

Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

NOTICE TO PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 2nd day of August, 1923, at Rig-
gins, County of Idaho, State of Idaho,
before J. H. Clay, notary public, proof will
be submitted of the application to benefi-
cial use of 4.0 cubic feet per second of
the waters of Shingle Creek and Papouse
Creek, in accordance with the terms and
conditions of Permit No. 15844 hereto-
fore issued by the Commissioner of Rec-
lamation of the State of Idaho.

The name and postoffice address of the
person or corporation holding said per-
mit are C. M. Clay, Riggins, Idaho.

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

The amount applied to beneficial use
is 4.0 cubic feet per second.

The place where said water is used (if
for irrigation, give full and accurate de-
scription of the lands irrigated) SE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 25; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ and NE $\frac{1}{4}$ -
SW $\frac{1}{4}$ Sec. 36, T. 24 N., R. 1 W., B. M.

The right to take water from such
works is based upon Permit No. 15844.

The source of supply from which such
water is diverted is Shingle Creek and
Papouse Creek.

The date of the priority which said
user is prepared to establish is June 26,
1924.

GEO. N. CARTER,
Commissioner of Reclamation

Jun-27-Jul-18.

I, E. M. Olmsted

being first duly sworn, says he is the Publisher of
the Idaho County Free Press, a weekly newspaper, published
and issued weekly at Grangeville, Idaho County, State of
Idaho, and is of general circulation in said county and state;
that the said notice, of which the one hereto attached is a
true copy, was published in said paper for 4 weeks,
being published 4 times, the first publication being
on the 27 day of June, 1929,
and the last publication being on the 18 day of
July, 1929; and that the said notice was
published in the newspaper proper and not in a supplement;
that said newspaper has been continuously and uninterrupt-
edly published in said county during a period of seventy-eight
consecutive weeks prior to the first publication of said notice
or advertisement.

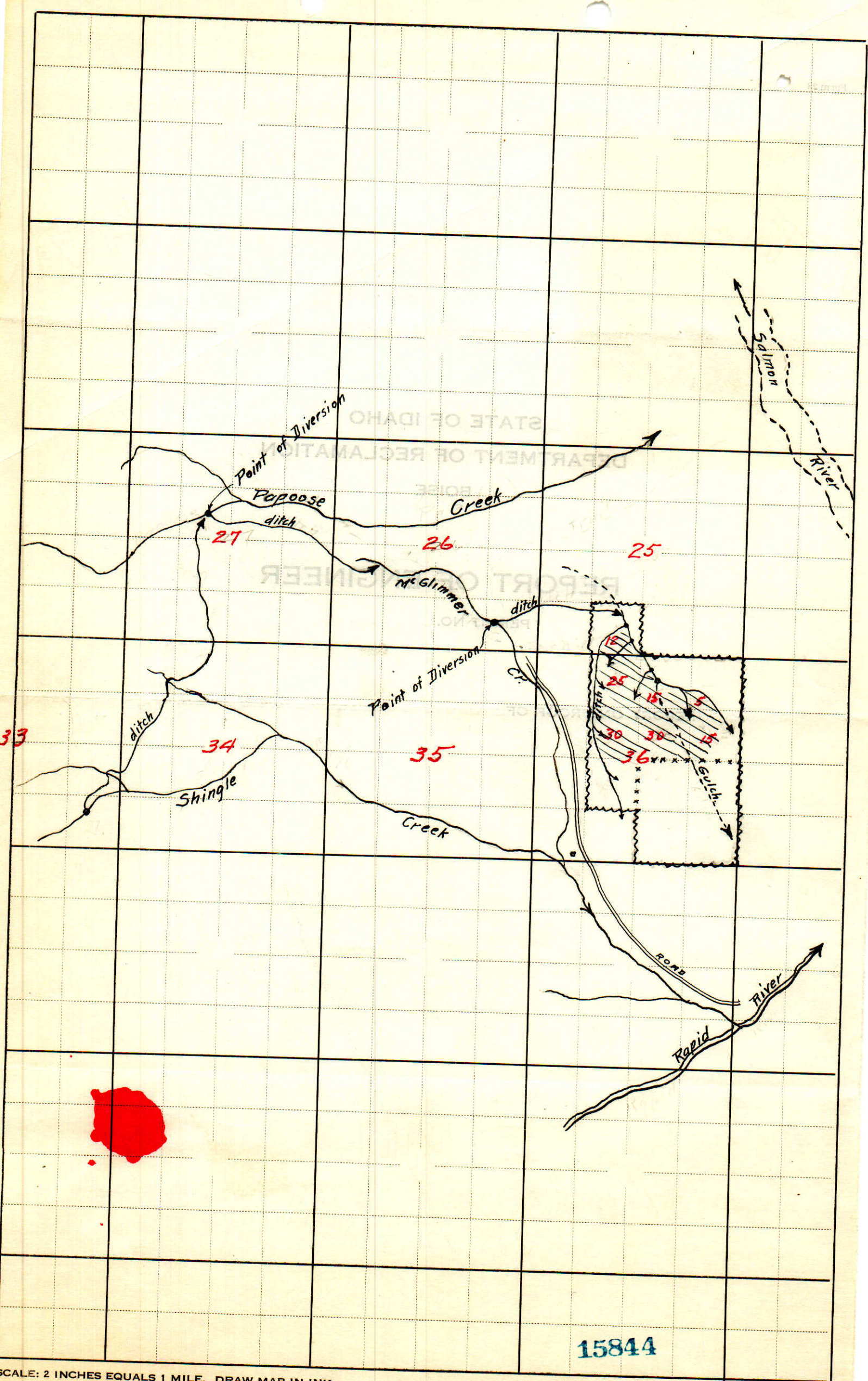
E. M. Olmsted

Subscribed and sworn to before me this 19
day of July, 1929.

Notary Public for the State of Idaho,

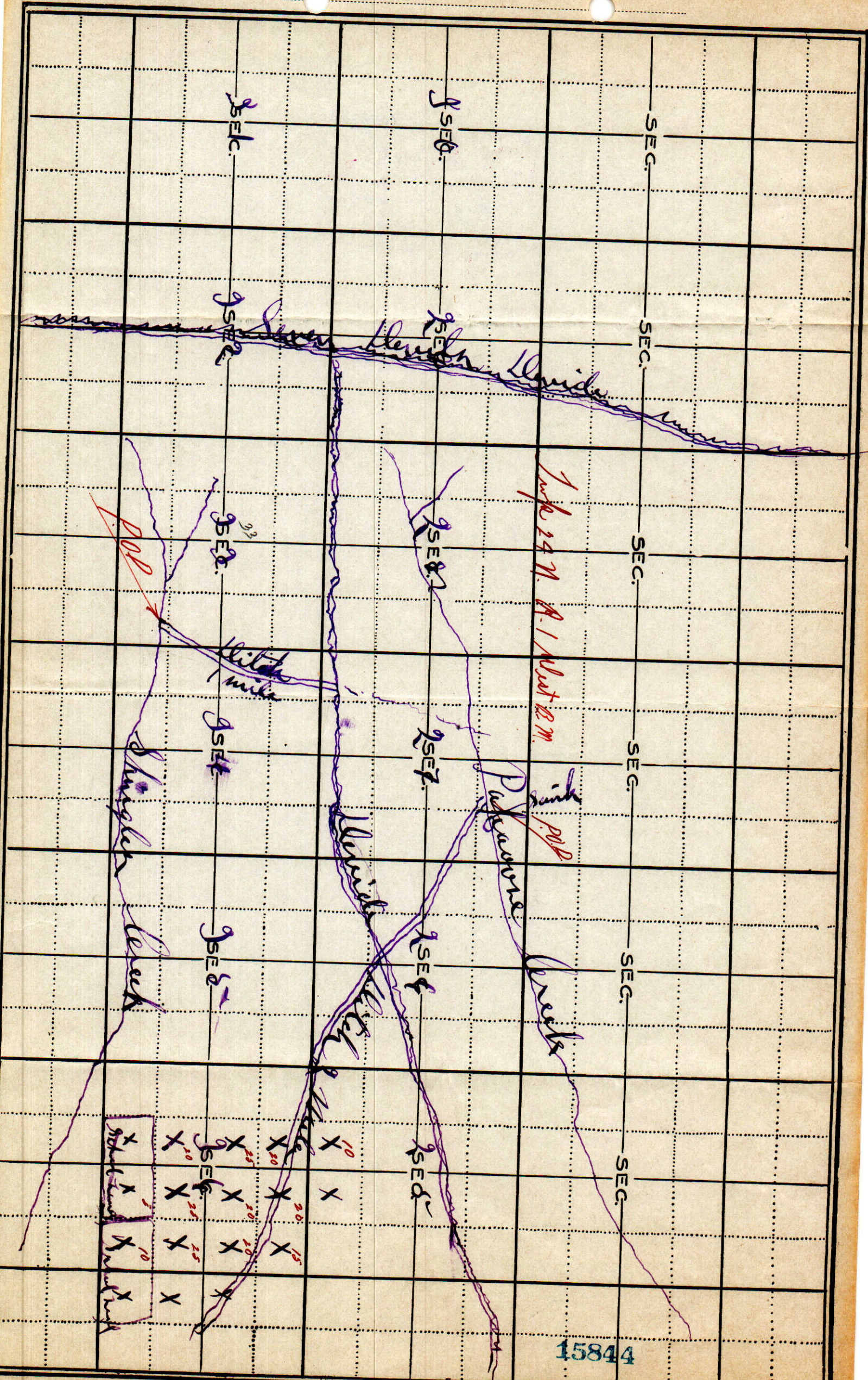
Residing at Grangeville Ida

15844



15844

Name of Applicant.



15844

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

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

State of Idaho
License and Certificate of Water Right

Water License No. 15844 Amount 2.64 sec.ft.
Water District No. Priority 6-26-1924

THIS IS TO CERTIFY that C. M. CLAY,
of Riggins, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 26, 1924; that Permit No. 15844
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
4.0 second feet, was issued thereunder on July 15, 1926, showing that said works
were completed on the 15th day of July, 1929; and that on the 2nd
day of August, 1929,

C. M. CLAY,
of Riggins, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Shingle Creek,
and Papoose Creek tributary of to Salmon river, for the purpose of irrigation and
domestic use, under Use Permit No. 15844 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3585, on the 23rd day of August, 1929;

The right hereby confirmed dates from June 26, 1924;

The Point of Diversion ^sare located in the NW 1/4 NE 1/4, Sec. 27, and
in the SE 1/4 SE 1/4, Sec. 33, Tp. 24 N., R. 1 W., B. M. Idaho County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.64
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
24 N	1 W	25	SE $\frac{1}{4}$ SW $\frac{1}{4}$		12 —
		36	NE $\frac{1}{4}$ NW $\frac{1}{4}$		25
			SE $\frac{1}{4}$ NW $\frac{1}{4}$		30
			NW $\frac{1}{4}$ NE $\frac{1}{4}$		15
			NE $\frac{1}{4}$ NE $\frac{1}{4}$		5
			SW $\frac{1}{4}$ NE $\frac{1}{4}$		30
			SE $\frac{1}{4}$ NE $\frac{1}{4}$		15

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 23rd day of August, 1929.

GEO. N. CARTER
Commissioner of Reclamation

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 8879
Water District No.

Amount 0.9 sec.ft.
Priority 1-17-1914

THIS IS TO CERTIFY that Merle R. Banks,
of Banks, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 17, 1914; that Permit No. 8879
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.8 second feet, was issued thereunder on January 10, 1918, showing that said works
were completed on the 11th day of December, 1917; and that on the 28th
day of February, 1925,

Merle R. Banks,
of Banks, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of 3 unnamed streams
and Dry Buck Creek, a tributary to Payette River, for the purpose of irrigation and
domestic use, under Use Permit No. 8879 of the State Engineer,
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3584, on the 17th day of August, 1929;

The right hereby confirmed dates from January 17, 1914;
are
The Points of Diversion is located as follows: From Unnamed streams in Lot 2, Sec. 29,
and Lot 1, Sec. 32, Twp. 9 N., R. 3 E., B.M.; from Dry Buck Creek in Lot 2, Sec. 6,
in the 1/4 Sec. 1/4, Tp. 8 N., R. 3 E., B.M. Boise 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 0.9
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 N.	3 E.	32	Lots 2 3 4 NW 1/4 SE 1/4		5 5 10 25
					Total 45 acres

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 17th day of August, 1929.

GEO. N. CARTER
Commissioner of Reclamation

(SEAL)

APPLICATION FOR PERMIT **78-2033** TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. **22495**
Permit No. **15844**
District No. **82- 750**

1. Name of Applicant: **C. M. CLAY**
Postoffice address: **Riggins** County: **Idaho** State: **Idaho**
 I. If applicant is a corporation, give:
 (a) Date and place of incorporation:
 (b) Amount of capital stock:
 (c) Amount paid in:
 (d) Names and addresses of directors:
 II. The financial resources of the applicant are:
 (a) Cash on hand:
 (b) Treasury stock:
 (c) Bonds to be issued:
 (d) Other resources:
2. Quantity of water claimed **2 ft. Shingle Creek 2 ft. cubic feet per second.**
~~Papoose Creek~~
3. Source of water supply: **Shingle Creek & Papoose Creek** which is a tributary of **Rapped River & Little Salmon River.**
4. Location of point of diversion: _____ feet distant from the
 corner of Section _____, T. _____, R. _____, B. M., and is in the **NW $\frac{1}{4}$ of NE $\frac{1}{4}$ 27 and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ - 33**
 of Section _____, T. **24 N, R. 1 W.**, B. M., County of **Idaho**
5. Water is to be used for: **Irrigating 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: **\$ 3,000.00**
8. Kind of works: **Ditch**
9. Height of dam **none** feet; length of dam at top _____ feet; length of dam at bottom _____
 feet; material used in dam _____
10. Size of headgate: width **3 ft each creek** (feet); height **one** feet
11. Ditch: Width at bottom **3** feet; width at water line **3 $\frac{1}{2}$** feet; depth of water **16**
 feet; dimensions of flume _____
 Diameter of pipe _____ inches; length of conduit **3** miles.
 Average grade per mile **10** feet
12. The time required for the completion of such work is **3** years.
13. The time required for the complete application of the water to the proposed use is **2** additional years.
14. The land to be irrigated is described in the following tabulation: See Remarks.

15. (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 waters of the State of Idaho as herein set forth.

C. M. Clay

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation. **June 26, 1923, 9 A. M.**

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 15844

Recorded in Book 56 Page 15844 Approved August 2, 1923

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before October 1, 1923 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 February 2, 1925

The whole of said work to be completed on or before August 2, 1926

Beneficial use of water appropriated in accordance herewith, to be made on or before August 2, 1928

Witness my hand this 2nd day of August 1923.

W. G. SWENDSEN

Commissioner of Reclamation.

Remarks:

14 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	
24N	1 W	25												10					10
24N	1 W	36	15	20	20	20	20			25	20				25	25	5	10	205
Total number of acres to be irrigated																			215
*																			
Permit No. 15844																			
CERTIFICATE OF COMPLETION OF WORKS																			
To All Whom It May Concern:																			
This is to certify that C. M. Clay of Riggins, County of Idaho, and State of Idaho, the holder of Permit No. 15844, issued upon Application No. 22495 bearing date of priority of June 26, 1923, authorizing the diversion of 4.0 second feet of the waters of Shingle Creek (2.0 sec.ft.) and Papouse Creek (2.0 sec.ft.) County of Idaho, 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 4.0 second feet of the waters of Shingle Creek and Papouse Creek; that the points of diversion of said waters are in the NW1/4 NE1/4 Sec. 27, and SE1/4 SE1/4, Sec. 33, Twp. 24 N., R. 1 W., B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE1/4 SW1/4 Sec. 25, NE1/4, E1/2 NW1/4, SE1/4 and NE1/4 SW1/4, Sec. 36, all in Twp. 24 N., R. 1 W., of the Boise Meridian.																			
Witness my hand this 15th day of July, A.D. 1926																			
W. G. SWENDSEN Commissioner of Reclamation																			
Proof of Completion of Works made 7-15-26																			
Certificate of Completion of Works issued 7-15-26																			
Geo. N. Carter Assistant																			

264
page 3585-

September 1, 1965

RE: Permit Nos. ~~32408~~ M. O. Taylor
32476, Arvid Fredlund
32477, Paul Albert Campbell
32478, Dale E. Astle
License No. 15844, C. M. Clay

Arvid Fredlund
Box 24
Riggins, Idaho

Dear Mr. Fredlund:

We received your request in regard to water rights out of Payocoe Creek and also a protest to proofs under Permit No. 32408.

This office cannot make a survey with instruments, of acreage irrigated under water permits. The area of land is estimated by pacing or taken from recent maps in the S.C.S. Office.

Water License No. 15844 was issued to C. M. Clay, priority of June 26, 1924, for 2.64 c.f.s. out of Shingle and Payocoe Creeks for irrigation of 132 acres in the SE1/4, Sec. 25; NE1/4, NE1/4, Sec. 36, Twp. 24 N., Rge. 1 E., B.M.

Permit No. 32408 was issued to M. O. Taylor, filed June 18, 1965, for 0.12 c.f.s. out of Payocoe Creek for irrigation of 6 acres in the NE1/4, Sec. 17, Twp. 24 N., Rge. 1 E., B.M.

The other three permits all have the same priority, being filed August 11, 1965.

The water code in Idaho provides that the first in time has the first right to the available water up to the amount used beneficially. The District Courts have decreed in other cases that when undisturbed water in a stream will not reach a prior right on account of sinking, the next right upstream has the right to use the water.

15844

continued

Arvid Fredlund, page 2

Use rights obtained by diversion and beneficial use of the water without a permit from this office are legal in this state. Such rights are not recorded and can only become recorded, dating back to first use, by action in the District Court. This office has no record of such rights to use the water.

This office cannot assume division of the waters of any stream until the rights of the various users have been decreed by the District Court.

The records of this office are shown above. If the users of the water cannot agree as to rights to the water, the only recourse is to take the matter to the District Court.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

cc: Paul Albert Campbell
Dale E. Astle
N. O. Taylor

15844

✓
15844

November 15, 1955

Mr. Paul G. Eimers
Attorney at Law
Grangeville, Idaho

Dear Mr. Eimers:

In reply to your letter of November 12 in regard to water rights on Papoose Creek in Idaho County, our records show the following:

License N . 15844 in the name of C. N. Clay for 2.54 second feet of water from Shingle Creek and Papoose Creek with priority of June 26, 1924; points of diversion in the NW¹/₄NE¹/₄ Section 27, and SE¹/₄SE¹/₄ Section 33, Township 24 North, Range 1 West, B.M. for irrigation and domestic use on the SE¹/₄SW¹/₄ Section 25; S¹/₄NW¹/₄ and NE¹/₄ Section 36, same Township and Range.

This is the only valid Permit of record in this department. However, the records do show the following:

Permit No. 18325 filed by George Boedry July 17, 1936 for 5 second feet of water from Papoose Creek with point of diversion in the SW¹/₄SW¹/₄ Section 27, Township 24 North, Range 1 West, B.M. for use on the N¹/₄SW¹/₄, SW¹/₄SW¹/₄, NW¹/₄SE¹/₄ and S¹/₄SE¹/₄ Section 25; E¹/₄SE¹/₄ Section 26; NE¹/₄NE¹/₄, S¹/₄NE¹/₄ Section 35; NW¹/₄NW¹/₄, NW¹/₄SW¹/₄ Section 36, Township 24 North, Range 1 West, B.M. However, the statutory proofs required to complete this water right were not made and the Permit was cancelled December 20, 1940.

We have no record of any right in Papoose Creek in the name of M. C. Taylor, although the licensed right referred to above may have been transferred to him. In which case, there need not be a record in this department but there should be a record in the County Recorder's office.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hli

15844

PAUL G. EIMERS
ATTORNEY AT LAW
GRANGEVILLE, IDAHO
TELEPHONE 380

November 12, 1955

RECEIVED
NOV 15 1955
Department of Reclamation

STATE RECLAMATION ENGINEER
STATE HOUSE
BOISE, IDAHO

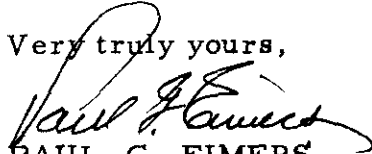
Re: Water rights or permits on
Papoose Creek, Twp. 24 N. R. 1,
EBM, Idaho County, Idaho

Dear Sir:

Will you please advise whether your records indicate that any permit for water from Papoose Creek has been issued, or assigned to George E. Boodry of Riggins, Idaho. I should like to know, also, whether any such rights are now held by N. O. Taylor of Riggins.

Thanking you in advance for your courtesy,

Very truly yours,


PAUL G. EIMERS

PGE:e

15844

October 8, 1938

Re: License Number 15844

Mr. A. S. Hardy
Attorney-at-Law
Grangeville, Idaho

Dear Sir:

We have your letter of October 5 in which you request a list of the lands under the above numbered license. The list is as follows:

Township 26 ⁴ North, Range 1 West, Boise Meridian,	
Section 25, Southeast Quarter of Southwest Quarter	
(SE $\frac{1}{4}$ SW $\frac{1}{4}$)	12 Acres
Section 36, Northeast Quarter of Northwest Quarter	
(NE $\frac{1}{4}$ NW $\frac{1}{4}$)	25 Acres
Southeast Quarter of Northwest Quarter	
(SE $\frac{1}{4}$ NW $\frac{1}{4}$)	30 Acres
Northwest Quarter of Northeast Quarter	
(NW $\frac{1}{4}$ NE $\frac{1}{4}$)	15 Acres
Northeast Quarter of Northeast Quarter	
(NE $\frac{1}{4}$ NE $\frac{1}{4}$)	5 Acres
Southwest Quarter of Northeast Quarter	
(SW $\frac{1}{4}$ NE $\frac{1}{4}$)	30 Acres
Southeast Quarter of Northeast Quarter	
(SE $\frac{1}{4}$ NE $\frac{1}{4}$)	15 Acres

The license gives C. M. Clay the right to the use of 2.64 cubic feet per second of the waters of Shingle Creek and Papouse Creek, with a date of priority of June 26, 1924. There is no segregation made of the amount of water coming from each stream.

We trust that this answers your question satisfactorily.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

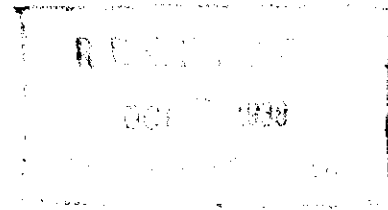
By PAUL H. BERG
Deputy Commissioner

PHB:mh

15844

A. S. HARDY
ATTORNEY AT LAW
FIRST NATIONAL BANK BUILDING
GRANGEVILLE, IDAHO

October 5th, 1938



Department of Reclamation,
Boise, Idaho.

Gentlemen:

Please advise me what lands were included in the application of C. M. Clay to appropriate waters of Shingle Creek and Papoose Creek, tributaries of Little Salmon River, filed in your office about June 1923, and for which license No. 15844 was issued.

Also advise me of the number of cubic feet per second of water, and whether any specified amount was apportioned from each creek.

Thanking you in advance, *for early reply* I am

Yours respectfully,

A. S. Hardy

ASH:G

15844

August 23, 1929

Re: Permit 15844.

Mr. C. M. Clay
Riggins, Idaho

Dear Sir:

We are mailing you herewith License and Certificate of Water Right issued under your above numbered permit, together with receipt for fees paid.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By _____ Chief Clerk

Encl.

15844

Riggins Idaho
August 21-1929

Department of Reclamation
Bainbridge Idaho

Dear Sir

Enclosed find a check for \$4.00

To Pay the Fee on My Water Right
from Reclamation

C. M. (elay)

August 13, 1929.

Re: Permit No. 15844.

Mr. C. M. Clay,
Riggins, Idaho.

Dear Sir:-

Upon receipt of fees in the sum of fees in the sum
of \$14.00, license will be issued you under the above permit.

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

By _____
Chief Clerk.

15844

August 8, 1929.

Re: Permit No. 15844.

Mr. C. M. Olay,
Riggins, Idaho.

Dear Sir:-

We are in receipt of depositions of yourself and two witnesses, together with the affidavit of publication for proof of beneficial use of water under the above permit. These are in proper form and will be placed on file here without final action until the report of our field engineer can be made, at which time you will be further advised.

The fees due before the license issues will be \$2.00 for each forty acre tract, or fraction, irrigated. These fees, however, need not be sent in until you have been further advised after the report of the engineer has been made.

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

By _____
Chief Clerk.

15844

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 15844

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans.

C. M. Clay, Riggins Idaho
Ship. Coal. & Farming Age 60

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.

Private ownership

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

Ans.

15844 - Date Aug 2, 1923 Priority June 26, 1923

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

Ans.

Shingle Creek 2 second feet - Popover Creek 2 second feet
in NW 1/4, NE 1/4 S. 27. & SE 1/4 S. 33 Twp 24. N. R. 1. W. 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.

at source Shingle Creek 3 ft wide 16 inches deep. Dam of earth
.. .. Popover Creek 3 ft .. 16 inches .. Dam of earth
Ditch upper part 3 ft wide in bottom with lining 4 ft. 16 inches deep
Main Ditch at source 6 ft. wide 16 inches deep.
quantity asked for 4 second feet

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.

Irrigation: only: irid land Reclaimed Cultivated
S.E. 1/4 S.W. 1/4 S. 23: 12 acres: N.E. 1/4 N.W. 1/4: 25 acres S.E. 1/4 N.W. 1/4
26 acres: N.W. 1/4 N.E. 1/4: 15 acres S.W. 1/4 N.E. 1/4
30 acres: N.E. 1/4 N.E. 1/4 10 acres S.E. 1/4 N.E. 1/4 15 acres
367.24 132 acres in alfalfa meadow: 100 acres more
1. W. B. M. land To be put in alfalfa and water to be irrigated

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

Ans.

No other use than irrigation

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

Ans. 4. Second ft.

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. owner

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

Ans. has been used since completion continuously
1925, 1926, 1927, 1928, 1929

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

Ans. None: The only user on the lands mentioned

(Sign) E M Clary

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 Riggins, County of Idaho
State of Idaho, on this 2nd day of August A. D. 1929

John H. Clary
Riggins Idaho

My commission expires Oct. 19, 1930

15844

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 15844

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. R. L. Irwin Riggins Idaho
Farmer Age 63

Ques. 2. Are you acquainted with C. M. Clay, the holder of Permit No. 15844? How long have you known him and where does he reside?

Ans. 60 years lives on a farm known as Pollack
Basin Farm on Shingle Creek

Ques. 3. Have you read or heard read said Permit No. 15844, and are you familiar with its provisions and conditions?

Ans. I. Have

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. Shingle Creek: Ditch 3ft wide, 16 inches deep.
Papoose Creek and main ditch six (6 ft.) wide,
16 inches 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. 4 to 6 second ft. Have seen ditch full

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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. Said land Reclaimed about 132 acres in
alfalfa hay. Town S.E. 1/4 S.W. 1/4 S 28. 12 acres N.E. 1/4 N.W. 1/4
25' across S.E. 1/4 N.W. 1/4 25' across N.W. 1/4 N.E. 1/4 15' across
S.W. 1/4 N.E. 1/4 30' across N.E. 1/4 N.E. 1/4 10' across S.E. 1/4 N.E. 1/4 15' across
S. 36 T. 24. 1.W. R.m.

15844

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

Ans.

Irrigation Only.

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.

*Arid Desert land from 4- to 6 second ft.
Requires (more land to be put in cultivation)*

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

Ans.

None.

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 Built the Ditch was Boss on the Ditch
and Ranch for 5 years superintended the
ditch on all the land. Used the water each year*

(Signed)

R L Drum

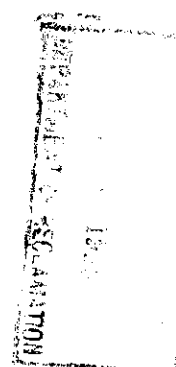
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in *Riggins*, County of *Idaho*, State of Idaho, on this *2nd* day of *August*, A. D. 1929.

John H. Clay.
Notary Public.

My commission expires

Oct 19 - 1930

15844



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 15844

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.B. Hinkley. Pollock Idaho
Farmer age 51

Ques. 2. Are you acquainted with C.M. Clay, the holder of Permit No. 15844? How long have you known him and where does he reside?

Ans. 30 years He lives on a farm known as
Pollock Basin Farm on Shingle Creek

Ques. 3. Have you read or heard read said Permit No. 15844, and are you familiar with its provisions and conditions?

Ans. yes

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

Ans. Papoose Creek & Shingle Creek
upper ditch about 3 ft. wide 16 inches deep.
lower ditch about 6 ft. wide 16 inches 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. 4 to 6 ft. have saw ditch full

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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. Arid land Reclaimed: alfalfa Cultivated approximately
132 acres: Townships S.E. 1/4, S.W. 1/4, S. 25, 12 acres N.E. 1/4, N.W. 1/4
25 acres S.E. 1/4, N.W. 1/4 25 acres N.W. 1/4 N.E. 1/4 15 acres S.W. 1/4, N.E. 1/4
30 acres N.E. 1/4, N.E. 1/4: 10 acres S.E. 1/4 N.E. 1/4 15 acres
S. 36 T. 24, 1.W. B.M.

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

Ans.

Irrigation only.

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.

*Irish Desert land at base 2 inches each
Per acre.*

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

Ans.

None

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 worked there in haying for the
last 5 years and have been on the land at
different times for the past 30 years.*

(Signed)

B B Linkley

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 *Riggins*, County of *Idaho*, State of Idaho, on this *2nd* day of *August*, A. D. 1929.

John H. Clay
Notary Public.

My commission expires

Oct 14 - 1930

Affidavit of Publication

STATE OF IDAHO, }
County of Idaho, } ss.

I, E. M. Olmsted

being first duly sworn, says he is the Publisher of the Idaho County Free Press, a weekly newspaper, published and issued weekly at Grangeville, Idaho County, State of Idaho, and is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for 4 weeks, being published 4 times, the first publication being on the 27 day of June, 1929, and the last publication being on the 18 day of July, 1929; and that the said notice was published in the newspaper proper and not in a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

E. M. Olmsted

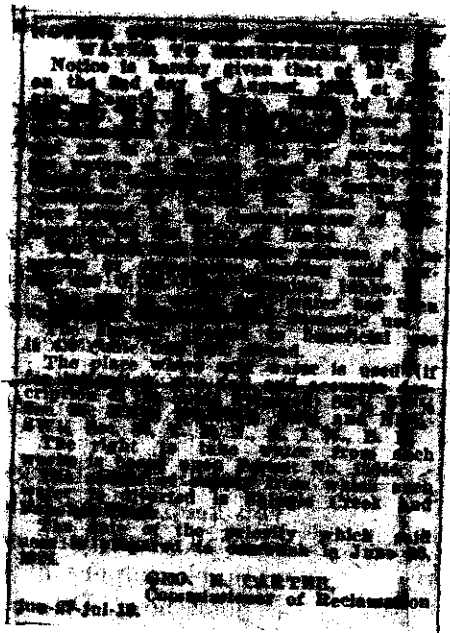
Subscribed and sworn to before me this 19
day of July, 1929

Notary Public for the State of Idaho,

Residing at

Grangeville, Ida

15844



State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

July 24, 1929

C. M. Clay,
c/o J. H. Clay,
Notary Public,
Riggins, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 15844

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 August 2, 1929, 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 Riggins before J.H. Clay, notary public.

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

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

Yours truly,

GEO. N. CARTER

Commissioner of Reclamation.

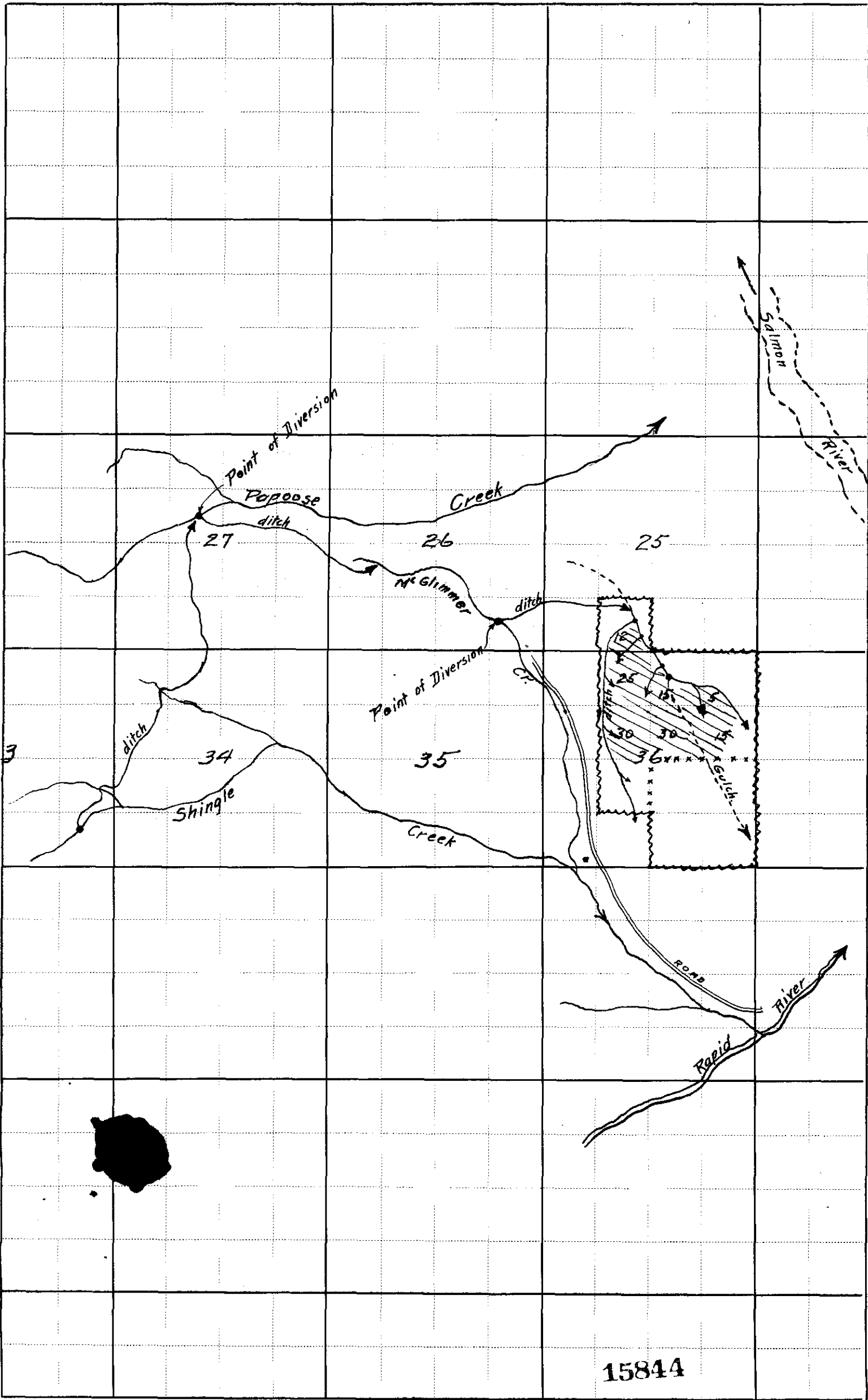
15844

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE**

REPORT OF ENGINEER

PERMIT NO._____

REPORT ON PROOF OF_____



15844

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 15844

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant: C. M. Clay

2. Source of water supply: Papouse Creek and Shingle Creek

3. Location of point of diversion: Is in the Papouse Cr. in NW¹NE⁴ Shingle Cr. in SE¹SE¹ of Section 27 33

T. 24 N. R. 1 W., B.M. County of Idaho

4. Describe works, if they exist, giving dimensions and capacities of same: No diversion dam
on Papouse Creek, used, 2 Head gates 3 ft wide x 16" deep x 4' long with waste gate
of same dimensions. A diversion dam on Shingle
creek is 6 ft long x 2 ft high. Main ditches 3 ft wide x 16"
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 for other than irrigation): SE¹SW¹ Sec. 25; NE¹, E¹NW¹, NE¹SW¹ and SE¹ Sec. 36, Twp. 24 N., R. 1 W., 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 22nd day of July 1929

15844

(Signed)

Frederick A. Salmon

Examiner.

C. M. CLAY
Riggins

Permit No. 15844

Examination for BEN. USE

County IDAHO

INSTRUCTIONS TO EXAMINERS

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

Mining

Hunting

Camping

Fishing

and Scenic

Attractions



IDAHO COUNTY FREE PRESS

OFFICIAL AND COUNTY SEAT NEWSPAPER OF IDAHO COUNTY

"Service and Quality Always Go With Our Job Printing"

GRANGEVILLE, IDAHO

E. M. Olmsted, Pub

6-17-29

Founded in 1888

Agriculture

Grain, Grasses

Cattle, Sheep

Horses, Hogs

Unlimited

Range

Geo. N. Carter
Comm of Rec
Boise, Ida.

Sir: Your notice for Pub for Beneficial
use of water Re C. M. Clay Riggins, Ida
rec'd and first pub will be June 27, 1929
and last pub will be July 18, 1929
copy will be sent you at first pub.

Resp

you

E. M. Olmsted, Pub.

15844

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date June 12, 1929

PUBLISHER THE FREE PRESS
Grangeville, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 2, 1929, the date set for proof, the expense of the publication to be paid by the applicant, Mr. C. M. Clay, of Riggins, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

GEO. N. CARTER

Commissioner of Reclamation.

15844

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 12, 1929
(P. O.) Riggins, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
FREE PRESS of Grangeville, published in
the county in which the works are situated.

W. M. May

(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.

15844

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 2nd day of August, 1929,
at Riggins, County of Idaho, State of Idaho,
before J. H. Clay, notary public, proof will be submitted
of the application to beneficial use of 4.0 cubic feet per second of the
waters of Shingle Creek and Papoose Creek, in accordance with the terms and conditions of
Permit No. 15844 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.....

C. M. Clay, Riggins, Idaho.

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

The amount applied to beneficial use is 4.0 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) SE 1/4 Sec. 25, NE 1/4, E 1/4, SE 1/4 and NE 1/4 Sec. 36, T. 24 N., R. 1 W., B.M.

The name of the canal or ditch or other works by which said water is conducted to such place of use
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

The right to take water from such works is based upon Permit No. 15844

The source of supply from which such water is diverted is Shingle Creek and Papoose Creek.

The date of the priority which said user is prepared to establish is June 26, 1924.

Geo. M. Carter,
Commissioner of Reclamation.

15844

Shingle - S 1/4 Sec. 25, NE 1/4, E 1/4, SE 1/4 and NE 1/4 Sec. 36, T. 24 N., R. 1 W., B.M.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

C. M. Clay,
Riggins, Idaho.

May 6, 1928.

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. **15844**, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is **Aug. 2, 1928.**, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

GEO. N. CARTER,
Commissioner of Reclamation.

15844

July 20, 1926

Re: Permit No. 15844

Mr. C. M. Clay
Riggins, Idaho

Dear Sir:-

Inclosed herewith you will find
the Certificate of Completion of Works
issued to you under the above numbered
Permit, together with receipt for fees
paid.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____ Chief Clerk

CB:HH
Enc:2

15844

Permit No. 15844

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,
County of Idaho } SS

E. M. Clay, being first duly sworn, upon his oath deposes and says:
First: That he is the holder and owner of Permit to appropriate the Public Waters of the state of Idaho, No. 15844, and that his postoffice address is Reggina
State of Idaho

Second: That the name of the stream from which said water is to be diverted is are Shingle Creek and Papoose Creek

Third: That the point of diversion of said water is are in the NW¹ NE⁴ Sec. 27 and the SE⁴ SE⁴ Sec. 33, Twp. 24 N., R. 1 W. - respectively

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 2, 1926

Fifth: That the use for which said water is intended is Irrigation

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

I. Kind of works: Two Headgates and Two Ditches
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir.....acre feet.

(c) Size of headgate: Width 3 feet, height 1 1/3 feet.

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

Seventh: That said works are capable of conducting to the place of intended use 4 second feet of water.

Eighth: That water appropriated under said permit is available for 2.15 acres of land described as follows: SE⁴ NW⁴ Sec. 25, NE⁴, E² NW⁴, SE⁴ and NE⁴ NW⁴ Sec. 36, all in Twp. 24 N., R. 1 W. of the Boise Meridian, State of Idaho.

Ninth: Remarks: That

Subscribed and sworn to before me this 12th day of July, 1926

My commission expires Apr. 11-1929

(Sign here)

Clara M. Brown
Notary Public.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. C. M. Clay
Riggins, Idaho

Boise, Idaho,

May 10, 1926

Dear Sir:—

Under the terms of your permit No.....**15844**.....you are required to complete your diversion works on or before.....**Aug. 2, 1926**..... 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,

T. G. SWENDSEN

Commissioner of Reclamation.

15844

April 15, 1926

Re: Permit No. 15844

Mr. C. M. Clay
Riggins, Idaho

Dear Sir:

Replying to your letter of the 12th instant, would say that in view of the fact that there have been no protests filed against this permit on the ground that work was not begun at the time required and that one-fifth was not completed on the date set, no action would be taken by this office against the permit. If the works are completed within the time required and the proof submitted it will be satisfactory to this office.

In looking up the index of the two streams claimed under this permit, we find that no filings have been made since this permit was issued, hence I take it that no one has appropriated the water since that time.

Very truly yours,

W. C. SWENDSEN
COMMISSIONER OF RECLAMATION

By _____
Chief Clerk

CB:EK

15844

Apr 12 - 1925

Biggins Idaho

Department of Reclamation
Baird

Idaho

Dear Sir

Requard to My Water Permit

No 15844

Recorded in Book 55 Page 15844 Approved August 2
1923

I Failed to Start Work at the Required
Date I Have Started the Work on the
Ditch and Expect to Complete Same
this Year I will have the Ditch
Completed before the Time is up,
What I want to know is

By not Starting to Work on Oct - 1923
Can any 5th of the Work to be done
By February 2 - 1925

15844

Will leave me to loose my Right
in so what will be necessary for me to do
I want to be sure to establish

My Right-
to go ahead & expend the amt-
that the ditch will cost-
and have it open - for some one else
can take the water
The Reason why I have not done
the work in go. acc of being
financially short-
could not possibly use the
money to build the ditch
I this Permit will hold good & K
I will please send see the necessary
Paper. And in shutting to make it & K
Res.
W. M. Gray

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

August 8, 1923

Re: Permit No. 15844

C. E. Clay,
Riggins, Idaho

Boise, Idaho,

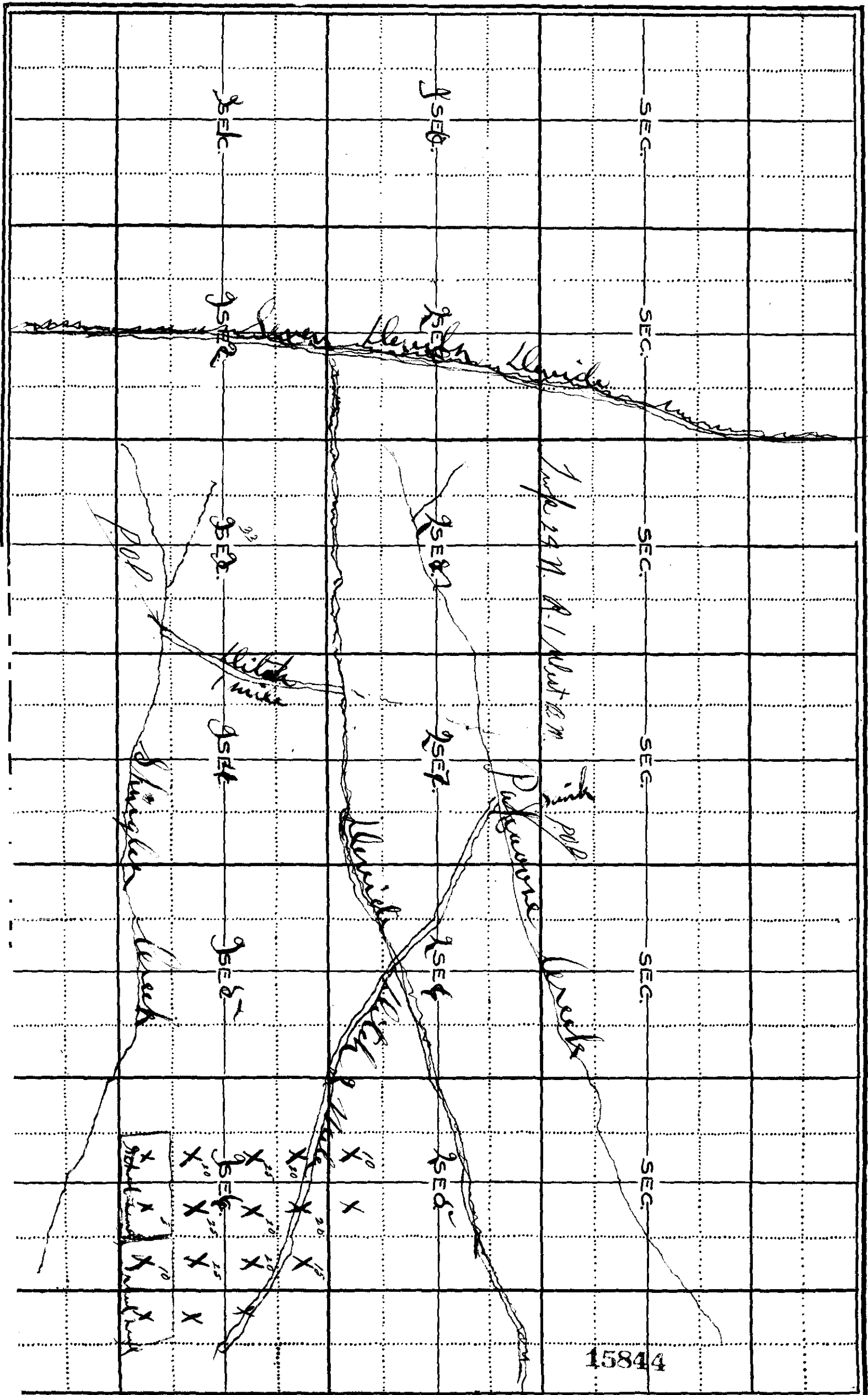
Dear Sir:

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

W.G. SWENDSEN
Commissioner of Reclamation.

15844

Name of Applicant



15844