

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Existing

as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated December 11, 1969

and the last in the issue dated December 18, 1969
that said newspaper is of general circulation in Adams County
Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

said "Notice" as aforesaid.

Subscribed and sworn to before me this 19th

day of December, 1969.

William E. Daniels

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that Wallace B. Allen, 502 1/2 East 43rd, Boise, Idaho, has received an approved permit No. 32981 issued by the Idaho State Reclamation Department authorizing the diversion of .03 cubic feet per second of water from an unnamed spring tributary of Little Salmon River, subject to all prior rights. The priority to be established under this permit is July 11, 1966 and the permit was approved July 15, 1966. Water is to be diverted by collection box and pipe from a point within the SE 1/4 NW 1/4, Sec. 2, T. 21N, R. 1 E, B. M., Adams County to be used for irrigation and domestic purposes in the SE 1/4 NW 1/4, Sec. 2, T. 21N, R. 1 E, B. M.

Proof of the application of the water to beneficial use is to be submitted to the Department on or before July 15, 1977. Any protests against the issuance of a license for the above referenced permit should be filed with the Department of Reclamation within ten (10) days of the last date of publication of this notice or prior to the licensing of the permit. Licensing may commence prior to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published in the Adams County
Leader, Council, Idaho, on De-
cember 11 and December 18, 1969.

78-2080
32931

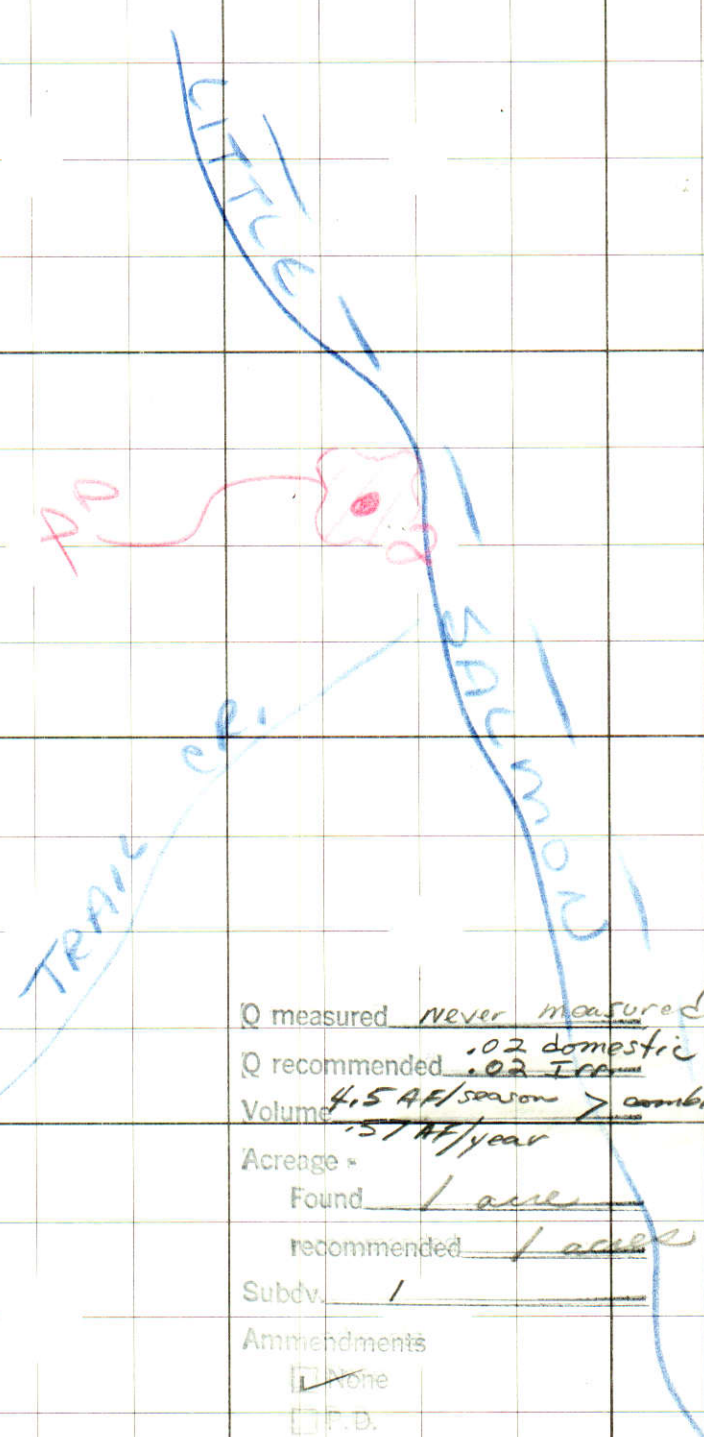
R I E

T

21

PP

N



Q measured Never measured

Q recommended .02 domestic > combined not to exceed .03 cfs
.02 TCR

Volume 4.5 AF/season > combined not to exceed 5.07 AF
.5 TAF/year

Acreage *

Found 1 acre

recommended 1 acre

Subdv. 1

Amendments

☒ None

☐ P.D.

☐ Place of use

☐

priority July 11, 1966

78 2080

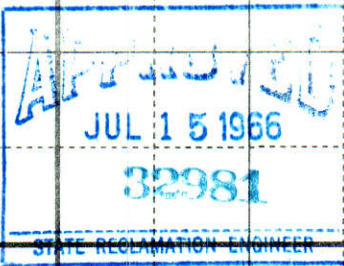
NAME OF APPLICANT Wm. B. Allen

Form No. 0

Rge 1EBH.

Tap 2/No.

*PD.
2*



office copy

32981

State of Idaho
Department of Water Administration
LICENSE OF WATER RIGHT

License of Water Right No. 78-2080 Priority 7-11-66 Amount 0.03 c.f.s.

THIS IS TO CERTIFY, that Wallace B. Allen
of Boise, Idaho, has complied with the terms and conditions of Permit
No. 78-2080 issued pursuant to Application for Permit dated 7-11-66,
and has submitted proof to the Department of Water Administration on 12-5-69,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.03 c.f.s., and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed spring
tributary of Little Salmon River, is hereby confirmed in the following amounts:
Amount 0.02 c.f.s. for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)
Amount 0.02 c.f.s. for Irrigation from May 1 to Oct. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 0.03 c.f.s. of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2, Twp. 21 N., Rge. 1 E., B.M.

in the county of Adams; 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 4.5 acre feet per year or _____
4.5 acre feet per acre for irrigation purposes and 0.57 acre feet per
year for domestic purposes.

Description and location of place of use:

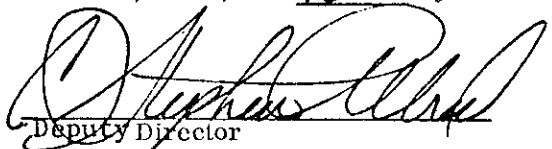
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21 N	1 E	2								1									1

Total number of acres irrigated 1

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 16th day of

MARCH, 19 71.


Deputy Director

78 2080

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

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

/s/ WALLACE B. ALLEN Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: July 11, 1966 2:45 P.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 32981

Recorded in Book 115 Page 32981 Approved July 15, 1966

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 September 15, 1966 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 January 15, 1969

The whole of said work to be completed on or before July 15, 1971

Beneficial use of water appropriated in accordance herewith, to be made on or before July 15, 1977

WITNESS My hand this 15th day of July, 1966

/s/ R. KEITH HIGGINSON, Deputy
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho,
and LOUIS E. CLAPP, 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 15th

day of July, 19 66.

STATE OF IDAHO

Countersigned:

(SEAL)

By /s/ LOUIS E. CLAPP
Secretary of State.

By /s/ ROBERT E. SMYLLIE
Governor.

REMARKS: Deeded lands - spring is on deeded lands.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
21N	1 E	2					1												1 TOTAL

LICENSE ISSUED FOR 0.03 SEC. FT.
 LICENSE P...

78-

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 41167
PERMIT No. 32981
DISTRICT No.

1. Name of Applicant: Wallace B. Allen
Postoffice address: 512 East 43rd, Boise County: Ada 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: (c) Bond to be issued:
(b) Treasury stock: (d) Other resources:
2. Quantity of water claimed: .03 cubic feet per second.
3. Source of water supply: unnamed spring which is a tributary of Little Salmon River
4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
of section 2 , T. 21 N, R. 1 E , B. M., County of Adams
5. Water is to be used for irrigation and domestic
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 of , 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: \$ installed
8. Kind of works: concrete collection box - 1 $\frac{1}{4}$ ' pipe to house.
9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom fee; width at water line feet; depth of water feet;
dimensions of flume:
Diameter of pipe inches; length of conduit 30' ~~miles~~
Average grade per mile ? feet.
12. The time required for the completion of such work is 5 years.
13. The time required for the complete application of the water to the proposed use is 6 additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
none - use right to same spring

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, Bert J. Rogers, being first duly sworn upon my Oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the "Notice of Existing

as per clipping
hereto attached, was published in the regular and entire issue
of said newspaper, and not in any supplement thereof, for

two (2) consecutive weeks, the first publication of the

same being made in the issue dated December 11, 1969

and the last in the issue dated December 18, 1969
that said newspaper is of general circulation in Adams County
Idaho, printed and published weekly at Council therein and
that said newspaper has been continuously and uninterrupted-
ly published in said county during a period of more than sev-
enty-eight consecutive weeks prior to the first publication of

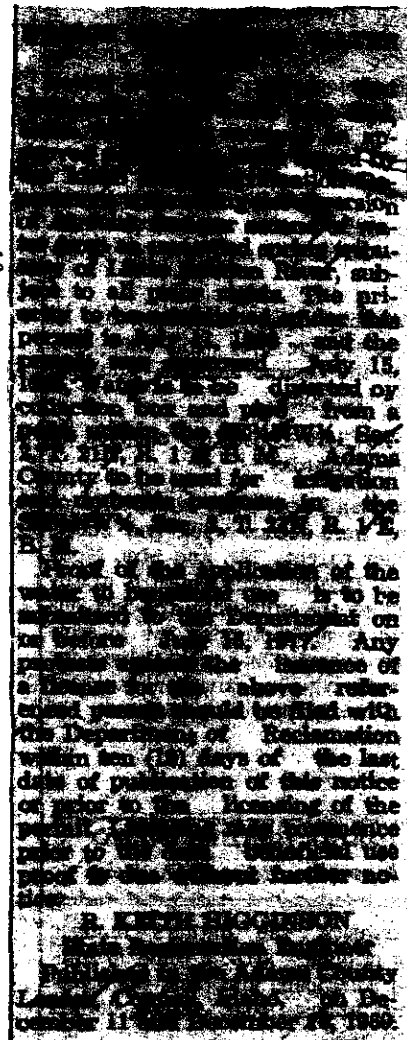
said "Notice" as aforesaid.

Subscribed and sworn to before me this 19th

day of December, 1969.

William E. Daniels

Notary Public for Idaho,
Residing at Council, Idaho



78-2080
3293

Identification No. 78-2080

Permit No. 32981

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION**

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Handwritten notes and stamps:
 RECEIVED
 JUL 11 1966
 DEPT. OF RECLAMATION
 Boise, Idaho

1. a) Name of Permit Holder Wallace B. Allen
 b) Post Office Address 502½ East 43rd, Boise, Idaho
 2. Permit Number 32981/78-2080
 3. Date of Priority that you are prepared to establish July 11, 1966
 4. a) Source from which water was appropriated unnamed spring
 b) Location of the point of diversion: SE ¼ NW ¼, Section 2
Township 21 N, Range 1 E, Boise Meridian, Other points of diversion:

5. a) The amount of water and use to which the water has been applied:
 amount .03 cfs for irrigation purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount _____ for domestic purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 amount _____ for _____ purposes from _____ to _____ incl.
 (cfs and/or acre feet per annum) (Month-Day) (Month-Day)
 b) Total amount appropriated .03 cfs and/or acre feet per annum
 c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: estimated

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
 a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: NA
 b) Describe the agreement or understanding by which you take water from the works: NA

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) concrete collection box, 1½" pipe to house
 b) Describe the type and size of measuring device which you have installed at your point of diversion: None
 c) Give well drillers name and address and date the well was completed _____

Handwritten notes:
 Exam typed
 1-27-70
 JMS
 32981
 78-2080

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use Domestic use -

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
21N	1 E	2								1									1

Total number of acres irrigated 1

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

12/5/69 (Date) Wallace B Allen (Signature)

State of IDA)
County of BOA) ss.

On this 5th day of December, 1969, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

C. Stephen Allen
Notary Public residing at Boise, Idaho

My commission expires MAY 1, 1972

Rec. No. 33293

Address all communications to

Form No. 1
5M 1-65

P. O.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 41167
Permit No. 32981
District No. _____

RECEIVED
JUL 11 1866
2:45 P.M.
Department of Reclamation

1. Name of Applicant: W. H. Allen
Post Office address: 512 East 43rd County Ada State Idaho
Boise

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: _____

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: .03 cubic feet per second

3. Source of water supply: unnamed Spring
which is tributary of Little Salmon River

4. Location of point of diversion: _____ feet distant from the _____ corner
of Section _____, Twp. _____, Rge. _____, B. M., and is in the SE 4 NW 4
of Section 2, Twp. 21 N., Rge. 1 E. B.M., County of Adams

5. Water is to be used for: irrigation Domestic

6. If for any non-irrigation purpose, give:

(a) Point of use of water: _____ feet distant from _____ corner of Section _____
Twp. _____, Rge. _____, B. M., in the _____ of Section _____, Twp. _____, Rge. _____, 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 _____, Twp. _____, Rge. _____, B. M., in the
_____ of Section _____, Twp. _____, Rge. _____, B. M.

7. Estimated cost of works: \$ installed

8. Kind of works: Concrete collection box 1 1/4" Pipe to house
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____

feet; material used in dam _____
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

10. Size of headgate: Width _____ feet; Height _____ feet

11. Ditch: Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;

Dimensions of flume _____; Diameter of pipe 1 1/4 inches;

Length of conduit 30' ~~miles~~ Average grade per mile ? feet.

32981

12. The time required for the completion of such work is 5 years.

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

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

(Give irrigable acreage in each 40-acre subdivision)

[illegible]

Total Number of Acres to be Irrigated.....

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

Case Right to Same Spring

32981

16. (a) Is reservoir to be used? (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks:

Decid. lands - spring is on decid. lands

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.

x Wallace B Allen

Applicant.

By, Agent

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____,

....., State of, do hereby certify that I am the owner

of the land on which the spring mentioned in the application of is

located, to-wit:

and that I do hereby grant unto the said permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO

County of)

On this day of, 19...., before me, a Notary Public for the State of Idaho, residing
at, personally appeared.....

known to me to be the person.... whose name.... subscribed to the foregoing certificate, and acknowledged to me that ...he... executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

Notary Public.

My commission expires

32981

Approval of State Reclamation Engineer

32981

The number of this permit is.....

Recorded in Book 115..... Page Approved.....
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 before.....

Work to begin on or before September 15, 1966....., 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 January 15, 1969.....

The whole of said work to be completed on or before July 15, 1971.....

Beneficial use of water appropriated in accordance herewith, to be made on or before July 15, 1977.....

Witness my hand this 15th..... day of July....., 1966.

Deputy State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ...ROBERT E. SMYLLIE..... Governor of the State of Idaho,

and LOUIS E. CLAPP....., 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 15th..... day of July....., 1966.

Countersigned.

By Louis E. Clapp.....
Secretary of State

STATE OF IDAHO

By Governor.

No. 32981

PERMIT

Date of first receipt at office of State Reclamation Engineer

July 11, 1966 2:45 P.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.00

FILING FEES FOR USE PERMIT:

For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof .25

32981

WATER RIGHT NUMBER 76-2030

OWNER LAST NAME - ALLEN

ADDRESS LINE 1 -

ADDRESS LINE 3 -

SOURCE - SPRING

STAGE - LICENSE

TOTAL DIV. VOLUME -

DIVERSION POINT - SENW 02 21N 01E LOT

FROM - 05-01 TO - 10-01

FROM - 01-01 TO - 12-31

USE - IRRIGATION

DECKEE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE -

DIVERSION MEANS -

FLD EXAM -

PERMIT/DENIED -

COND. OF APPROVAL -

PROTESTED -

HEARING -

OLD NO. - 32981

TOTAL ACRES 1

FIRST NAME - WALLACE B.

ADDRESS LINE 2 -

CITY - BOISE

TRIBUTARY OF - LITTLE SALMON RIVER

PRICKITY - 07-11-1966

WATER DIST. -

272.0 92.0 104.0

USE DIV. RATE -

USE DIV. RATE -

PLACE OF USE - T4N 21N R4G 01E SEC 02 TRACT SENW LOT

DATE -

ORIG OWNER -

STATE - ID

ZIP CODE -

COUNTY - ADAMS

OLE/CAREY ACT -

0.0

RIGHT BASIS -

0.0 0.0 0.0

USE DIV. VOLUME -

USE DIV. VOLUME -

AC 01

.0300 -CFS

0.0 0.0 0.0

4.50 AFA

.57 AFA

TOTAL ACRES 1

VERIFIED LGS

VERIFIED 7/92

October 27, 1972

Re: Water License No. 78-2080

Wanda Millis
561 National Street
Henderson, Nevada 89015

Dear Mrs. Millis:

We have received, this date, from Mr. Mr. Freeland Thorson, of Weiser, an inquiry as to the procedure you could use to change the name shown on the above referenced water license since you are now the owners. We have advised Mr. Thorson that the State of Idaho does not have a procedure with which to change these names on a licensed right. It is our understanding of this phase of property law that once the license is issued, the real property interest is vested in the property itself and whoever owns and controls that property controls the water right. In order for someone to attempt to manipulate this license, they would have to show they are either owners of the property by means of deed purchaser's contract. However, we must again state we do not have a procedure to change the name from Wallace B. Allen to the Millis name.

If you have any further questions, please contact us.

Very truly yours,

Donald W. McEldowney
Water Rights Administrator

DWM/cd

CC: Freeland Thorson

78 2080

Western District Office

October 19, 1972

RE: LICENSE OF WATER RIGHT NO. 78-2080 Wallace B. Allen

Mrs. Wanda Millis
561 National Street
Henderson, Nevada 89015

Dear Mrs. Millis:

In answer to your letter of October 18, 1972, the license of water right is automatically transferred upon the sale of the land, unless it has been withheld by the owners and is so stated in the deed.

We are returning your documents.

If we can be of any further service, please feel free to contact this office.

Sincerely,

GARY L. PAGE
W. R. Supervisor

GLP:nkp

Enclosure

78 2080

LeRoy and Wanda Millis
561 National Street
Henderson, Nevada 89016
October 13, 1972

RECEIVED

OCT 18 1972

Department of Water Administration

Idaho Department of Reclamation
106 State House
Boise, Idaho 83701

Attention: State Reclamation Engineer:

Dear Sir:

Recently we purchased property located on the Little Salmon River. This property has a spring to which we have the Water Rights (as agreed to in our purchase agreement.

The license of Water Rights is under the name of Wallace B. Allen, #78-2080.

Please advise if this license will be transferred to us automatically along with proof of ownership or must we comply in some other way.

We have the original license in our possession along with a Deed to the property that is free of all liens.

We are enclosing pictures of both documents.

Your attention to this matter and advise to us would be appreciated very much.

Very truly yours,

Wanda Millis

78 2080

August 4, 1972

Re: License of Water Right No. 78-2080

Donart & Higgins
35 East Main Street
P. O. Box 191
Weiser, Idaho 83672

ATTN: James B. Donart

Dear Sir:

Enclosed is a copy of License of Water Right No. 78-2080 as requested in your letter of August 2, 1972. The charge for this copy is 25¢.

Very truly yours,

Donald W. McEldowney
Water Rights Supervisor

DWM/cd

Enclosure

78 2080

C August 4, 1972

Re: License of Water Right No. 78-2080

O Donart & Higgins
35 East Main Street
P. O. Box 191
Weiser, Idaho 83672

ATTN: James B. Donart

P Dear Sir:

Enclosed is a copy of License of Water Right No. 78-2080 as requested in your letter of August 2, 1972. The charge for this copy is 25¢.

Y Very truly yours,

Donald W. McEldowney
Water Rights Supervisor

DWM/cd

Enclosure

78 2080

LAW OFFICES
DONART & HIGGINS

35 EAST MAIN STREET

POST OFFICE BOX 191

WEISER, IDAHO 83672

TELEPHONE (208) 549-2072

GEORGE DONART, 1889-1961

JAMES B. DONART

LAWRENCE J. HIGGINS

OTHER OFFICE AT:

KNEELAND BUILDING

P. O. BOX 730

KETCHUM, IDAHO 83340

KETCHUM-SUN VALLEY 726-3144

August 2, 1972

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Gentlemen:

I am writing to inquire about an application for a license that is reputed to have been made by one Wallace Allen for the use of waters of a spring located in the SE/4 NW/4, Sec. 2, T. 21, N., R. 1 E.B.M. in Adams County, Idaho.

I have no knowledge as to whether or not such an application was in fact made or if so, how far it may have progressed. I am making this inquiry on behalf of a man and his sister who have a right in the spring by virtue of a series of deeds originating with the predecessor in interest of Wallace Allen.

I would appreciate any information you could give me as to whether or not such an application has been made and if so whether or not the license has issued to Mr. Allen.

Yours very truly,

DONART & HIGGINS

By:

James B. Donart
James B. Donart

JBD:ch

LICENSING DATA ANALYSE

- Permit No. 78-2080
- Name license is to be issued in Wallace B. Allen
Assignment required - Yes ☐ No ☒
- Date of first receipt July 11, 1966 Date proof due July 15, 1977 Made Dec 5 69
- Priority ☐ Late proof - Yes ☐ No ☒
- Source UNAMED Spring tributary Little Salmon River
- Point of diversion:
Twp. 21 N/S, Rge. 1 E/W, B.M., Sec. 2, SE $\frac{1}{4}$ NW $\frac{1}{4}$
Twp. N/S, Rge. E/W, B.M., Sec. , $\frac{1}{4}$ $\frac{1}{4}$
Twp. N/S, Rge. E/W, B.M., Sec. , $\frac{1}{4}$ $\frac{1}{4}$
Amendment required - Yes ☐ No ☐
- Beneficial use for license:
Amt. .02 for Domestic from JAN to 31 Dec AF .57
Amt. .02 for IRRIGATION from May 1 to Oct 1 AF 4.5
Amt. for from to AF
Amount not to exceed at any one time .03 c.f.s. or 5.07 acre feet per season or 4.5 acre feet per acre
Amendment required - Yes ☐ No ☒
- Permitted Amount: .03 c.f.s. Volume for season AF
- Measured Amount: .03 Reason for reduction
- Description and location of place of use:

Twp	Rge	Sec	NE 160				NW 160				SW 160				SE 160				Total
			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 $\frac{1}{4}$	
21N	1E	2							1										1

Total No. of acres 1

Supplemental acreage - Yes ☐ No ☒
Total permitted acres 1
Amendment required - Yes ☐ No ☒

11. Remarks:

- Measuring device required - Yes ☐ No ☒
- Type of letter required: Fee ☐ Notice ☒
- Analysis by J. B. Baker Date 30 Oct 70 Checked by Date 1-14-71

March 17, 1971

Re: Permit No. 78-2080 (32981)

C

Mr. Wallace B. Allen
5021 East 43rd
Boise, Idaho 83704

Dear Mr. Allen:

Enclosed herewith is your Water License issued for the above numbered permit.

P

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF/kh

Enclosure

78 2080

January 29, 1971

Re: Permit No. 78-2080 (32981)

Mr. Wallace B. Allen
502½ East 43rd
Boise, Idaho 83704

Dear Mr. Allen:

A representative of this department has made an examination of the works covered by your Permit No. 78-2080 and has found the following:

Quantity of water diverted: 0.03 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 0.03 c.f.s.

The maximum quantity diverted shall not exceed 5.07 acre feet per season.

Beneficial Use: Domestic purposes and Irrigation of 1 acre within
the SE¼NW¼ Sec. 2, T. 21 N., R. 1 E., B.M.

The priority date established is : July 11, 1966

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.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:kh

78 2080

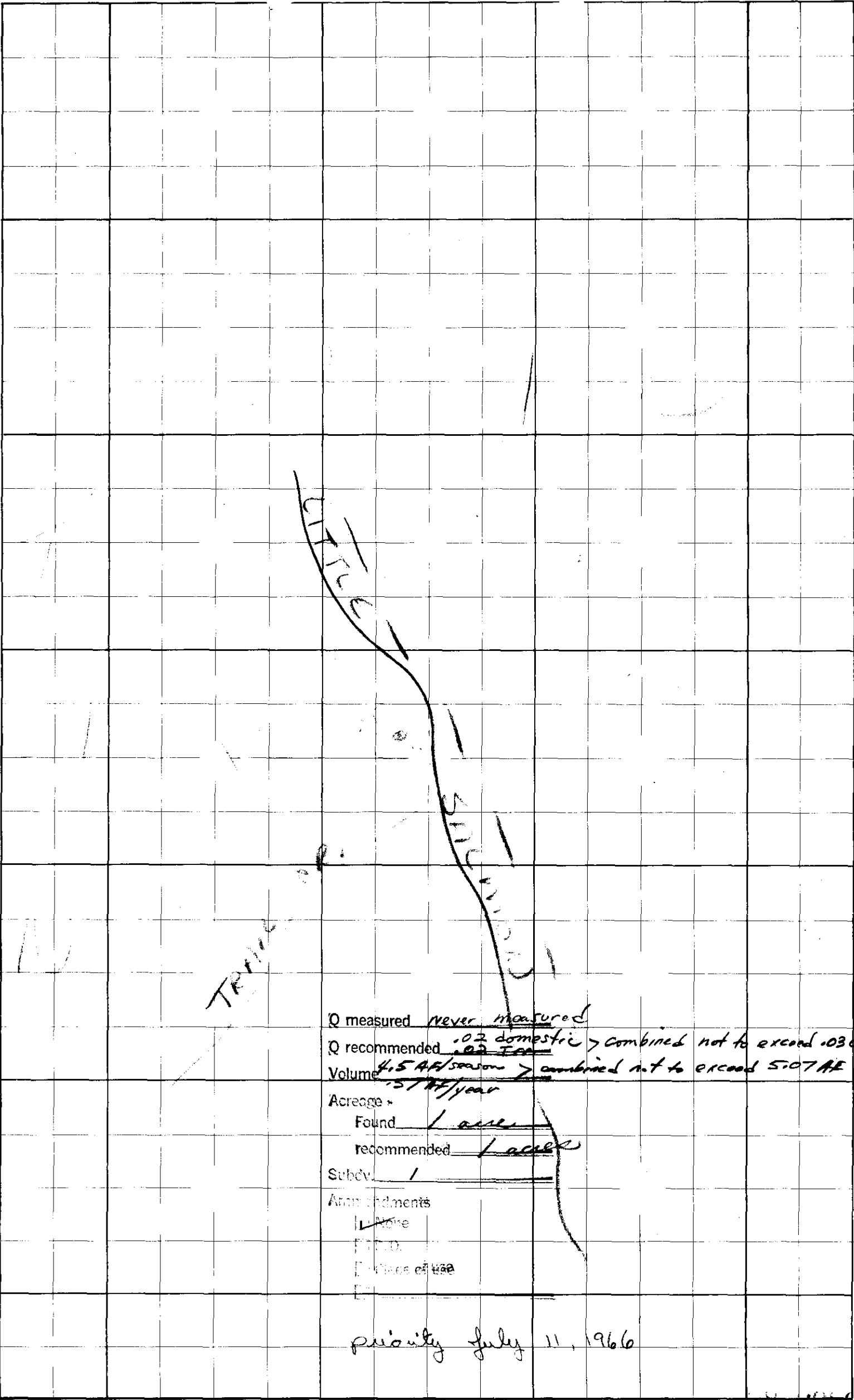
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 32981/78-2080

REPORT ON PROOF OF b/u - Wallace B. Allen, Boise

78 2080



Q measured never measured
Q recommended .02 domestic > combined not to exceed .03 cfs
Volume 4.5 AF/season > combined not to exceed 5.07 AF
Acreage *
Found 1 acre
recommended 1 acre
Subv. 1
Arrangements
☒ None
☐ F.T.D.
☐ F.T.D. of use
☐

priority July 11, 1966

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

Permit No. 32981/78-2080

This proof is for b/u -.03 cfs In Water District No.

1. Name of applicant Wallace B. Allen, 502½ E. 43rd, Boise, Idaho

2. Source of water supply: unnamed spring, tributary of Little Salmon River

3. Location of point of diversion: Is in the SE¼NW¼ of Section 2

T. 21 N R. 1 E County of Adams

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

PROOF & PERMIT - concrete collection box, 1½" pipe to house.

5. Water is used for: irrigation and domestic

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE¼NW¼, Sec. 2, 21 N, R. 1 E PROOF & PERMIT

(1 acre)

Water is collected in a cement concrete box, and then comes down the hill, through a 1½" plastic pipe to a pressure tank. A small Sanborn Motor pump & motor pumps the water to place of use.

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

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

Remarks: Water comes from a spring above their house and is used to irrigate approx. 1 acre of lawn and gardens. The water is also used for domestic purposes for 1 family.

Allow max. of permit of .03 cfs.

This examination was made on the 7th day of Oct, 1978

(Signed) Ted Everett Examiner.

78 2080

29 Oct 78

ASCS OFFICE - Council
SCS OFFICE - Council

Permit No. 32981/78-2080

Examination for b/u - Wallace B. Allen

County Adams

Sec. 2 T. 21N R. 1E

Quantity: .03 cfs

Source: unnamed spring, tributary of
Little Salmon River

P.D.: SE $\frac{1}{4}$ NW $\frac{1}{4}$

Use: irrigation & domestic

Extensions:

Protastic

Completion of Work:

Other Rights:

Filed: 7-11-66 / Made: 12-5-69 /
Due: 7-15-77 / Priority: 7-11-66 /

Due: *CH 10 9 1966*

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.

78 2080

January 27, 1970

Re: 32981/78-2080

Wallace B. Allen
502½ East 43rd
Boise, Idaho 83704

Dear Mr. Allen:

We acknowledge receipt of the affidavit of publication submitted in connection with the above referenced permit.

Before a license 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 examiner will try to contact you at the time he makes the examination. If someone other than yourself should be contacted, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

NOTE: We are returning the paid billing notice to you to place with your personal records of the permit.

78-2080
32981

January 22, 1970

Re: Permit No. 32981/78-2080

Wallace B. Allen
502½ East 43rd
Boise, Idaho

Dear Mr. Allen:

As of this date, we have not yet received the affidavit of publication to be submitted in connection with permit No. 78-2080. You should be aware that many newspapers do not keep copies of these advertisements for their files. We, therefore, recommend that you obtain this affidavit as soon as possible from the Adams County Leader, Council, Idaho, and submit it promptly to the Department. Please be advised that a license will not be issued until we are in receipt of this affidavit.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

32981
78-2080

December 8, 1969

Re: Permit No. 32981/7802080

Wallace B. Allen
502½ East 43rd
Boise, Idaho

Dear Mr. Allen:

We acknowledge receipt of your affidavit submitted as proof of beneficial use for permit ~~32981/78-2080~~.

Before a license can be issued you must submit an affidavit of publication to this department. The affidavit of publication may be obtained from the Adams County Leader, Council, Idaho, (after December 18) upon payment of the bill of publication.

Prior to the issuance of the license a field examination must also be made by a representative of this department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system. If someone other than yourself should be contacted by the examiner, please advise.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

32981
78-2080

December 3, 1969

Re: Permit No. 32981/78-2080

Wallace B. Allen
502½ East 43rd
Boise, Idaho

Dear Mr. Allen:

We are in receipt of the affidavit of proof of beneficial use for the above referenced permit. However, we are returning it as it is unacceptable.

The affidavit must be completed on both sides and signed by a notary public. Your prompt attention to this matter would be greatly appreciated.

Be informed that the legal notice for this permit is being published in the Adams County Leader on December 11 and December 18, 1969. You will be required to submit an affidavit of publication to this department. The affidavit may be obtained from the above mentioned newspaper upon payment of the cost of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Affidavit of proof

32981
78-2080

December 3, 1969

Re: Permit No. 32981 - Wallace B. Allen

Adams County Leader
Council, Idaho 83612

Gentlemen:

Enclosed is a legal notice which we wish to have published for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for our review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates, please contact the Department of Reclamation immediately.

The expense of the publication is to be paid by Wallace B.

Allen, 502½ East 43rd, Boise, Idaho
to whom you should furnish an affidavit of publication.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:JMB

Enc. Legal Notice (1)

32981
78-2080

November 6, 1969

Re: Permit No. 32981 (New No. 78-2080)

Wallace B. Allen
512 East 43rd
Boise, Idaho

Dear Mr. Allen:

During the 1967 session of the Idaho Legislature, certain amendments were made in the law pertaining to the procedures for making proof of beneficial use of water. In order for the Department to comply with these changes, Rules of Practice and Procedure were adopted on August 1, 1968. Generally, these procedures and the amended law make it simpler for a person to make proof and relieve the permit holder from making separate proofs of completion of works and beneficial use of water.

The enclosed order modifies your permit to comply with these rules and regulations. As a part of the new procedure, you will be required to publish a notice at your expense for two consecutive weeks in a paper as prescribed by the Department, stating that you have been issued a permit, ~~and are now submitting proof of beneficial use.~~ Previously, a permit holder had to publish a notice for four weeks when he submitted proof under his permit.

If you will complete the enclosed forms, we will cause the notice to be published. Should you require additional forms or information, we will be glad to supply it upon request at any time.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWMLJMB

Enc. Order
Advertising package

32981
78-2080

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 32981)

in the name of Wallace B. Allen,)

512 East 43rd, Boise, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

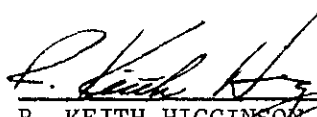
WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. 32981 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.
 - b. The permittee will not be required to submit proof of completion of
works as originally specified, but will be required to submit proof
to the Department of Reclamation of the application of the water to
beneficial use on or before July 15, 1977. The permit holder should
be aware that failure to complete one-fifth (1/5) of the works within
one-half (1/2) of the time originally set for Completion of Works may
be grounds for cancellation at the instance of the department.

Dated this 10TH day of NOVEMBER, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32981
78-2080

RECEIVED

DEC 2 1969

NOTICE OF EXISTING WATER PERMIT

Department of Reclamation

Notice is hereby given that Wallace B. Allen, 502 1/2 East 43rd, Boise, Idaho,
_____ has received an approved permit No.

32981 issued by the Idaho State Reclamation Department authorizing the
diversion ~~of 0.03~~ of 03 cubic feet per second ~~from an unnamed spring, tributary of the Little Salmon River~~
of water from an unnamed spring, tributary of the Little Salmon River
subject to all prior rights. The priority to be established under this permit is
July 11, 1966 and the permit was approved July 15, 1966.

Water is to be diverted by collection box and pipe
from a point within the SE 1/4, Sec. 2, T. 21 N, R. 1 E, B. M.,
Adams County

to be used for irrigation and domestic purposes
in the SE 1/4, Sec. 2, T. 21 N, R. 1 E, B. M.,

Proof of the application of the water to beneficial use is to be submitted to the
department on or before July 15, 1977. Any protests against
the issuance of a license for the above referenced permit should be filed with the
Department of Reclamation within ten (10) days of the last date of publication of
this notice or prior to the licensing of the permit. Licensing may commence prior
to the date beneficial use proof is due without further notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Adams County Leader, Council, Idaho, on
December 11 and December 18, 1969.

State Reclamation Engineer: _____ Permit No. 32981

You are hereby authorized to have the attached notice published at my expense in
the Adams County Leader of Council, Idaho;
published in the county in which the works are situated.

Wallace B. Allen
(Signature)

502 1/2 E 43rd
(Address)
Boise Idaho
(Date)

32981

78-2080

July 21, 1966

Re: Permit No. **32981**

Wallace B. Allen
512 East 43rd St.,
Boise, Idaho

Dear Mr. Allen:

32981

We enclose Permit No. _____ in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer

XXXXXXXXXXXXXXXXXXXX

32981X 33293

We also enclose Departmental Receipt No. 5.00 which was issued covering payment in the amount of \$5.00 given to you at the time you were informed of the office mentioned permit.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw

Enc: permit

32781

NAME OF APPLICANT

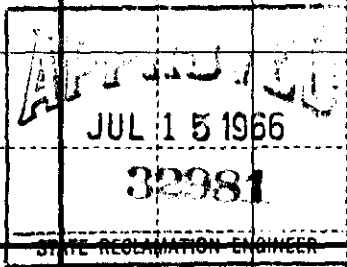
W. Lee B. Allen

Form No. 0

Rye 1 E B. H.

Tap 2/No.

PS.
2



A C K N O W L E D G E M E N T

32981

Date: _____

Re: Application No. _____

I hereby acknowledge that, even though I was assisted by employees of the Idaho State Department of Reclamation in the preparation of Application No. _____, all responsibility with regard to the accuracy and completeness of the information contained therein rests with me.

Signed:

X Wallace B Allen

Applicant

32981 *Demo*