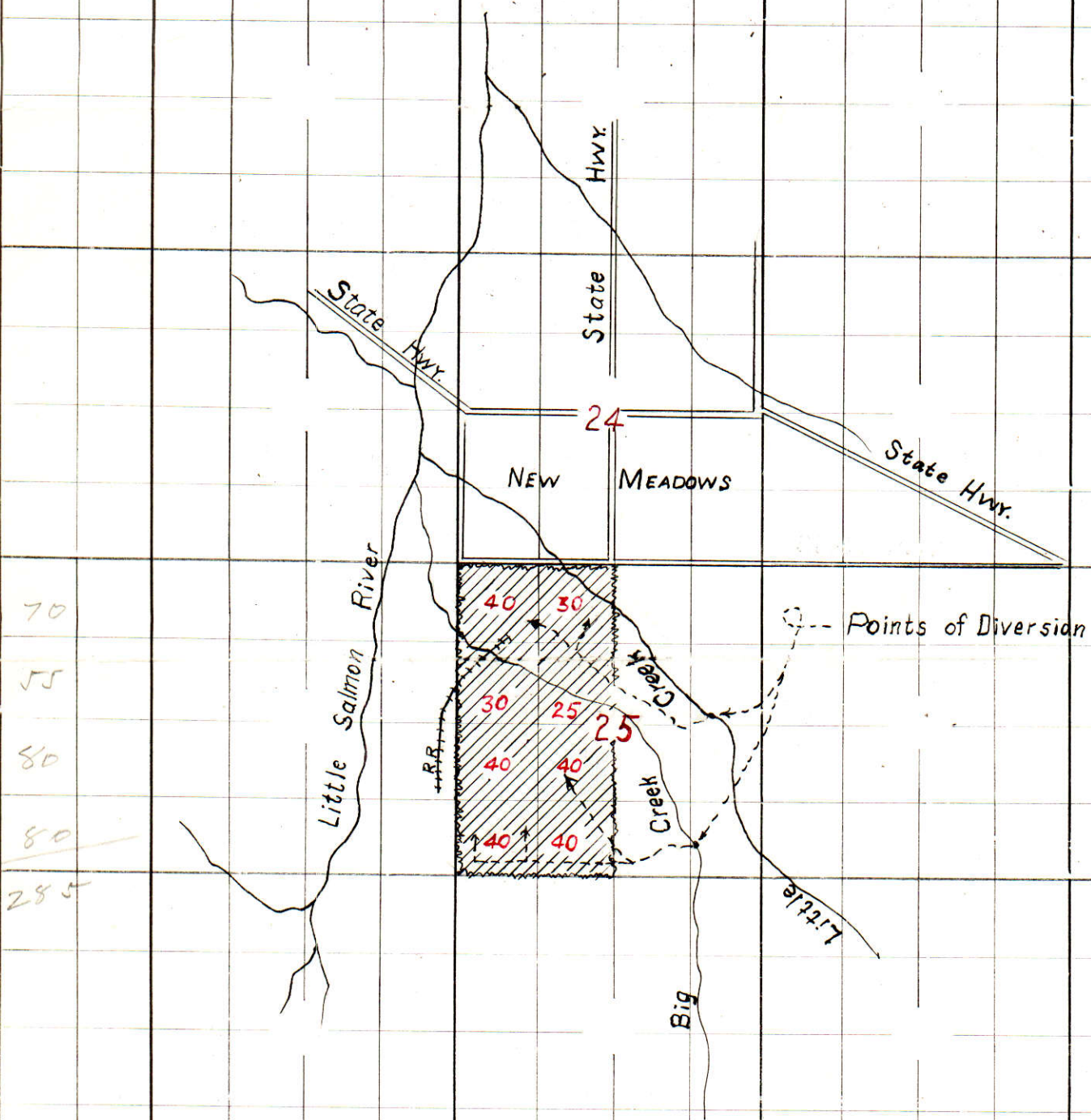


T.19N., R.1E.



Affidavit of Publication

State of Idaho, County of Adams, ss:

I, F. E. 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 Proof

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

four consecutive weeks, the first publication of the

same being made in the issue dated October 17, 1947

and the last in the issue dated November 7, 1947;

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 uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first pub-

lication of said Notice as aforesaid.

Subscribed and sworn to before me this 25

day of November, 1947.

Carl H. Swanstrom
Notary Public for Idaho,
Residing at Council, Idaho

Notice for Publication Notice of Proof Application of Water To Beneficial Use

Notice is hereby given that at 11 A. M. on the 25th day of November, 1947, at Council, County of Adams, State of Idaho, before Carl H. Swanstrom, Notary Public, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of Big Creek and Little Creek, tributaries of the Little Salmon River in accordance with the terms and conditions of Permit No. 18388 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 Richard Balbach, Meadows, Idaho.

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

The amount applied to beneficial use is 6.4 cubic feet per second.

The place where said water is used (if irrigation, give full and accurate description of the lands irrigated) Northwest Quarter and Southwest Quarter, Sec. 25, Twp. 19 N. R. 1 E. B. M. in Adams County, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private canal, unnamed.

The right to take water from such works is based upon Permit No. 18388.

The source of supply from which such water is diverted is Big Creek and Little Creek, tributaries of Little Salmon River in Adams County, Idaho.

The date of priority which said user is prepared to establish is November 27, 1936.

MARK R. KULP,
State Reclamation Engineer
Pub. Oct 17, 24, 31, Nov. 7

18388

Permit Map No. 18388

As Approved

DEC 17 1936

R. W. FARIS

Commissioner of Reclamation

Points

T. 19N. R. 1E.

1838

State of Idaho
License and Certificate of Water Right

Water License No. 18388

Amount 5.7 second feet

Water District No. _____

Priority November 27, 1936

THIS IS TO CERTIFY that WALTER BONER
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 27, 1936; that Permit No. 18388
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6.4 second feet, was issued thereunder on March 24, 1942, showing that said works
were completed on the 21st day of March, 1942; and that on the 25th
day of November, 1947.

RICHARD BALBACH, Assignee of Walter Boner,
of Meadows, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Big Creek and Little
Creek, tributaries of Salmon River, for the purpose of Irrigation and domestic
uses, under Use Permit No. 18388 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page 4529, on the 22nd day of March, 1950;

The right hereby confirmed dates from November 27, 1936;
from Big Creek

The Point of Diversion is located in the SW 1/4 Sec. 25, Twp. 19 N. Rge. 1 E., and from
Little Creek in the SE 1/4 Sec. 25, Twp. 19 N. R. 1 E., B. M. Adams 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 5.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
19 N.	1 E.	25	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	30
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NW $\frac{1}{4}$	40	30
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	25
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
Number of Acres Actually Irrigated - - -					285

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

22nd day of March, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

78 2046

Assigned to:
R. Balbach, New Meadows
Dec. 17, 1936

Nº 18388

78-2046

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

Application No. 25670
Permit No. 18388
District No.

Assigned to

1. Name of Applicant: WALTER BONER

Postoffice address: 1815 Broadway, 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:

- (b) Treasury stock
- (d) Other resources:

- (a) Cash on hand:
- (c) Bonds to be issued:

2. Quantity of water claimed: 6.4 cubic feet per second.

3. Source of water supply: Big Creek - 3.2 sec. ft. and / Little Creek - 3.2 sec. ft. 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 No. 1 (Big Creek) - SW $\frac{1}{4}$ SE $\frac{1}{4}$
No. 2 (Little Creek) - SE $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 25 , T. 19 N. , R. 1 E. , B. M., County of Adams

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: \$150.00

8. Kind of works: Dams and ditches

9. Height of dams: Big Creek - 2 feet; length of dam at top 8 feet; length of dam at bottom 7
Little Creek - 2 feet; material used in dam: Earth, brush and rocks 6 5

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

11. Ditch: Width at bottom 2 feet; width at water line 3 feet; depth of water 1
feet; dimensions of flume:
Diameter of pipe inches; length of conduit 1 $\frac{1}{2}$ miles.
Average grade per mile 5 feet.

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

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

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

15. (a) Is reservoir to be used? No 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.

WALTER BONER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 1:30 P. M., November 27, 1936

Returned to applicant for correction: December 4, 1936

Corrected application received: December 17, 1936

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18388

Recorded in Book 67 Page 18388 Approved December 17, 1936

Recorded in Book 67 Page 18388 Approved December 17, 1958
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 February 15, 1937 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before June 17, 1939

The whole of said work to be completed on or before December 17, 1941

Beneficial use of water appropriated in accordance herewith, to be made on or before December 17, 1947

Witness my hand this 17th day of December, 1936

R. W. FARIS

Commissioner of Reclamation.

Remarks: The works have been constructed for many years, and the water applied to beneficial use.

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	
19 N.	1 E.	25					40	40	40	40	40	40	40	40					320
ASSIGNMENT For value received, I hereby assign all my right, title and interest in and to permit to appropriate the public waters of the State of Idaho No. 18388 to R. Balbach. WALTER BONER Assignor STATE OF IDAHO)) ss. County of Ada) On this 17th day of December, 1936, before me, a Notary Public for the State of Idaho, residing at Boise, Idaho, personally appeared Walter Boner, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that he executed the same. In witness whereof, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate above written. (SEAL) PAUL L. HENRY Notary Public My commission expires July 26, 1939 Received and filed for record in the Department of Reclamation at Boise, Idaho, at 3:30 P. M., December 17, 1936 R. W. FARIS Commissioner of Reclamation By P.L.H. ----- PERMIT NO. 18388 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that R. BALBACH of New Meadows, County of Adams, and State of Idaho, the holder of Permit No. of 18388, issued upon application No. 25670 bearing date of priority of Nov. 27, 1936, authorizing the diversion of																			

6.4 second feet of the waters of Big Creek, 3.2 c.f.s.; Little Creek, 3.2 c.f.s., tributary of Little Salmon River, County of Adams, 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 6.4 second feet of the waters of Big and Little Creeks, tributaries of the Little Salmon River, that the point of diversion of said waters SW $\frac{1}{4}$ SE $\frac{1}{4}$ & SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, Twp. 19 N., Rge. 1 E., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit; NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 25, Twp. 19 N., Rge. 1 E.B.M.

Witness my hand this 24th day of March, 1942.

E. V. BERG, Commissioner of Reclamation

COMPLETION MADE: March 13, 1942
Certificate issued: March 24, 1942

LICENSE ISSUED FOR 5.7 SEC. FT.
P. 4529

WATER RIGHT NUMBER 78-2046

OWNER LAST NAME - PONER
OWNER LAST NAME - BALBACH
ADDRESS LINE 1 -
ADDRESS LINE 3 -SOURCE - BIG CREEK
SOURCE - LITTLE CREEK
STAGE - LICENSETOTAL DIV. VOLUME - .00 AFA
DIVERSION POINT - SWSE 25 19N 01E LCT
FROM - TO -
FROM - TO -
USE - IRRIGATION

STATUS -

.00 AFA TRFR/AMEND -

REDIV -
REDIV -

USE - IRRIGATION

USE - DOMESTIC

FIRST NAME - WALTER
FIRST NAME - RICHARD

ADDRESS LINE 2 -

CITY - MEADOWS

TRIBUTARY OF - LITTLE SALMON RIVER

TRIBUTARY OF - LITTLE SALMON RIVER

PRIORITY - 11-27-1936 COUNTY - ADAMS

WATER DIST. - 78A DLE/CAREY ACT -

272.0 92.0 104.0 40.0 0.0

272.0 92.0 104.0 39.0 0.0

USE DIV. RATE - 5.7000 CFS

USE DIV. RATE - .0000 CFS

PLACE OF USE - T2N 19N R2G 01E SEC 25

TRACT NENE LOT

TRACT SNNW LOT

TRACT NESW LOT

TRACT SWSW LOT

DATE -

STATE - ID ZIP CODE -

ORIG OWNER - 0
ORIG OWNER -

TOTAL DIV. RATE - 5.7000 -CFS

RIGHT BASIS -

0.0 0.0 0.0 0.0 0.0 0.0 1.6

0.0 0.0 0.0 0.0 0.0 0.0 2.6

USE DIV. VOLUME - .00 AFA

USE DIV. VOLUME - .00 AFA

AC 30 TRACT NNNW LOT

AC 30 TRACT SNNW LOT

AC 40 TRACT NESW LOT

AC 40 TRACT SFSW LOT

TOTAL ACRES

AC 40

AC 25

AC 40

AC 40

285

VERIFIED LGS

DECREE NAME -

REMARKS - LICENSE INCORRECTLY DESCRIBES SOURCES AS BIG CREEK & LITTLE
CREEK TRIP. TO SALMON RIVER.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 18388

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

801 037113V

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

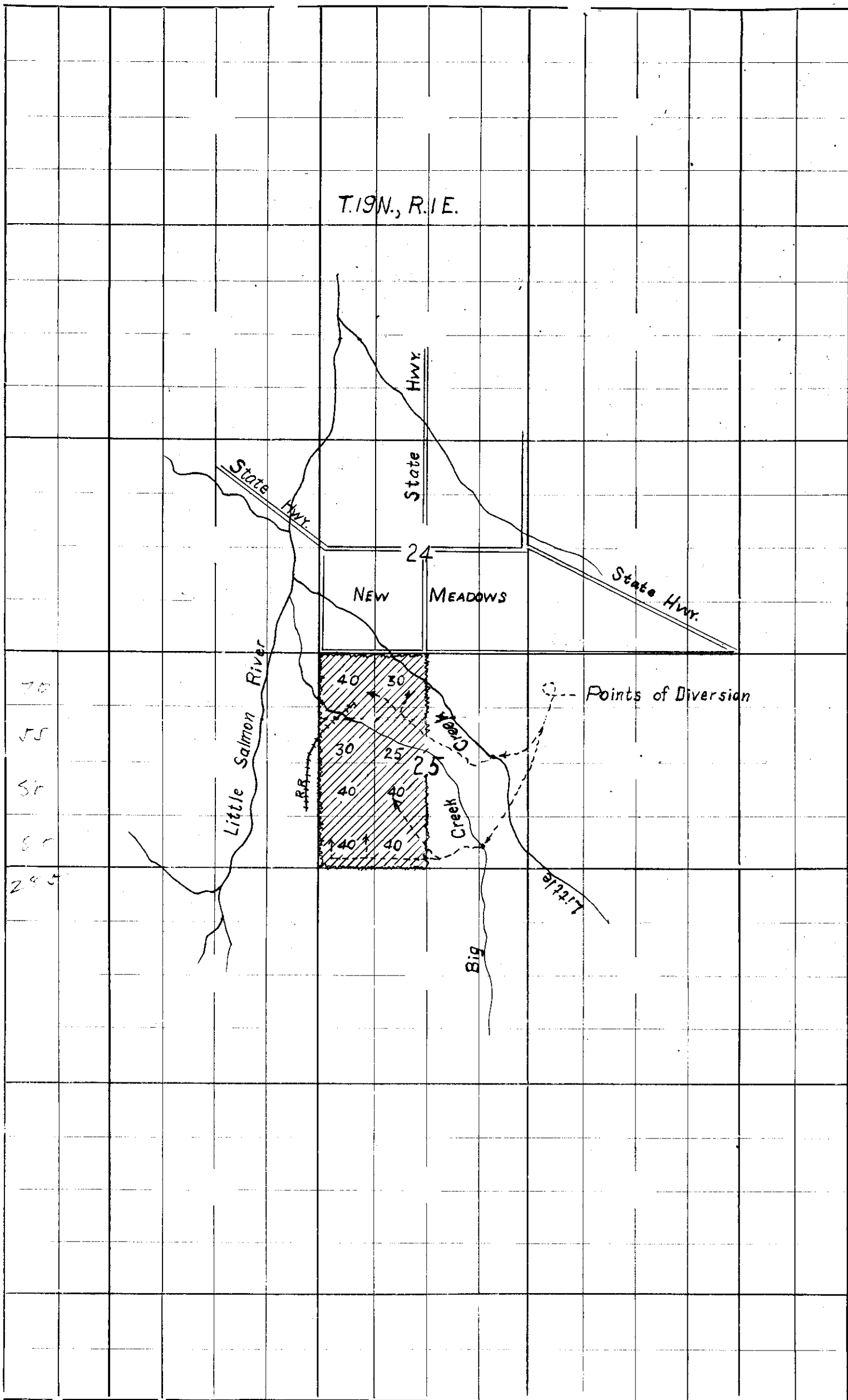
PERMIT NO. 18388

REPORT ON PROOF OF Beneficial use

5.7 e/s
31.88

Page 6.4 C/S

8



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

18388

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18388

This proof is for Beneficial use

In Water District No.

1. Name of applicant Richard Balbach, Meadows, Idaho
2. Source of water supply: Big Creek and Little Creek, tributary to Little Salmon River
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25
T. 19 N. R. 1 E. County of Adams

4. Describe works as they exist, giving dimensions and capacities of same:
- Big Creek: A timber control, 10 ft. wide, 6 ft. high, and 8 ft. long, with stop log control. The ditch is 3 to 4 ft. wide and 1 ft. deep.
- Little Creek: Dam and control same as above.
The ditch is 3 to 4 ft. wide and 1 ft. deep

5. Water is used for: Irrigation
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):
- NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 25, Township 19 North, Range 1 East, B.M.

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

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

Remarks:

This examination was made on the 2 day of June, 19 49

(Signed)

H. A. Tolman

Examiner.

18388

35
✓
Richard Balbach
Meadows, Idaho
Permit No. 18388

Examination for Beneficial use

County Adams

RECEIVED
MAR 8 1950
Department of Reclamation

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.

✓
November 29, 1947

Re: Permit No. 18388

Mr. Richard Balbach
Meadows, Idaho

Dear Mr. Balbach:

We have received from Mr. Carl H. Swanstrom the depositions of yourself and two witnesses, also the affidavit of publication in the Adams County Leader, all in proof of beneficial use under Permit No. 18388.

Before final action is taken in the matter the law requires that a field examination be made by an engineer from this department.

We cannot say when this examination will be made, as this department has but one field engineer, who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this department, will try to contact you at the time he makes the examination, so that you may arrange to show him over the ground.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

CC to Carl H. Swanstrom

18388

Carl H. Swanstrom

Attorney at Law

Council, Adams County, Idaho

November 26, 1927

RECEIVED

NOV 27 1927

Department of Reclamation

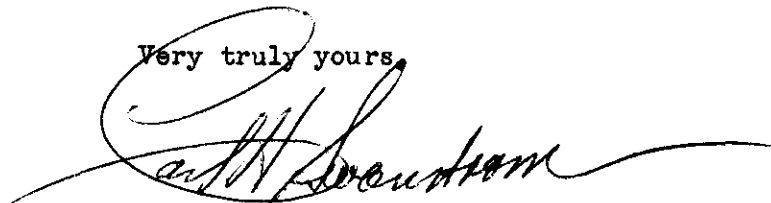
Mr. Mark R. Kulp
State Land Engineer
State House
Boise, Idaho

Re: Permit 18388, Richard Balbach

Dear Mr. Kulp:

There is enclosed in connection with the above numbered permit deposition of Richard Balbach, present owner of the permit and depositions of his witnesses, B. V. Armacost and Wm. Hubbard, which were taken before me yesterday pursuant to notice heretofore published.

Very truly yours,



Enclosures (3)
CHS:mje

18388

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 18388

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. My name is Richard Balbach, I reside near Meadows, Idaho, which is my post office address and occupation is farming and land management

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

Ans. _____

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

Ans. Permit No. 18388; date of Permit is December 17th 1936 and priority date is November 27th 1936

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

Ans. Big Creek and Little Creek in Adams County, tributaries of Little Salmon river, divereted at SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25 Twp 19 N. R. 1 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. Two dams in Little Creek, about 4 feet high; one in Big Creek 4 feet high, and two (2) ditches 2 feet wide on bottom and 2 feet deep, average; they will each carry in excess of 4 Sec. Ft. of water; ditches are not named
Ditch from Little Creek is 3/4ths mile long and from Big Creek about 90 rods long

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 on West Half of Sec. 25 in Twp 19 N' R. 1 E. B. M. and each forty acre tract is fully irrigated, except for creek beds and in the sub-division, about 320 acres are irrigated. This land is now in deeded meadow and is largely used for pasture purposes; formerly, it was used for both hay and grain

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

Ans. _____

18388

Handwritten signature

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

Ans. Proper irrigation requires constant flow of at least 1" per acre, or for entire tract, 6/4 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. Filing by Walter Boner and I have since acquired land

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

Ans. The water applied for has been used on this land each season since 1936 and priority date, by use and filing is November 27. 1936

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. I own and have used for past 8 years on this land 290 acre feet of the Brundage Reservoir Storage Water, as supplemental water after natural flow of Big Creek and Little Creek no longer afford sufficient water for irrigation needs

(Sign)

Richard Balboche

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 Council, County of Adams, State of Idaho, on this 25th day of November, A. D. 1947.

My commission expires April 7th 1948

18388

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18388

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. Wm. Hubbard, age 41, my occupation is that of farming and I reside in Meadows Valley in Adams County, Idaho

Ques. 2. Are you acquainted with Richard Balbach, the holder of Permit No. 18388? How long have you known him and where does he reside?

Ans. I am acquainted with him and have personally known him for 35 years

Ques. 3. Have you read or heard read said Permit No. 18388, and are you familiar with its provisions and conditions?

Ans. Yes, I have read it and knows its provisions

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 water is taken from Big Creek and Little Creek, tributaries of Little Salmon River in Adams County, Idaho; the two points of diversion are in SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25 in Twp. 19 N. R. 1 E. B. M. and water is diverted by 2 ditches to place of use

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

Ans. Each ditch will carry from 200 to 250 inches of water and I have seen that amount of water being carried in them

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. All water is used for irrigation; To the best of my judgment, the irrigated lands are, as to the NW $\frac{1}{4}$, as follows: NE $\frac{1}{4}$ 40 acres; NW $\frac{1}{4}$ 40 acres; SW $\frac{1}{4}$ 40 acres, SE $\frac{1}{4}$ 40 acres and as to the Southwest Quarter, as follows: NE $\frac{1}{4}$ 40 acres, NW $\frac{1}{4}$ 40 acres, SW $\frac{1}{4}$ 40 acres and SE $\frac{1}{4}$ 40 acres; the land was formerly used for both grain and hay and now is all in planted meadows, used for pasture and irrigated during full season.

18388

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. The land in this area is heavy top soil, underlaid with gravel, and of fairly uniform slope; it requires at least one (1) inch per acre, constant flow, for successful irrigation

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

Ans. I have no interest in this land or water

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 personally witnessed the irrigation of this land for the past 12 years during each irrigating season

(Signed) Wm Hubbard

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 Council, County of Adams, State of Idaho, on this 25th day of November, A. D. 19 47.

My commission expires April 7th 1948

Carl H. Thompson
Notary Public.

18388

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18388

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. B. V. ARMACOST, age 42, occupation is farming and I reside near New Meadows in Adams County, Idaho.

Ques. 2. Are you acquainted with Richard Balbach, the holder of Permit No. 18388? How long have you known him and where does he reside?

Ans. Over 20 years and he resides near Meadows, Idaho

Ques. 3. Have you read or heard read said Permit No. 18388, and are you familiar with its provisions and conditions?

Ans. Yes, I have read it and am familiar with it

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 source of water is from Big and Little Creeks in Adams County; the places of diversion (Two 2) are in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 25 in Twp. 19 N. R. 1 E. B. M. The diversion works consist of two ditches averaging 2 feet wide on bottom and 2 feet 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. Each ditch will safely carry about 250 inches of water and I have seen that amount of water carried in the ditches.

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. The water is used for irrigation purposes all on cultivated meadow land. The land is all in West Half of Sec. 25, Twp. 19 N. R. 1 E. B. M., and except for creek beds, all of land is irrigated, being nearly 40 acres in each 40 acre sub-division, or 320 acres in all. As a result of the use of this water, all of land has been put in cultivation and is used for pasture purposes and formerly, for hay and grain crops.

18388

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. Land is fairly level, heavy soil, underlain with gravel and requires at least one inch (1") per acre for successful irrigation

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

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. For the past 8 years I have seen this land irrigated during the irrigating season of each year and past 4 years I have personally irrigated, or have been in charge of irrigating this land

(Signed) B. T. Armistead

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 Council, County of Adams, State of Idaho, on this 25th day of November, A. D. 1947

My commission expires April 7th 1948

Carl H. Coan
Notary Public.

18388

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, F. E. 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 Proof*

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

four consecutive weeks, the first publication of the

same being made in the issue dated *October 17, 1947*

and the last in the issue dated *November 7, 1947*:

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 uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first pub-

lication of said *Notice* as aforesaid.

F. E. Rogers

Subscribed and sworn to before me this *25*

day of *November*, 19*47*.

Carl H. Swanstrom

Notary Public for Idaho,
Residing at Council, Idaho

Notice for Publication
Notice is hereby given that at 11 A. M. on the 25th day of November, 1947, at Council, County of Adams, State of Idaho, before Carl H. Swanstrom, Notary Public, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of Big Creek and Little Creek, tributaries of the Little Salmon River in accordance with the terms and conditions of Permit No. 18388, 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 Richard Balbach, Meadows, Idaho.

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

The amount applied to beneficial use is 6.4 cubic feet per second.

The place where said water is used (if irrigation, give full and accurate description of the lands irrigated) Northwest Quarter and Southwest Quarter, Sec. 25, Twp. 19 N. R. 1 E. B. M. in Adams County, Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is private canal, unnamed.

The right to take water from such works is based upon Permit No. 18388.

The source of supply from which such water is diverted is Big Creek and Little Creek, tributaries of Little Salmon River in Adams County, Idaho.

The date of priority which said user is prepared to establish is November 27, 1936.

MARK R. KULP,
State Reclamation Engineer
Pub. Oct 17, 24, 31, Nov. 7

18388

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, November 17, 1947

Re: Permit No. 18388
Richard Balbach

Mr. Carl H. Swanstrom
Notary Public
Council, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18388

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 November 25, 1947, 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 Council, Idaho before Carl H. Swanstrom, 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,

.....MARK R. KULP.....
Commissioner of Reclamation
State Reclamation Engineer

18388

October 30, 1947

Re: Permit No. 18388

Mr. I. M. Moore
Meadows, Idaho

Dear Mr. Moore:

In reply to your request, we enclose
a certified copy of Permit No. 18388, also our
Departmental Receipt for the \$1.50 fee for same,
No. 20212.

Very truly yours,

MARK E. KUIP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

18388



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

October 22, 1947

Re: Permit No. 18388

Mr. I. M. Moore
Meadows, Idaho

Dear Mr. Moore:

We are in receipt of your letter of October 18th, which reached us this morning, in which you ask for a copy of Permit No. 18388, in the name of Richard Balbach.

We shall be glad to furnish you with such a copy, the cost of which will be \$1.00, or \$1.50 if certified.

However, for your information will state that this Permit calls for 3.2 second feet of water from Big Creek, and 3.2 second feet from Little Creek, with points of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ respectively of Section 25, Township 19 North, Range 1 East. The water to be used for irrigation and domestic purposes, on the West half of Section 25, Township 19 North, Range 1 East, EM.

Proof of completion of works was made and certificate of completion of works issued March 24, 1942. Proof of beneficial use is due on or before December 17, 1947.

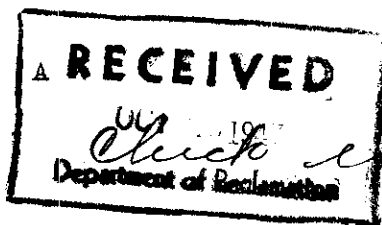
The original filing is dated November 27, 1936, in the name of Walter Boner, and assigned to R. Balbach on December 17, 1936.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk



Please send permit

Sincerely yours

I. M. Moore
18388

October 22, 1947

Re: Permit No. 18388

Mr. I. M. Moore
Meadows, Idaho

Dear Mr. Moore:

We are in receipt of your letter of October 18th, which reached us this morning, in which you ask for a copy of Permit No. 18388, in the name of Richard Balbach.

We shall be glad to furnish you with such a copy, the cost of which will be \$1.00, or \$1.50 if certified.

However, for your information will state that this Permit calls for 3.2 second feet of water from Big Creek, and 3.2 second feet from Little Creek, with points of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ respectively of Section 25, Township 19 North, Range 1 East. The water to be used for irrigation and domestic purposes, on the West half of Section 25, Township 19 North, Range 1 East, RM.

Proof of completion of works was made and certificate of completion of works issued March 24, 1942. Proof of beneficial use is due on or before December 17, 1947.

The original filing is dated November 27, 1936, in the name of Walter Boner, and assigned to R. Balbach on December 17, 1936.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

18388

Meadows Lake

Oct 18 1947

Mark R. Kulp

State Reclamation Engineer

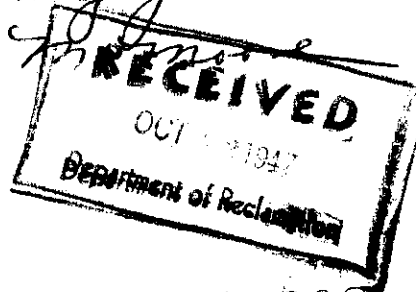
Boise Idaho

Dear Sir:

Would it be possible for you to send me a copy of Permit No 18388 which allows Richard Balbach to divert water from Big creek and Little creek for irrigation purposes? If so please mail it to me at your earliest convenience.

Sincerely yours

I. H. Jones



18388

18388 ✓

October 16, 1947

Mr. Oliver J. Smith,
Weiser, Idaho.

Dear Mr. Smith:

Confirming your telephone request as of this date,
we are enclosing herewith, abstract of Decreed
water Rights, on Big Creek, Adams County, and an
abstract of a permit right, the only valid permit
right of record, filed since the decree was rendered.

Permit No. 18388

Applicant, Walter Boner,

Amount, 3.2 c.f.s. from Big Creek,

3.2 c.f.s. from Little Creek,

Use, Irrigation & Domestic purposes.

Filed, November 27, 1936

Proofs, Completion of Works due Dec. 17, 1941

Made c.w. proof March 13, 1942,

Certificate of Completion of Works issued 3-24-42
for amount as applied for.

Place of Use, W $\frac{1}{2}$ Section 25, Twp. 19.N. R. 1.E. B M.

Permit assigned to R. Balbach, Dec. 17, 1936

Beneficial Use proof due Dec. 17, 1947, not made to date.

Hoping this is the information required,

Very truly yours,

MARK R. KULP.

State Reclamation Engineer,

By, Roy W. Thompson,

Supervisor of Water Distribution,

Rt.

ss, Abstracts,

18358

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date:

October 11, 1947

Adams County Leader,
Council, Idaho.

Gentlemen:

Enclosed you will find notice for publication
once a week for four consecutive weeks prior to **November 25, 1947**

. the date set for proof, the expense of the
publication to be paid by the applicant, **Richard Balbach,**
of **Meadows, 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,
in order that we may check same.

Very truly yours,

MARK. R. KULP.

State Reclamation Engineer

By

Roy.W.Thompson,
Supervisor of Water Distribution,

18388

October 11, 1947

Re Permit No 18388

Mr. Richard Balbach,
Meadows, Idaho.

Dear Mr. Balbach:

This will acknowledge receipt of notice in duplicate for publication in connection with beneficial use proof and also your authorization to have the notice published in the Adams County Leader of Council Idaho, all in connection with Permit No. 18388.

A copy of this notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to November 25, 1947. About ten days prior to the date set for proof depositions consisting of one for the holder and one each for two witnesses will be mailed to Mr. Carl H. Swanstrom, Notary Public of Council, Idaho. so that he will have them in ample time for the proof.

On the date designated you should appear at Mr. Swanstrom's office with two disinterested witnesses, who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

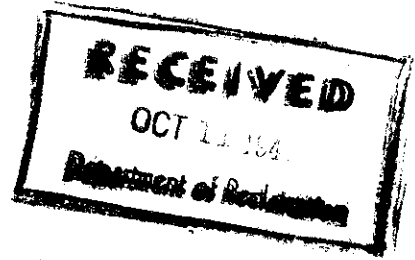
MARK. R. KULP.
State Reclamation Engineer,

By, Roy.W. Thompson,
Supervisor of Water Distribution,

cc- Mr. Carl H. Swanstrom,
Council, Idaho.

18388

Carl H. Swanstrom
Attorney at Law
Council, Adams County, Idaho



October 10, 1947

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

Re: Permit No. 18388, Richard Balbach

Dear Mr. Kulp:

Mr. Richard Balbach of Meadows, Idaho has asked that I reply to your letter of October 1 advising him of the matter to make proof of beneficial application of water under the above permit.

Herein you will find notice from Mr. Balbach directed to you and authorizing publication of notice of proof of water to beneficial use which is for publication in the Adams County Leader, a newspaper published at Council, Idaho. Mr. Balbach would like to have this hearing held before me on November 25 at 11 o'clock in the forenoon.

Very truly yours,

CHS:mje

18388

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 10th. 1947

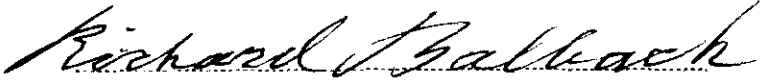
(P. O.) Meadows, Idaho

STATE RECLAMATION ENGINEER:
TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
ADAMS COUNTY LEADER of Council, Idaho, published in
the county in which the works are situated.


(RICHARD BALBACH)

(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.

18388

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

Notice is hereby given that at 11 A. M. on the 25th day of November, 19 47
at Council, County of Adams, State of Idaho, before
Carl H. Swanstrom, Notary Public, proof will be submitted of the
application to beneficial use of 6.4 cubic feet per second of the waters of Big Creek and Little
Creek, tributaries of the Little Salmon River
in accordance with the terms and conditions of Permit No. 18388
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 _____

Richard Balbach, Meadows, Idaho

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

The amount applied to beneficial use is 6.4 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) Northwest Quarter and Southwest Quarter, Sec. 25, Twp. 19 N. R.
1 E. B. M. in Adams County, Idaho

The name of the canal or ditch or other works by which said water is conducted to such place of
use is private canal, unnamed

The right to take water from such works is based upon Permit No. 18388

The source of supply from which such water is diverted is Big Creek and Little Creek, tribu-
taries of Little Salmon River in Adams County, Idaho

The date of priority which said user is prepared to establish is Nov. 27, 1936

MARK. R. KULP.

State Reclamation Engineer.

18388

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

Boise, Idaho

October 1, 1947

Mr. R. Balbach

New Meadows, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 18388. This should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make proof, in order to allow time for the four weeks' publication required by law.

The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is December 17, 1947 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 is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

18388

April 13, 1942

Re: 18388

Mr. R. Balbach
New Meadows, Idaho

Dear Mr. Balbach:

We are enclosing a Certificate of Completion of Works on the above numbered permit for the use of 6.4 cubic feet per second of the waters of Big Creek, Little Creek for irrigation and domestic use on the NW¹₄, SE¹₄, Sec. 25, Twp. 19 N., Rge. 1 E. B. M.

Very truly yours,
L. V. BERG
Commissioner of Reclamation

BY: Chief Clerk

ml.
encl.
R#18154, \$5.00.

18388

Carl H. Swanstrom

Attorney at Law
Council, Idaho

April 6th. 1942

Department of Reclamation
State of Idaho
Boise

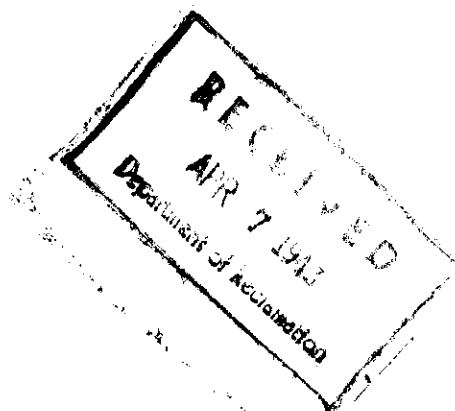
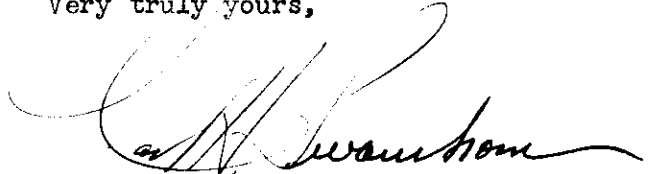
RePermit 18388, Balbach

Gentlemen:

As recently requested, I am enclosing herein two affidavits concerning the completion of the diversion works in connection with the above numbered permit.

The signers of the two affidavits, at first, inadvertantly signed the wrong affidavits and when they noticed the mistake, they corrected the error by use of signed slips pasted to the affidavits; this accounts for the somewhat "botched" appearance of the two instruments.

Very truly yours,



18388

Re Permit 18388
Richard Balbach, Meadows, Idaho

AFFIDAVIT OF COMPLETION OF WORKS

STATE OF IDAHO
).SS.
COUNTY OF ADAMS

Richard Balbach, being duly sworn on oath, says:

That he is the owner and holder of the above numbered Permit No. 18388 for appropriation of waters of Big Creek and Little Creek, in Meadows, Adams County, Idaho, by assignment of said permit from Walter Boner, original applicant therefor, and is owner of the lands described in said application, for which permit to divert water was applied for:

That all works for the diversion and application of the water sought to be appropriated, as described in said application No. 25670, were fully completed and in use before the 17th day of December, 1941, and were actually completed and in use, and have been continuously used by affiant, at all times subsequent to about June 1st. of 1937.

Richard Balbach

Subscribed and sworn to before me this 7 day of April, 1942.

J. L. Lusk
Notary Public for Idaho residing at
Wend Meadows Idaho.



18388

Re Permit No 18388

Richard Balbach, Meadows, Idaho

AFFIDAVIT OF COMPLETION OF WORKS

STATE OF IDAHO

).SS.

COUNTY OF ADAMS

according to law, says.

Being duly sworn upon oath,

That he resides in Meadows Valley, in Adams County, Idaho; that his post office address is Meadows, Idaho; that he is a citizen of the United States and of the State of Idaho, and is upwards of 65 years of age and by occupation is a farmer in Meadows Valley:

That affiant is now, and for more than Six (6) years last past has been familiar with lands owned by Richard Balbach, described as the West Half of Section 25 in Township 19 North, Range 1 East, Boise Meridian, in Adams County, Idaho, and with the system of dams and ditches by which water is diverted from Little Creek and Big Creek, in Meadows Valley, in Adams County, Idaho, for the irrigation of said lands; and that he is familiar with the terms of the application for permit to divert such water, namely, application No. 25670, Permit No. 18388, and the description of the diversion works therein contained, and,

Affiant knows of his own knowledge that all of said dams, ditches and diversion works were fully completed, and in use, prior to December 17th. 1941, and were completed and in actual use at all times from the summer of 1937.

Subscribed and sworn to before me this 2 day of April, 1942.



Notary Public for Idaho residing at
Meadows Idaho.

March 24, 1942

Re: 18368

Mr. Carl H. Swanstrom
Council, Idaho

Dear Mr. Swanstrom:

Richard Balbach.

We need an affidavit that the works were completed
before Dec. 17, 1941, the time set for completion of works proof.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

BY: Chief Clerk.

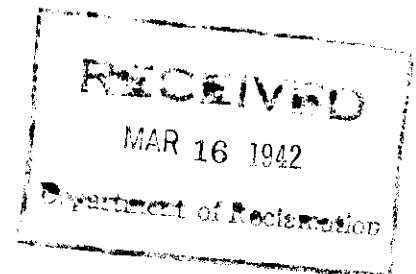
ml.

18388

Carl H. Swanstrom

Prosecuting Attorney
Council, Adams County, Idaho

March 14th. 1942



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

Re Permit 18388, Walter Boner,
Assigned Richard Balbach

Dear Mr. Berg:

I am herewith enclosing the deposition of Richard Balbach, assignee of the above permit, and of Edward H. Johnson and Wm. Hubbard, witnesses, in connection with proof of completion of works and use of water.

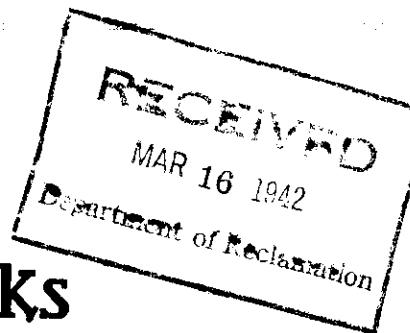
There is also enclosed my own check for \$5.00 to cover fees indicated.

I hope all enclosures will be found satisfactory: if anything additional is required, kindly let me know.

Very truly yours,

18388

PERMIT NO. 18388



Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Richard Balbach, Meadows, Idaho, and I am a farmer of the Meadows Valley in Adams County.

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

Ans. _____

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

Ans. 18388, December 17th. 1936, for 6.4 cu. ft. diversion points are in SW $\frac{1}{4}$ SE $\frac{1}{4}$, and in SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 25, Twp. 19 N. R. 1 E. B. M.

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

Ans. 320 acres in farm, of which 300 can be irrigated, all good farm and meadows lands. Land is West Half Sec. 25 in Twp. 19 N. R. 1 E. B. M.

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

Ans. Yes, water has been diverted; date was June 1st. 1937 and ever since the full amount has been used as long as water was available.

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

Ans. All works are fully completed and they do comply with terms.

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

Ans. _____

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

Ans. 3 dams, average 12' wide and average 4' high; 3 ditches, 2' on bottom, 4' on top and 2' deep; cost of dams and ditches ran to over \$400.00

(Sign here.)

Richard Balbach

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 _____ Council

County of Adams, State of Idaho, on this Thirteenth day of March A. D. 19 42.

My Commission expires April 7th 1944

Notary Public.
at Council, Idaho

18388

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

Permit No. 18388

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Edward H. Johnson, of New Meadows, Idaho. I am a farmer in the Meadows Valley of Adams County, Idaho

Ques. 2. Are you acquainted with Richard Balbach, the holder of Permit No. 18388, authorizing the diversion of 6.40 second-feet of the waters of Little Creek and Big Creek in Adams County, at Meadows Valley for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes, for 28 years; he resides at Meadows, Idaho

Ques. 3. Have you read or heard read said Permit No. 18388, and are you familiar with its terms and conditions?

Ans. Yes, I have read this permit and am familiar with its terms.

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

Ans. Yes, I know the lands described; they consist of 320 acres of farm and meadows lands, mostly irrigated and it requires about 1 inch per acre, or 6.40 Sec. Ft. for successful irrigation

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

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. There are three small lumber and timber dams in Little and Big Creeks, with ditches from the dams leading to the points of use on the lands irrigated

(Sign here.) *Edward H. Johnson*

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 Council County of Adams, State of Idaho, on this Thirteenth day of March, A. D. 1942.

Carl H. Swanson
Notary Public for Idaho residing at
Council, Idaho

18388

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

Permit No. 18388

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Wm. Hubbard, New Meadows, Idaho and am farmer by occupation

Ques. 2. Are you acquainted with Richard Balbach, the holder of Permit No. 18388, authorizing the diversion of 6.4 second-feet of the waters of Big Creek and Little Creek in Adams County, at Meadows Valley for irrigation purposes? How long have you known him, and where does he reside?

Ans. About 35 years; he lives near Meadows, Idaho

Ques. 3. Have you read or heard read said Permit No. 18388, and are you familiar with its terms and conditions?

Ans. Yes, I have read it today

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

Ans. I am familiar with the lands; it consists of about 320 acres of farm and meadow lands and it requires about 1 inch per acre, or 6.4 Sec. feet

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

Ans. Yes, the water has been diverted and used since 1937

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Three small timber dams in Little Creek and Big Creek and ditches to the lands irrigated which are sufficient to carry the full head of water

(Sign here.) Wm H Hubbard

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 Council County of Adams, State of Idaho, on this Thirteenth day of March, A. D. 1942.

Notary Public for Idaho at Council, Idaho

18388

March 4, 1942

Re: 18388

Mr. Carl H. Swanstrom
Council, Idaho

Dear Mr. Swanstrom:

R. Balbach, New Meadows.

We will need an affidavit to the effect that the works were completed before the time set for proof--Dec. 17, 1941. If this affidavit can be furnished, you may use the enclosed forms to make proof before a Notary Public.

Please forward the Notarized depositions along with the Completion of Works fee of \$5.00.

Very truly yours,
E. V. BERG.
Commissioner of Reclamation

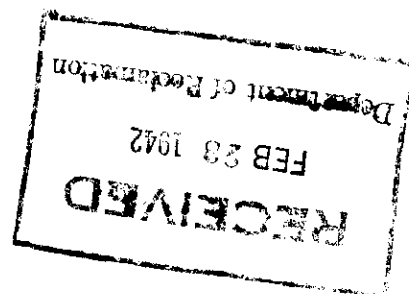
BY: Chief Clerk.

ml.
encl.

18388

Carl H. Swanson

Attorney at Law
Council, Idaho



February 26th. 1942.

Mr. E. V. Berg
Commissioner of Reclamation
Boise, Idaho
Atten Mr Thompson, Assistant Commissioner

Re Permit 18388, R. Balbach, New
Meadows,

Dear Sir:

Mr. Balbach is in receipt of your notice of February 10th. 1942 to the effect that by reason of his failure to make proof of completion of works in connection with the above numbered permit, it was subject to cancellation and would be forfeited out unless within forty days cause was shown why it should not be.

Mr. Balbach advises me that he completed the system of ditches and the small diversion dams for this water right in the early summer of 1937 and ever year since that, he has made full use of the water right; he further states that matter of making final proof was completely overlooked by him and that he had no intention of letting this essential requirement go unattended to; it was simply an oversight on his part.

He desires to make the proper showing to continue this permit in effect and to make proof of use, as required. I assume that you have your Department forms for making the showing required in this case, and for making the preliminary steps in final proof of use. If this be the case, I will be pleased to have you send me the forms that Mr. Balbach will need for putting this matter in proper shape.

Thanking you for your kind attention, I am,

Very truly yours,

18388

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR RETURNED

VOID FOR POSTAGE \$3.00

POSTAGE NOT DELIVERING

Return to

Dep't of

(NAME OF SENDER)

State

State House

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No.

87500

INSURED PARCEL

No.

18388

BOISE,

IDHO.

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 R. Balbach
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery Jan 17, 1942

18359

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

February 10, 1942, 194

Re: Permit No. 18388

To R. Balbach

New Meadows, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 18388, to appropriate the Public Waters of the State of Idaho, have not been complied with as to failure to make completion of works proof on or before Dec. 17, 1941

you are hereby notified in compliance with Sec. 41-311, Idaho Code Annotated that said Permit No. 18388 is hereby held for cancellation.

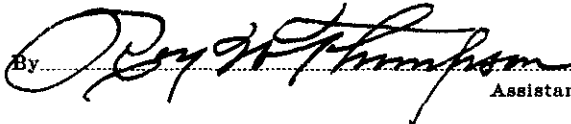
You are hereby required to show cause before the Commissioner of Reclamation on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 18388 claims the use of 6.4 cubic feet per second of the waters of Big Creek & Little Creek, with point of diversion located SE 1/4, Sec. 25, Twp. 19 N, Rge. 1 E., Adams Co., and was approved Dec. 17, 1936

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this 10th day of Febr., 1942

E. V. BERG,

Commissioner of Reclamation.

By  Assistant.

18388

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: 18388

Oct. 6, 1941

Walter Boner
1815 Broadway
Boise, Idaho

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho,

Dear Sir:—

Under the terms of your permit No. 18388 you are required to complete your diversion works on or before Dec. 17, 1941. 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,

E. V. BERG.

Commissioner of Reclamation.

18388

er 5 days, return to
 ENMENT OF RECLAMATION
 State House,
 BOISE, IDAHO.

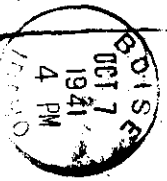
Released

RETURN TO WRITER
FOR NON-DELIVERY

RECEIVED
JAN 10 1965
U.S. AIR FORCE
CHECKED

Walter Boner
1815 Broadway
Boise, Idaho

RECEIVED
OCT 11 1941
Department of Reclamation



1500

Open
to
be
closed
e. 31

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: 18388

Oct. 6, 1941

Walter Boner
1815 Broadway
Boise, Idaho

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

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Yours truly,

E. V. BERG.

Commissioner of Reclamation.

18388

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18388

December 21, 1936

Boise, Idaho,

Dear Sir:

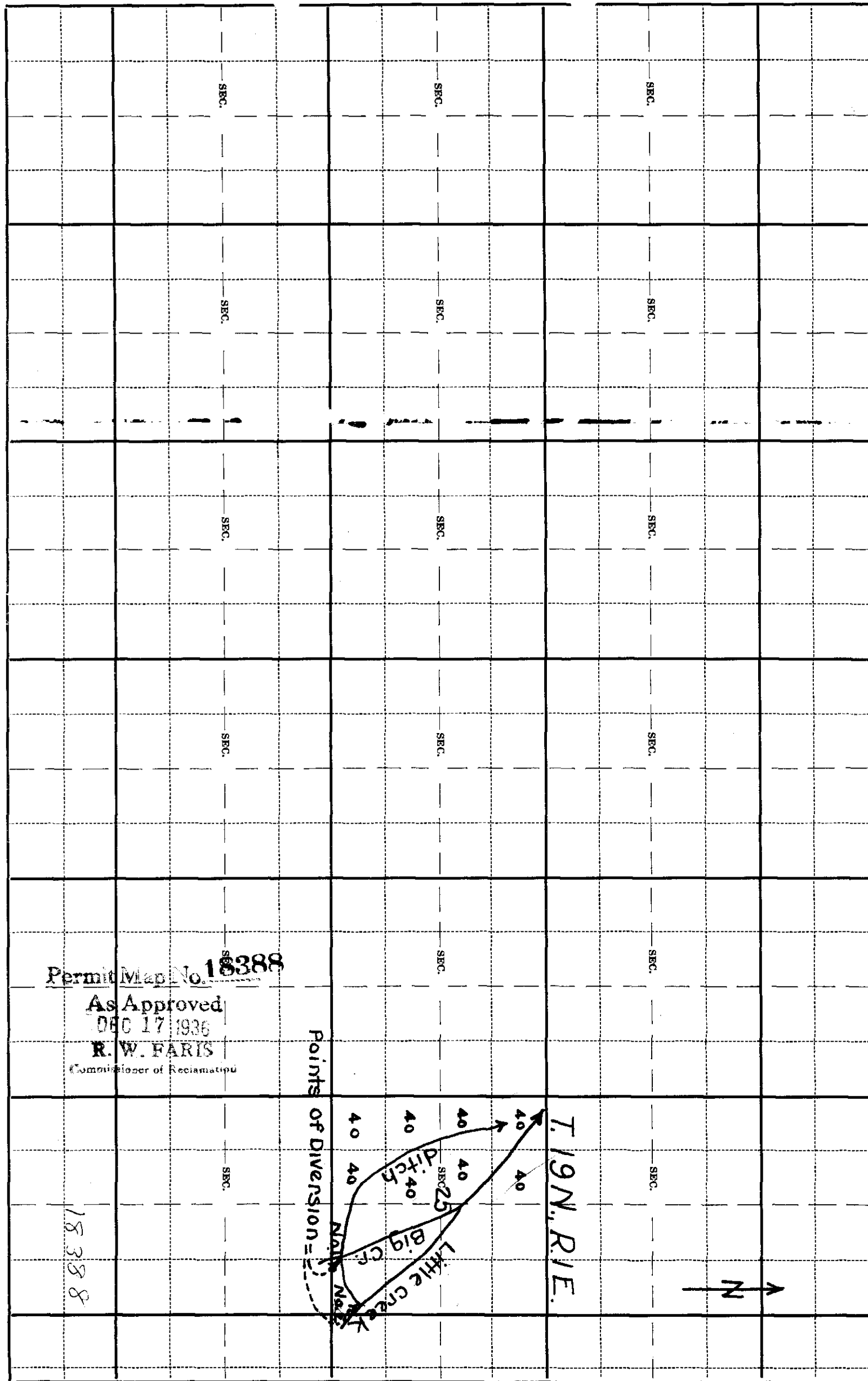
I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the third page.

R. BALBACH, Assignee
Meadows, Idaho

R. W. FARIE

Commissioner of Reclamation.

18388



18388
December 4, 1936

Re: Application No. 25670

WALTER BONER
1815 Broadway
Boise, Idaho

Dear Mr. Boner:

Several days ago, you left a blank application for a permit to appropriate water from Big Creek and Little Creek in Adams County with Mr. Talboy, the State Land Commissioner.

Presumably, you intended for him to complete it for you and then file it with this office but inasmuch as he did not have the required information, he could not do that and thus turned the blank over to us with very little information.

Yesterday afternoon I called upon Mr. Talboy and the two of us completed the form from what little data was available. I also prepared a new plat to accompany it. Will you kindly check over the plat and also the application with reference to the quantities claimed, the points of diversion, the kinds of works and dimensions, and if you do not agree that the application is correct in its present form, make such changes as are necessary.

Very truly yours,

Chief Clerk & Office Engineer.

PIE/cj
encl; Office Receipt No. 16049, \$6.50

18388