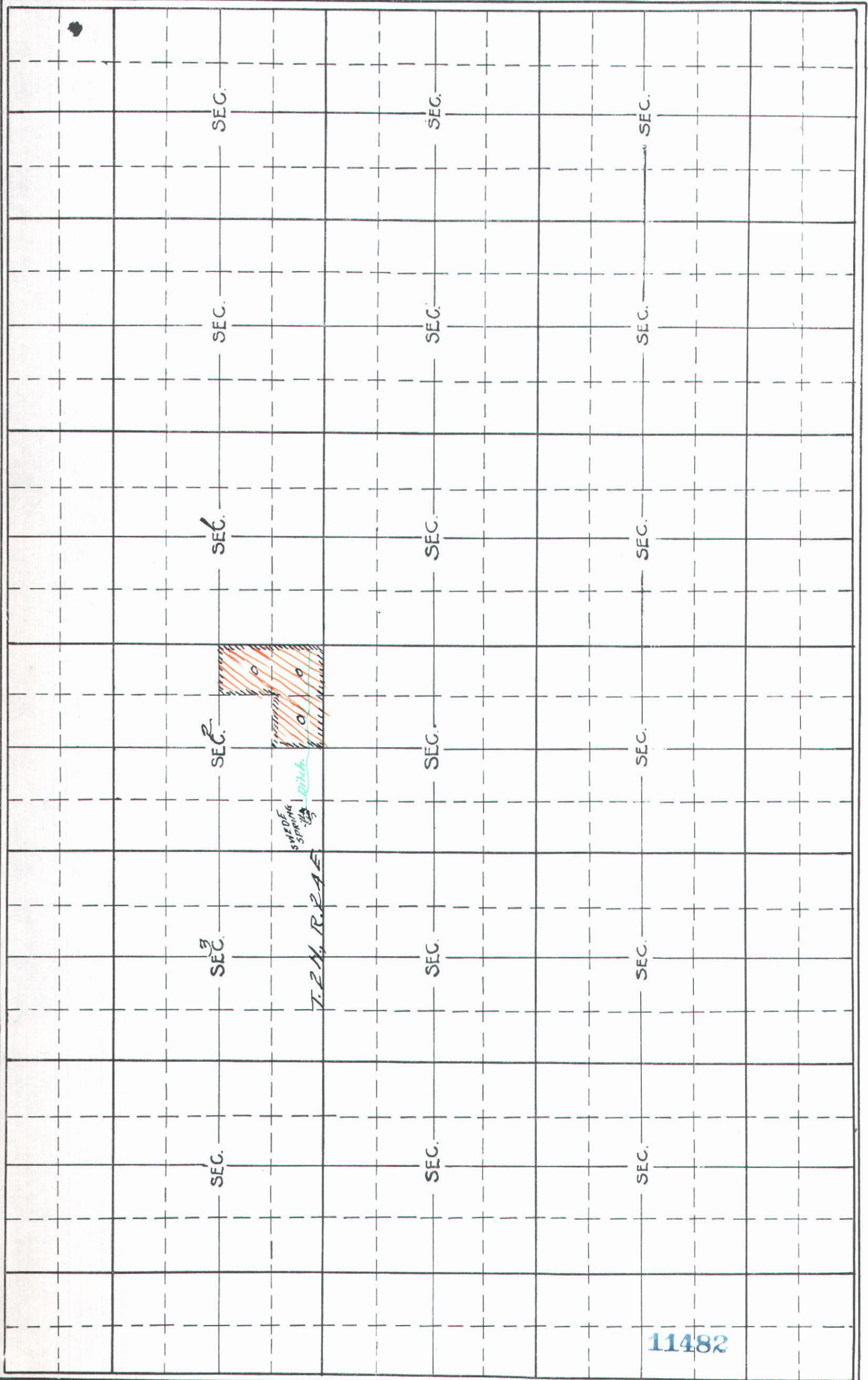


Name of Applicant *Lucien Killian* # *1148*



11482

Name of Applicant.....Lucious E. Killion, Arco, Idaho

Township 2 North Range 24 East B. M.

Lucious E. Killion
Q. R. D.

11482

IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Water allocation
water rights

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

34-02104, 34-02216, 34-07504, 34-10716, 34-10717,
34-10718, 34-10719, 34-10720, 34-10721, 34-10722, 34-10723,
34-10724, 34-10725, 34-10726, 34-10727, 34-10728, 34-12404

1. Water Right Number(s) 34-10724, 34-10725, 34-10726, 34-10727, 34-10728, 34-12404
Together with all other rights appurtenant to the property described on the
Adjudication Claim Number(s) attached Warranty Deed

2. The following REQUIRED information must be submitted with this form.

CC: Adj. 12-1-99

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) SMITH RANCHES, INC.

Route 1 Box 63, Darlington, Idaho 83255

4. New Owner/Claimant(s) MOUNTAIN SPRINGS RANCH LLC

Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR

New Mailing Address c/o Mary Jaffe, 11100 NW Saltzman Rd

City, State and ZIP Code Portland OR 97229

New Telephone Number (503) 296 - 0536

5. Date you acquired the property 11-8-99

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) MOUNTAIN SPRINGS RANCH LLC, an Idaho Limited Liability Company Date _____

X Mary H. Jaffe Date 11/9/99
by Mary H. Jaffe, Manager

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Please see file 34-02104 for support documentation

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 34-02216

RECORDED - 3
DISTRICT COURT
TWIN FALLS CO.,
IDAHO

NAME & ADDRESS: SMITH RANCHES INC
PO BOX 106
DARLINGTON ID 83231

SOURCE: SPRING TRIBUTARY: SINKS
QUANTITY: 0.14 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 07/26/1915

POINT OF DIVERSION: T02N R24E S02 NESWSW Within BUTTE County

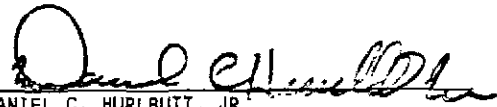
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE STOCKWATER	PERIOD OF USE 03-01 11-30	QUANTITY 0.14 CFS
-------------------------------	------------------------------	------------------------------	----------------------

PLACE OF USE: STOCKWATER Within BUTTE County
T02N R24E S02 SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

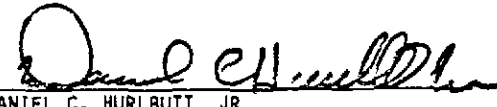
DATED: DEC 3 1998


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

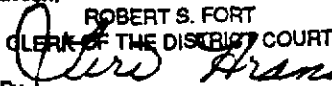
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

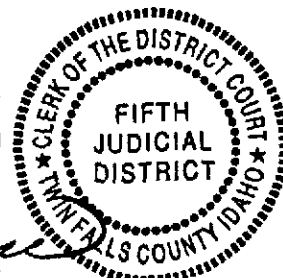
DATED: DEC 3 1998


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-02216

State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



County: Blaine.
 Stream: Swede Spring.
 Amount: 7/50 of 1 sec. ft.
 Use: Domestic use.
 Priority: July 26, 1915.

STATE OF IDAHO

Water License No. 11482.

WHEREAS, On the 26th day of July, A. D. 1915,

Lucious E. Killion,

of Arco, County of Blaine, State of Idaho, duly made application (No. 16716) to me for a permit to use 1/2 of 1 cubic foot per second of the waters of Swede Spring, in Water District No. 27-B,

County of Blaine, State of Idaho, for domestic purposes, and,

WHEREAS, On the 7th day of August, A. D. 1915, Permit No. 11482 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 7th day of August, A. D. 1916, and for the application to beneficial use of said water on or before the 7th day of August, A. D. 1916, and,

WHEREAS, On the 22nd day of May, A. D. 1916,

Lucious E. Killion,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 1/2 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 11482 dated June 2, 1916, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1/2 of 1 cubic foot per second of said water, with date of priority of July 26, 1915, and

WHEREAS, On the 28th day of July, A. D. 1916,

Lucious E. Killion,

the holder of said permit, duly made proof of the application to beneficial use of 7/50 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Lucious E. Killion,

of Arco, County of Blaine, State of Idaho, the holder and owner of said Permit No. 11482, a perpetual right, dating from July 26, 1915, to the use of 7/50 of 1 cubic foot per second of the waters of Swede Spring,

in the County of Blaine, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 2, T. 2 N., R. 24 E., B. M.

and conducted to ~~XXXXXX~~ the home of applicant,

for the purpose of domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 23d day of September A. D. nineteen hundred and sixteen.

(Seal)

J. H. SMITH,
State Engineer:

No. 16716

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

34-2216

1. Name of applicant: Lucious E. Killion

Postoffice address: Arco

County: Blaine

State: Idaho

I. If applicant is a corporation, give

- (a) Date and place of incorporation:
 (b) The amount of capital stock:
 (c) The 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. The quantity of water claimed is One half ($\frac{1}{2}$) cubic feet per second.

3. Source of water supply: a spring known as the Swede Spring.

4. Location of point of diversion: In SE corner of the SW Quarter of the Southwest quarter
 in Section Two Township 2 North, Range 24 East B.M.
 County of Blaine, State of Idaho.

5. To be used for: Domestic use.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: none acres.
 (b) In the following legal subdivisions: E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2 T. 2 N., R. 24 East

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
point of return:

(d) If so, name stream and locate

6. Estimated cost of works: \$100.00

7. Description of works for diversion:

I. Kind of works: Ditch and open cut in Mountain.

II. Dimensions of works:

(a) Height of dam feet, length of dam at top feet,

length of dam at bottom feet. Material used in construction:

(b) Capacity of reservoir acres feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit ditch width at bottom one foot,

width at water line Two feet, depth of water $\frac{1}{6}$ feet; diameter of pipe

inches; average grade per mile is feet. Length of conduit is 200 yards / miles,
 and it crosses the following quarter sections:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2 T. 2 N., R. 24 E.B.M.

8. The time required for the completion of the construction of such work is One years.

9. Time required for the complete application of the water to the proposed use is no additional years.

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

Lucious E. Killion.

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9:00 A.M. July 26, 1915.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 11482

Recorded in Book 39 Page 11482 Approved August 7, 1915.

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 October 6, 1915. 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 Feb. 7, 1916.

The whole of said work to be completed on or before August 7, 1916

Beneficial use of water appropriated in accordance herewith, to be made on or before August 7, 1916.

Witness my hand this 7th day of August, 1915.

J.H. Smith.

State Engineer.

Remarks:

It is the intention to open a cut in the mountain for the purpose of increasing the flow of the waters of the Swede Spring and conduct the water by means of an open ditch on the lands above described for domestic use. Said Spring is located on government land.

Proof of completion of works made: May 22nd, 1916.

Certificate of completion issued June 2nd, 1916.

Permit No. 11482.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Lucious E. Killion, of Arco, County of Blaine, and State of Idaho, the holder of permit No. 11482, issued upon Application No. 16716, bearing date of priority of July 26, 1915, authorizing the diversion of one-half second foot of the waters of Swede Spring, County of Blaine, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of 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 one half second foot of the waters of Swede Spring; that the point of diversion of said waters is in the SE corner of the SW quarter in Section two, Township Two, North Range 24, East B.M., and the place of use of said water is on E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, T. 2 N., R. 24 East.

Witness my hand this 2nd day of June A.D. 1916.

J.H. SMITH, State Engineer of the State of Idaho

License issued for 7/50 \$1 second 1

Page 2065



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 15, 1999

RE: Water Right Nos. 34-02104, 34-02216, 34-07504, 34-10716, 34-10717, 34-10718, 34-10719, 34-10720, 34-10721, 34-10722, 34-10723, 34-10724, 34-10725, 34-10726, 34-10727, 34-10728 and 34-12404

MOUNTAIN SPRINGS RANCH LLC
C/O MARY JAFFE
11100 NW SALTZMAN RD.
PORTLAND, OR 97229

Dear Ms. Jaffe:

The Department acknowledges receipt of the Notice of Change of Water Right Ownership form changing ownership of the above referenced water rights to you. The Department has modified its records to reflect the change in ownership and has enclosed computer-generated reports for your records.

Please be advised that we have modified our records for Rt. 34-02104 to show you as new owners. However, that license has not been claimed in the Snake River Basin Adjudication (SRBA). If no claim is filed in the SRBA the right may be lost. All existing water uses were to be claimed in the SRBA if they were still valid. If you think a claim should have been filed for this right, please contact our Adjudication Bureau for assistance.

We also have not changed the ownership of Application for Permit No. 34-07504. The application must have an "Assignment of Application for Permit" form submitted to our regional office in Idaho Falls. I have enclosed the form for your convenience. Please complete the form and return it to our regional office.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the Department within 120 days of the change. Change reporting forms are available from any office of the Department.

If you have any questions in regard to your water rights, please feel free to contact our office.

Sincerely,



KAY WALKER
Sr. Water Resource Agent

Enclosures

Cc: IDWR, Eastern Region

MICROFILMED

DEC 21 1999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A34-02216
Date Received: 1/10/1990
Receipt No: E011602
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SMITH RANCHES INC. 208-554-2303
Address: P.O. BOX 106
DARLINGTON, ID 83213

2. Date of Priority: JUL 26, 1915

3. Source: SWEDE SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	24E	2	NE	SW	SW		BUTTE

5. Description of diverting works:
STOCK POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	03/01	11/30	0.140		

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/600 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	24E	2	SW	SW		STOCK	

11. Place of use in counties: BUTTE

MICROFILMED
DEC 09 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 11482

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Vice President of
Smith Ranches, Inc. that I have signed the foregoing
Organization document in the space below as Vice President of
Smith Ranches, Inc. and that the statements contained in the
Organization foregoing document are true and correct.
David B. Smith
Signature of Authorized Agent
V.P. Smith Ranches, Inc.
Title and Organization
Jan. 10 - 1990
Date

State of Idaho

County of

Bonnerville

) SS.

Subscribed and sworn (or affirmed) before me this 10th day

of January 19 90

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

Water Right Number - R34-02216

Prefix Translation: RESEARCH

Old (D) Number - 11482

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SMITH RANCHES INC.

1 - P.O. BOX 106

2 -

3 -

City- DARLINGTON

State- ID Zip- 83213

Phone - 208-554-2303

*** O - ORIGINAL OWNER ***
KILLION

LUCIOUS E.

1 -

2 -

3 -

City- ARCO

State- ID Zip- 83213

Phone - 208-000-0000

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/26/1915 15 EASTERN L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SPRING SINKS+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

02N 24E 2 NE SW SW (23) BUTTE

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 03/01 11/30 0.140+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.140+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
02N 24E 2 SW SW 04 STOCKWATER (23) BUTTE

+ - - Diversion Means - STOCK POND

+ - - Non-Irrigation Use - STOCKWATER 600 RANGE CATTLE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
SOURCE KNOWN LOCALLY AS SWEDE SPRING.
PARCEL NO. RP02N24E020600+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.MICROFILMED
DEC 09 1992

Water right number - R34-02216

Prefix Translation: RESEARCH

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 04/16/91 TAYLOR 04/22/91 TAYLOR 05/14/91 CORLESS 05/20/91 CORLESS 05/24/91 TAYLOR

+ - - - - Comments - - - - -
No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/27/1990	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 05/24/1991	Old Judicial District	-
Claim Received Date	- 01/10/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 34
Licensed Date	- 00/00/0000	Receipt Number	- E011602	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	- OR		

MICROFILMED
DEC 09 1992

WATER RIGHT NUMBER - A34-02216

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

CONDITIONS OF APPROVAL
NO CONDITIONS OF APPROVAL FOUND.

DEGREE PLAINTIFF

DEGREE DEFENDANT

DEGREE DATE
00/00/0000

COMMENTS
NO COMMENTS FOUND

AUDIT FIELDS - 01/10/90 WILSON

06/27/90 TAYLOR

ADJUDICATION RIGHTS DATES AND FLAGS AREA

COURT REPORT FILING - 00/00/0000
OBJECTION FILED DATE - 00/00/0000
RESPONSE FILED DATE - 00/00/0000
CLAIM RECEIVED DATE - 01/10/1990
CLAIMS TAPE ERROR FLG -
FEE EXEMPT FLAG -

FIELD INSPECTION MADE - 00/00/0000
FIELD INSPECTION FLAG -
VERIFIED DATE - 00/00/0000
LAST AMENDED DATE - 00/00/0000
RECEIPT NUMBER - E011602
POU OWNERSHIP FLAG - Y
NAME CONNECTOR - DR

CIVIL CASE NUMBER - 39576
OLD CASE NUMBER -
OLD JUDICIAL DISTRICT -
TEMPORARY RIGHT - P
WATER DISTRICT - 34
FEDERAL/STATE INDICATOR - S
PRESUMPTION FLAG -

RP 02X24E020600

DATA ENTRY

ENTERED RC 5-14-91

CHECKED AO 10/2/91

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
FEB - 1991

CERTIFIED
FEB 2 1991
WATER EXAMINER

MICROFILMED
DEC 09 1992

WATER RIGHT NUMBER - A34-02216

ADJ. FLAG TRANSLATION: ADJUDICATION TEMPORARY WORK AREA

OLD (D) NUMBER - 11482

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
SMITH RANCHES INC.

1 - P.O. BOX 106

2 -

3 -

CITY- DARLINGTON

STATE- ID ZIP- 83213

PHONE - 208-554-2303

*** O - ORIGINAL OWNER ***
KILLION

LUCIOUS E.

1 -

2 -

3 -

CITY- ARCO

STATE- ID ZIP- 83213

PHONE - 208-000-0000

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - +
07/26/1915 15 ERROR IN REGION L - LICENSE+ - - - - SOURCE - - - - + + - - - - TRIUTARY - - - - - +
SWEDE SPRING SINKS+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

02N 24E 2 NE SW SW (23) BUTTE

+ - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

04 - STOCKWATER 03/01 11/30 0.140

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.140+ - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

02N 24E 2 SW SW 04 STOCKWATER (23) BUTTE

TOTAL ACRES:

+ - - DIVERSION MEANS - STOCK POND

+ - - NON-IRRIGATION USE - STOCKWATER, 600 RANGE CATTLE

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
NO REMARKS FOUND.+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

Water right
information
contained below

Sept. 25, 1916.

Re Permit No. 11482.

Lucious E. Killion,
Arco, Idaho.

Sir:-

Enclosing herewith Water License issued under above
permit, with receipt for fee.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

Enc. WL-R8562.

11482

Affidavit of Publication

I, C. A. Bottolfsen, publisher of **THE ARCO ADVERTISER**, published weekly at Arco, Idaho, 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 June 16, 1916 and ending with the issue dated July 7, 1916.

Subscribed and sworn to before me this 28th day of July, 1919.

Otto B. Fleischer

Notary Public.

11482

NOTICE FOR PUBLICATION Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 3 p. m. on the 28th day of July, 1916, at Arco, County of Blaine, State of Idaho, before Otto B. Fleischer Notary Public, proof will be submitted of the application to beneficial use of one half of 1 cubic feet per second of the waters of Swede Spring, in accordance with the terms and conditions of Permit No. 11482 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Lucious E. Killion, Arco, Idaho.

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

3. The amount applied to beneficial use is One half second foot.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) E $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2 Township 2 North Range 24 East B. M.

5. The right to take the water from such works is based upon Permit No. 11482.

6. The source of supply from which such water is diverted is Swede Spring.

7. The date of the priority which said user is prepared to establish is August 7th, 1915.

J. H. SMITH,

State Engineer

PERMIT No. 11482**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

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

Ans. Lucious E. Killion, 37 years, Arco, Idaho, Farmer, Arco, Idaho

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

Ans. -----

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

Ans. 11482, August 7th 1915. August 7th 1915.

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

Ans. Spring known as the Swede Spring. In SE corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ in Section 2 Townshi p. 2 North Range 24 East 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. Ditch and an open cut into the Montains. Will carry One cubic foot of water. Has no name.

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. Domestic use. It is only used for watering stock and for house use.

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

Ans. -----

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

Ans. -

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. -----

11482

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

Ans. Every day, all the water the spring produced.

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. none

(Sign) Lucious E. Gillion

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 Arco, County of

Blaine, State of Idaho, on this 28th day of July

A. D. 19 16

Otto B. Fischer

Notary Public
Residing at Arco, Idaho

My Commission expires July 13th 1919.

11482

Permit No. 11482

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

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

Ans. John C. Killion. 66 years, Martin, Idaho, Farmer, Martin, Idaho

Ques. 2. Are you acquainted with Lucious E. Killion, the holder of Permit No. 11842? How long have you known him and where does he reside?

Ans. Yes. All his life. Near Arco, Idaho

Ques. 3. Have you read or heard read said Permit No. 11482, and are you familiar with its provisions and conditions?

Ans. Yes. 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. The Swede Spring. In the SE corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2 Tp 2 North Range 24 East B.M. Cut into the Mountain at the spring and a ditch to carry the water to the place of use

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

Ans. One second foot of water. About 1/5 cubic foot.

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

Ans. For domestic use only

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

Ans. -----

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

Ans. -----

11482

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

Ans. No I have not.

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

Ans. Have bee working on the place and saw it every day. Used the water for domestic purposes.

(Sign)

John B. Sullivan

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 Arco, County of Blaine,

State of Idaho, on this 28th day of July A. D. 19 16.

Otto B. Fleischer

Notary Public.

Residing at Arco, Idaho

My Commission Expires July 13th 1919.

11482

Permit No. 11482

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. W. W. Parson\$ 69 years, Blackffot, Idaho. Farmer, Blackffot Idaho

Ques. 2. Are you acquainted with Lucious E. Killien, the holder of Permit No. 11482? How long have you known him and where does he reside?

Ans. Yes. All his life. Near Arco, Idaho

Ques. 3. Have you read or heard read said Permit No. 11482, and are you familiar with its provisions and conditions?

Ans. Yes. 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. The Swede spring. In Se corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2 Tp 2 North Range 24 East B.M. An open cut in the mountains and a ditch from spring to the place of use

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

Ans. One Cubic foot per second. All the spring produced about 1/5 cubic foot

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. Domestic use only

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

Ans. -----

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

Ans. -----

11482

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

Ans. No. I have not

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. Several times during the month of June and July this year. about 1/5 cubic foot.

(Sign)

W W Parsons

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 Arco, County of Blaine

State of Idaho, on this 28th day of July A. D. 1916.

Otto B. Fleischer

Notary Public.

My Commission Expires July 13th 1919.

Residing at Arco, Idaho

11482

REPORT OF ENGINEER

Dist. 27B.

1. State name of applicant and number of permit: *Lucious E. Killion-No. 11482*
2. State source of water supply: *Swede Spring*
3. Location of point of diversion: *SW4 SW4 Sec. 2, T. 2 N. R. 24 E.*

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *Completed.*

5. Describe works as they exist, giving dimensions and capacities of same: *Small flow furrow ditch to house - adequate to carry entire flow of spring -*

6. State whether or not water has been turned into works of diversion: *Carrying entire flow of spring as present - about 7 inches.*

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

SE4 & SE4 SW4 Sec. 2, T. 2 N., R. 24 E. No land in cultivation - water not sufficient - used in for domestic purposes only, according to terms of permit -

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: *No one else could benefit by the use of this water - a very small stream, and only sufficient for house farm purposes.*

This examination was made on the *1* day of *July* 19 *16*

(Signed)

S. J. Paer
Examiner.

11482

STATE OF IDAHO

County of_

SS.

-----, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

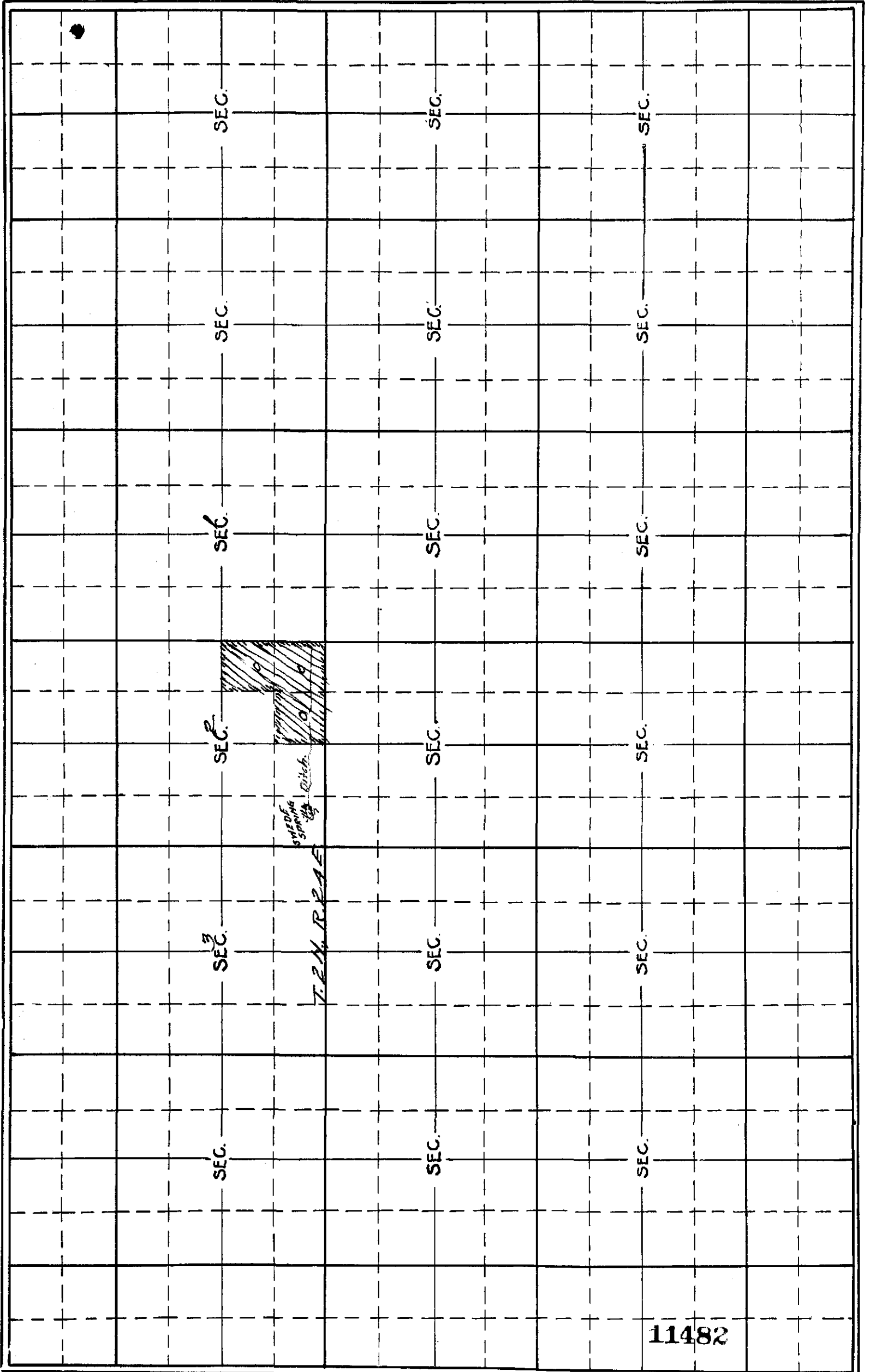
Subscribed and sworn to before me this _____ day of _____ 191__

My Commission Expires-----

Notary Public.

Dec 27 1891.
 Dec 27 1891.
 7

Name of Applicant *Lucion Killian* # *1148*



STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

Lucious Killion,
c/o Otto B. Fleischer,
Arco, Idaho.

BOISE, IDAHO, June 17, 1916.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. 11482.

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 your rights:

1. On July 28th, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Arco, before Otto B. Fleischer, N.P.**

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,

J.H. Smith,

State Engineer.

11482

June 14, 1916.

Re Permit No. 11482.

Lucious E. Killion,
Arco, Idaho.

Sir:--

Enclosing herewith certificate of completion
of works issued under above permit, with receipt
for fee.

Very truly yours,

J. H. SMITH,

State Engineer.

CCW-R8274

By _____

11482

(P. O.)

Arco, Idaho

(Date)

June 13

State Engineer, Boise.

Dear Sir:

I have your letter of June 8 enclosing Notice of Proof of Beneficial Use of Water under Permit No. 11482 which will be published as you request, beginning with our issue of June 16-16

Arco Advertiser

11482

Permit No. 11482

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of Blaine } ss.Lucious E. Killion, 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. 11482 and that his postoffice address is Arco, Idaho
State of _____Second: That the name of the stream from which said water is to be diverted is
The Swede SpringThird: That the point of diversion of said water is in the SE corner of the SW quarter
Quarter in Section Two Township two North Range 24 East B.M.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 7th 1916 191____Fifth: That the use for which said water is intended is domestic

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

1. Kind of works: An open cut in to the mountain and ditch
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: _____

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit ditch width at bottom One feet, width at water line two feet, depth of water 1/6 feet; diameter of pipe _____ inches; average grade per mile is _____ feet. Length of conduit is 200 Yards miles.Seventh: That said works are capable of conducting to the place of intended use one
_____ second feet of water.Eighth: That water appropriated under said permit is available for _____ acres of land described as follows: _____

_____Ninth: Remarks: That by running an open cut in the mountains I have
increased the flow of the spring considerable. The spring is located on
government land.Lucious E. Killion
(Sign here.)Subscribed and sworn to before me this 22nd day of May, 191 6Otto B. Fluischer
Notary Public.My commission expires July 13th 1919. Residing at Arco, Idaho

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

May 10 1916

Lucius E. Killian,
Arco, Idaho

Boise, Idaho,

Dear Sir:

Under the terms of your Permit No. ~~11482~~, you are required to complete your diversion works on or before ~~August 7 1916~~. 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,
J. H. SMITH

State Engineer.

11482

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit #11482.

Lucious E. Killion,
Arco, Idaho.

Boise, Idaho,

August 7, 1915.

Dear Sir:

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

J. H. Smith.

State Engineer

11482

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Lucius E. Killian,

May 10 1916

Dear Sir: Arco, Idaho

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 11482, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and the date it is submitted.

Yours truly,

J. H. SMITH

State Engineer

11482

Township 2 North Range 24 East B. M.

Lucious E. Killion
Arco, Idaho

11482