

Lower Cedar Creek

Point of Diversion

Ditch

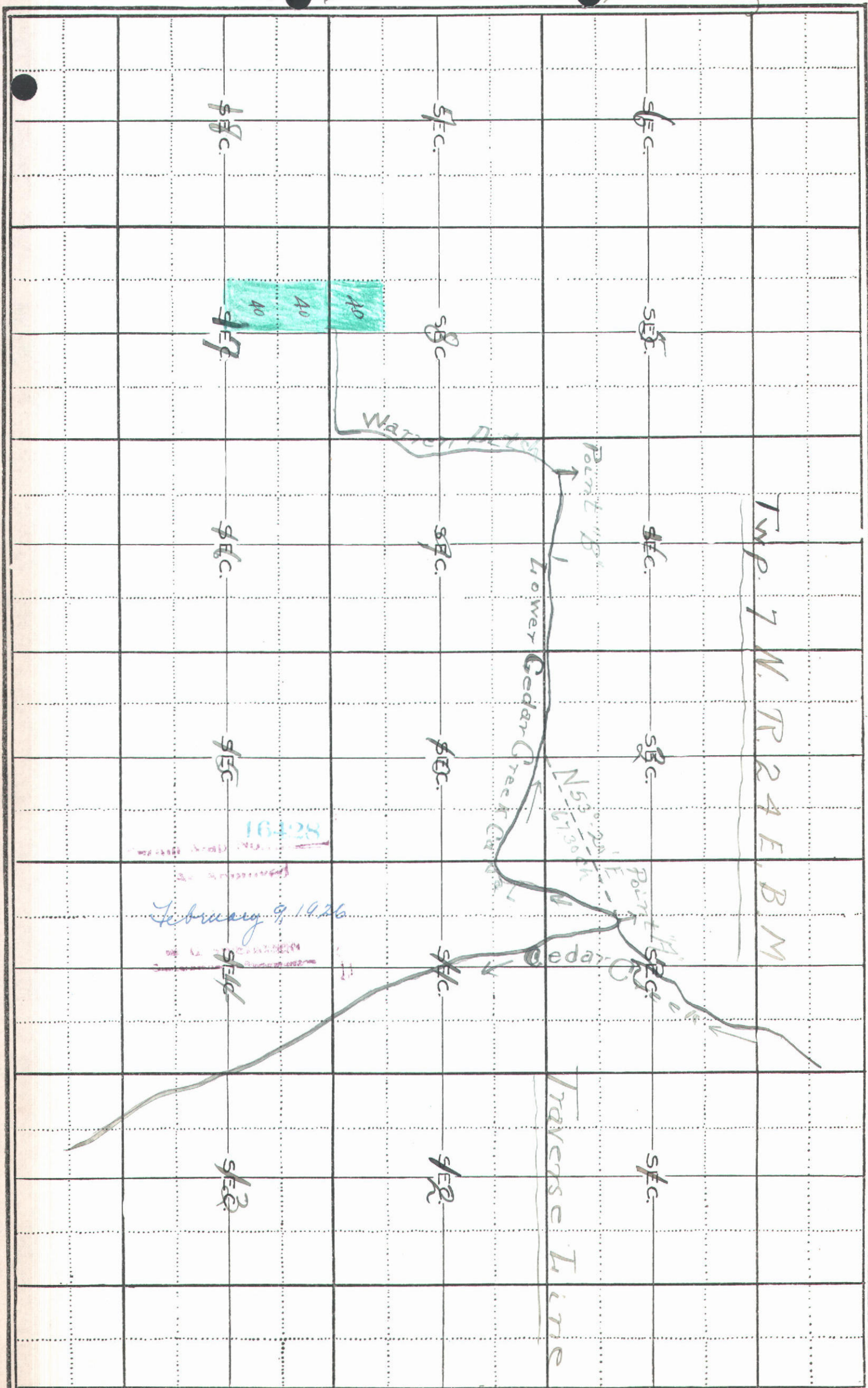
Clark



16428

Name of Applicant

W. H. Warren Mackay, Idaho



SCALE: 2 INCHES—1 MILE. DRAW PLAN IN INK.

16428

Printed and for sale by the Statesman Shop, Boise, Idaho.

State of Idaho
License and Certificate of Water Right

Water License No. 16428
Water District No.

Amount 2 Sec. Ft.
Priority February 3, 1926

THIS IS TO CERTIFY that W. H. WARREN
of Mackay, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 3, 1926; that Permit No. 16428
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2 second feet, was issued thereunder on February 4, 1929, showing that said works
were completed on the 1st day of February, 1929; and that on the 9th
day of February, 1931,

W. H. WARREN

of Mackay, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Lower Cedar Creek
, a tributary of ~~Selmon River~~ ^{no stream}, for the purpose of irrigation and domestic
use, under Use Permit No. 16428 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3776, on the 14th day of June, 1934;

The right hereby confirmed dates from February 3, 1926;

The Point of Diversion is located
in the NE 1/4 SW 1/4, Sec. 2, Tp. 7 N., R. 24 E., B. M. Custer County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N	24 E	8 17	SE 1/4 SW 1/4	40	40
			NE 1/4 NW 1/4	40	35
			SE 1/4 NW 1/4	40	25

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 14th day of June, 1934

R. W. FARIS
Commissioner of Reclamation

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 15248

Amount 0.2 Sec. Ft.

Water District No.

Priority September 21, 1925

THIS IS TO CERTIFY that ESTHER K. TRUDE
 of Rea, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated July 21, 19 21; that Permit No. 15248
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 0.2 of 1 second foot, was issued thereunder on May 3, 19 24, showing that said works
 were completed on the 1st day of May, 19 24; and that on the 1st
 day of October, 19 32,

ESTHER K. TRUDE

of Rea, State of Idaho, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of Blue Creek and
 Dry Creek, a tributary of Hotel Creek, for the purpose of irrigation and domestic
 use, under Use Permit No. 15248 of the Commissioner of Reclamation
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
 hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
 of Licenses, at page 3775, on the 14th day of June, 19 34;

The right hereby confirmed dates from September 21, 19 25;

The Point of Diversion is located (No. 1-Blue Creek---No. 2-Dry Creek)
 No. 1 NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10
 in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Tp. 13 N., R. 42 E., B. M. Fremont County.
 /No. 2

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.2 of 1
 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N	42 E	10	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	10

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
 this 14th day of June, 19 34.

R. W. FARIS
 Commissioner of Reclamation

(SEAL)

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

34-2251

Application No. 23258
Permit No. 16428
District No.

1. Name of Applicant: W. H. WARREN

Postoffice address: Mackay, County: Custer State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

2. Quantity of water claimed: Two (2) cubic feet per second.

3. Source of water supply: Lower Cedar Creek which is a tributary of no stream

4. Location of point of diversion: N. 53° 20' E. 67.30 chains distant from the quarter
on Sixth auxilliary traverse line between Secs. 3 and 10
corner of Section 2, T. 7 N., R. 24 E., B. M., and is in the NE 1/4 of SW 1/4
of Section 2, T. 7 N., R. 24 E., B. M., County of Custer

5. Water is to be used for: irrigation and domestic purposes

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

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.
- (b) Amount of power generated: H. P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 500.00

8. Kind of works: ditch and dam

9. Height of dam 4 feet; length of dam at top 30 feet; length of dam at bottom 30
feet; material used in dam: cement

10. Size of headgate: Width 6 feet; height 5 feet

11. Ditch: Width at bottom 10 feet; width at water line 12 feet; depth of water 2
feet; dimensions of flume

Diameter of pipe inches; length of conduit 4 miles.

Average grade per mile 13 1/3 feet

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

13. The time required for the complete application of the water to the proposed use is two additional years.

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

15. (a) Is reservoir to be used? **None** If so, fill in (b) and (c) below.
 (b) Name of reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

W. H. WARREN Applicant.

By _____ *Agent.*

Date of first receipt at Department of Reclamation. 9 A. M. Feb. 3, 1926

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16428
Recorded in Book 59 Page 16428 Approved February 9, 1926
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho,
and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before April 10, 1926 and to continue diligently and uninterruptedly to completion,
unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before August 9, 1927
The whole of said work to be completed on or before February 9, 1929
Beneficial use of water appropriated in accordance herewith, to be made on or before February 9, 1931

Witness my hand this 9th day of February, 1926

W. G. SWENDSEN
Commissioner of Reclamation.

Remarks:

14 Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7 N.	24 E.	17 8					40			40			40					80 40 120	
Total number of acres to be irrigated ----																			
Proof of Completion of Works made February 1, 1929 Certificate of Completion of Works issued February 4, 1929																			
Permit No. 16428																			
Certificate of Completion of Works																			
To All Whom It May Concern:																			
This is to certify that W. H. Warren, of Mackay, County of Custer, and State of Idaho, the holder of Permit No. 16428, issued upon Application No. 23258, bearing date of priority of February 3, 1926, authorizing the diversion of 2.0 second feet of the waters of Lower Cedar Creek, County of Custer, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.0 second feet of the waters of Lower Cedar Creek; that the point of diversion of said waters is in the NE¼SW¼ Sec. 2, Twp. 7 N., R. 24 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE¼NW¼ and SE¼NW¼ Sec. 17, and SE¼SW¼ Sec. 8, Twp. 7 N., R. 24 E., B. M.																			
Witness my hand this 4th day of February, A. D. 1929.																			
GEO. N. CARTER Commissioner of Reclamation																			
By Myron Swendsen Assistant																			
LICENSE ISSUED FOR 2 SEC. FT. Vol. 7 Page 3776																			

June 3, 1941

Re: 16428
W. H. Warren.

Mr. W. H. Warren
Mackay, Idaho

Dear Mr. Warren:

We are enclosing a corrected copy of license
number 3776 issued for 2 second feet on Lower Cedar Creek
under permit number 16428.

Very truly yours

E. V. BERG.
Commissioner of Reclamation.

ml.
encl.

BY: Chief Clerk.

16428

T. E. McDONALD

Clerk

CHALLIS, IDAHO

Mackay, Idaho

May 1, 1941

Hon. E.V. Berg, Commissioner
of Reclamation
Boise, Idaho

Dear Mr. Berg:

I acknowledge the receipt of your letter of May 28th.,
and also of LICENSE AND CERTIFICATE OF WATER RIGHT No.
16428, in the name of Mr. W. H. Warren, (Water District
No. 27-F.) Mackay, Idaho.

Will you please correct the error in this license, in which
you state that Lower Cedar Creek is a tributary of Salmon
River. So far, as ~~known~~ to me, it is not a tributary of
any stream. Its source is in Cedar Creek Canyon, and sinks
a short distance after leaving the mountains.

I shall appreciate receiving a corrected copy of this license.

Very truly yours,

W. H. Warren
W. H. Warren,

Encl. License and Certificate of Water Right

16428

June 18, 1934

Re: Permit No. 16428

MR. W. H. WARREN
Mackay,
Idaho

Dear Sir:

We are enclosing herewith Water License No. 16428, issued under the above numbered permit, confirming your right to the use of 2 cubic feet per second of the waters of Lower Cedar Creek, Custer County, Idaho, also our office receipt in the amount of \$6.00 which was the fee due in connection with this proof.

Very truly yours,

R. E. PARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

16428

June 3, 1931.

Re: Permit No. 16428.

16428

Mr. W. H. Warren
Mackay, Idaho

Dear Sir:-

Referring to yours of the 31st ult. would say that there is no specified time when the fees must be paid on a proof. You may defer making the payment of fees under your above permit until June 16, or later if necessary.

Very truly yours,
R. W. FARIS
Commissioner of Reclamation
By
Chief Clerk.

Wackay Ida. May 31-31

Dept of Reclamation

Boise Ida

Gentlemen

Referring to permit # 16428
If agreeable to you I would like to defer
payment of 6⁰⁰ due on this until
about June 16. When I expect to
market my wool @ 20¢.

Respectfully

Dr. H. Warren

16428

May 21, 1931.

Re: Permit No. 16428.

Mr. W. H. Warren
Mackay, Idaho

Dear Sir:-

The report of our examining engineer for proof of beneficial use of water under your above permit is now on file here. Upon receipt of fees in the sum of \$6.00 the license will be issued you.

Very truly yours,
R. W. PARIS
Commissioner of Reclamation.
By
Chief Clerk.

16428

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

Permit No. 16428This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant: W. H. Warren2. Source of water supply: Lower Cedar Creek3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2T. 7 N R. 24 EBM County of Custer

4. Describe works as they exist, giving dimensions and capacities of same: Concrete diversion dam 26 ft long x 5 ft high, Weir wasteway 14 ft long with walls from 8" to 12" thick, Headgate 4.5 ft wide x 4 ft high x 12 ft long, Ditch 6 ft wide x 1 ft deep Capacity 10. Sec Ft.

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8, T. 7 N., R. 24 EBM

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

8. What large stream would the water here appropriated finally reach? none

Remarks: _____

16428

This examination was made on the 2nd day of May 1931

(Signed)

Fred H. Johnson

Examiner.

W. H. Warren

30

Mackay

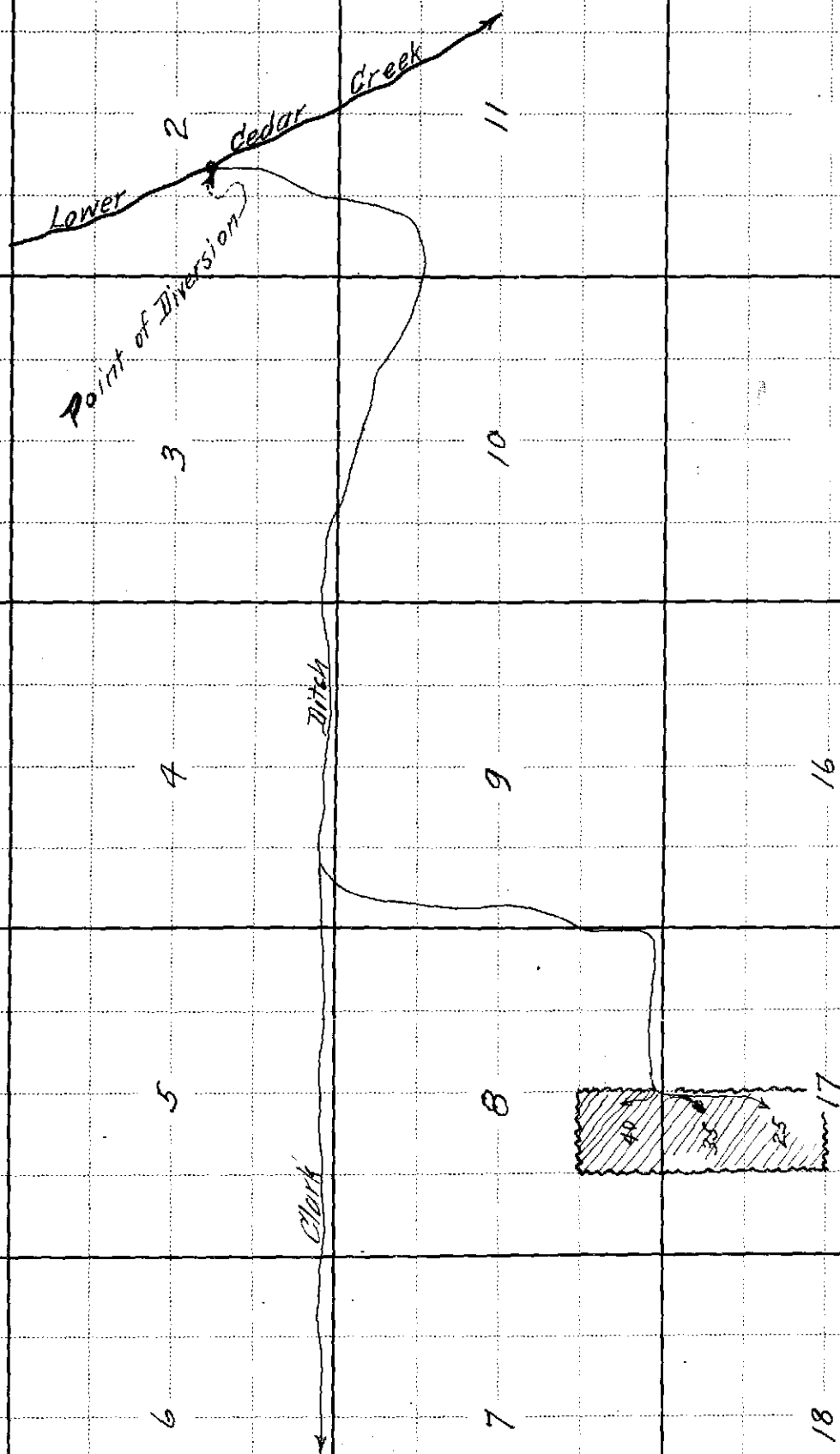
Permit No. 16428

Examination for BEN. USE

County CUSTER

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.
-



16428

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____

February 12, 1931

Re: Permit No. 16428.

Mr. W. H. Warren
Mackay, Idaho

Dear Sir:-

We are in receipt of depositions of yourself and two witnesses, together with the affidavit of publication for proof of beneficial use of water under the above permit. These are in satisfactory form and will be placed on file here without final action until the examination and report can be made by our field engineer later in the summer, at which time you will be advised as to fees due before issuing the license.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation

By _____
Chief Clerk

16428

GEORGE L. AMBROSE
ATTORNEY AND COUNSELOR AT LAW
MACKAY, IDAHO

February 9th, 1931.

Hon. George N. Carter,
Commissioner of Reclamation,
BOISE, Idaho.

Re: Permit No. 16428
W.H. Warren.

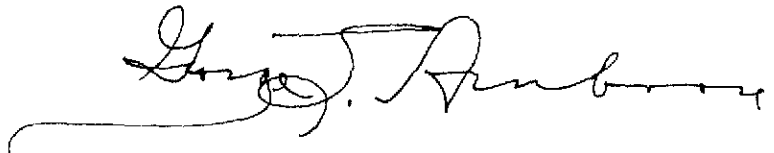
Dear Sir:-

Herewith is proof of application to beneficial use in connection with the above permit. This proof consists of depositions of holder, W. H. Warren, and witnesses Edith C. Warren and William Clark, together with proof of publication in the Mackay Miner for the required period.

Please advise the holder of the amount required to be forwarded when the proof has been approved.

Yours very truly,

A.
4 Incls.



16428

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at two P. M. on the 9th day of February, 1931, at Mackay, County of Custer, State of Idaho, before George L. Ambrose, Notary Public, proof will be submitted of the application to beneficial use of two (2) cubic feet per second of the waters of Lower Cedar Creek in accordance with the terms and conditions of Permit No. 16428 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are W. H. Warren, Mackay, Idaho.

The use to which said water has been applied is Irrigation and Domestic use.

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

The place where said water is used is NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 17, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, Twp. 7 N., R. 24 E. B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Lower Cedar Creek Canal.

The right to take water from such works is based upon Permit No. 16428.

The source of supply from which such water is diverted is Lower Cedar Creek.

The date of the priority which said user is prepared to establish is February 3, 1926.

GEO. N. CARTER,

Commissioner of Reclamation

D 31, J. 21, - 4t

Affidavit of Publication

State of Idaho

County of Custer

ss

I, M. A. Stillingham, the
Foreman, of the MACKAY MINER, a weekly

newspaper of General Circulation published weekly at Mackay, Idaho, continuously since February 16, 1905, do solemnly swear that a copy of the notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for Four consecutive weeks, commencing with the issue dated Dec. 31, 1930, and ending with the issue dated

Jan. 21, 1931

M. A. Stillingham

Subscribed and sworn to before me this 9 day of Feb, 1931

M. O. Kellogg

Notary Public

Residence and P. O. Address Mackay, Idaho

My Commission Expires May 10, 1932

16428

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 16428

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. W. H. Warren, residence, Mackay, Idaho, occupation, rancher,
Postoffice address, Mackay, Idaho.

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

Ans. Am not acting in behalf of any corporation.

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

Ans. Permit No. 16428, dated February 9, 1926, date of priority
claimed, February 9, 1926.

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

Ans. Lower Cedar Creek. Point of diversion is located N. 53°
20' E. 67.30 chains from the quarter corner on Sixth Aux. Trav.
line between secs. 3 & 10., and is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp.
7 N., R. 24 E., B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Cement dam, 25 ft. at water line, 4 ft. high, ditch is 14 ft. at
water line, 10 ft. on bottom and 3 ft. deep. -- Works will convey 1200
inches, or 24 sec. feet of water thruout. Name of canal is Lower
Cedar Creek canal.

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

Ans. Water is used for irrigation and domestic use. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8,
all irrigated, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, all irrigated, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, 30
acres irrigated, all in Twp. 7 N., R. 24 E., B.M. All cultivated land.
Improvements made as a result of irrigation are, all land cultivated
as above noted, all land fenced, dwelling house thereon, and also
barn, sheds and other outbuildings.

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

Ans. Water has been used only for irrigation purposes.

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

Ans. two second feet.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am the same person.

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

Ans. Each irrigation season beginning with the summer of 1926. At least two second feet out of this permit, each year.

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

Ans. The SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8 has appurtenant thereto by decree 40 inches, or .8 sec. feet, making a total of 140 inches, or 2.8 sec. feet to all the land covered by this permit. The land is very gravelly and requires fully this amount of water, and cannot be irrigated with less than this amount of water.

(Sign) W. H. Warner

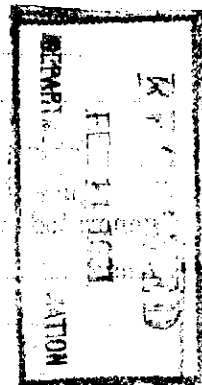
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Mackay, County of Custer, State of Idaho, on this 9th day of February, A. D. 19 31.

George J. Ambrose

My commission expires Oct. 16, 1932.

Notary Public, Mackay, Idaho.

16428



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 16428

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. William Clark. age over twenty-one, occupation, rancher
residence and P. C. Address, Mackay, Idaho.

Ques. 2. Are you acquainted with W. H. Warren, the
holder of Permit No. 16428? How long have you known him and where does he reside?

Ans. I have known him for more than ten years and he resides
on his ranch near Mackay, Idaho.

Ques. 3. Have you read or heard read said Permit No. 16428, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source of water supply is Lower Cedar Creek. Place of
Diversion is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 7 N., R. 24 E., B.M.
Works consist of cement dam about 20 feet across top, and 8 ft.
high. Ditch is about 16 ft. at water line, 8 feet on bottom and
3 ft. deep.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1200 inches of 24 second feet.

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

Ans. Water has always been used for irrigation and domestic
use. Water has been used to irrigate all of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec.
8, all of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, and 30 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec.
17, Twp. 7 N., R. 24 E., B. M. Land is cultivated land.
Improvements made are land fenced, plowed and crops raised, and
dwelling house and barn, corrals, etc. thereon.

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

Ans. Used only 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.

Ans. Land is gravel bar land and requires a lot of water to irrigate.
I think land will require at least 1 1/2 inches of water per acre.
In fact, it cannot be irrigated with less water, profitably.

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

Ans. None whatever.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen the above amount of water used on the above
described land since the summer of 1926.

(Sign)

William Clark

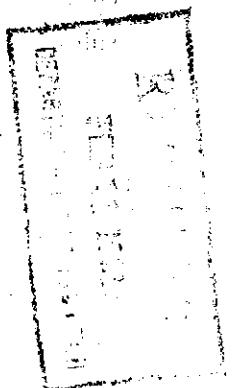
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Mackay, County of Custer, State of Idaho, on this 9th day of February, A. D. 1931.

George J. Anderson
Mackay, Idaho.

Notary Public.

My commission expires Oct. 16, 1932.

16428



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 16428

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Edith C. Warren, age 62, residence, Mackay, Idaho, occupation
housewife, postoffice address, Mackay, Idaho.

Ques. 2. Are you acquainted with W. H. Warren, the
holder of Permit No. 16428? How long have you known him and where does he reside?

Ans. I have known him 40 years.

Ques. 3. Have you read or heard read said Permit No. 16428, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Source of water supply is Lower Cedar Creek. Place of diver-
sion is in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, Twp. 7 N., R. 24 E., B.M. Diversion works
consist of cement dam and ditch.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Between 20 and 25 second feet. I have seen this amount of
water being conveyed in this ditch.

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

Ans. Water has always been used for irrigation purposes. Water has
been used on SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, and E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 17, Twp. 7 N., R. 24
E., B. M. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8 and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, have all been irrigated.
SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, has had 30 acres irrigated. All this land is cultivated
land. Improvements made are land all fenced, all cultivated as above
stated, dwelling house, barn outbuildings, sheds, etc.

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

Ans. Not used for power 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.

Ans. Land is gravelly loam of light character, and requires at least one and one-half inches of water per acre for profitable irrigation and cultivation.

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

Ans. Yes, as the wife of W. H. Warren, owner of said permit.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen water used on the above land every year beginning with the year 1926, from 100 to 200 inches each year.

(Sign)

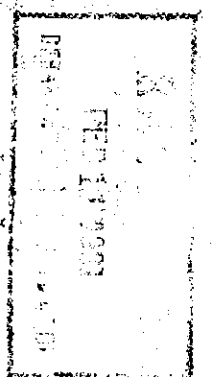
Edith C. Warren

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Mackay, County of Custer, State of Idaho, on this 9th day of February, A. D. 1931.

George J. Ambrose
Notary Public.

My commission expires October 16, 1931.

16/38



State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, January 20, 1931.

W. H. Warren

c/o George L. Ambrose
Mackay, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 16428.

DEPOSITION OF PERMIT HOLDER, DEPOSITIONS OF TWO WITNESSES.

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

1. On February 9, 1931, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Mackay before Geo. L. Ambrose, notary public.

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

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

Yours truly,

GEO. N. WARTER

Commissioner of Reclamation.

16428

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date December 29, 1930

Mackay Miner
Mackay, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to February 9, 1931, the date set for proof, the expense of the publication to be paid by the applicant,

W. H. Warren, Mackay, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

GEO. N. CARTER

Commissioner of Reclamation

16428

December 12, 1930

Re: Permit No. 16428.
W. H. Warren.

Mr. Geo. L. Ambrose
Attorney at law
Mackay, Idaho

Dear Sir:-

We are today in receipt of your letter of the 11th inst. enclosing notices for proof of beneficial use of water under the above permit. One copy of the notice will be mailed to the Mackay Miner for the required four weeks publication prior to February 9, 1931, and deposition blanks for holder and two witnesses will be mailed to you.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation.

By _____
Chief Clerk.

16428

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 11th, 1930.

(P. O.) Mackay, Idaho.

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

Dr. H. H. Harnett

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

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

Engineer.

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at two P. m. on the 9th day of February, 1931,
at Mackay, County of Custer, State of Idaho,
before George L. Ambrose, Notary Public, proof will be submitted
of the application to beneficial use of two (2) cubic feet per second of the
waters of Lower Cedar Creek in accordance with the terms and conditions of
Permit No. 16428 heretofore issued by the Commissioner of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
W. E. Warren, Mackay, Idaho.

The use to which said water has been applied is
Irrigation and Domestic Use

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

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8,
Twp. 7 N., R. 24 E., B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use
is Lower Cedar Creek Canal.

The right to take water from such works is based upon Permit No. 16428.

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

The date of the priority which said user is prepared to establish is
February 9th, 1926.

Geo. N. Carter

Commissioner of Reclamation.

16428

P. & D. W.
NE 3/4 - 2 - 7M - 246
Carter Co

GEORGE L. AMBROSE
ATTORNEY AND COUNSELOR AT LAW
MACKAY, IDAHO

December 11th, 1930.

Department of Reclamation,

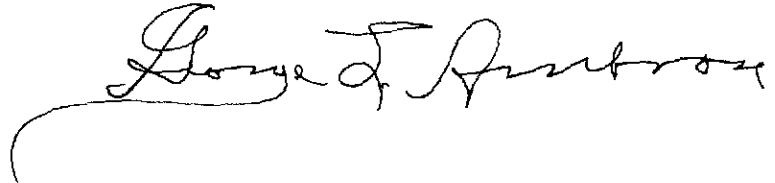
Boise, Idaho.

Dear Sirs:-

Herewith are duplicate notices for publication together with notice for publication in the Mackay Miner, under Permit No. 16428, W. H. Warren. Please return notice to Mackay Miner intine for publication next week and oblige.

Yours very truly,

A
3 Incls.



16428

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Dec. 1, 1930

W. H. Warren

Mackay, Idaho

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. **16428**, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is **Feb. 9, 1931.** and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

GEO. N. CARTER,
Commissioner of Reclamation.

16428

February 4, 1929

Re: Permit No. 16428
W. H. Warren

MR. GEORGE L. AMBROSE
Attorney at Law
Mackay, Idaho

Dear Sir:

There is transmitted herewith
Certificate of Completion of Works, issued under
the above numbered Permit, together with receipt
for fees.

Yours very truly,

GEO. N. CARTER
Commissioner of Reclamation

By
Chief Clerk

Enc.

16428

George L. Ambrose

LAWYER

MACKAY, IDAHO

February 2nd, 1929.

Commissioner of Reclamation,

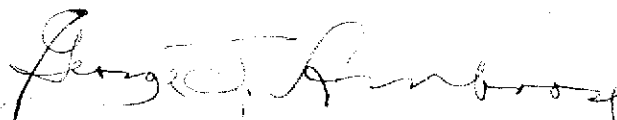
BOISE, Idaho.

Dear Sir:-

Herewith is Proof of Completion of Works of
W. H. Warren under Permit No. 16428, Lower Cedar Creek, Custer
County, Idaho, together with my check No. 773, Trust Account,
for \$5.00 to cover your fee. Please issue certificate and
forward the same to me at your early convenience.

Yours very truly,

A.
2 Incls.



16428

Permit No. 16428

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of Custer } ss

W. H. Warren, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the state of Idaho, No. 16428, and that his postoffice address is Mackay, State of Idaho.

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

Third: That the point of diversion of said water is N. 53° 20' E. 67.30 chains from the quarter corner on Sixth Auxilliary Traverse line Between Secs. 3 and 10 and in the NE 1/4 SW 1/4, Sec. 2, T. 7 N., R. 24 E., B.M., Custer Co., Ida

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 9, 1929.

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

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

I. Kind of works: Works are all completed on the date hereof.
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 4 feet, length of dam at top 30 feet, length of dam at bottom 30 feet. Material used in construction Cement
(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 6 feet, height 5 feet.

(d) Conduit width at bottom 10 feet, width at water line 12 feet, depth of water 2 feet; diameter of pipe inches, average grade per mile is 13 1/3 feet. Length of conduit is 4 miles.
(State whether ditch, flume or pipe.)

Seventh: That said works are capable of conducting to the place of intended use 26 second feet of water.

Eighth: That water appropriated under said permit is available for 120 acres of land described as follows:

SE 1/4 SW 1/4, Sec. 8, W 1/2 NW 1/4, Sec. 17, Twp. 7 N., R. 24 E., B. M., containing 120 acres, more or less.

Ninth: Remarks: That The canal thru which above permit has been taken out is known as Lower Cedar Creek Canal and has been enlarged sufficiently to cover the proof herein made. The diversion works are more than sufficient to meet the requirements of this proof.

W. H. Warren
(Sign here)

Subscribed and sworn to before me this 1st day of February, 1929.

My commission expires Oct 16, 1932.

Notary Public.

16428

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. W. H. Warren
Mackay, Idaho

Boise, Idaho,

November 5, 1928

Dear Sir:—

Under the terms of your permit No. ~~16428~~..... you are required to complete your diversion works on or before ~~Feb. 2, 1929~~..... 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,

GEO. H. CARTER

Commissioner of Reclamation.

16428

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 16428

February 12, 1926

Mr. S.H. Warren,
Mackay, Idaho

Boise, Idaho,

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE
LIMITATIONS AND CONDITIONS OF SAME as given under approval of
the Commissioner of Reclamation on the third page.

W. G. SWENDUEN

Commissioner of Reclamation.

16428

W. H. Warren, Moberg, Idaho

