing the Department of Reclamation to publish the required notice at the expense of the Big Lost River Irrigation District. These forms have been completed and signed as per your instructions.

Very truly yours,

BIG LOST RIVER IRRIGATION DISTRICT



Arthur W. Quist,
President

PLRID:el

Enclosure

CC: Arthur W. Quist

R-182

April 22, 1968

C
Re: Permit No. R-882
Big Lost River Irrigation District

O
D. Jensen, Water Master
P. O. Box 205
Mackay, Idaho 83251

Dear Mr. Jensen:

P
Pursuant to your telephone request of April 22, 1968, we are forwarding forms for proof of beneficial use of water for Permit No. 882.

Please follow the instructions on Form 36A in completing Forms 36 and 11. If we can be of any assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

Y
DWM:DJ

Enc: Forms 36 and 11
Instruction letter Form 36A

R-882

To Mr. Higginson

Date 4-22 Time 8:20

WHILE YOU WERE OUT

M Big Lost River Irrigation Dist

of Box 295
Maekay, Idaho 83251

Phone _____

Area Code

Number

Extension

TELEPHONED	☒	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
	RETURNED YOUR CALL		

Message Mr. D. Jensen - water master
wants forms to fill out to
establish proof of
established beneficial use
of water. (Refer to letter of
April 5, 1968) Re mail No R-882

Operator

R-882

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Show to whom, date, and
address where delivered

☐ Deliver ONLY
to addressee

(Additional charges required for these services)

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

1

Dis. Int. Sec. Brig. Dist.

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

2

Ensign Thomas Post-Sect. Rep.

DATE DELIVERED

SHOW WHERE DELIVERED *(only if requested)*

3

4-8-68

4-880

**POST OFFICE DEPARTMENT
OFFICIAL BUSINESS**

**PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300**

POSTMARK OF
DELIVERING OFFICE



INSTRUCTIONS: Show name and address below and complete instructions on other side, where applicable. Moistened gummed ends, attach and hold firmly to back of article. Print on front of article **RETURN RECEIPT REQUESTED.**

**RETURN
TO**

NAME OF SENDER

Department of Reclamation

STREET AND NO. OR P.O. BOX

Room 107, Statehouse

POST OFFICE, STATE, AND ZIP CODE

Boise, Idaho 83701

April 5, 1968

Re: Permit No. R-882

Big Lost River Irrigation District
Mackay, Idaho 83251

Gentlemen:

It appearing to the State Reclamation Engineer that the terms and conditions of Permit R-882 to appropriate the public waters of the State of Idaho, have not been complied with as to failure to submit proof of beneficial use of water due August 1, 1960,

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the State Reclamation Engineer on or before May 15, 1968, why said permit should not be cancelled.

Permit R-882 claims the use of 6,000 additional acre feet per annum of water. The point of diversion was to be located NE1/4, Sec. 12, T. 7 N, R. 23 E, B.M., Custer County,

and the permit was approved November 7, 1961.

State Reclamation Engineer

R-882

DATE

$$Q = 3.081 \times 12 \times 11.18$$

$$3081 \times 12 \times 11.18 = 4060$$

5/5015

30

403.

$$.72 \cdot 60 \cdot 800 \sqrt{2.5} =$$

$$.72 \times 60 \times 800 \times 1.58 =$$

$$3.081 \times 50 \times 11.18$$

$$3.081 \times 12 \times 1802 = \frac{686}{5}$$

$$3430$$

FROM

TO

SUBJECT

R-882

Checks OK

Delayed proof?

Due: 8-1-57

R-882

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. R-882 *Big Lost River Irrig Dist.*

REPORT ON PROOF OF	<u>Completion of Works</u>
	Richard C. Rothwell <i>File 113</i>
	Leslie, Idaho <i>Big Lost River, ID</i>

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

Permit No. R-882

This proof is for beneficial use In Water District No.

1. Name of applicant

2. Source of water supply:

3. Location of point of diversion: Is in the of Section

T. 7 N. R. 3 E. County of

4. Describe works as they exist, giving dimensions and capacities of same:

*If c/w must be made
in c/w " " " " " "
judgment " " " " " "*

5. Water is used for: irrigation

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

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):

*The lands to be irrigated are located in the
to the north of the point of diversion
March 15, 1903.
Elev. 1212.7 ft.
C. W. C. 1212.7 ft.
W. 1212.7 ft.*

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

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

Remarks: *This is for 6000 acre feet additional by raising
dam 5 feet. dam was raised and spillway was had
a 5' high age concrete plug installed.
a spillway
the p. was raised
with 5' p.
c/w sp.*

This examination was made on the day of , 19

(Signed) Examiner.

R-882

Richard C. Rothwell
Leslie, Idaho

Permit No. R-882

Mackay Dam
Examination for *Completion of Works*

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 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.

East of 1st 1/2 Sec. 5' High
14' wide at top
5' High across to spelling way
East of 1st 1/2 Sec. 4' High across to spelling way

1st 1/2 Sec. 2-5'

8?
January 5, 1967

Re: Permit R-882

C
O
P
Y
Big Lost River Irrigation District
Mackay,
Idaho 83251

Gentlemen:

Enclosed is a Certificate of Completion of Works issued pursuant to Supreme Court decision 8493 of February 26, 1967 for 6000 acre feet of additional storage at Mackay Reservoir.

You should be aware of certain conditions imposed by the court in its decision. These are as follows:

1. That the appellant shall maintain the outlet gates and apparatus including the trash gates and barriers in good condition.
2. That the appellant shall make or cause to be made such investigations, measurements, and examinations as may be practical to determine whether or not there is any increase in the infiltration and leakage through the dam because of the increase in the storage capacity.
3. That appellant make any improvements as may be necessary to the walkway and access to the controls of existing outlet works so that they will always be accessible.
4. That no flashboards or other impediment to the flow of water be installed by the appellant on the crest of the spillway structure.

On our recent inspection it was noted that the outlet tunnel and gates appear in good condition but that some attention should be given to repair of the concrete at the top of the lower west gate and also the walkway across the spillway.

If you have any questions or we can be of further assistance, please call upon us.

Very truly yours,

R. Keith Higginson
State Reclamation Engineer

RKH:CSA:kd

Enclosure

R-882

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that **BIG LOST RIVER IRRIGATION DISTRICT** ...
 of **Mackay**, County of **Custer**, and State of
Idaho, the holder of Permit No. **R-882**, issued upon
 Application No. **30182** bearing date of priority of **October 27, 1951**, authorizing the
 storage ~~XXXXXX~~ of an additional **6000** ^{acre} ~~second~~ feet of waters of **Big Lost River**

County of **Custer**, State of **Idaho**, for **irrigation**
 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 ^{storing} ~~conveying~~ to the place of intended
 use an additional **6000** ^{acre} ~~second~~ feet of the waters of **Big Lost River (Mackay**
Reservoir)

that the point of diversion of said waters is in **NE¹SW¹**, Sec. 12, T. 7 N., R. 23 E.,
B.M., Custer County,

and that the lands proposed to be irrigated by the use or place of use of said water are
 described as follows, to-wit: the lands within the **Big Lost River Irrigation**

District located in: T. 7 N, Rs. 24 and 25 E.

T. 6 N, Rs. 24, 25, and 26 E.

T. 5 N, Rs. 25 and 26 E

T. 4 N, Rs. 26 and 27 E.

T. 3 N, Rs. 26 and 27 E,

lying in Butte County and Custer County, Idaho

Witness my hand this **4th** day of **January**, A. D. 19 **68**

R. Keith Higgins
 State Reclamation Engineer

* According to Opinion No. 8493 of the Supreme Court, State of Idaho, filed February 26, 1957 in the case of Big Lost River Irrigation District vs. Mark R. Kulp.

R-882

October 27, 1967

Robertson-Obenchain Insurance
Box 269
Twin Falls, Idaho 83301

Gentlemen:

Your recent letter asks if the \$1,000 bond has been released in connection with Permit R-882 for construction of additional storage by raising the Mackay Dam by the Big Lost River Irrigation District.

You should be advised that bond filed with this office in 1952 has never been released. However, it appears that the irrigation district has filed with the department proof of completion of works under this permit. The failure of the department to release the bond is apparently due to the fact that type of construction proposed was not approved by the department. Since the matter was reviewed by the Idaho Supreme Court, it would appear that this office is in no position to refuse to recognize the present construction as being completed.

You are, therefore, notified, as of this day, the Department of Reclamation hereby releases the Big Lost River Irrigation District from the requirement of posting a \$1,000 bond under Permit R-882.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:ew

cc: Big Lost River Irrigation District
Mackay, Idaho

R-882

John B. Robertson

Dan J. Obenchain

Robertson • Obenchain Insurance

P. O. Box 269
Perrine Hotel Building

Phone 733-1076
Twin Falls, Idaho, 83301

YOUR BRIDGE TO SECURITY
... since 1904

October 9, 1967

State Reclamation Engineer
Boise
Idaho

Attention: Mr. Russ Bosch

Re: Application No. 51182, Permit 2700
Big Lost River Irrigation District, Mackay, Idaho

Dear Mr. Bosch:

In connection with the above captioned case, we have had a \$1,000 bond posted since 1962. It appears that the diversion as specified in the application would be accomplished some time ago.

We would appreciate it if you could advise us whether or not your records indicate that the diversion has been completed and the bond released and in this event, the date of such release in order that we can properly credit the Irrigation District.

For your further identification, the permit is accurately recorded in Book 24 of Permits at page 180. Your cooperation will be greatly appreciated.

Very truly yours,

ROBERTSON-OBENCHAIN INSURANCE

By John B. Robertson
John B. Robertson

JBR/cn



R 9/10

July 17, 1967

Big Lost River Irrigation District
Blackfoot, Idaho
83251

Gentlemen:

We have received your letter of July 7, 1967, and are giving the matters consideration. We will give you a reply as soon as we have had an opportunity to explore them more thoroughly.

On my recent visit you asked if the department had received and processed your notice of intent to make beneficial use on Permit No. R-882. I have checked the files of the office and even though several of us recall that you had verbally indicated an intent to make beneficial proof, we cannot locate any such papers in the office. I am, therefore, sending you a set of the forms necessary to notify this office of your intent to make beneficial use and suggest that they be filled out and returned to this office.

Very truly yours,

R. KEITH HIGGINSON
State Reclamation Engineer

Enclosure

Enclosure Form 10 and 11
instructions

R-882

ARTHUR W. QUIST
President
Arco, Idaho

ALFRED L. KING
Moore, Idaho

CH
S. K. HINTZE
Mackay, Idaho

RICHARD E. BEAL
Moore, Idaho

Big Lost River Irrigation District

Clyde McAfee, Secretary-Treasurer — Darlington, Idaho
Address All Correspondence to Office at Mackay — Phone 2231

Mackay, Idaho 83251

July 7, 1967

Original in file 101.1

Mr. Keith Higginson
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Dear Mr. Higginson:

After ten years of observing the operation of the Mackay Reservoir with the O. G. plug in the spillway, the Big Lost River Irrigation District Board now requests your permission and a permit to overtop the O. G. plug with flood water approximately two feet (2 ft.) deep should the necessity arise.

If granted, we would acquire the necessary easements for rights-of-way.

Also, what would be the feasibility of putting a gate in a portion of the O. G. plug?

Also, later this fall when the gates are closed, we request that you and or a part of your company to accompany us on an inspection of the discharge tunnel, gates, tower, etc. of the Mackay Reservoir....the date to be arranged later.

Very truly yours,

BIG LOST RIVER IRRIGATION DISTRICT

Arthur W. Quist
Arthur W. Quist, *By E. L.*
President

BLRID:el

K-482

ARTHUR W. QUIST
President
Arco, Idaho

ALFRED L. KING
Moore, Idaho

S. K. HINTZE
Mackay, Idaho

RICHARD E. BEAL
Moore, Idaho

Big Lost River Irrigation District

Clyde McAfee, Secretary-Treasurer — Darlington, Idaho
Address All Correspondence to Office at Mackay — Phone 2231

Mackay, Idaho 83251

July 5, 1967

000000
JUL 6 1967
Department of Reclamation

Mr. Keith Higginson
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Dear Mr. Higginson:

The Board of Directors of the Big Lost River Irrigation District request that you come to Mackay at your earliest convenience and make a study of the possibilities of changing the O. G. block that is now across the spillway of the Mackay Reservoir.

They feel at this time that it would probably be to the best interests of the District to have a gate inserted in place of part of this block.

Very truly yours,

BIG LOST RIVER IRRIGATION DISTRICT

Arthur W. Quist
Arthur W. Quist, *ex officio*
President

BLRID:el

R-88

R-882
March 13, 1964

Board of Directors
Big Lost River Irrigation Dist.
Mackay, Idaho

Gentlemen:

Watermaster Devon R. Jensen has written this office concerning the water situation in Mackay Reservoir and stating that it was proposed to hold the water in the Reservoir about the same elevation as it is now until the ice breaks in the channels below the reservoir.

The March 1st water supply outlook displays some information worthy of very serious study in relation to Mackay Reservoir. First, the Reservoir has remaining capacity for only 3400 acre feet; second, the forecast is for 105% of normal flow.

The record shows that the reservoir gained 3200 acre feet during February and February was one of the coldest months of record. A flow of 250 c.f.s. at Howell will fill Mackay Reservoir in less than a week.

I would point out that a very few warm days will fill the reservoir and it requires very little imagination to foresee an inflow of more water than can be discharged through the existing spillway and tunnel outlet.

One other item, if and when water flows over the so-called O G section and an emergency would require removal of this section how would it be done? I think you would do well to remove that plug now.

Please advise me as soon as possible what plans you have in case an emergency requires a lowering of the reservoir to save the dam and prevent a real disaster.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:ew

R-882

January 14, 1964

Re: Permit No. R-882

Arthur W. Quist, President
Big Lost River Irrigation Dist.
Mackay, Idaho

Dear Mr. Quist:

In answer to your letter of January 13, 1964,
in regard to meeting with me here at my office on January 22nd,
at 4:00 o'clock P. M., I will be in at that time, and will be
glad to keep an appointment with you on that date, and time.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:ew

R-882

ARTHUR W. QUIST
President
Arco, Idaho

ALFRED L. KING
Moore, Idaho

S. K. HINTZE
Mackay, Idaho

RICHARD E. BEAL
Moore, Idaho

Big Lost River Irrigation District

Clyde McAfee, Secretary-Treasurer — Darlington, Idaho
Address All Correspondence to Office at Mackay

Mackay, Idaho

Jan. 13, 1964

*Mr. Carl E. Tappan
State Reclamation Engineer
107 State House
Boise, Idaho 83701*

Re: Permit No. R-882

Dear Mr. Tappan:

*We understand the Irrigation Operators' Conference will adjourn
at 3:50 on January 22. We should like to see you following that,
at 4:00 o'clock or as soon thereafter as we can get to your office.
We hope this will be convenient for you.*

*Thank you for your prompt answer. We shall be looking forward
to seeing you next week.*

Very truly yours,

Arthur W. Quist
Arthur W. Quist
President

AWQ/im

R-882

January 10, 1964

Arthur W. Quist, President
Big Lost River Irrigation Dist.
Mackay, Idaho

Dear Mr. Quist:

Re: Permit No. R-882

In answer to your letter of January 8, 1964, I will be unable to see you on January 20th, as requested. I can, however see you any time after January 21st, that is convenient for you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:ew

R. S. S.

ARTHUR W. QUIST
President
Arco, Idaho

ALFRED L. KING
Moore, Idaho

S. K. HINTZE
Mackay, Idaho

RICHARD E. BEAL
Moore, Idaho

Big Lost River Irrigation District

Clyde McAfee, Secretary-Treasurer — Darlington, Idaho
Address All Correspondence to Office at Mackay

Mackay, Idaho

Jan. 8, 1964

RECEIVED
JAN 10 1964

Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
107 State House
Boise, Idaho

Re: ~~Permit~~ No. R-882

Dear Mr. Tappan:

Could you give us some time on Monday afternoon,
January 20, to discuss the above permit?

As you know, this permit has never received final
approval of your Department. We understand that when
you were here last summer during the high water period
you looked over the dam and are familiar with it.
We are hoping to be able to get this matter cleared and
final approval obtained in the near future.

Members of our Board of Directors are planning to
attend the Irrigation Operator's Conference in Boise on
January 21 and 22 and would plan to be in Boise on Monday
the 20th if you can give us an appointment at that time.
Please let us know what time would be convenient for you.

Very truly yours,

Arthur W. Quist

Arthur W. Quist, President

AWQ/im

*Jan 20 is scheduled meeting
that way would like 21-*

R-882

Copy in Dam file

June 15, 1960

Re: Permit No. R-882

Board of Directors
Big Lost River Irrigation District
Mackay, Idaho

Gentlemen:

Reference is made to the matter of the concrete plug (ogee section) 5 feet high, in the spillway of the Mackay Dam.

As you are no doubt aware this solid concrete wall was placed in the spillway against all good sound engineering advise and practice. As long as it remains in the spillway it constitutes danger and a menace to the entire Big Lost River Valley below the dam. The plan and design upon which it was built was not approved by the State. On the contrary a plan, design and report was made which had the approval of the State. This approved design provided a series of radial gates which in case of emergency could be opened thus lowering the reservoir level to the spillway floor.

A question has come to me - How many or how few radial gates in the spillway plug would meet the approval of this office?

The clear opening of the spillway, prior to the placing of the concrete plug, provided scarcely enough spillway capacity to meet safe engineering practice.

The approved plan of 5 radial gates, each 12 feet wide, which with piers filled the full width of the spillway throat, provided a discharge of only 2015 second feet with a five-foot raise of the storage level. At two feet of supercharge on the approved five-foot raise of the storage level the spillway would discharge 3410 second feet.

The tunnel discharge would be 2880 second feet at either reservoir level. Thus at a five-foot raise of water level above the spillway floor the total possible release from the reservoir would be 4895 second feet and at a seven-foot raise, 6290 second feet.

The maximum recorded flood on Big Lost River is 3960 second feet, but this does not mean there never will be a larger flood. Many streams have records of exceptional floods exceeding all previous records.

Prudent spillway design always exceeds by from two to five times any maximum recorded flood.

R-882

Re: Permit No. 2-882

Big Lost River Irrigation Dist. -2-

June 15, 1960

C One eminent engineer's report, dated 1931, on the Mackay Dam and spillway states: "All plans have been based on a spillway capacity of 5000 cubic feet per second with all outlet gates and outlet tunnel closed, (which would be a wholly unusual condition) nevertheless, the plans have been made to meet such a condition in the interest of absolute safety under any possible condition" In view of past difficulties with the tunnel gates and trouble they can give if not maintained in first class operating condition, required spillway capacity without reliance upon these gates is not an unwarranted consideration.

O This is the existing condition - The present spillway without the five-foot concrete plug did not have as much margin of safety as good engineering design and practice dictates, however, it was approved and probably must stand. With the piers and five gates, the spillway would have slightly less capacity. Each tainter gate would have a discharge capacity of 400 cubic feet per second. Anything less than five gate openings is not safe and will not be acceptable to this department.

P Your attention is called to Sec. 42-1708 of the Idaho Code relating to the inspection of dams and provisions whereby orders can be given to remedy unsafe conditions in any dam in the state.

Y I hope and earnestly request that you will see fit to remove the concrete plug before some emergency confronts us all.

Sincerely yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:ew

cc: H. L. Senger
2821 Teton St.
Boise,

R-882

January 8, 1960

Re: Permit No. 17632
" " R-882

Big Lost River Irrigation District
Mackay, Idaho

Attn: Irene Murray

Dear Miss Murray:

At your request we are enclosing a photo-copy of Permit No. 17632 which shows everything as it appears on the record of this department, for which you may remit to the Department of Reclamation \$2.50 for fees.

This permit, as you will observe, was a filing on 25 c.f.s of the contemplated savings of the Big Lost River by the construction and use of the Leslie By-Pass Canal constructed in 1932, as a saving of water project. Completion of Works proof was made on this filing and a Certificate of Completion of Works was issued under date of May 20, 1937.

This permit will remain in good standing on our records. However the beneficial use proof was never made and if and when made, the priority date will be advanced the number of years the proof is late. We doubt that beneficial use proof can ever be made on this permit for the fact that the Leslie By-Pass Canal has been abandoned for years and it would require the re-use of same in order to establish any savings of water through said By-Pass Canal.

Regarding the status of permit No. R-882 which in contemplation of approval to raise the storage level of the Mackay Reservoir 5 feet, permitted the storage of an additional 6000 acre feet of water, the permit is now in suspended status because the constructed works for the raise were not in conformity to the plans approved by this office and furthermore not in accordance with good safe engineering design and practice.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

ROY W. THOMPSON
Water Rights Supervisor

RHT:aw

R-882

ROBERT M. KERR, JR.
ATTORNEY AT LAW
PACER-KERR BLDG - 291 No. BROADWAY
P. O. BOX 708 - TELEPHONE 194
BLACKFOOT, IDAHO

RECEIVED
JAN 14 1959
UGD District

January 9, 1959

Mr. Geo. N. Carter
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. B-882 - Big Lost River Irrig. Dist.

Dear Sir:

I am writing again about the certificate of completion of works under the above permit for raising the storage level of the Mackay Dam by five feet. The District, as you know, had to post a bond in connection with this work and they would naturally like to be relieved from the obligation to continue paying the annual bond premium. The agency for the bonding company has asked us to secure a letter from you to the effect that the work is completed in line with the permit as amended.

We would like to get this matter finished up and we would appreciate it very much if you would send us a letter in duplicate to this effect, so we can send one copy to the bonding company and place the other in the District's files.

Yours very truly,



Robert M. Kerr, Jr.

RMK/sg

cc: Big Lost River Irrig. Dist.

ROBERT M. KERR, JR.
ATTORNEY AT LAW
PACKER-KERR BLDG - 291 NO. BROADWAY
P. O. BOX 708 - TELEPHONE 194
BLACKFOOT, IDAHO

RECEIVED
NOV 1 1958
Department of Reclamation

October 31, 1958

Mr. George N. Carter
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. R-882 Big Lost River Irrigation Dist.

Dear Mr. Carter,

I have a letter of October 24, 1958, signed by Mr. Roy W. Thompson, supervisor of water distribution, suggesting that the certificate of completion of works on the raising of the Big Lost River dam five feet is being withheld because of the construction of an ogee type dam of concrete rather than the installation of Tainter gates as provided in the original plans. Mr. Thompson's letter apparently overlooks the significance of the District Court ruling, approved by the Supreme Court of the State of Idaho in 307 Pacific 2d 788. The court's finding was, "That there is no necessity for Tainter gate structures within the spillway or any other provisions or manner for regulating the five feet of additional storage above the present spillway level independent of the existing tunnel and outlet works."

This would appear to settle the matter and we would appreciate your forwarding to me the certificate of completion of works.

Yours very truly,


Robert M. Kerr, Jr.

RMK/sg

October 24, 1958

Re: Permit No. R-882
Big Lost River
Irrigation District

Mr. Robert M. Kerr, Jr.
Attorney At Law
P. O. Box 708
Blackfoot, Idaho

Dear Mr. Kerr:

In reply to your letter of October 22, 1958, you state -" More than a year ago under date of September 16, 1957, I submitted to you a Proof of Completion of Works under the above permit for raising the storage level of Mackay Dam by five feet and that you would appreciate us advising you by return mail the status of this proceeding and if possible sending you the Certificate of Completion.

The status of Permit No. R-882 by the Big Lost River Irrigation District is as follows: -

Date of first receipt in the Department of Reclamation
9:00 A. M. October 22, 1951
Approved - November 7, 1951
The whole of said work to be completed on or before November 7, 1953.
Beneficial Use of water stored in accordance herewith, to be made on or before November 7, 1956.

In compliance with your request, the State Reclamation Engineer of Idaho extended the time for Completion of Works under said permit to November 7, 1956. Also upon request, Permit No. R-882 was extended as follows:-

Whereas, Permit No. R-882 in the name of Big Lost River Irrigation District requires Proof of Completion of Works to be made on or before November 7, 1953; and,

Whereas, under date of November 7, 1953, an extension of time was granted for the completion of construction work under said permit to November 7, 1956; and,

R-882

Mr. Robert M. Kerr, Jr.,

-2-

October 24, 1958

Whereas, the application for an extension of time for Completion of Works by the Big Lost River Irrigation District requesting an additional extension of time was received in the office of the Department of Reclamation on January 31, 1957.

Now, therefore, Mark R. Kulp, State Reclamation Engineer of Idaho hereby extends the time for the completion of construction of the work on Permit No. R-882 to Appropriate the Public Waters of the State of Idaho, to August 1, 1957, for the reason that there is and has been litigation of plans and specifications applied by Section 42-1707 of the Idaho Code.

Given under my hand and seal this 31st day of January, 1957.

/s/ Mark R. Kulp
State Reclamation Engineer

Under date of September 17, 1957, Proof of Completion of Works was received from the Big Lost River Irrigation District, proofs complied with all specifications except an answer to Question (7) on the Deposition of the Holder. Question (7) - "If all the work does not fully comply with all the terms of the permit, state fully those particulars in which there are any variances" - Answer - "They fully comply with the permit as amended, in addition we are raising the walls of the control tower though not specified in the permit."

We are withholding issuance of a Certificate of Completion of Works for the following reasons:-

1. The permit for raising of the dam was approved for 6,000 acre feet of additional storage space for a 5 foot vertical raise on the dam structures, the height of the original floor of the spillway was at elevation 6062 feet and was approved for vertical raise of 5 foot maximum to elevation 6067.
2. Tainter gates were provided in the original plans so that the water in storage could be controlled at not to exceed a 5 foot vertical raise.

R-882

Mr. Robert M. Kerr, Jr.

-3-

October 24, 1958

3. Under the district court ruling the Big Lost River Irrigation District proceeded to construct an ogee type dam of concrete across the mouth of the spillway to a height of 5 feet, the top of which is the maximum storage capacity approved by the State Reclamation Engineer. By so doing you have a dam without a spillway contrary to all regulations.

One year's storage is sufficient for making Beneficial Use Proof.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Foy W. Thompson
Supervisor of Water Distribution

RWT/lw

R-882

ROBERT M. KERR, JR.
ATTORNEY AT LAW
PACKER-KERR BLDG - 291 NO. BROADWAY
P. O. BOX 708 - TELEPHONE 194
BLACKFOOT, IDAHO

OCT 24 1958
BIG LOST RIVER IRRIGATION DISTRICT

October 22, 1958

Department of Reclamation
State of Idaho
State House
Boise, Idaho

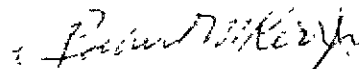
Re: Permit No. R-882
Big Lost River Irrigation District

Gentlemen:

More than a year ago under date of September 16, 1957, I submitted to you a proof of completion of works under the above permit for raising the storage level of the Mackay Dam by five feet. I thought, perhaps, that the certificate of completion of works had been sent to the District at Mackay, Idaho, but they inquired to me about it yesterday and apparently don't have it. I would appreciate your advising me by return mail the status of this proceeding and, if possible, sending me the certificate of completion.

The additional water has been stored for at least one year, but at the present time the District is restrained by injunction from further storage until the condemnation proceedings for the storage area can be completed. It would seem to me that the one year of storage would be sufficient to make our proof of beneficial use and I would appreciate your sending me the necessary blanks. If it is felt that one year's storage is not sufficient, then we would like to apply for an extension until such time as we can get the litigation completed.

Yours very truly,


Robert M. Kerr, Jr.

RMK/sg

K-310

R-882

June 10, 1952

Big Lost River Irrigation District
Mackay
Idaho

Gentlemen:

This is to certify that the plans and specifications prepared by Mr. Henry L. Senger, Engineer for the Big Lost River Irrigation District in connection with the raising of Mackay Dam to an additional height of 5 feet above the present spillway elevation of 6062 feet, were approved by Mr. Mark R. Kulp, State Reclamation Engineer, on March 28, 1952.

The above statement, in writing, was requested sent the Big Lost River Irrigation District by attorney, Mr. Clifford E. Fix of Twin Falls, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy A. Thompson
Supervisor of Water Distribution

RET:fg
cc: Mr. Clifford E. Fix

R-882

ROBERT M. KERR, JR

ATTORNEY AT LAW

PACKER-KERR BLDG - 291 NO BROADWAY

P. O. BOX 708 - TELEPHONE 194

BLACKFOOT, IDAHO

September 16, 1957

RECEIVED
SEP 17 1957

Department of Reclamation

Department of Reclamation
State of Idaho
State House
Boise, Idaho

Re: Permit No. E-332
Big Lost River Irrigation District

Gentlemen:

In connection with the proof of completion of works under Permit No. E-332, proof was taken according to notice on the 13th of September, 1957, and I enclose herewith:

Deposition of the Holder executed by
Richard C. Rothwell, President of the
District

Deposition of Reed M. Nielsen, witness

Deposition of Reed E. Asay, witness

Proof of Publication in the Mackay Miner

One photo copy from the District's records showing the description of the lands in the District and the number of acres receiving storage benefits under this project.

I do not know whether or not the descriptions would be required in connection with the proof at this time or if the general reference to lands within the Big Lost River Irrigation District is sufficient. I can furnish two such copies of the descriptions in addition if they would be of help to your department.

Please advise if anything further is required at this time.

Yours very truly,



Robert M. Kerr, Jr.

RMK/sg

K-32-2

September 23, 1907

Robert M. Kerr, Jr.,
Attorney At Law
Packer-Kerr Building
291 No. Broadway
Blackfoot, Idaho

Dear Mr. Kerr:

Re: Permit No. R-882
Proof of Completion of Works

Receipt is acknowledged of Proofs of Completion of Works under
Permit No. R-882.

No action will be taken until the statutory examination has been
made by this department.

Very truly yours,

MARY L. CLIP
State Reclamation Engineer

MRK:lw

R-882

PERMIT NO. R-832

Proof of Completion of Works

DEPOSITION OF HOLDER

Department of Agriculture

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

Ans. Richard C. Rothwell, residence and post office address, Leslie, Idaho, occupation, farmer and rancher.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Big Lost River Irrigation District with its office and principal place of business at Mackay, Idaho, I hold the position of president and appear by authority of the Board of Directors.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Permit R. 832, dated November 7, 1931, for storage and diversion of 6000 additional acre feet of waters of Big Lost River, with the dam and outlet located in the NE 1/4 of Section 12, Township 7 N. R. 23 E. M.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Irrigation of lands within the District described in the attached schedule comprising approximately 75,350 acres.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes. Storage commenced about May 31, 1937, behind the new works and continued until about July 25, 1937. Maximum storage on June 28, 1937, amounted to 44,675 acre feet, or an increase of 8,207 acre feet over storage at the old elevation.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. They fully comply with the permit as amended. In addition we are raising the walls of the control tower five feet though not specified in the permit.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. An earth dam five feet high, fourteen feet wide at the top and about 1430 feet long on top of the old dam, costing \$8,192.00; and an ogive concrete wall five feet high across the spillway opening with additions to the spillway walls and new cut and fills, costing \$1,004.00, in addition to engineering and legal costs and assessments for flowage.

(Sign here.)

Richard C. Rothwell

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 Blackfoot

County of Blaine, State of Idaho, on this 13th day of September A. D. 1937

Robert M. King

Notary Public.

My Commission expires January 19, 1938

R-832

The Depositions of Witnesses, in this form, taken separately, required in each case

PERMIT No. R-882..

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. Reed W. Nielsen, residence, Blackfoot, Idaho, occupation, farmer, and post office address, P. O. Box 492, Blackfoot, Idaho.

Ques. 2. Are you acquainted with Elgin River Irrigation District, the holder of Permit No. R-882... authorizing the diversion of 6000 acre feet of the waters of Elgin River at a point above Blackfoot, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. I have been acquainted with the district about 12 years. Its office is at Blackfoot, Idaho.

Ques. 3. Have you read or heard read said Permit No. R-882... and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. The lands of Elgin River Irrigation District, according to schedule filed herewith. Various kinds of soil varying from heavy bottom soil to salt loan and gravel. It requires an average of an inch to the acre, with some places requiring more.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. Yes. About the month of November, 1956.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. A five foot high buttress of concrete across the railway, the wings are raised on the side of it, and there is a five foot fill put on the top of the dam itself. There was also some more rock dumped on the face of the dam.

(Sign here.)

Reed W. Nielsen

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, at my office in Blackfoot, County of Bingham, State of Idaho, on this 15th day of September, A. D. 1957.

My Commission expires January 19, 1958

Robert M. Henry
Notary Public.

R-882

The Depositions of Witnesses, in this form, taken separately, required in each case.

PERMIT NO. R-882.

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. R. D. Z. Asay, residence and post office address, Leslie, Idaho.
Occupation, farmer.

Ques. 2. Are you acquainted with.....Big Lost River Irrigation District, the
holder of Permit No. R-882 authorizing the diversion of 6000 second-feet of the waters
of ..Big Lost River....., at above Mackay, Idaho, I also
for..irrigation.. purposes? How long have you known him, and where does he reside?

Ans. I have known of the district ~~since its organization~~ all my life. Its office
is at Mackay, Custer County, Idaho.

Ques. 3. Have you read or heard read said Permit No. R-882..... and are you familiar with
its terms and conditions?

Ans. ...Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated
under said permit? If so, describe same, state its character, and give your estimate of the amount of
water required for its profitable cultivation.

Ans. Lands within district boundary according to schedule filed herewith.
The land is a sort of gravelly loam and requires an inch to one acre and
in some places requires even more than that.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the
entire amount of water set out in the permit from point of diversion to place of use? If so, when
were they so completed?

Ans. Yes....about November 3, 1956 on the dam and spillway
structures.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question
5, and give your estimate of their capacity on that date.

Ans. They raised the earth dam five feet, added rock lining, and
installed a cement core or wall five feet high across the spillway,
and raised the spillway walls. I would estimate 6000 acre feet.

(Sign here.)

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, at my office in ..Blackfoot....., County of
.....Bingham....., State of Idaho, on this 13th..... day of
.....September..... A. D. 1957..

My Commission expires January 19, 1958.

Notary Public.

THURSDAY, SEPT. 5, 1957

Legal Notice

NOTICE FOR PUBLICATION

Notice is hereby given that at 9 A M., on the 13th day September 1957, at Blackfoot, County of Bingham, State of Idaho, before Robert M Kerr, Jr., Notary Public proof will be submitted of the completion of works for the diversion of approximately 6000 acre feet of the waters of Big Lost River in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Big Lost River Irrigation District.

2. The postoffice address of such person or principal place of business of such corporation is Mackay, County of Custer, State of Idaho.

3. The number of such permit is R882, and the date set for the completion of such work is August 1, 1957.

4. Said water is to be used for irrigation purposes

5. Said works of storage and diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit as amended is approximately 6000 acre feet.

6. The amount of lands for which said water is available is _____ acres, particularly described as follows: Land within Big Lost River Irrigation District boundary to which water was decreed under Federal Court degree entered on March

Affidavit of Publication

State of Idaho }
County of Custer } ss

1, Ruth Hanawalt, Editor of THE MACKAY MINER, a weekly newspaper of General Circulation published weekly at Mackay, Idaho, continuously since Febr. 6, 1906, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated Aug. 15, 1957, and ending with the issue dated _____

Sept 5, 1957.

Ruth Hanawalt

Subscribed and sworn to before me this 16th day of

September, 1957

August B. B.
Notary Public.

R-882

All townships shown are north of Boise base line;
All ranges shown are east of Boise meridian.

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Town- ship	Range	In Tract	Irrigable	For Storage Benefit
SE $\frac{1}{4}$	15	4	26	140	141	
NE $\frac{1}{4}$	15	4	26	140	129	
Ft. SW SW (Tax 149)	15	4	26)	160	132	132
Ft. NW SE (Tax 148)	15	4	26)			
E $\frac{1}{2}$ SW	15	4	26)			
Ft. SE SE (Tax 153)	16	4	26)	120	113	113
SW SE	16	4	26)			
SE SE	16	4	26)			
Ft. NE NE (Tax 150)	16	4	26)	76	76	34 33
Ft. SE NE (Tax 151)	16	4	26)			
Ft. NE NE	16	4	26	1	1	1
Ft. NW NW (Tax 146)	15	4	26)	208	162	126 46
Ft. SW NW (Tax 147)	15	4	26)			
E $\frac{1}{2}$ NW	15	4	26)			
Ft. NE SE (Tax 152)	16	4	26	40	38	38

RECEIVED
SEP 17 1957

All townships shown are north of Boise base line;
All ranges shown are east of Boise meridian.

Department of Reclamation

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Township	Range	In Tract	Excluded	For Storage Reservoir
S 1/4 SE	12	3	26)			
NE SE	13	3	26)	160	125	125
SE SW	7	3	27)			
N 1/4 NE	1	3	26	80	61	58
W 1/4 NE	1	3	26	80	61	30
N 1/4 NW	1	3	26	80	55	
W 1/4 SW	1	3	26	80	57	25
N 1/4 SW	1	3	26	80	77	60
Pr. NE NE (Tax 182)	2	3	26)			
Pr. SE SE (Tax 72)	35	4	26)	77.63	44	39
Pr. SW SW (Tax 74)	36	4	26)			
NE SE	2	3	26	40	40	40
Pr. NE NE (Tax 182)	2	3	26	6	6	6
SW NE	2	3	26	36.84	32	32
S 1/4 NE	2	3	26	80	64	64
NW SE	2	3	26	40	5	
NE SE	2	3	26	40	35	25
NE	12	3	26	160	100	100
SW NW	12	3	26	40	40	40
S 1/4 SW	12	3	26)	160	140	120
N 1/4 SW	13	3	26)			
N 1/4 SE	12	3	26	80	54	54

NW SW	12	3	26	40	40	40
SE SW	1	3	26)			
E $\frac{1}{2}$ NW, NW NW, and	12	3	26)	200	122	122
NE SE	12	3	26)			
W $\frac{1}{2}$ SW	5	3	27	79.14	79	79
W $\frac{1}{2}$ NW	5	3	27	77.44	71	71
E $\frac{1}{2}$ NE	6	3	27)			
Fr. SE SE	31	4	27)	155.42	133	133
SW SE	31	4	27)			
I.D. Tax No. 26-A				20	20	
E $\frac{1}{2}$ NW, Fr. NW NW	6	3	27	100	75	75
W $\frac{1}{2}$ SW	6	3	27	80	67	
N $\frac{1}{2}$ NE SW	6	3	27	20	20	
N $\frac{1}{2}$ NE	7	3	27)			
W $\frac{1}{2}$ NE	6	3	27)		3	3
SE	6	3	27)	437.24	167	167
SE SW	6	3	27)		157	157
S $\frac{1}{2}$ NE SW	6	3	27)		59	59
N $\frac{1}{2}$ NW	8	3	27)			
S $\frac{1}{2}$ NW	8	3	27	80	80	76
S $\frac{1}{2}$ NE	7	3	27	80	60	
N $\frac{1}{2}$ SW	7	3	27	80	75	75

All townships shown are north of Boise base line;
All ranges shown are east of Boise meridian.

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Township	Range	In Tract	Irrigable	For Storage Benefits
S $\frac{1}{2}$ SE	7	3	27	80	40	40
N $\frac{1}{2}$ N $\frac{1}{2}$ SW	8	3	27	40	37	37
S $\frac{1}{2}$ N $\frac{1}{2}$ SW	9	3	27	40	39	39
S $\frac{1}{2}$ SW	9	3	27	80	80	80
NW	27	3	27	160	121	
NW	11	3	27	158.75	93	93
NE (Less 23 acres in SW NE South of River)	12	3	27	137	91	114
SW SW	18	3	27	30.25	25	
SE SW	19	3	27	40	25	
NW SE	18	3	27	40	40	40
NE SE	18	3	27	40	38	38
S $\frac{1}{2}$ SE	18	3	27	80	55	
NE	19	3	27	160	17	
NE NE	3	4	26)			
Ft. NW NE)	3	4	26)			
Ft. SW NE) Tax 144	3	4	26)	105.25	38	38
Ft. SE NE)	3	4	26)		20	20
NW NW	2	4	26)			
Ft. NW NE)	3	4	26)			
Ft. SW NE) Tax 143	3	4	26)	96.7	66	66
Ft. SE NE)	3	4	26)			
Ft. N $\frac{1}{2}$ SW) Tax 140	3	4	26)	30	18	
Ft. S $\frac{1}{2}$ SW)	3	4	26)			

NW	3	4	26)	231.07	197	
Pr. NW SW	3	4	26)			137
Pr. NE SW (Tax 142)	3	4	26)			51
Pr. S $\frac{1}{2}$ SE and (Tax 137-138-139)	3	4	26)	78	63	
SE SE	3	4	26)			
NE SE	3	4	26)	140	71	
NW SE	3	4	26)			
Pr. SW SE (Tax 143)	3	4	26)			
NE NE	4	4	26)	80	58	58
Pr. SE NE (Tax 132)	4	4	26)			
NW NE (Tax 131)	4	4	26)	80	58	53
SW NE	4	4	26)			
Pr. NW NW (Tax 127)	4	4	26)	125.12	120	120
NE NW and SW NW	4	4	26)			
Pr. SE NW (Tax 128)	4	4	26)	40	39	28
SW SW (Less 2 acres lying West of Canal)	4	4	26)	38	39	25.5
2 Acres of SW SW East of Canal	4	4	26)	42	42	27.5
NW SW	4	4	26)			
SE SW (Tax 130)	4	4	26)	80	78	33.5
NE SW (Tax 129)	4	4	26)			40
SW NE	3	4	26)	80	72	
NW NE (Tax 124)	3	4	26)			
SE SE (Tax 135)	4	4	26)			
NE SE (Tax 134)	4	4	26)	140	141	
NW SE (Tax 134)	4	4	26)			
SW SE (Tax 133)	4	4	26)			
S $\frac{1}{2}$ NE and SW NE	3	4	26)	120	120	108

All townships shown are north of Boise base line;
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TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Township	Range	In Tract	Irrigable	For Storage Benefits
Pr. SE SW	5	4	26	92.6	72	50
Pr. NW SW (Tax 21)	6	4	26			22
SW SW	8	4	26			6
SE SE	6	4	26	223.06	77	77
SW SE	6	4	26			114
Pr. NW SE (Tax 125)	5	4	26			27
SE SW	5	4	26			
Pr. SE SW (Tax 123)	5	4	26			
Pr. NW SW (Tax 124)	5	4	26			
SE NW	8	4	26			
SE SE	6	4	26	80	80	76
NW NW	6	4	26	150	46	46
SE NW	7	4	26			
SE NW	6	4	26	90	90	
SE SW, SW NW	6	4	26	100	100	
SE SE	7	4	26			
SE SE	6	4	26	50	50	
SE NW	9	4	26	120	108	152
SE NW	8	4	26			
SE SE	6	4	26	80	80	80
SE SE	9	4	26	80	76	
Pr. SE SE and	9	4	26	80	48	
Pr. SW SE (Tax 424)	5	4	26			
Pr. SE SE and	9	4	26	80	49	
Pr. NW SE (Tax 425)	9	4	26			
SE NW	9	4	26	40	39	91

SW NW	9	4	24	40	40	40
W $\frac{1}{2}$ SW	9	4	24	80	80	40 33.5
W $\frac{1}{2}$ NE	11	4	24			
SE NE (Tax 113)	10	4	24	160	92	92
SE NE (Tax 114)	10	4	24			
Pr. NW NE (Tax 116)	10	4	24	80	70	70
SW NE	10	4	24			
E $\frac{1}{2}$ NW	10	4	24	90	72	72
Pr. NW NW (Tax 137)	10	4	24			
Pr. SW NW (Tax 138)	10	4	24	160	152	152
Pr. NW SW (Tax 139)	10	4	24			
Pr. SW SW (Tax 139)	10	4	24			
W $\frac{1}{2}$ SE, E $\frac{1}{2}$ SW	10	4	24	160	70	58
SW SW (Tax 111)	11	4	24			
NW SW	11	4	24	160	91	91
Pr. SE SE (Tax 112)	10	4	24			
NE SE (Tax 113)	10	4	24			
W $\frac{1}{2}$ SW	14	4	24			
Pr. NE SW (Tax 107)	14	4	24	160	121	121
Pr. SE SW (Tax 105)	14	4	24			
Pr. NW NW (Tax 110)	24	4	24			
Pr. SW NW (Tax 109)	24	4	24	160	42	42
Pr. SE NW (Tax 108)	14	4	24			
NE NW	14	4	24			

W 1/2 S 4	25	4	2	50	50	
SW NE	16	4	26	40	33	23
NE SE	17	4	26)	80	80	
NW SW	16	4	26)			
SW and W 1/2 SE	17	4	26	240	240	23
NW NE	19	4	26)	160	61	52
W 1/2 SE and SW SE	19	4	26)			
E 1/2 SE	18	4	26	80	80	80
E 1/2 NE	18	4	26	80	80	80

NE NE	19	4	26	40	40	30
NE NE	19	4	26	40	40	30
SW NE	19	4	26	40	40	40
NE SE	19	4	26	40	40	29
SE SE	19	4	26	40	40	29
				120	77	
2 1/2 NW and NE SE	20	4	26			44.00 25.00 28.50 15.75
				80	77	
3 1/2 NE and NW SE	20	4	26			44.00 25.00 28.50 15.75
				80	80	
NE NE and SE SE	20	4	26			50.00 30.89 23.50
1 1/2 NW	20	4	26	80	80	14
SW SW	16	4	26	80	80	59
SE SE	17	4	26			
1 1/2 SW	20	4	26	80	80	

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TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Township	Range	In Tract	Irrigable	For Storage Benefits
Pr. SE NE	21	4	26)	157	96	52
SW NE and N $\frac{1}{2}$ NE	21	4	26)			
N $\frac{1}{2}$ NW and SW NW	21	4	26)	140	114	114
Pr. SE NW (Tax 100)	21	4	26)			
Pr. NE SE (Tax 99)	21	4	26)			
Pr. NW SW (Tax 93)	22	4	26)	179.25	84	
Pr. S $\frac{1}{2}$ NW (Tax 94)	22	4	26)			
NE SW	22	4	26)			
			)			46
			)			30
I.D. Tax 112	22	4	26	57	67	49.8
I.D. Tax 112-A	22	4	26	40	40	23.5
W $\frac{1}{2}$ SW, W $\frac{1}{2}$ NW	23	4	26)			
N $\frac{1}{2}$ SW, SE NW	23	4	26)	560	344	224
NE $\frac{1}{2}$	23	4	26)			
W $\frac{1}{2}$ SE and SW SE	23	4	26)			
Pr. NW SE (Tax 80)	23	4	26)			
Pr. SW NE (Tax 87)	23	4	26)	160	109	38
NW NE and NE NE	23	4	26)			
Pr. SE NW (Tax 12)	23	4	26)			
Pr. SW NW (Tax 16)	25	4	26)	151.2	88	88
SW NE	24	4	26)		17	17
SE NE	24	4	26)			
Pr. SE SE (Tax 85)	23	4	26)	76.6	49	
SW SE	23	4	26)			
I.D. Tax No. 117-A	25	4	26	9.26	4.92	4.92
I.D. Tax No. 117-B	25	4	26	9.26	4.92	4.72

R. J. Lee

I.D. Tax No. 117-C	25	4	2'	3.08	3.74	3.74
I.D. Tax No. 117-D	25	4	2'	6.94	2.62	2.62
I.D. Tax No. 117-DA	25	4	2'	1.928	1.928	1.92
I.D. Tax No. 117-E	25	4	2'	3.91	4.54	4.54
I.D. Tax No. 117-F	25	4	2'	7.79	3.29	3.29
I.D. Tax No. 117-G	25	4	2'	11.13	6.84	6.84
Pr. N $\frac{1}{2}$ SW (Tax 421)	25	4	2')	6.5	6.5	6.5
Pr. N $\frac{1}{2}$ SW (Tax 422)	25	4	2')	2.5	2.5	2.5
Pr. N $\frac{1}{2}$ SW (Tax 1)	25	4	2'	9	9	9
Pr. N $\frac{1}{2}$ SE (Tax 7)	25	4	2'	20.5	20	20
Pr. SE NE (Tax 77)	26	4	2')	79	42	42
and NW NE	26	4	2')			
SW SW and	25	4	2')	63	63	71
Pr. SE SW (Tax 19)	25	4	2')			
Less 10 acres.						
Pr. N $\frac{1}{2}$ SE (Tax 78)	26	4	2'	11	8	8
S $\frac{1}{2}$ SE, and	26	4	2')			
Pr. NW SE and	26	4	2')	149	93	93
Pr. NE SE (Tax 79)	26	4	2')			
N $\frac{1}{2}$ SW, NW $\frac{1}{2}$	26	4	2'	240	115	
Pr. SW SW	26	4	2'	10	8	

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All townships shown are north of Boise base line;
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TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Town- ship	Range	In Tract	Irrigable	For Storage Benefits
Pr. SE SW (Tax 83)	26	4	26)			
Pr. SE SW (Tax 80)	26	4	26)	39.6	30	27
Pr. SW SW (Tax 61)	26	4	26)			
I.D. Tax No. 129	35	4	26	9.58	3	3
NW NE (Tax 155) and	30	4	26)	68	21	21
NE NE (Tax 408)	36	4	26)			
Pr. SE NW and	35	4	26)	77	30	28.27
Pr. NE SW (Tax 156)	36	4	26)			
I.D. Tax No. 130-B	35	4	26	1.71	1.71	1.71
Pr. SE NW	36	4	26	13	13	13
SW SE, NE SE and	30	4	26)	110	64	64
Pr. SE SE (Tax 83)	36	4	26)			
NW SE, SW SE, and	35	4	26)	31	31	31
SE NE	36	4	26)			
I.D. Tax No. 133-D	35	4	26	10	10	
Pr. NE SW (Tax 2)	2 5	4	26	10	10	
Less 9 Acres						
I.D. Tax No. 134-AB	25	4	26	9	9	9
Pr. NW NE (Tax 51)	36	4	26)			
Pr. NE NW (Tax 30)	36	4	26)	88.64	41	40
Pr. SE SW (Tax 49)	36	4	26)			
SE SW, NE SW, and	36	4	26)	109	56	56.25
NW SW	36	4	26)			
I.D. Tax No. 125-A	36	4	26	3.63	4	3.63
I.D. Tax No. 135-B	36	4	26	10	10	75

NE 1/4	34	4	24	160	80	20
SW 1/4	31	4	27	160	112	32
Pr. SW NW	31	4	27	13	13	13
SW NW, SE NW, and Pr. SW NW	31	4	27	120	5	5
Pr. SE NE	6	3	27	2	2	2
SE 1/4 SE, SE NE) SW 1/4 SW)	4	5	26) 26)	200	63	42
Pr. NW NE (Tax 201)	4	5	26)			
Pr. NE NW (Tax 201)	4	5	26)	83.16	60	48
SW NE	4	5	26)			
Pr. SW NW (Tax 202)	4	5	26)	56	54	
Pr. SE NW (Tax 202)	4	5	26)			
SE 1/4 SE, NE SE SW SW and Pr. SE 1/4 NW SE	5 4 4	5 5 5	26) 26) 26)	200	140	59
Pr. NW SW (Tax 203)	4	5	26)			
Pr. NE SW (Tax 203)	4	5	26)	60	89	34
Pr. SW NW (Tax 203)	4	5	26)			
SE SW	4	5	26	40	40	49 30 10
NE 1/4 NW SE (Tax 400)	4	5	26	40	24	20
Pr. SE 1/4 NW SE (Tax 399)	4	5	26	40	20	20
SW SW (Tax 204) and Pr. SE SW (Tax 204)	6 6	5 5	26) 26)	151.34	143	
Pr. NE SW (Tax 204)	6	5	26)			
SW SW	6	5	26)			

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TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Town- ship	Range	In Tract	Irrigable	For Storage Benefits
Pr. SE SE (Tax 203)	8	3	26	280	286	
Pr. SW SE (Tax 206)	9	3	26			
W $\frac{1}{2}$ SE, R $\frac{1}{2}$ NE,	8	3	26			
W $\frac{1}{2}$ SW	9	3	26			
NE SW	9	3	26	40	23	
NE SE and R $\frac{1}{2}$ NW	9	3	26	150	80	40
NW SE, SW $\frac{1}{2}$,	10	3	26	440	290	68
SW NE, S $\frac{1}{2}$ NW	10	3	26			
NE NW, NW NE	10	3	26			
SE NE	9	3	26			
NE NE	9	3	26	40	30	8
S $\frac{1}{2}$ NE	9	3	26	90	64	32
SE $\frac{1}{2}$	9	3	26	200	133	200
W $\frac{1}{2}$ NW	14	3	26			
W $\frac{1}{2}$ NE	15	3	26			
SE SE	20	3	26			
				200	63	63
				200	63	63
W $\frac{1}{2}$ NE, NW SE	22	3	26	200	63	63
SW SE	10	3	26			
W $\frac{1}{2}$ SE	23	3	26	80	51	51
W $\frac{1}{2}$ NW, SE NW	23	3	26	120	90	67
SW NW	23	3	26	80	17	17
SE SW	23	3	26	80	77	33
						33
						33

SW 32	25	5	26	40	23	23
NE 32	22	5	24	50	72	25
NE 32	25	5	25	30	53	40
NE 32	25	5	26	160	105	
NE 32	26	5	26			
All of NE 1/4 East of R.R. track and all of SE 1/4 East of R.R. track.	17	5	25	150	144	
	17	5	25			
All of SE 1/4 lying West of R.R. track and that part of SE 1/4 lying West of R.R. track. All in	17	5	25	160	144	
Pr. NW NW (Tax 216)	21	5	25	30	12	22
Pr. NE NE (Tax 217)	20	5	25			
Pr. SE NE (Tax 218)	20	5	25	30	20	22
Pr. SW NE (Tax 219)	20	5	25			
Pr. SE SW (Tax 221)	21	5	25	10	30	5.5
SE 32	22	5	25	40	66	24
NE 32	22	5	25	55.5	60	60
Pr. NE NE	22	5	25			
Pr. NE NE (Tax 224)	22	5	25	75.5	13	73
Pr. NE NE (Tax 227)	23	5	25			
NE NE	22	5	25	00	20	20
SW NE	22	5	25			22
NE NE, SE NE	22	5	25			
NE NE, SE NE	21	5	25	210	203	103
NE NE	22	5	25			

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All ranges shown are east of Boise meridian.

TRACT DESCRIPTION				NUMBER		
Subdivision	Section	Town-ship	Range	In Tract		Acres
N $\frac{1}{2}$ NW	27	5	24	160	74	70
W $\frac{1}{2}$ SW	27	5	24			
E $\frac{1}{2}$ SW	22	5	24	80	74	53
W $\frac{1}{2}$ SE	22	5	24	80	74	53
Fr. SE SE (Tax 244)	28	5	24	25	28	
Fr. SW SE (Tax 244)						
Fr. SW SW (Tax 233)	27	5	24	12	21	
S $\frac{1}{2}$ SE	20	5	24	100	94	94
Fr. NE SE (Tax 220)	20	5	24			
Fr. NW NE (Tax 244)	20	5	24			
Fr. SE NE	29	5	24	1.9	14	14
S $\frac{1}{2}$ SE	21	5	24		42	42
Fr. NE NE (Tax 222)	21	5	24			
SE SW (Tax 403)	21	5	24			
SE SW (Tax 403)	21	5	24			
Fr. NE SE (Tax 404)	21	5	24		52	52
Fr. NW SW (Tax 404)	21	5	24			
Fr. NW SE	21	5	24			
SE NW and	21	5	24	97	8	8
Fr. SW NW lying	27	5	24		74	74
East of Highway.						
Fr. SE NE (Tax 213)	20	5	24			
Fr. SW NE (Tax 213)	20	5	24	35	45	30
NW NE	20	5	24			
SE SE and	20	5	24	60	58	44
Fr. NW SE (Tax 239)	20	5	24			
NE NE, NW NE, and	21	5	24	12.1	90	
NE NW	21	5	24			71
						17

SE NE, SW NE, and Pr. NW SE (Tax 274)	21 21		24) 24)	(111 (	40 14 28	24 28
SW SW, and Pr. NW SW (Tax 275) Pr. SW NW lying West of High- way.					68	74
W $\frac{1}{2}$ NW	23	5		80	72	68
E $\frac{1}{2}$ SE	23	5	24	90	57	30
E $\frac{1}{2}$ NW S $\frac{1}{2}$ NW	24 24	5 5	24) 24)	160	80	87
N $\frac{1}{2}$ SW and S $\frac{1}{2}$ NE SE		5 5	24) 24)	200	132 17	132 17
SW SE, and Pr. SE SE (Tax 230) Pr. W $\frac{1}{2}$ S $\frac{1}{2}$ SW (Tax 228)	27 27 24	5 5 5	24) 24) 24)	100	30 30	30 30
NW NE, and Pr. SE SE (Tax 231) Pr. S $\frac{1}{2}$ S $\frac{1}{2}$ SW (Tax 229)	24 24 24	5 5 5	24) 24) 24)	100	27 27	27 27
NE NW and NW SE	27	5	24)	80	50	11 14.8
Pr. SW SW (Tax 232) SE SW Pr. NW SW (Tax 234)	27 27 27	5 5 5	24) 24) 24)		50	11 24.8 40

Subdivision	Section	Town- ship	Range	NUMBER OF ACRES		
				In Tract	Irrigable	For Storage Benefits
Pr. NW SW (Tax 235)	27	5	26	20	19	19
SW NW	27	5	26	40	38	38
NE $\frac{1}{4}$	27	5	26	160	96	96
SE NW	27	5	26	40	28	
Pr. NW NE (Tax 239)	28	5	26)	12	10	10
Pr. SW NE (Tax 239)	28	5	26)		3	3
Pr. NW NW (Tax 250)	28	5	26	10.17	10	5
Pr. NW NW	28	5	26	4	3	3
Pr. SW NW (Tax 245)	28	5	26)	32.5	32	32
Pr. NW NW (Tax 245)	28	5	26)			
Pr. SW NW (Tax 248)	28	5	26	11.5	11	11
Pr. NW NW	28	5	26	4	4	4
Pr. NW SW (Tax 263)	28	5	26	33	33	33
Pr. NW NW	28	5	26	16	16	16
SW SW and	28	5	26)	37	37	37
Pr. SE SW (Tax 265)	28	5	26)	40	40	40
NE $\frac{1}{4}$ NE	29	5	26	80	80	78
NE $\frac{1}{4}$ NE	29	5	26	(80 (	80	40 8
SE NW (Tax 270)	29	5	26)	80	33	33
NE NW	29	5	26)			
NE NE	32	5	26)			
NE $\frac{1}{4}$ SE	29	5	26)	200	132	67
Pr. SW SE	29	5	26)			
Pr. NW SE (Tax 271)	29	5	26)			

SE SE and SE NE	32	5	26)	120	70	
	32	5	26)			
Pr. NE NE (Tax 272)	33	5	26)	120	92	92
and NW NE	33	5	26)			
NE NW and NW NW	34	5	26	40	40	
Pr. SW NE (Tax 280)	33	5	26)	90	68	68
Pr. NW SE (Tax 280)	33	5	26)			
Pr. SE NW (Tax 275)	33	5	26	1	39	39
NW SW and SW NW	33	5	26	80	80	70
NW NW and Pr. NE NW (Tax 274)	33	5	26)		17	17
Pr. NE SW (Tax 276)	33	5	26	40	39	39
SW SW and Pr. SE SW (Tax 277)	33	5	26)	80	79	70
	33	5	26)			
SE SE and Pr. SW SE (Tax 278)	33	5	26)	77 1/2	63	67.02
	33	5	26)			
I.D. Tax No. 240-A	33	5	26	2.14	2.19	2.14
I.D. Tax No. 241-A	33-34	5	26	93	10	21
SE NW	34	5	26	40	40	40
NW SE	34	5	26	40	38	30
SE NE, NE NE NW NW	34	5	26)	(200	114	50
	35	5	26)	(		50

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Township	Range	In Tract	Irrigable	For Storage Benefits
SW SE, NE SW	34	5	26	80	77	77
W $\frac{1}{2}$ SW	35	5	26	120	57	57
NE SE	34	5	26			
SE SE	34	5	26	40	30	30
Pr. SW SW (Tax 284)	34	5	26	80	60	60
Pr. SE SW (Tax 284)	34	5	26			
SE SE (Tax 12)	35	7	24	160.68	32	49
Pr. SW SE (Tax 13)	35	7	24			
NE NE (Lot 1)	2	6	24			
NW NE (Lot 2)	2	6	24			
NE NW	1	6	24	80.22	61	61
SE SW	35	7	24			
NE NE (Lot 3)	1	6	24	407.57	218	101
NW NE (Lot 2)	1	6	24			
S $\frac{1}{2}$ NE, NE SE	1	6	24			
NW SW (Lot 3)	31	7	23			
Pr. SW SW (Tax 1)	31	7	23			
Pr. SW SW (Tax 2)	31	7	23			
Pr. SE SE (Tax 3)	36	7	24			
SW SE and NE NE	36	7	24			
W $\frac{1}{2}$ SE, NE SW and	1	6	24	160	31	81
SE NW	1	6	24			
SW SW	1	6	24	255	92	
S $\frac{1}{2}$ NE, E $\frac{1}{2}$ SW,	2	6	24			
NW SW and	2	6	24			
Pr. SW NW (Tax 5)	2	6	24			
Pr. N $\frac{1}{2}$ SE NE or	11	6	24	123.43	32	20
Tract No. 351.						
Pr. N $\frac{1}{2}$ SW NE	11	6	24			
Pr. NW NE	11	6	24			
Pr. NE NE	11	6	24			
Pr. SW SE or Tract	2	6	24			55
No. 348.						

NW SE and Pr. SW SE, and SE SE	2	6	24)	125.37	125	110
Pr. NE NE and Pr. NW NW	12	6	24)			
NW SW, SW NW and SW NW, Southern part of NW NW con- taining 30.05 acres	12	6	24	110.05	30	
Pr. NE SE (Tax 5)	12	6	24)	35.55	69.75	
Pr. SE NE (Tax 5)	12	6	24)			
Pr. SW NW (Tax 3)	7	6	25)			
Pr. NW SW (Tax 3)	7	6	25)			
SE SE	1	6	24)			
Pr. NE NE (Tax 8)	12	6	24)			
SW SW (Lot 7)	6	6	24)			
Pr. SE SW (Tax 1)	6	6	25)	215.91	124	124
Pr. NW NW (Tax 7)	7	6	25)			
Pr. NW NW (Tax 6)	7	6	25)			
Pr. SW NW (Tax 6)	7	6	25)			
Pr. NE NW (Tax 1)	7	6	25)			
NE NE (Lot 1), and SW NE (Lot 2)	4	6	25)	164	100	
2 1/2 SE	33	7	25)			
SW SW	2	6	25)	120	38	38
1/2 NW	11	6	25)		77	77
NW SW (Tract 10)	2	6	25	40	34	34
NE SE, NW SE and NE SW	3	6	25	120	118	118

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Town Ship	Range	In Tract	Irrigable	For Storage Benefits
SE SE	9	6	23)	120	37	37
E $\frac{1}{2}$ NE	10	6	25)		74	74
SE SW	3	6	23)	80	70	70
NE NW	10	6	25)		9	9
SW SW	3	6	23)	80	66	66
NW NW	10	6	25)			
SW SE	3	6	25)	80	80	63
NW NE	10	6	25)			10
N $\frac{1}{2}$ SE, S $\frac{1}{2}$ NE, S $\frac{1}{2}$ NW and N $\frac{1}{2}$ NW	4	6	23	329	225	
SE SE	4	6	25	40	40	
NE	9	6	25	160	125	
SW SE (Tract S28)	4	6	25	40	39	
SE NE and Pr. NE NE (Tax 1)	5	6	25)			
W $\frac{1}{2}$ SW	33	7	25)	242.06	150	
E $\frac{1}{2}$ SE	37	7	25)			
SW NE and NW NE (Lot 2)	5	6	23	83.16	83	
S $\frac{1}{2}$ SW	9	6	25)	135	55	86
Pr. NW NW (Tax 3)	8	6	25)			
SW SE, NE SW, Pr. NW SE (Tax 6)	5	6	25)	154	154	154
Pr. NE SE (Tax 5)	5	6	25)			
NE NW (Lot 4) NE NW (Lot 3), and Pr. SE NW	3	6	23	123.64	118	113
NW SW and Pr. SW NW (Tax 1)	5	6	23	77	77	77

SE NE and NE SE	6	6	25)	80	75	21 35
SE NW, SW NW (Lot 5), NE NW (Lot 3), and NW NW (Lot 4)	6	6	25	171.64	114	
SE SE, SW SE, and Fr. SE SW (Tax 2)	6	6	25)			
NE NE, NW NE, Fr. NE NW (Tax 2),	7	6	25)	225.66	98	64
(Fr. SW NW, Fr. NE SW,	7	6	25)			
(Fr. SE NW, Fr. NW NW	7	6	25)			
NW SE and SW NE	7	6	25)		30	30
Fr. SE NE (Tax 4)	7	6	25)		30	30
W $\frac{1}{2}$ NW						
S $\frac{1}{2}$ NE, NW NE	16	6	25)		88	
SW SE	7	6	25)			
E $\frac{1}{2}$ SE	7	6	25)	260	132	
W $\frac{1}{2}$ SW	8	6	25)			
Fr. NE NE (Tax 5)	8	6	25)			
Fr. NW NE (Tax 5)	8	6	25)	78	44	
NW NW	9	6	25)			
SE $\frac{1}{4}$	8	6	25)	140	13	13
			)		14	14
NW NW	17	6	25	40	40	36

ALL RANGES SHOWN ARE OF THE GROUND SURVEY

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Township	Range	La. Area	Irrigable	For Storage Benefits
Pr. NE NE, Pr. NW NE, and NE NW	8	6	20	52	18	
Pr. NE SE (Tax 5)	10	6	24			
Pr. SE SE (Tax 5)	10	6	26			
NE SE (Tax 5)	11	6	27			
Pr. SW SW (Tax 5)	11	6	28			
Pr. SE SW (Tax 5)	11	6	29	120	75	
Pr. SW SW (Tax 5)	11	6	30			
Pr. SE SE and Pr. SW SE	10	6	29	110	14	14
Pr. SW SW	11	6	29			
I.D. Tax No. 299- AS	10	6	25	10	14	
Pr. SE SE and Pr. NE SE	10	6	24	20	19	4
Pr. SE SW and Pr. NW SW	10	6	25	10	19	10
Pr. SW NW and Pr. SE NW	10	6	24	10	20	10
Pr. SW SE and Pr. NE SE, I.D. Tax No. 299- AS	10	6	25	10	20	20
Tax No. 299- AS	10	6	24	10		
SW 1/4	10	6	24	10	20	
SE 1/4	11	6	28	20	20	5
SE 1/4 NW and SE 1/4 NE SE SE, SW SE, SE NW, SW NE, NE SE, NE NW	11	6	24	100	227	90

E $\frac{1}{2}$ NE	11	6	23	80	78	78
E $\frac{1}{2}$ SW and E $\frac{1}{2}$ SE	2	6	23	140	83	
NW NW	12	6	25)	80	37	37
SW NW	12	6	25)		38	38
NE NW	12	6	23	40	40	39
Pr. SE NW (Tax 214)	12	6	25	40	40	40
NW NE, SW NE and NW SE	12	6	25	120	80	80
NE SE	12	6	25	40	40	40
Pr. SE NE	12	6	25)	80	40	40
NE NE	12	6	25)		40	40
E $\frac{1}{2}$ SW	12	6	25	80	80	80
E $\frac{1}{2}$ SW	12	6	25)	120	116	38
NW NW	24	6	25)			75
SW SW	1	6	23)	80	80	80
SE SE	2	6	25)			

All townships shown are north of Boise base line,
All ranges shown are east of Boise meridian.

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Town- ship	Range	In Tract	Irrigable	For Storage Benefits
Pr. NE SE	11	6	23)	332	80	46
Pr. NW SE	11	6	23)			
Pr. NE SE (Tax 9)	21	6	23)	26.23	26	26
Pr. NW SE (Tax 15)	21	6	23)			
SE SW and Pr. SW SW (Tax 1)	13	6	23)	135.9	42	
NE NW and Pr. NW NW (Tax 2)	24	6	23)			
			)	170	25	
SE SE	12	6	23)		26	26
SW SE	12	6	23)		8	8
NW SE	13	6	24)		20	20
			)		40	40
NE NW	13	6	23)	40	39	39
NW SE, SW SE, and SE SE	13	6	23)	100	100	
SW SW	13	6	24)			
SW NE, SE NE and NE SE	13	6	23)	137	127	63
NW SW	13	6	23)			24
SW NW	14	6	23)	40	17	27
			)		15	15
SE NW and NE SW	14	6	24)	160	115	
Pr. SE SE (Tax 3)	24	6	23)			
Pr. SW SE (Tax 3)	24	6	23)			
SE NE	25	6	23)			
Pr. SE NE (Tax 5)	25	6	23)	277.5	120	60
Pr. SW NE (Tax 5)	25	6	23)			
Pr. SW NW (Tax 5)	25	6	23)			
SE NW	25	6	23)			
SE SE, SE NE, and NE SW	27	6	23)	242	120	126
					80	80

E $\frac{1}{2}$ SE	17	6	23	50	52	
Pr. SE NW (Tax 1)	17	6	24			
SW NW	17	6	25	100	100	
NE NE	13	6	28			
E $\frac{1}{2}$ SE	23	6	25	57	44	
NE SE (Tax 5)	24	6	26			
SW SE (Tax 5)	24	6	25	129	30	
Pr. SW SE (Tax 5)	24	6	26			
SE SE						
E $\frac{1}{2}$ NE	24	6	26			
NW NW (Lot 1)	19	6	26	150.64	74	
SW NW (Lot 2)	19	6	26			
E $\frac{1}{2}$ SW	25	6	26	140	110	80
Pr. NW SW (Tax 4)	25	6	25			40
Pr. SW SW (Tax 4)	25	6	25			
NE NE	25	6	25			
Pr. NW NE (Tax 7)	25	6	25	154	50	
NE NW	25	6	25			
Pr. SE SW (Tax 1)	24	6	25			

All townships shown are north of Boise base line.

All ranges shown are east of Boise meridian

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Town- ship	Range	In Tract	Irrigable	For Storage Benefits
Fr. SE SE	25	6	25)	147	142	
Fr. NE SE	26	6	25)			77
W 1/4 NW						33
						25
Fr. NW SE (Tax 321)	35	6	25)		25	
Fr. NE SE (Tax 321)	36	6	25)			29
SW NE	36	6	25)			49
Fr. SE NE (Tax 422)	37	6	25)			33
S 1/4 SE, SE SW	25	6	25)			
Fr. SW SW (Tax 3)	26	6	25)	104	25	28
Fr. NW SW (Tax 3)	26	6	25)			
SE SE (Lot 4)	27	6	25)			
SW SE	27	6	25)	164.2	35	64
SE SW	27	6	25)			
NE NW	28	6	25)			
W 1/4 NW	27	6	25)	140	140	24
W 1/4 NE	28	6	25)			
W 1/4 NW, E 1/4 NW,	30		25)		20	20
S 1/4 SE, E 1/4 SW,						12
E 1/4 SW						
NE, NW NW	29		25)	440		
NE 1/4	34	6	25)	184.98	142	149
E 1/4 E 1/4 NE, NW NW	35	6	25)	82	75	20
S 1/4 NE NW	36	6	25)		10	24
NW 1/4 NW,			25)		106	272
NE SW						
NW NE	31	7	25)	60	41	

27 27	1	5	22	80	80	80
28 27	27	6	25	80	80	80
29 27	28	6	25	80	80	80
30 27	29	6	25	80	80	80
31 27	30	6	25	80	80	80
32 27	31	6	25	80	80	80
33 27	32	6	25	80	80	80
34 27	33	6	25	80	80	80
35 27	34	6	25	80	80	80
36 27	35	6	25	80	80	80
37 27	36	6	25	80	80	80
38 27	37	6	25	80	80	80
39 27	38	6	25	80	80	80
40 27	39	6	25	80	80	80
41 27	40	6	25	80	80	80
42 27	41	6	25	80	80	80
43 27	42	6	25	80	80	80
44 27	43	6	25	80	80	80
45 27	44	6	25	80	80	80
46 27	45	6	25	80	80	80
47 27	46	6	25	80	80	80
48 27	47	6	25	80	80	80
49 27	48	6	25	80	80	80
50 27	49	6	25	80	80	80
51 27	50	6	25	80	80	80
52 27	51	6	25	80	80	80
53 27	52	6	25	80	80	80
54 27	53	6	25	80	80	80
55 27	54	6	25	80	80	80
56 27	55	6	25	80	80	80
57 27	56	6	25	80	80	80
58 27	57	6	25	80	80	80
59 27	58	6	25	80	80	80
60 27	59	6	25	80	80	80
61 27	60	6	25	80	80	80
62 27	61	6	25	80	80	80
63 27	62	6	25	80	80	80
64 27	63	6	25	80	80	80
65 27	64	6	25	80	80	80
66 27	65	6	25	80	80	80
67 27	66	6	25	80	80	80
68 27	67	6	25	80	80	80
69 27	68	6	25	80	80	80
70 27	69	6	25	80	80	80
71 27	70	6	25	80	80	80
72 27	71	6	25	80	80	80
73 27	72	6	25	80	80	80
74 27	73	6	25	80	80	80
75 27	74	6	25	80	80	80
76 27	75	6	25	80	80	80
77 27	76	6	25	80	80	80
78 27	77	6	25	80	80	80
79 27	78	6	25	80	80	80
80 27	79	6	25	80	80	80
81 27	80	6	25	80	80	80
82 27	81	6	25	80	80	80
83 27	82	6	25	80	80	80
84 27	83	6	25	80	80	80
85 27	84	6	25	80	80	80
86 27	85	6	25	80	80	80
87 27	86	6	25	80	80	80
88 27	87	6	25	80	80	80
89 27	88	6	25	80	80	80
90 27	89	6	25	80	80	80
91 27	90	6	25	80	80	80
92 27	91	6	25	80	80	80
93 27	92	6	25	80	80	80
94 27	93	6	25	80	80	80
95 27	94	6	25	80	80	80
96 27	95	6	25	80	80	80
97 27	96	6	25	80	80	80
98 27	97	6	25	80	80	80
99 27	98	6	25	80	80	80
100 27	99	6	25	80	80	80

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All townships shown on map of 1874 are in the
 All ranges shown are east of Boise meridian.

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Township	Range	In Feet	Irrigable	For Storage Benefits
SE NW	7	5	26	80.26	40	40
SW NW (Lot 2)	7	5	26		40	40
SW NE	7	5	26	40	40	40
SE SW	23	5	26	80	60	40
NE NW	23	5	26			
NE NE	20	5	26	40	40	40
NE 1/4, NE 1/4	25	5	26	100	133 67	133
NE SW	22	5	26	80	80	80
SE 1/4 NE 1/4 SE	25	5	26			188.3
NE 1/4 SE 1/4 SE, SE 1/4 SW	20	5	26	80	80	80
Fr. NW NW	20	5	26	80	79	79
NE NE	23	5	26			
SE 1/4 SE	22	5	26	120	150	
SW 1/4 SW, SW 1/4 NE	27	5	26			60
SW SW	1	5	26			83
NE 1/4 NE	20	5	26	80	70	
SE SW, SE 1/4 SE	23	5	26	120	76	
SW SW	20	5	26	40	14	
NE 1/4 NW	20	5	26	100	160	
NE 1/4 NE, NE 1/4 SE	20	5	26			83
NE 1/4, NE 1/4 NE	20	5	26			83
SE SW, SE 1/4 SE	20	5	26	120	265	
SE SW, SE 1/4 NE	20	5	26			37
SE SW, SE 1/4 NE, SE 1/4 SE	20	5	26			81

W ¹ / ₂ SE, SW NE	20	6	26	160	140	
NW NE	22	6	26			28.5
						23.5
SE SE	30	6	26	160	35.5	
S ¹ / ₂ SW	31	6	26			28.5
SE NE	29	6	25			28.5
SW SW	29	6	26	200	88	
S ¹ / ₂ SE	30	6	26			32
NE SE	30		26			10
						18
SE SE	32	6	26			
SW SW	33	6	26			
Fr. SE SW	33	6	26	95	81	41
North 3 rods						
Lots 3 and 4						
Fr. NE NW (Tax 346)	31	6	26			
Fr. NW NW (Tax 346)	31	6	26	87.8	83	78.8
Fr. SE NW (Tax 346)	31	6	26			
Fr. NE SW (Tax 346)	32	6	26			
Fr. NW NE (Tax	32	6	26			
Fr. SW NW (Tax	31	6	26			
Fr. SE NW (Tax	31		26		105	
Fr. NE SW (Tax 342)	32					
NW SW	31					

All townships shown are north of Boise base line,
All ranges shown are east of Boise meridian.

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Town- ship	Range	In Tract	Irrigable	For Storage Benefits
NW SE, Fr. SW SE	31	6	26)	349	80 120	120
NE SE, S $\frac{1}{2}$ NE	31	6	26)			
NW SW, SW NW	32	6	26)			
SE SE	31	6	26)			
SW SW	32	6	26)			
Fr. SW SW	28	6	26)	100	40	30
S $\frac{1}{2}$ SE	29	6	26)	320	160	30 10
I.D. Tax No. 394-B	2	6	26)			
	4	6	26)			
		6	26)			
W $\frac{1}{2}$ SE, E $\frac{1}{2}$ SW	28	6	26)	280	92	30
NW SW, NW NE	28	6	26)	120	80	10
Fr. SW SW	28	6	26)			20
S $\frac{1}{2}$ NW, SW NE	28	6	26)			40
N $\frac{1}{2}$ NW, NW NE	28	6	26)	120	80	20
1. E $\frac{1}{2}$ SE	26	6	26)	160	37	37
E $\frac{1}{2}$ SW	27	6	26)	240	90	60 175
SW NE, SE NW	32	6	26)			
NE SW, W $\frac{1}{2}$ SE	32	6	26)			
SE SW	32	6	26)	14.4	14.4	
Fr. NE SE	25	6	25)			
Fr. SE SE	25	6	25)			
Fr. SW SW	30	6	26)	119.18	12	
NE NW	18	7	24)			
SE SW	7	7	24)			
SW NW (Lot 4)	7	7	24)	160	98	35
NW NE, NE NW	20	7	24)			
S $\frac{1}{2}$ SW	17	7	24)			

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SE SE, N $\frac{1}{2}$ SE	18	7	24	120	23	
NW NW	20	7	24	40	10	10
Fr. SW SE, SW NE	20	7	24)	112	102	101
Fr. NE SE, NW SE	20	7	24)			
Fr. SW SE (Tax 4)	20	7	24)			
Fr. SE SE (Tax 13)	20	7	24)			
NW SE	29	7	24)			
NW NE	29	7	24)	117.81	27	10
Fr. NE NE (Tax 2)	29	7	24)			
Fr. SE NE (Tax 2)	29	7	24)			
Fr. SE NE (Tax 22)	29	7	24)			
Fr. NE NE (Tax 30)	29	7	24)			
Fr. SW SW (Tax 3)	27	7	24	10.93	11	10.93
NE NE	28	7	24)			
Fr. SE SE (Tax 1)	21	7	24)	150.41	132	
Fr. NE SE (Tax 1)	21	7	24)			
Fr. SW SE (Tax 1)	21	7	24)			
I.D. Tax # 410-1000	21	7	24	32	32	
I.D. Tax # 410B-1000B	21	7	24	116.9	54	
Fr. W $\frac{1}{2}$ SE	27	7	24)	145	51	51
Fr. E $\frac{1}{2}$ SW	27	7	24)		77	77
Fr. NW NE	34	7	24)			
E $\frac{1}{2}$ SE	27	7	24)	145	127	
Fr. NW NE	34	7	24)			80
Fr. W $\frac{1}{2}$ SE	27	7	24)			67
Fr. SW SW (Tax 2 and 4)	26	7	24)	44.66	44	44
Fr. NW NW (Tax 10)	35	7	24)			

All ranges shown are east of Boise Meridian.

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Town ship	Range	In Tract	Irrigable	For Storage Benefit
SE 1/4 SW	34	7	24)	160	40	40
FF. NW SE	34	7	24)			
SW NE	3	6	24)			
FF. NW SE	34	7	24	40	20	38.5
I.D. Tax No. 419-A	34	7	24	38.9	85	
NE SE, SW NE,	34	7	24)	295.9	71	71
SE NE (E. of High-	34	7	24)			
way)						
SE 1/4 SW	35	7	24)			
FF. NE SW (Tax 1)	35	7	24)			
FF. NW SW (Tax 1)	35	7	24)	51.1	43	2.0
FF. NW NW (Tax 11)	35	7	24)			
FF. SW NW (Tax 11)	35	7	24)			
FF. NW SW (Tax 11)	35	7	24)			
NW 1/4, NE 1/4 SW,	36	7	24)	280	233	233
NE SE	36	7	24)			
SE 1/4 SW	28	7	25)	100	67	27
FF. SE 1/4 SW SE (Tax 1)	28	7	25)			
NE SE, SE 1/4 NE,	31	7	25)	295.6	160	40
SE NW, NE NW,						
SW NW (Lot 2),						
NW NW (Lot 1)						
NW 1/4 SE, SE 1/4 SW	33	7	25	160	116	116
SE 1/4 NE, SE 1/4 NE,	32	7	25)	320	258	115
NW 1/4 SW, SE SW,	32	7	25)			
SE SE	31	7	25)			
NW 1/4 SE, NE SW	32	7	25	120	60	60

N $\frac{1}{2}$ NE, N $\frac{1}{2}$ NW	32	7	28	160	40	40
N $\frac{1}{2}$ NW	33	7	28	80	80	80
N $\frac{1}{2}$ NE	33	7	28	80	80	80
N $\frac{1}{2}$, N $\frac{1}{2}$ NE	28	7	24)	122	122	122
N $\frac{1}{2}$ NE	28	7	24)			
S $\frac{1}{2}$ SW	21	7	24)			
N $\frac{1}{2}$ NE	29	7	24)			
N $\frac{1}{2}$ SW and N $\frac{1}{2}$ SE	19	4	24	160	160	160
W $\frac{1}{2}$ SW and West 30) Acres of NE SE	8	4	24	110	110	110
East 10 acres of) NE SE, SE SE and) NE NE	8 8 17	4 4 4	26) 26) 26)	90	90	90
SE NE	17	4	26)			
PT. SW NE	17	4	26)	94	94	94
SW NW	16	4	26)			
S $\frac{1}{2}$ NW	17	4	26)			
N $\frac{1}{2}$ NW NW	17	4	26)	124	124	124
PT. SW NE	17	4	26)			
SE NW	16	4	26)	75	75	75
PT. NW NE	16	4	26)			
SE SW	9	4	26)	136	136	136
W 2/3 W $\frac{1}{2}$ SE	9	4	26)			
NE $\frac{1}{2}$	16	7	24)	160	160	160
SW NW	17	7	24)			
NW SW	17	7	24)			
beg. at SE corner) SE SE West 10.9 Acs. North 15.72 Ch. then East 10.9 Ch. then South 15.72 Ch. to pt. of beg- inning, 13 acres.	28	7	24	13	9	9

I.D. Tax No. 1159	35	7	24	170	170
I.D. Tax No. 1160	35	7	24	25	20
I.D. Tax No. 1162	16	6	25	70	70
I.D. Tax No. 421	26-35	7	24	145	145

MACKAY ACREAGE:

Tax 10	21	7	24)		
Tax 10	22	7	24)		
Tax 22	20-22				1.2
Tax 9					
Tax 15)	28	7	24)		
Tax 22)	22	7	24)	10.7	10.7
Tax 13 and 13 1/2	28	7	24	.56	.56
Tax 8	31	7	24)		
Tax 15	30	7	24)	5	5
Tax 9	21	7	24)		
Tax 17	20-29	7	24)	1.2	1.2
Tax 5	23	7	24)	2.2	3.2
Tax 8	28	7	24)		
	23	7	24	2.9	1
I.D. Tax No. 1123	20-20	7	24	5	5
I.D. Tax No. 1126	20-29	7	24	2	2
Tax 14	20	7	24	5	5
Tax 8	29	7	24	2.7	2.7
Tax 16	29	7	24	1	1

All ranges shown are east of Boise meridian.

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Township	Range	In Tract	Irrigable	For Storage Benefits
FOLLOWING DESCRIBED PROPERTY LOCATED IN JOHNSON ADDITION						
TO BLOCKS, 10240.						
Lot:			Blocks			
				1.09	1.09	1.09
1					1.09	1.09
2			2	1.3	1.3	1.3
Tax 262, Fr. NW CR						
1			2	1.05	1.05	1.05
2			2	1.05	1.05	1.05
4			7	1.09	1.09	1.09
1, 2, 3			7	3.28	3.28	3.28
1 and 2			3	2.00	2.00	2.00
Tax 260						
1 and 2			5	2.19	2.19	2.19
1			5	1.09	1.09	1.09
2			5	1.09	1.09	1.09
3 and 4			5	2.15	2.15	2.15
1 and 2			8	2.19	2.19	2.19
Fr. 3 and 4			7	1.09	1.09	1.09
60 Fr. Lot				1.00	1.00	1.00

60 ft. Lot 3		6	.30	.30	.30
Tax 247	5 1/2	9)			
Tax 246	5 1/2	9)	2.08	1.08	1.08
2 and 3		9	2.19	2.19	2.19
4		9	1.09	1.09	1.09
2 and 3		20	2.19	2.19	2.19
4		20)			
All		21)	5.47	5.47	5.47
1 and 2		12	2.19	2.19	2.19

MOORE, IDAHO, ACREAGE TRACTS, UNPLATTED, IN SW 1/4 NE 1/4 OF SECTION 28, TOWNSHIP 5, RANGE 25, TAX NUMBERS ARE THE COUNTY ACREAGE TAX NUMBERS.

Tax 240		1	1	1
Tax 241		12.43	12.84	12.84
		4 1/2	.34	.54
Tax 258		2	2	2
Tax 259		2.5	2.5	2.5
Tax 260		2	2	2
Tax 261		2	2	2
Tax 265		6.9	6.9	6.9
Tax 266		3	3	3
Tax 242 less 3 more square in SE corner Tax 242.		3	3	3
3 more square in NW corner of Tax 242.		3	3	3

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivision	Section	Township	Range	In Tract	Irrigable	For Storage Benefits
<u>ALL LANDS ON THIS PAGE ARE ARCO COTTAGE TRACTS, SITUATE IN</u> <u>W 1/4 OF SECTION 31, TOWNSHIP 4, RANGE 26.</u> <u>TAX NUMBERS ARE THE COUNTY AGENTS TAX NUMBERS AS SHOWN</u> <u>BY HIS LIST OF TAX NUMBERS FOR THE YEAR GIVEN.</u>						
Tax #47, 1929 List				2	2	2
Tax #46, 1929 List				2	2	2
Tax #45, 1929 List				2	2	2
Tax #39, 1929 List				3.4	3.5	3.3
Tax #44, 1929 List				3	3	3
Tax 4-38, 1932 List.				.93	.95	.97
Tax #30, 1929 List.) Tax 3-38, 1932 List.)				.83	.83	.85
Tax #31, 1929 List				.97	.97	.97
1/2 Tax #34, Pl. 30, 1929 List.				.95	.95	.95
1/2 Tax #34, 1929 List.				.95	.95	.95
Tax #35, 1929 List				2.8	2.8	2.7
Tax #36, 1929 List				5.4	5.4	5.4
Tax #32, 1929 List				.97	.97	.97

Tax #33, 1929 List.	1.4	1.4	1.4
Tax #415, 1932 List	.67	.67	.67
Tax #24, 1929 List.	2.5	1.5	1.5
Tax #416, 1932 List	1.3	1.3	1.3
Tax #23, 1929 List	1.0	1.0	1.0
Tax #21, 1929 List	.32	.32	.32
Tax #21, 1929 List	.21	.21	.21
Tax #9, 1929 List	1.5	1.5	1.5
Tax #6, 1929 List	1.5	1.0	1.0
Tax #1-A, 1929 List	1.0	1.0	1.0

All townships shown are east of Boise meridian
All ranges shown are east of Boise meridian

TRACT DESCRIPTION				NUMBER OF ACRES		
Subdivider	Section	Town- ship	Range	Total	Irrigable	For Storage Benefit
MISCELLANEOUS						
Tax #223	23	5	26	2.6	2.6	2.6
Tax #321	23	5	26	4	4	4
Tax #243 and Lots 1 and 3 in Pearson Addition.	23	5	26	1.8	1.8	1.8
Moore Original Town- site	23	5	26	63	63	63
Pearson Addition to Moore	23	5	26	2.63	2.63	2.63
Derlington Townsite	23- 31	5	26	10	10	

NOTICE FOR PUBLICATION

Notice is hereby given that at 9 A.M., on the 13th day September, 1957, at Blackfoot, County of Bingham, State of Idaho, before Robert M. Kerr, Jr., Notary Public proof will be submitted of the completion of works for the diversion of approximately 6000 acre feet of the waters of Big Lost River in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Big Lost River Irrigation District.

2. The postoffice address of such person or principal place of business of such corporation is Mackay, County of Custer, State of Idaho.

3. The number of such permit is R882, and the date set for the completion of such work is August 1, 1957.

4. Said water is to be used for irrigation purposes.

5. Said works of storage and diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans ac-

companying the application for such permit as amended is approximately 6000 acre feet.

6. The amount of lands for which said water is available is _____ acres, particularly described as follows: Land within Big Lost River Irrigation District boundary to which water was decreed under Federal Court degree entered on March 15, 1923.

MARK R. KULP
Commissioner of Reclamation

Publish 8-15-22-29-9-5, 1957

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 August 12, 1957, and ending with the issue dated Sept 5, 1957.

Ruth Hanawalt

Subscribed and sworn to before me this 14th day of September, 1957

Emery B. [Signature]
Notary Public.

R-882

ROBERT M. KERR, JR

ATTORNEY AT LAW

PACKER-KERR BLDG - 291 No BROADWAY

P. O. BOX 708 - TELEPHONE 194

BLACKFOOT, IDAHO

September 24, 1937

Department of Reclamation
State of Idaho
State House
Boise, Idaho

Re: Form No. 632
Proof of Completion of Works

Gentlemen:

I have discovered that an error was made in the affidavit of publication which I previously forwarded to you in connection with the proof of completion of works in that the date of the first publication was given as September 15, whereas it should have been August 15. I enclose herewith a corrected affidavit of publication to remove any question regarding the sufficiency of the notice.

Yours very truly,


Robert M. Kerr, Jr.

RMK/sg
Encl.

RECEIVED
SEP 27 1937
STATE OF IDAHO
DEPARTMENT OF RECLAMATION

100-100000

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. R-882
Big Lost River Irrig. Dist.

Date: August 7, 1957

Mackey Miner
Mackey, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 13th, 1957 the date set for proof; the expense of the publication is to be paid by the applicant's Atty- Robert M. Kerr, Jr. / of ^{P.O. Box 708} Blackfoot, 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

VR
Encl.

R-882

Address when packet will be
submitted not given

(

K-888

)

2/10 = 8-1-2

Notice for Publication

RECEIVED

Notice is hereby given that at 9 A. M, on the 33th day of August ~~September~~ 1957, at Blackfoot, County of Bingha m, State of Idaho, before Robert M. Kerr, Jr., Notary Public proof will be submitted of the completion of works approximately acre feet for the diversion of 6000 ~~cubic feet per second~~ of the waters of Big Lost River.

in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is Big Lost River Irrigation District.

2. The postoffice address of such person or principal place of business of such corporation is Mackay,

County of Custer, State of Idaho

3. The number of such permit is R882, and the date set for the completion of such work is August 1, 1957.

4. Said water is to be used for irrigation purposes.

storage and

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying as amended is approximately the application for such permit, 6000 acre ~~cubic feet per second~~.

6. The amount of lands for which said water is available is .. acres, particularly described as follows

Land within Big Lost River Irrigation District boundary to which water was decreed under Federal Court Decree entered on March 15, 1923.

Com. to my desk
+ 7/27
1957

vm

MARK R. KULP
Commissioner of Reclamation.

R-882

T. E. HANAWALT, Publisher

RUTH M. HANAWALT, Editor

The Mackay Miner

Printers - Publishers

Mackay, Idaho

August 8, 1957

RECEIVED
AUG 12 1957
Department of Reclamation

Dept. of Reclamation
Boise, Idaho

This is to acknowledge receipt of publication for
applicant Robert Kerr, Blackfoot, Idaho to be published
issues ^{Aug} 15, 22, 29 and Sept 5 of Miner.

T. E. Hanawalt

R-882

NOTICE FOR PUBLICATION

9. A.M., on the 13th day September 1957, at Blackfoot, County of Bingham, State of Idaho, before Robert M. Kerr, Jr., Notary Public proof will be submitted of the completion of works for the diversion of approximately 6000 acre feet of the waters of Big Lost River in accordance with the terms and conditions of a certain permit heretofore issued by the State Reclamation Engineer of the State of Idaho.

1. The name of the person or corporation to whom the permit is issued is Big Lost River Irrigation District.

2. The postoffice address of such person or principal place of business of such corporation is Mackay, County of Custer, State of Idaho.

3. The number of such permit is R882, and the date set for the completion of such work is August 1, 1957.

4. Said water is to be used for irrigation purposes.

5. Said works of storage and diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit as amended is approximately 6000 acre feet.

6. The amount of lands for which said water is available is _____ acres, particularly described as follows: Land within Big Lost River Irrigation District boundary to which water was decreed under Federal Court decree entered on March 15, 1923.

R-882
MARK R. KULP
Commissioner of Reclamation

Publish 8-15-22-29-9-5, 1957

August 7, 1957

RE: Permit No. R-882
Big Lost River Irrig. Dist.

Mr. Robert M. Kerr, Jr.
Attorney at Law
P.O. Box 708
Blackfoot, Idaho

Dear Mr. Kerr:

This acknowledges receipt of the Notice of proof of completion of works under Permit No. R-882 in the name of Big Lost River Irrigation District. Final proof is to be made before you at 9:00 A.M. September 13th, 1957.

As of this date, we have sent 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 to then send the affidavit of publication and statement of costs to you.

Before the time set, will you please notify the Big Lost River Irrigation District that they and two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder are to appear before you at 9:00 A.M. September 13th, 1957, for the purpose of executing the enclosed depositions.

When returning the depositions to this office, please be sure to include the affidavit of publication.

Very truly yours,

MARK R. YULP
State Reclamation Engineer
By

Chief Clerk

RMH:vm
Encl.
cc. Big Lost River Irrig. Dist.

R-882

RECEIVED
JUL 29 1957
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 21, 1957

Mackay-
Address

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

Big Lost River Irrigation District

By

Robert M. King
Attorney

(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.

Raising of Gate Control House not considered in this signature

V. E. ...
Engineer

R-882

ROBERT M. KERR, JR.
ATTORNEY AT LAW
PACHER-KERR BLDG - 291 NO. BROADWAY
P. O. BOX 708 - TELEPHONE 184
BLACKFOOT, IDAHO

RECEIVED
JUL 28 1957
Department of Reclamation

July 27, 1957

State of Idaho
Department of Reclamation
Statehouse
Boise, Idaho

Re: Permit No. R-882

Gentlemen:

I enclose herewith a notice in duplicate for publication in connection with completion of works under the above permit. I understand the Mackay Miner is published on Thursday and trust the notice can be forwarded for publication sufficiently for the hearing to be held on August 30, 1957. If you feel that this would rush the publication too fast, you may change the date to any subsequent Friday and so advise me.

I realize this notice should have been in to you some time ago but I had some delay in getting it signed by the engineer. If a formal application for extension of time for the proof is necessary will you please forward the necessary blanks. If this letter is sufficient will you please consider it an application for extension for sufficient time to complete the proof as the work itself has been done since long before the last notice we prepared and sent you about September 26, 1956.

Yours very truly,


Robert M. Kerr, Jr.

RK:M

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

June 1, 1957

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

RE: Permit No. R-882

**Big Lost River Irrigation Dist.
Mackay, Idaho**

Boise, Idaho,

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. R-882.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before August 1, 1957. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

**P.S. A copy of this Notice and the Forms
mailed to:—**

**Parry, Robertson & Daly
Fidelity Bank Bldg.
Twin Falls, Idaho**

MARK R. KULP

State Reclamation Engineer

L. J. Van

February 4, 1957

Re: Permit No. E-882
Big Lost River Irr. Dist.

Mr. Robert M. Kerr, Jr.
Attorney at Law
P. O. Box 708
Blackfoot, Idaho

Dear Mr. Kerr:

We wish to thank you for the return of the Extension of Time for completion of works granted on the above captioned permit which you returned to us for signature.

We are returning same properly signed for your file, in duplicate, and our letter of February 1, 1957.

Please accept our apology for this oversight.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:ab
Enclosures (3)

E-882

February 1, 1957

Re: Permit No. R-882
The Big Lost River Irrigation District

Mr. Robert M. Kerr, Jr.
Attorney at Law
P. O. Box 708
Blackfoot, Idaho

Dear Mr. Kerr:

Under date of January 31, 1957, we mailed you a letter with copies of an approval for extension of time for completion of construction work in connection with Permit No. R-882, The Big Lost River Irrigation District.

We believe these extension copies were enclosed in the letter and inadvertently mailed before they had been signed by the State Reclamation Engineer. If so, we request you to return them to this office for signature.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy A. Thompson
Office Manager

RWT:nls

R-882

January 31, 1957

Re: Permit No. R-882
The Big Lost River Irrigation District

Mr. Robert M. Kerr, Jr.
Attorney at Law
P. O. Box 708
Blackfoot, Idaho

Dear Mr. Kerr:

Enclosed are copies of Extension of Time for completion of construction works in connection with Permit No. R-882 in the name of The Big Lost River Irrigation District.

This extension has been approved by the State Reclamation Engineer and is recorded in the Department of Reclamation in conjunction with Permit No. R-882 in Book R 4, page R 882. It should now be attached to the original Permit to which it refers and of which it becomes a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:als
Encls: (2)

R-882

C O P Y

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

WHEREAS, Permit No. R-882 in the name of The Big Lost River Irrigation District requires proof of completion of construction work to be made on or before November 7, 1953; and

WHEREAS, under date of November 17, 1953 an extension of time was granted for the completion of construction work under said permit to November 7, 1956; and

WHEREAS, application for an extension of time for completion of works by The Big Lost River Irrigation District requesting an additional extension of time was received in the Office of the Department of Reclamation on January 31, 1957; and

NOW, THEREFORE, I, MARK R. KULP, State Reclamation Engineer of the State of Idaho hereby extend the time for the completion of construction of work on Permit No. R-882 to appropriate the public waters of the State of Idaho to August 1, 1957, for the reason that there is and has been litigation over plans and specifications required by Section 42-1707 of the Idaho Code.

Given under my hand and Seal this 31st day of January, 1957.

Mark R. Kulp
Mark R. Kulp
State Reclamation Engineer

R-882

ROBERT M. KERR, JR.
ATTORNEY AT LAW
PACKER-KERR BLDG. - 291 NO. BROADWAY
P. O. BOX 708 - TELEPHONE 194
BLACKFOOT, IDAHO

RECEIVED
JAN 31 1957
DEPARTMENT OF RECLAMATION

January 30, 1957

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

Dear Sir: Re: Permit No. R-882
Richard C. Rothwell
Big Lost River Irrigation Co.

In compliance with your letter of January 29th, the application for extension of time for completion of works has been corrected to correspond with your records as you suggested.

Yours very truly


Robert M. Kerr, Jr.

K:ag

R-882

RECEIVED
JAN 1 1957

RECEIVED
JAN 1 1957

Permit No. R-882

Department of Reclamation

Application for Extension of Time
FOR COMPLETION OF WORKS

Department of Reclamation

Richard C. Rothwell, of Leslie in the

State of Idaho, being first duly sworn, upon his oath deposes and says:
Big Lost River Irrigation Co.
He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. R. 882

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by November 7, 1956 and beneficial use of stored water was to
be made on or before November 7, 1959.
That he has heretofore performed the following work described under said permit, as amended
by order of the District Court, raising of the earth filled dam five
feet and the installation of a concrete structure five feet high across
the mouth of the spillway

~~That he is unable to complete the remainder of the work within the required time for the fol-~~
~~lowing reasons, to-wit:~~
~~costs & xxxxxxxx~~
Said District
That he is unable to complete the remainder of the work within the required time for the fol-
lowing reasons, to-wit:
commence the storage of water for beneficial use and complete proof
for the reason that there is pending litigation over the amendment to
the plans and specifications for said work

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the comple-
tion of works under said permit to August 1, 1959.

Richard C. Rothwell
Subscribed and sworn to before me this 8th day of January, 1957.
Robert M. King
Notary Public

My commission expires Jan. 12 1957

Date of receipt at office of Department of Reclamation

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, _____, Commissioner of Reclamation of the State of Idaho hereby extend the time for the com-
pletion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. _____ to _____

January 29, 1957

Re: Permit No. R-882
Richard C. Rothwell
Big Lost River Irrigation Co.

Mr. Robert M. Kerr, Jr.
Attorney at Law
P. O. Box 708
Blackfoot, Idaho

Dear Mr. Kerr:

We have your application for Extension of Time for Completion of Works under Permit No. R-882.

Our records show that completion of works was originally scheduled for November 7, 1953 but time for completion was extended to November 7, 1956.

This extension of time for completion of works automatically extended the time for every other requirement of the permit and thus extended the time for application to beneficial use to November 7, 1959.

We return the application for correction to date on which the completion of works was due so that it will agree with our records.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:ab
Encl.

R-882

October 1, 1956

RE: Permit No. R-382

Robert M. Kerr, Jr.
Attorney at Law
P.O. Box 708

Dear Sir:

We are in receipt of your check covering the fee for a
certified copy and map of Permit No. R-382 sent you, for which
we thank you.

Enclosed Departmental receipt #28193 for the amount of
\$3.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:vm
Enc.

R-382

2.
of the

111
R-882

ROBERT M. KERR, JR.
ATTORNEY AT LAW
PACKER-KERR BLDG. - 291 NO. BROADWAY
P. O. Box 708 - TELEPHONE 194
BLACKFOOT, IDAHO

RECEIVED
SEP 29 1956
U.S. DEPT. OF AGRICULTURE
BUREAU OF RECLAMATION

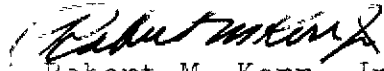
September 28, 1956

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Thank you for the certified copy of Permit
No. R-882 and the photostatic copy of the map. I enclose
herewith my check in the amount of \$3.00 which you stated
was the statutory fees therefor.

Yours very truly


Robert M. Kerr, Jr.

RMK:ag

R-882

October 1, 1956

RE: Permit No. R-882

Big Lost River Irrigation District
C/o Mr. Robert M. Kerr
P. O. Box 708
Blackfoot, Idaho

Dear Mr. Kerr:

We are in receipt of your notice of publication stating your intent of making completion of works proof on 6,000 acre feet of water from Big Lost River to be stored in the Mackay Reservoir under the terms of Permit No. R-882.

The State Reclamation Engineer will not approve or grant a Certificate of Completion of Works on this permit until after litigation is settled.

It is our understanding that the works, as set out in said permit, are not completed. We can grant the Big Lost River Irrigation District an extension of time in which to complete said works for a length of time beginning March 15, 1956, to and including the time when the State Supreme Court enters their decision on appeal.

We are enclosing, herewith, a form for applying for an extension of time which you can fill out and return to this department for approval.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:hll
Enc.

R-882

Notice for Publication

RECEIVED
SEP 28 1956
Department of Reclamation

Notice is hereby given that at 10:00 AM, on the 5th day of November, 1956, at Mackay, County of Custer, State of Idaho, before L. H. Duster, a Notary Public proof will be submitted of the completion of works for the diversion of 6000 ~~8682~~ feet per second of the waters of Big Lost River in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Big Lost River Irrigation District

2. The postoffice address of such person or principal place of business of such corporation is Mackay, Idaho

County of ~~Butte~~ Custer, State of Idaho.

3. The number of such permit is 2-882, and the date set for the completion of such work is

November 7, 1956

4. Said water is to be used for storage for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is as amended approx. 6,000 cubic feet per second acres feet to be stored.

6. The amount of lands for which said water is available is 21,310 acres, particularly described as follows:

Lands within the Big Lost River Irrigation District boundaries to which water was decreed under Federal Court Decree entered on or about March 16, 1923.

Commissioner of Reclamation
State Reclamation Engineer

R-882

ROBERT M. KERR, JR.
ATTORNEY AT LAW
PACKER-KERR BLDG. - 291 NO. BROADWAY
P. O. BOX 708 - TELEPHONE 194
BLACKFOOT, IDAHO

September 26, 1956

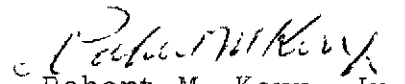
State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. R-882

Gentlemen:

Pursuant to suggestions over the telephone, I have completed notice for publication in duplicate and authorization for publication showing the description as "Lands within the Big Lost River Irrigation District boundaries to which water was decreed under Federal Court Decree entered on or about March 15, 1923" which I trust you will find in proper form. If there is any question, please let me know immediately.

Yours very truly


Robert M. Kerr, Jr.

RMK:ag

2885

Notice for Publication

Notice is hereby given that at 10:00 A.M., on the 5th day of November,
1956, at Mackay, County of Custer, State of Idaho,

before E. H. Duster, a Notary Public proof will be submitted of the completion of works
 for the diversion of 6000 acre
feet per second of the waters of Big Lost River

in accordance with the terms and conditions of a
 certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Big Lost River Irrigation District

2. The postoffice address of such person or principal place of business of such corporation is Mackay, Idaho,
 County of Burke ~~Custer~~, State of Idaho.

3. The number of such permit is R-882, and the date set for the completion of such work is
November 7, 1956.

4. Said water is to be used for storage for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water
 which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying
 the application for such permit, is as amended, approx. 6,000 ~~acre~~ cubic feet per second feet to be stored.

6. The amount of lands for which said water is available is 21,310 acres, particularly described as follows:
Lands within the Big Lost River Irrigation District boundaries to
which water was decreed under Federal Court Decree entered on
or about March 15, 1923.

Commissioner of Reclamation

R-882

RECEIVED
SEP 28 1956
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) September 17, 1956.

(P. O.) Mackay, Idaho.

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Arco Advertiser
Mackay Miner

Arco, Idaho
of Mackay, Idaho published in

the county in which the works are situated.

Big Lost River Irrigation District

by Ray D. Merrill

(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.

Donald German
Engineer ✓

R-882

September 26, 1956

RE: Permit No. R-882

Mr. Robert M. Kerr, Jr.
P.O. Box 708
Blackfoot, Idaho

Dear Mr. Kerr:

We acknowledge receipt of your note requesting a Certified copy of Permit No. R-882 and photostatic copy of a map. The same find enclosed.

The statutory fees for a certified copy is \$1.50 for the Permit and \$1.50 for the photostatic copy of the map, which you may remit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy M. Thompson
Office Manager

RWT:vm
Enc.

R-882

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

September 1, 1956

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

**Big Lost River Irrigation District
C/o Parry, Keenan, Robertson & Daly
Fidelity Bank Building
Twin Falls, Idaho**

Boise, Idaho,

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. R-882.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before November 7, 1956. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

P. 882

March 16, 1956

Honorable Graydon W. Smith
Attorney General
BUILDING

Permit No. R-882
Big Lost River Irrigation District

Dear Mr. Smith:

On October 27, 1951, the Big Lost River Irrigation District made application to appropriate and store 6000 acre feet of the waters of Big Lost River by raising the storage level of the reservoir by 5 feet.

On March 28, 1952, plans and specifications for the enlargement of the dam were approved by the State Reclamation Engineer.

On March 9, 1956, Amendments to the plans and specifications were submitted by the president, the secretary and the attorney for the Big Lost River Irrigation District.

The Amendments were reviewed the same day and were returned to the applicant as required by Section 42-1707 Idaho Code with a letter outlining objections, (See copy of attached letter of March 9, 1956).

On March 14, a letter was received with a check and a copy of apparently the same Amendments submitted on March 9 and a Certificate which I was requested to sign certifying that they were true and correct copies.

Having returned the Amendments, I do not have any records in the files and again returned the copy.

On March 15, 1956, I was served with a Notice of Appeal RE: Permit No. R-882.

Your advice as to proper procedure is requested.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRG

REC'D MAR 1957

IDAHO CAPITAL REPORT

ICR

A SERVICE OF THE VOTER PUBLISHING CO., Box 1219 • BOISE, IDAHO

Volume 4, No. 14

SUPREME COURT OPINIONS

No. 8493

IN THE MATTER of the Application of
Big Lost River Irrigation District
for Approval of Plans, Drawings, and
Specifications amending Plans, Draw-
ings, and Specifications heretofore
approved for Raising of Reservoir
Level Five Feet at the Mackay Dam.

Big Lost River Irrigation District,
Plaintiff-Respondent,

-vs-

Mark R. Kulp, State Reclamation
Engineer of the State of Idaho,
Defendent-Appellant.

Boise, January Term, 1957

Filed February 26, 1957

L. J. Bideganeta, Clerk

Appeal from the District Court of the Sixth Judicial District of the State of Idaho,
in and for Custer County. Honorable Preston Thatcher, District Judge.

Graydon W. Smith, Attorney General, J. R. Smead,
Assistant Attorney General, for Appellant.

Robert M. Kerr, Jr., Blackfoot, for Respondent.

SUMMARY

ACTION FOR APPROVAL OF APPLICATION TO RAISE RESERVOIR LEVEL
FIVE FEET AT THE MACKAY DAM. JUDGMENT FOR PLAINTIFF. AFFIRMED.

PORTER, J.

In the year 1952 the Big Lost River Irrigation District filed an application with the State Reclamation Engineer for approval of plans, drawings and specifications for raising the reservoir level at Mackay Dam in Custer County an additional height of fifteen feet. The State Reclamation Engineer approved the raising of the reservoir level an additional five feet in height. The spillway of the Mackay Dam is some seventy-five feet in width. The approved plans called for the installation of Tainter gates in such spillway to raise the same an additional five feet.

Section 1

4 ICR 93

The raising of the reservoir level an additional five feet in height was not carried out by the District.

In March, 1956, the District submitted proposed plans, drawings and specifications to amend its application by proposing the installation of an OG structure in the spillway of a height of five feet instead of the installation of Tainter gates. Tainter gates are gates which can be raised from the bottom and permit water to escape before it flows over the top. By OG construction it meant the installation in the spillway of a concrete barrier five feet in height with a specially curved top to expedite the flow of water over the top of the barrier.

The State Reclamation Engineer disapproved the proposed amendment. The Irrigation District appealed to the district court in and for Custer County. A trial de novo was had before the court sitting without a jury. The court made findings of fact and conclusions of law favorable to the Irrigation District and entered judgment approving the installation in the spillway of an OG barrier instead of the installation of Tainter gates. From such judgment the State Reclamation Engineer has appealed to this court.

Appellant makes eight assignments of error. By Assignment of Error No. 1, he contends the court erred by attempting to limit the issues to a smaller compass than as presented by the pleadings.

At the beginning of the trial the court observed as follows:

"I have examined the Petition and briefly the answer filed, and it appears therefrom that the principal issue would be one of fact as to whether the proposed change in the plans--of the Ogee spill-way--whether the substitution of the Ogee spillway for the Tainter gates heretofore approved by the Department in 1952 would be sufficient to protect the dam; and, of course, the property and lives of people below it. Is that substantially correct, the issues, gentlemen?"

To this observation, the attorney for the District and the attorney for the State Engineer each answered, "That is the way I understand it." We find no error under this assignment.

By Assignment of Error No. 2, appellant urges the court erred by interjecting his own opinions in the course of the examination of witnesses and in assuming the status of counselor by interrogating appellant's witnesses rather in the nature of cross-examination. Appellant does not point out any specific remarks or questions to witnesses by the court upon which appellant relies as showing prejudicial error. No showing is made that any particular conduct of the court affected the substantial rights of appellant. *Boise Street Car Co. v. Van Avery*, 61 Idaho 502, 103 P.2d 1107; *Richardson v. Bohnney*, 26 Idaho 35, 140 P. 1106; *Hooton v. City of Burley*, 70 Idaho 369, 219 P.2d 651.

By Assignments of Error Nos. 3, 5, 6 and 7, appellant makes the contention that there was no competent evidence to sustain the court's findings and conclusions approving the installation of the OG structure in the spillway. It is the contention of appellant that the competent evidence on behalf of the Irrigation District was not sufficient to overcome the expert testimony on behalf of appellant.

The Irrigation District produced as witnesses the President of the Board of Directors and a former member of the Board of Directors both of whom testified as to conditions surrounding the maintenance and operation of the Mackay Dam, and the

P 585

filling of the reservoir. In addition, the court had before it the plans, drawings and specifications of the Engineer of the Irrigation District showing the proposed OG structure. On the other hand, appellant introduced his own testimony and the testimony of a licensed engineer from his office. Both testified in effect that the Tainter gates provided an additional safety factor in case of a sudden flood which safety factor they deemed advisable.

The Mackay Dam in its present form has been maintained and operated since before 1923. The existing outlet works consist of five large gates each four by eight feet in size or thereabouts and a tunnel of ten feet in diameter or thereabouts. These outlet works have always been sufficient to take care of any sudden rise in the reservoir. The evidence shows that it has never been necessary to use more than three of such gates to control the height of water in the reservoir. The evidence indicates that appellant and the engineer from his office did not take fully into consideration the additional capacity of the outlets available for control of any sudden flood of water into the reservoir.

Appellant contends the evidence of the laymen was not competent as against the evidence of the licensed engineers on the question of safety. Expert opinions are not ordinarily conclusive but are generally advisory in character to assist the triers of fact to understand and apply other evidence. *Nistad v. Winton Lumber Co.*, 61 Idaho 1, 99 P.2d 52; *Evans v. Cavanagh*, 58 Idaho 324, 73 P.2d 83; 20 Am. Jur., Evidence, Sec. 1208, pp. 1059-1060; *Walker v. Distler*, Idaho, 296 P.2d 452; *Arais v. Kalensnikoff* (Cal.) 74 P.2d 1043. The court's finding "that there is no necessity for tainter gate structures within the spillway or any other provisions or manner for regulating the five feet of additional storage above the present spillway level independent of the existing tunnel and outlet works" is supported by competent, substantial, though conflicting evidence. It has become axiomatic in this jurisdiction that under such circumstances such finding will not be disturbed on appeal.

By Assignment of Error No. 4, appellant complains that Findings of Fact Nos. VI to X are not findings of fact but a series of orders or decrees. These findings provide that respondent take such steps as are reasonably necessary during a three-year trial period to keep the level of the reservoir from rising above the crest of the OG structure; that appellant shall keep the outlet gates and trash gates in good condition; shall make measurements for determining any change in the infiltration or leakage of water through the dam; that appellant shall take such steps as may be necessary to render the controls of the outlet works fully accessible; and that appellant shall make such reasonable reports for three years as may be required by the State Reclamation Engineer as to the condition and operation of the dam and works. These conditions imposed upon respondent were largely suggested or acquiesced in by appellant. They are limitations upon respondent's maintenance and operation of the dam and are favorable to appellant. They cannot be made the basis for a claim of prejudicial error by appellant.

By appellant's Assignment of Error No. 8, he complains that the court erred in attempting to take judicial notice of what will or will not happen in the future. This claim of error is predicated upon a statement made by the court at the conclusion of the trial in announcing its decision. Such statement was as follows:

"Now I think I can take judicial notice, plus the personal knowledge I have, of these low snow run offs that Mr. Senger calls them, and also of the low state of the storage capacity in that reservoir when those early run-offs might occur. I recall no year where the reservoir went through the winter full of water. Most of

the years it was nearly empty. So if we had an April run-off, if we had that much pressure so it would fill it and effect that reservoir materially, it would have the capacity to pick it up, plus the capacity of the gates to take it on out. So I am not afraid of any sudden condition early in the year."

This statement by the court was merely tantamount to saying that the height of the water in the reservoir during the winter months was a matter of common knowledge. In addition, there was sufficient evidence to sustain the court's findings and judgment without resort to this statement. *Dahlberg v. Johnson's Estate*, 70 Idaho 51, 211 P.2d 764, 11 A.L.R.2d 1365; *Hartley v. Bohrer*, 52 Idaho 72, 11 P.2d 616; *Burns v. Skogstad*, 69 Idaho 227, 206 P.2d 765.

The judgment of the trial court is affirmed. Costs awarded to respondent.

KEETON, C. J., TAYLOR, SMITH and McQUADE, JJ., concur.

* * * * *

K-172

March 14, 1956

RE: Permit No. R-882

Mr. Robert M. Kerr, Jr.
P. O. Box 708
Blackfoot, Idaho

Dear Mr. Kerr:

I return your check and presentation submitted with your letter of March 12, 1956, as we do not have in our files the plans and specifications which were not approved on March 9, 1956, and to which your proposed Certificate alludes.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:hll
Enc.

R-882

ROBERT M. KERR, JR.

ATTORNEY AT LAW

P O BOX 708 - TELEPHONE 194

BLACKFOOT, IDAHO

RECEIVED
MAR 14 1956
BLACKFOOT, IDAHO

March 12, 1956

Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Sir:

Although disappointed that your decision on the plans for the Mackay Dam was adverse to us, we wish to thank you for your promptness in making your determination. We are, of course, going to take our appeal on the matter as provided by statute and I am enclosing herewith a copy of our application with the plans and specifications submitted March 9, 1956, together with a form of certificate for your signature that they are true and correct copies and would appreciate your executing the certificate and returning the papers to me.

I do not know what your fees may be for this service so enclose my check in the amount of \$10.00. You can return any unused portion or advise me of any additional and I will forward it to you immediately.

Yours very truly



Robert M. Kerr, Jr.

RMK:ag

R. M. Kerr

PARRY, KEENAN, ROBERTSON & DALY

R P PARRY
J R KEENAN
T M ROBERTSON
JOHN H DALY
CLIFFORD E FIX

LAWYERS
FIDELITY BANK BUILDING
TWIN FALLS, IDAHO

BERT LAPSON
BEN SHUEY

March 7, 1955.

R 482

State Reclamation Engineer
State House
Boise, Idaho

Attention: Mrs. Jeanne L. Anderson.

Re: Permit No. R-882

Dear Mrs. Anderson:

Enclosed herewith is our check No. 8453 in the amount of \$1.50 to cover your charges in connection with the certification of Mr. Senger's Report and certified copies of Mr. Kulp's letter of November 19, 1953, addressed to Mr. Pearson.

We certainly appreciate your promptness in taking care of this for us.

Very truly yours,

Clifford E. Fix

CLIFFORD E. FIX

by James Tuller

CEF:ff

Enclosure

R27229

MAR 8 '55
Department of Reclamation

R 311

March 5, 1955

RE: Permit No. R-882

Mr. Clifford E. Fix
Fidelity Bank Building
Twin Falls, Idaho

Dear Mr. Fix:

In reply to your letter of March 4, we have certified the copy of Mr. Senter's Report on the Raising of Mackay Dam and also we enclose a certified copy of office letter addressed Mr. Albert B. Pearson, Secretary of the Big Lost River Irrigation District dated November 19, 1953.

The cost in connection with this is \$1.50.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

R. 882

PARRY, KEENAN, ROBERTSON & DALY

R P PARR
J R KEENAN
T M ROBERTSON
JOHN H DALY
CLIFFORD E FIX

LAWYERS
FIDELITY BANK BUILDING
TWIN FALLS, IDAHO

BERT LARSON
BEN SHUET

March 4, 1955.

MAR 5 1955
Deposited in the mail

State Reclamation Engineer
State House
Boise, Idaho

Attention: Mrs. Anderson.

Re: Permit No. R-882, Big
Lost River Irrigation District.

Dear Mrs. Anderson:

Referring to my letter of February 3, 1955, I finally have been able to obtain from the directors of the Big Lost River Irrigation District their copy of Mr. Senger's report, which I am enclosing. I would appreciate very much a certificate attached to the report that it is a true copy of the one on file in your office. I would like to have it returned by air mail, if possible, as I am planning to leave here next Wednesday for Mackay to attend the hearing to be held in Challis on March 10.

Also I note that the copy of the Permit R-882 which you sent to me with your letter of February 5 does not show that the time for completion of works has been extended to November 7, 1956. I would appreciate also a certified copy of Mr. Kulp's letter advising the District that the time for completion of works has been extended to November 7, 1956.

Please send your statement for charges in connection with the above.

Thank you for your courtesy in this matter.

Very truly yours,

Clifford E. Fix
CLIFFORD E. FIX

CEF:ff
Enclosure

PARRY, KEENAN, ROBERTSON & DALY

R P PARRY
J R KEENAN
T M ROBERTSON
JOHN H DALY
CLIFFORD E FIX

LAWYERS
FIDELITY BANK BUILDING
TWIN FALLS, IDAHO

BERT LARSON
BEN SHUEY

February 7,
1955

R882

RECEIVED
FEB 10 1955
DEPT. OF RECLAMATION

Mr. Mark R. Kulp,
Engineer, Department of Reclamation,
Boise, Idaho.

Dear Mr. Kulp:

Enclosed please find our Check No. 8336
payable to Department of Reclamation, State of
Idaho, in the amount of \$2.50 in payment of
copy of Permit R882-etc., which you sent Mr.
Fix this morning.

Yours very truly,

J. M. Brown
Bookkeeper.

B.
Encl.-Check.

R27180

EX-100

February 5, 1955

RE: Permit No. R-882

C Messrs. Parry, Keenan, Robertson & Daly
Fidelity Bank Building
Twin Falls, Idaho

ATTENTION: Mr. Clifford E. Fix

Dear Mr. Fix:

O In reply to your letter of February 3, we enclose herewith certified copies of the following:

- P
1. Permit No. R-882.
 2. Letter dated June 10, 1952, from Mr. Kulp certifying that the plans and specifications prepared by Mr. Henry F. Senger were approved by Mr. Kulp.
 3. Letter dated October 19, 1954, from Mr. Kulp advising that the list of lands with apportionment of benefits and assessment of costs had been received.

Y The fee for making these amounts to \$2.50.

We do not have an extra copy of Mr. Sengers report. As you suggest possibly you can obtain such a copy from the Board of Directors or possibly from Mr. Senger.

It is a twenty-one page document and would take some time to copy but if you are unable to obtain a copy, we can make a copy for you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

R-882

PARRY, KEENAN, ROBERTSON & DALY

P P PARRY
J R KEENAN
T M ROBERTSON
JOHN H DALY
CLIFFORD E FIX

LAWYERS
FIDELITY BANK BUILDING
TWIN FALLS IDAHO

BERT LARSON
BEN SHUEY

February 3, 1955

RECEIVED
FEB 4 1955
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Capitol Building
Boise, Idaho

Dear Mr. Kulp:

In connection with the confirmation proceedings which have been instituted by the Big Lost River Irrigation District in connection with the bond issue to raise funds for the raising of Mackay Dam, we will need certified copies of the following:

1. Permit No. R-882.
2. Letter dated June 10, 1952, from Mr. Kulp certifying that the plans and specifications prepared by Mr. Henry F. Senger were approved by Mr. Kulp.
3. Letter dated October 19, 1954, from Mr. Kulp advising that the list of lands with apportionment of benefits and assessment of costs had been received.

I also would like to inquire if you **have an** extra copy of Mr. Senger's report which is on file in your office. If you do, we would like to get a certified copy of that report. If you do not have an extra copy, I will endeavor to obtain one from the Board of Directors. They appear to have misplaced the extra copies except one that is on file in the District's office.

Please send your statement for charges in connection with the above.

Thank you for your courtesy in this matter.

Very truly yours,

Clifford E. Fix
CLIFFORD E. FIX

CEF:ff

R. J. P.

November 19, 1953

RE: Permit No. R-882

Mr. Albert B. Pearson, Secretary
Big Lost River Irrigation District
Mackay, Idaho

Dear Mr. Pearson:

We enclose Approval of the State Reclamation Engineer of your application for extension of time for Completion of Works on Permit No. R-882, to November 7, 1956. This should be attached to your original permit, of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/re
Enc.

R-882

Permit No. R-882

Application for Extension of Time FOR COMPLETION OF WORKS

Albert B. Fearson, Secretary of
~~Pic Lost River Irrigation District~~, of ~~Butte and Custer Counties Idaho~~,
State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. R-882

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by November 7, 19 53

That he has heretofore performed the following work described under said permit
no work has been done, except that an election was held to vote bonds
to finance the raising of the dam.

costing \$.....

That he is unable to complete the remainder of the work within the required time, for the fol-
lowing reasons, to-wit:

Must have the consent of the water-users in the Pic Lost River Irrigation
district to levy an assessment on bond the district for money to finance the
construction work.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the comple-
tion of works under said permit to November 7, 19 56

Subscribed and sworn to before me this 16 day of Nov, 19 53

My commission expires Apr. 12 1955

Date of receipt at office of Department of Reclamation Nov. 17-1953

STATE RECLAMATION ENGINEER
APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~
State Reclamation Engineer

I Mark R. Kulp

completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. R-882

November 7 19 56

Witness my hand this 17th day of November

19 53
Mark R. Kulp
State Reclamation Engineer

November 6, 1953

RE: Permit No. R-882

Mr. Albert Pearson, Secretary
Big Lost River Irrigation District
Mackay, Idaho

Dear Mr. Pearson:

We have your letter of November 4, 1953, requesting extension of time for completion of works on Permit No. R-882. Since your application only asked for 2 years within which to make this proof, the date set is November 7, 1953.

However, you can be allowed the statutory maximum of 5 years and we enclose a form of application for such extension.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

R-882

GEORGE A. WAITE
President
Arco, Idaho

Big Lost River Irrigation District

Albert B. Pearson, Secretary-Treasurer, Moore, Idaho

Address All Correspondence to Office at Mackay

MACKEY, IDAHO

November 4, 1953.

IRA C. LAMBERT
Director
Mackay, Idaho

RECEIVED
NOV 6 1953
Department of Reclamation

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

Dear Sir:

This is in regard to permit # R 882. As you know the completion of works proof should be filed by November 6, 1953, however no work at the dam has been done due to the fact that the residents of the district voted down the bond issue.

Is there anyway that this permit can be extended?

Yours truly,
Big Lost River Irrigation District.

By *Albert B. Pearson*
Secretary.

6000 add af -
due 11-7-53
date 11-7-57

✓ 80-20-7-4-7-8821-1-1

R-882

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Big Lost River Irrigation District
Mackay
Idaho

Boise, Idaho

Dear Sir:-

Under the terms of your permit No. 4-112 you are required to complete your diversion works on or before November 7, 1953. 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,

ART L. WILP

State Reclamation Engineer

K-885

January 3, 1952

RE: Permit No. R-882

Mr. Clifford E. Fix
Fidelity Bank Building
Twin Falls, Idaho

Dear Mr. Fix:

We acknowledge receipt of your letter of January 2, 1952, enclosing bond in connection with Permit No. R-882 of the Big Lost River Irrigation District.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

R-882

PARRY, KEENAN, ROBERTSON & DALY

R P PARRY
J R KEENAN
T M ROBERTSON, JR
JOHN H DALY

LAWYERS
FIDELITY BANK BUILDING
TWIN FALLS IDAHO

CLIFFORD E. FIX
J. RAY DURTSCHE

January 2
1952

JAN 3 1952

Mr. Mark R. Kulo
State Reclamation Office
Boise, Idaho

Re : Application No. R-30182
Permit No. R-882
Big Lost River Irrigation Dist.

Dear Mr. Kulo:

I am enclosing, for filing, bond in the amount of \$1,000.00 required in the issuance of the above numbered permit.

With best wishes for the New Year, I am

Sincerely,

Clifford E. Fix
CLIFFORD E. FIX

CEF:EF
encl.

B O N D

KNOW ALL MEN BY THESE PRESENTS, That BIG LOST RIVER IRRIGATION DISTRICT of Mackay, Idaho, as principal, and _____
AMERICAN BONDING COMPANY OF BALTIMORE

 , as surety, are held and firmly bound unto the State of Idaho in the full and just sum of ONE THOUSAND and No/100 (\$1,000.00) Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, said principal and surety bind themselves, their heirs, administrators, executors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the 27th day of October, 1951, filed in the office of the State Reclamation Engineer in Boise, Idaho, a certain application for permit to construct a reservoir and appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. 30182, in accordance with which said application of the State Reclamation Engineer granted and issued to the said principal herein a certain permit numbered No. R-882, a full, true and complete copy of which application No. 30182 and permit No. R-882, is of record in the office of the State Reclamation Engineer in Book R-3 of Permits, at Page 882.

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. 30182 and permit No. R-882, in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have hereunto set their hands and seals this 2nd day of January, 1952.

BIG LOST RIVER IRRIGATION DISTRICT

BY _____

AMERICAN ~~BONDING~~ COMPANY OF BALTIMORE.

By _____ Its Attorney-in-Fact

Countersigned:

Resident Agent Twin Falls, Idaho

R-882

R-882

November 14, 1951

Messrs. Parry, Keenan, Robertson & Dely
Fidelity Bank Building
Twin Falls, Idaho

ATT: Miss F. M. Brown

Dear Miss Brown:

We are in receipt of your letter of November 13, requesting forms of bond in connection with water permits.

We enclose an old form which has been used for personal bond, but our present custom is to request a surety bond, following this general form.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

R-882

PARRY, KEENAN, ROBERTSON & DALY

LAWYERS

FIDELITY BANK BUILDING
TWIN FALLS IDAHO

R P PARRY
J R KEENAN
T M ROBERTSON JR
JOHN H DALY

CLIFFORD E FIX
J RAY DURTSCHI

November 13,
1951

RECEIVED
NOV 14 1951
Department of Reclamation

Department of Reclamation,
Boise, Idaho

Gentlemen:

We would appreciate your sending us
six sets of forms for Bond which is to be filed
with Application for Permit.

Thanking you, we are

Yours very truly,

F. M. Brown

F. M. BROWN

B.

November 9, 1951

RE: Permit No. R-882

Messrs. Parry, Keenan, Robertson & Daly
Fidelity Bank Building
Twin Falls, Idaho

ATT: Mr. Clifford F. Fix

Dear Mr. Fix:

We enclose Permit No. R-882 in the name of the Big Lost River Irrigation District, together with departmental receipt No. 23901 for the \$10.75 filing fee.

Attention is directed to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Also, before work is commenced, it will be necessary to submit plans and specifications in duplicate for the approval of the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

R-882

PARRY, KEENAN, ROBERTSON & DALY

R P PARRY
J R KEENAN
T M ROBERTSON, JR.
JOHN H DALY

LAWYERS
FIDELITY BANK BUILDING
TWIN FALLS, IDAHO

CLIFFORD E. FIX
J. RAY DURTSCHI

October 26,
1951

Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Mr. Kulp:

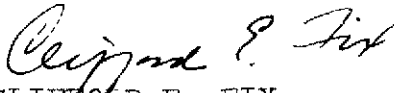
There is enclosed, for filing, the Application for Permit of the Big Lost River Irrigation District to increase the height of the Mackay Dam on the Big Lost River, together with map in duplicate.

The application was prepared by Mr. R. J. Newell who asked us to express his appreciation to Mr. Roy Thompson for his assistance in furnishing necessary data.

There also is enclosed a check for \$10.75 for filing fees.

If any further information is required, please let us know and we will endeavor to supply it.

Yours very truly,


CLIFFORD E. FIX

CEF:pf
Encl.

9.27m.