

PAYETTE NATIONAL FOREST

PRIVATE LAND

ACCESS ROAD

POWER LINE

DAMAGED
CUTTING

IMPROVING
OLIVE PLANT

E 1/16

1/4 Cor.

29-26

POWER HOUSE

ZENA

F.H. 48

SE 1/16

N²NE⁴SE⁴

DIVERSION
STRUCTURE

4000

4040

4080

4120

4200

4160

4120

4080

4040

4000

3960

3920

3880

YELLOW PINE



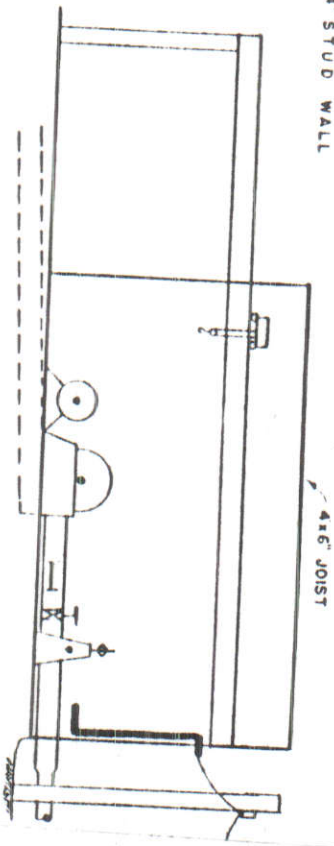
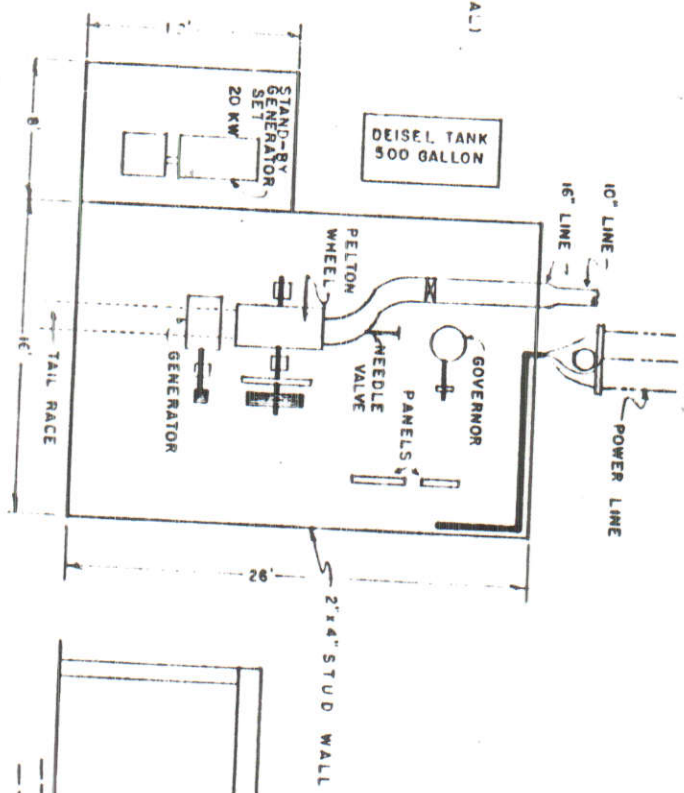
AREA MAP

SCALE: 1" = 200'

CONTOUR INTERVAL = 40'

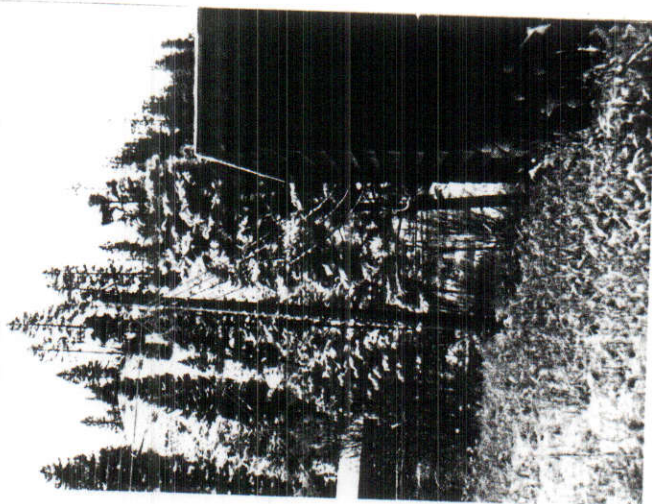
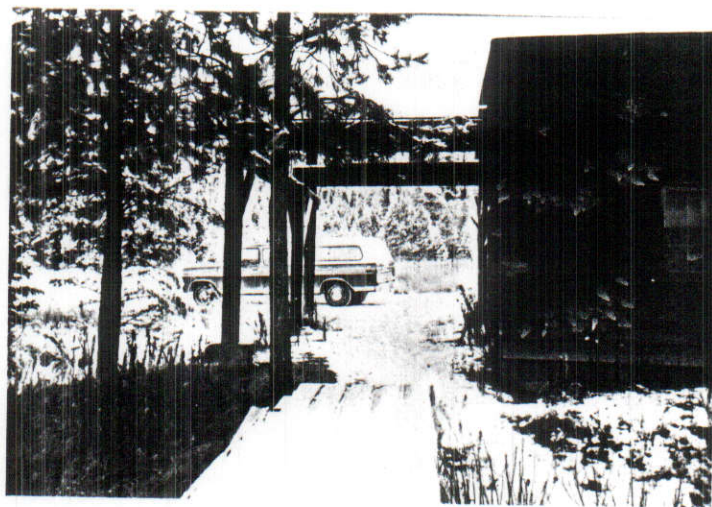
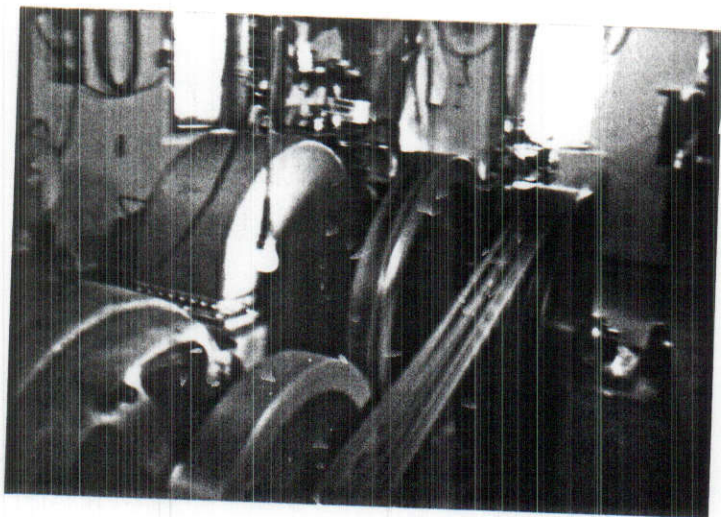
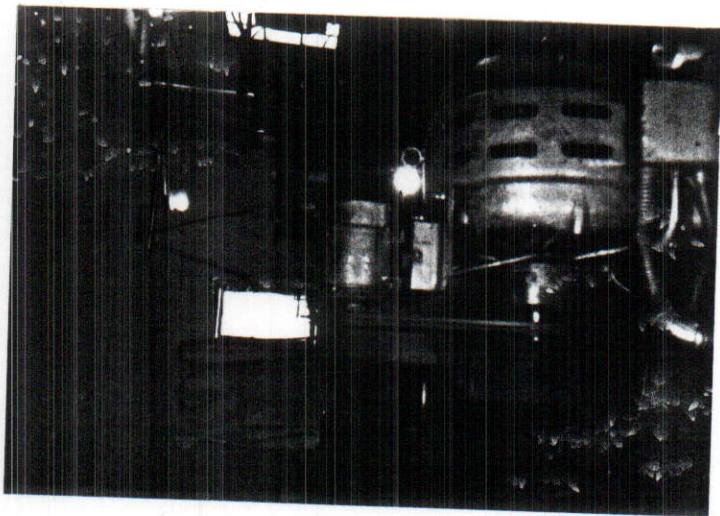
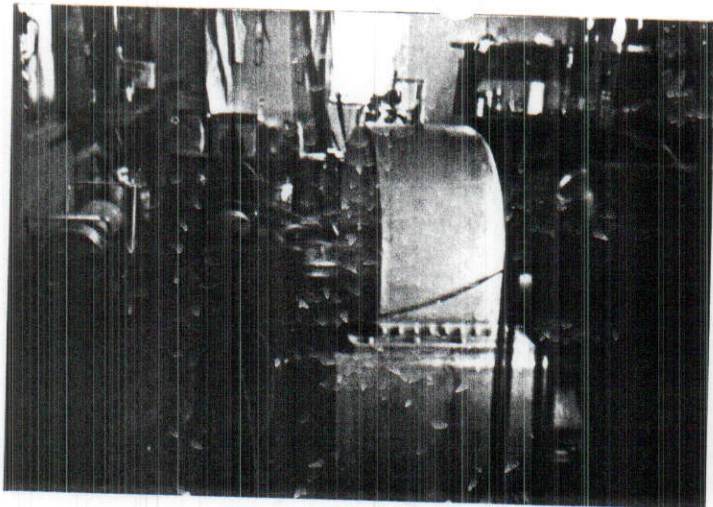
FROM U.S.G.S. WILLIAMS PEAK QUADRANGLE, 7.5 MINUTE SERIES, 1969

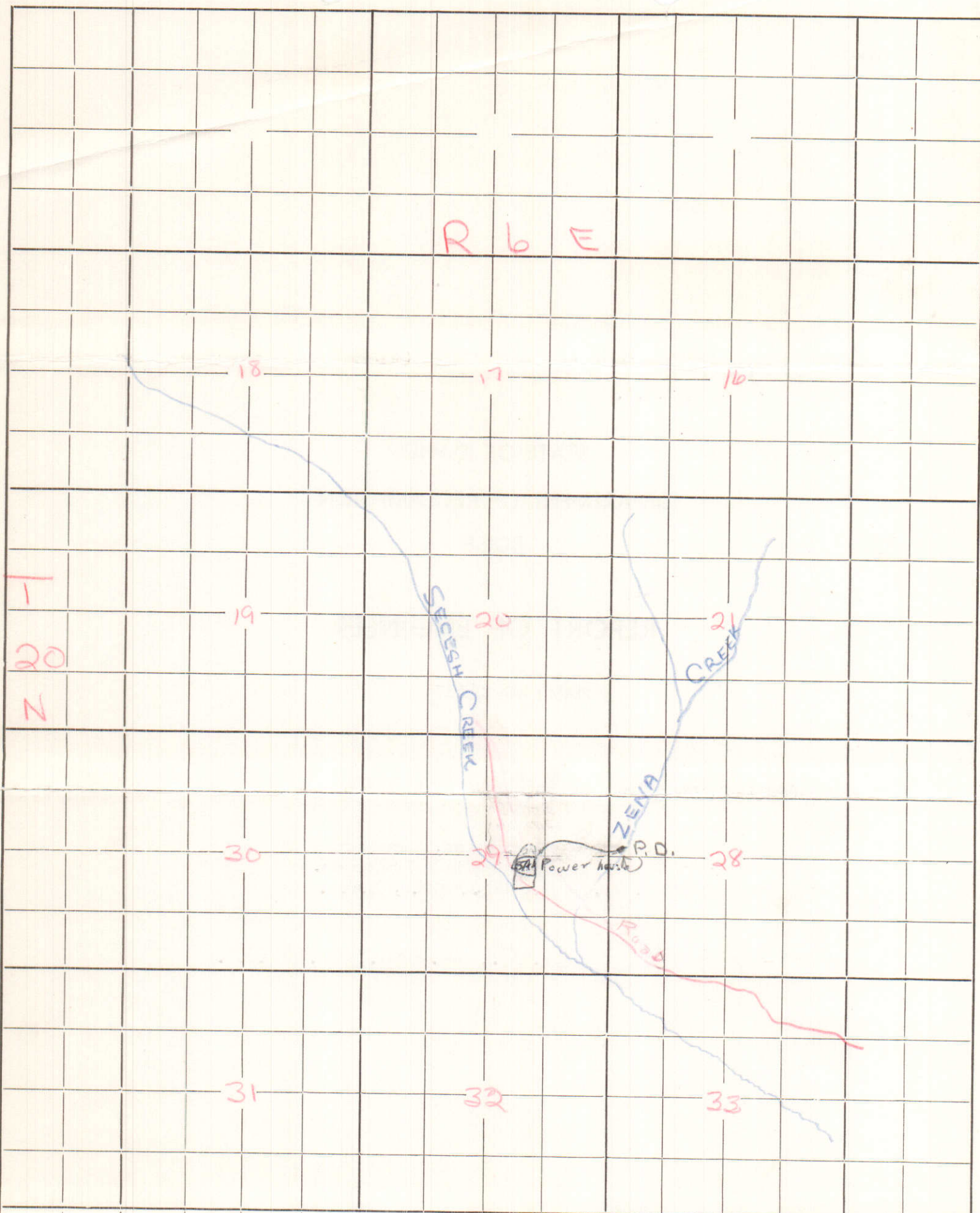
FLOW AVAILABLE IN STREAM (NORMAL)
 = 40 CFS
 ESTIMATED HEAD
 = 87 FEET
 FLOW IN PLANT, ESTIMATED
 = 21 CFS
 PLANT CAPACITY
 = 50 KVA
 = 43 to 45 KW
 TRANSMISSION LINE
 = 1700 FEET OF 220
 VOLT LINE



PLAN
POWER HOUSE
 SCALE 1/8" = 1'-0"
ELEVATION

ANY TIME
 AND FEET OF STO
 100 10 40 KM
 20 KAV





NW 1/4 SE 1/4 5A 1 Subdivision
Q = 0.1 C.F.S. Irrigation
Q = 7.0 C.F.S. Power
Total 7.1 C.F.S. or 355"

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
County of Valley) ss.

Glen B. Youngblood, being first duly sworn, deposes and

says: That he is the Editor of the PAYETTE LAKES STAR, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for four consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began

Feb. 11, 1965, and ended March 11, 1965

[Signature]

Subscribed and sworn to before me, a Notary Public in and for the County of Valley, and the State of Idaho, this 22

day of March, 1965

[Signature], Notary Public.

My commission expires Dec 24, 1965.

24617

RECEIVED
MAR 23 1965

Department of Reclamation

Legal Notice

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

NOTICE IS HEREBY GIVEN, That the legal notice published in the Payette Lakes Star for four consecutive weeks beginning December 17, 1964, showed that the Brown's Tie and Lumber Co. would make proof of beneficial use of waters of Zena Creek on January 27, 1965.

Said notice should have shown the point of diversion is in SW 1/4 NW 1/4, Sec. 28, Twp. 20 N., Rge. 6 E., B. M. and the place of use is W 1/2 SE 1/4, Sec. 29, Twp. 20 N., Rge. 6 E., B. M.

That any protest against the acceptance of the proof of beneficial use of the water made January 27, 1965, must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to acceptance of the said proof.

Dated January 29, 1965.

Deputy State Reclamation
Engineer
Ralph W. Thomas

Permit 24617

24617

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Valley)

....., being first duly sworn, deposes and

says: That he is the PUBLISHER of the PAYETTE LAKES STAR, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for (4) consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began

Dec. 17....., 1964, and ended JAN. 7....., 1965

Donald E. McArthur

Subscribed and sworn to before me, a Notary Public in and for

the County of Valley, and the State of Idaho, this

day of January....., 1965

Don E. McArthur, Notary Public.

My commission expires August 1....., 1965

RECEIVED

JAN 29 1965

Department of Reclamation

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a.m. on the 27 day of January, 1965, at McCall, County of Valley, State of Idaho, before Darlyne Bauer, A Notary Public, proof will be submitted of the application to beneficial use of 8.0 cubic feet per second of the waters of Zena Creek, a tributary of the Secesh River in accordance with the terms and conditions of Permit No. 24617 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit is Brown's The holding said permit Brown's The and Lumber Company.

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

The amount applied to beneficial

use is 8.0 cubic feet per second. The water is SW 1/4 NW 1/4, Sec. 28, Twp. 20 N., Rge. 6 E., B. M.

The place where said water is used (LEGAL DESCRIPTION) W 1/2 SE 1/4, Sec. 29, Twp. 20 N., Rge. 6 E., B.M.

The point of diversion of said water is prepared to establish is user is prepared to establish is December 16, 1953

Carl E. Tappan
State Reclamation Engineer

24617

Proof of Application of Water to
Beneficial Use

Deposition of Holder - R. J. Hager.

Deposition of Witness - Kathryn Bell

Deposition of Witness - Stanley E. Wallace

all by: Darlyne Bauer
Notary Public

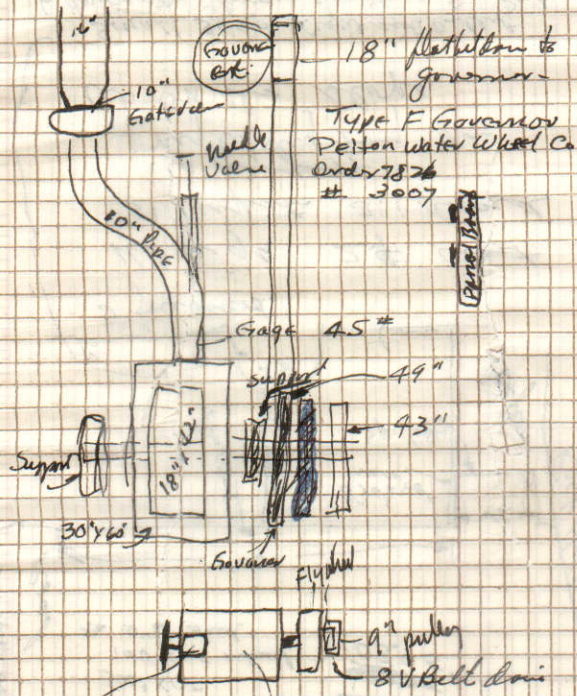
January 27, 1965

All mailed January 27th
with affidavit of publication.
from Payette Lakes Star dated 1/25/65

24617

2100 HEN AB

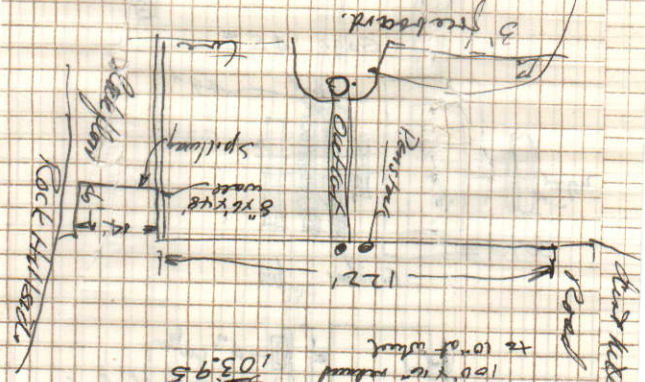
16" pullock Reduced to 12"
increased to 16" in power house



Direct Current Gen.
2.5 Kw 110 V. 22.7 AMP
2400 RPM. Dig. Generator.
50 K

Small deep right-hand corner
 6' down to the corner or head gate
 both in and the pond bottom
 pretty flat.

down the slope.
 (emptying dry on
 the property)
 3:11 up to 3:11 down
 16' high 2' crest



Outlet 2' dia
 to 10' at street
 3 mile gravel 12"
 on hand down
 500' x 12'
 100' x 10' road
 to 10' at street
 8 1/2 x 4 1/2 water
 122'
 3' feet board

T. 20 N.

McCall

Living Quarters

Pasture & Lawn

Point of Return

Power House

Penstock

P.D. Dam

Creek

River

20 21 28 33

A hand-drawn map on a grid background showing a property layout. The map includes the following labels and features:

- Living Quarters**: Located in the upper left, with an arrow pointing to a small building.
- 1600' X 16" - 12" - 16" Penstock**: A line with arrows indicating a path or flow, running from the upper right towards the center.
- P.D. Dam**: Located in the upper right, with an arrow pointing to a small structure.
- 29**: A red handwritten number in the center-left area.
- Pasture & Lawn**: Located in the lower left, with an arrow pointing to an open area.
- Power House**: Located in the center-right, with an arrow pointing to a small building.
- 28**: A red handwritten number in the center-right area.
- Point of Return**: Located in the lower left, with an arrow pointing to a specific spot on the map.

Irrigation & Power

AREA 50 acres.

Power	Q =	7.0 cfs or 350 mchs.
-------	-----	----------------------

Total	8.0	2 ft. or 400 inches.
-------	-----	----------------------

Permit No. 24617

Bill Bell, Foreman

Examination for Completion of Works

County Valley

28-20N.-6E.

Q = Irrigation 1.0 c.f.s.
Power 7.0 u

S = Zena Cr.

P.D. = SW. NW. Sec. 28, T. 20N. - R. 6E.

Use = Irrigation & Power

Filed = Dec. 16, 1953

Due = Jan. 2, 1959 (reinstated)

no other right.

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.

RECEIVED
OCT 7 1964

Department of Reclamation

Sty. gasket - 4" x 10" or 12"

Orifices - 4" with needle valve

est. only 10 KW and less

for 5 acres (230 volts)

frequency 60 cycles

RECEIVED
MAR 24 1959
Department of Reclamation

LEGAL NOTICES

Notice is hereby given that at 10 a.m. on the 26th day of January 1959, at McCall county of Valley State of Idaho, before Wyman X. Zachary, a Notary Public proof will be submitted of the completion of works for the diversion of 8 cubic feet per second of the waters of Zena Creek in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Brown's Tie & Lumber Co.
2. The postoffice address of such Geo. N. Carter.
State Reclamation Engineer or principal place of business of such corporation is McCall, county of Valley, State of Idaho.
3. The number of such permit is 24617, and date set for completion of such work is January 2, 1959
4. Said water is to be used for Irrigation (1) Power (7) purposes.
5. Said works of diversion will be fully complete on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permits, is eight cubic feet per second.
6. The amount of lands for which said water is available is 50 acres, particularly described as follows. W one-half SE one-fourth Sec. 29, T 20N. R. 6E. BM

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
COUNTY OF VALLEY } ss.

Louis Squire
~~I, Brito Notary~~

being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of 21 years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I ~~was and~~ now am the editor and publisher of THE PAYETTE LAKES STAR, a newspaper of general circulation published weekly, on Thursday of each and every week, in the Village of McCall and County of Valley and State of Idaho.

3. That the said, The Payette Lakes Star, has been published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of completion of
works for diversion of water

of which a printed copy, taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement

thereto, in said newspaper, in 4 consecutive calendar weekly issues of said newspaper, on the following dates:

Jan 1 - 1959
Jan 8 - 1959
Jan 15 - 1959
Jan 22 - 1959

Signed

Louis Squire

Subscribed and sworn to before me this 11th day of March A. D., 1959...

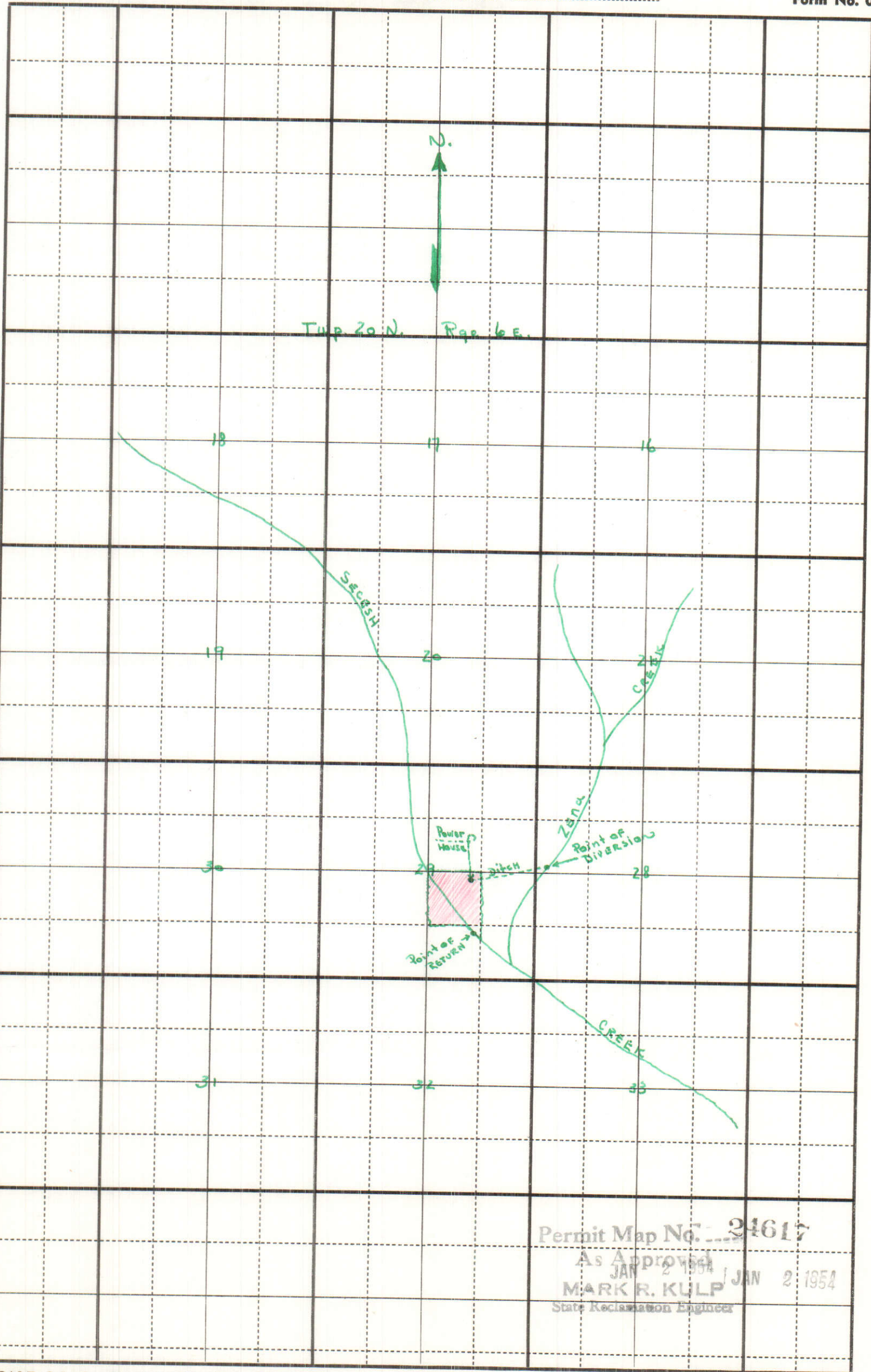
Wyman X Zachary
Notary Public in and for the State of Idaho, residing at McCall, Idaho.

My commission expires 8-28, 1961.

24617

NAME OF APPLICANT Brown's Ice & Lumber Co.

Form No. 0



Permit Map No. 24617

As Approved

JAN 2 1954

MARK R. KULP

State Reclamation Engineer

JAN 2 1954

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

24617

State of Idaho

License and Certificate of Water Right

Water License No. 24617

Amount 7.1 c.f.s.

Water District No.

Priority January 11, 1954

THIS IS TO CERTIFY that BROWN'S TIE & LUMBER COMPANY of McCall, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 16, 1953; that Permit No. 24617 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 8.0 second feet, was issued thereunder on October 8, 1964, showing that said works were completed on the 20th day of April, 1959; and that on the 27th day of January, 1965, BROWN'S TIE & LUMBER CO.

of McCall, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho of Idaho, of the right to use the waters of Zena Creek, a tributary of Secesh Creek, for the purpose of irrigation and power, under Use Permit No. 24617 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 13 of Licenses at page 8538, on the 10 day of August, 1966;

The right hereby confirmed dates from January 11, 1954;

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec. 28, Tp. 20 N, R. 6 E, B. M. County Valley

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 7.1 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
20 N	6 E	29	NW 1/4 SE 1/4 0.1 c.f.s for irrigation 7.0 c.f.s for power	40	5

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 10th day of August, 1966.

/s/ R. Keith Higginson
Deputy State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

77-2119

APPLICATION No. 32423
 PERMIT No. 24617
 DISTRICT No.

1. Name of Applicant: BROWN'S TIE & LUMBER COMPANY

Postoffice address: McCall

County: Valley

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: December 30, 1946- Boise, Idaho

(b) Amount of capital stock: \$177,200.00

(c) Amount paid in: \$177,200.00

(d) Names and addresses of directors: Carl E. Brown, Ida H. Brown, Warren H. Brown, Jayne J. Brown and P. J. Hayes, All of McCall, Idaho

II. The financial resources of the applicant are:

(a) Cash on hand: \$19,500.00

(b) Treasury stock: None

(c) Bonds to be issued: None

(d) Other resources: Sawmill plant, timber lands, inventories, etc.

2. Quantity of water claimed: Irrigation-1; Power-7; Total-8 cubic feet per second.

3. Source of water supply: Zena Creek

which is a tributary of Secesh Creek

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 28 , T. 20 N. , R. 6 E. , B. M., County of Valley

5. Water is to be used for Irrigation and power

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 NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29 , T. 20 N. , R. 6 E. , B. M.

(b) Amount of power generated: 40 H.P., under 100 feet head.

(c) Water is to be returned to Secesh Creek at a point feet

distant from the corner of Section , T. , R. , B. M., in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29 , T. 20 N. , R. 6 E. , B. M.

7. Estimated cost of works: \$4,000.00

8. Kind of works: Headgate, ditch and power plant

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

feet; material used in dam:

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

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is Six (6) additional years.

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

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

16. (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 water of the State of Idaho as herein set forth.

BROWN'S TIE & LUMBER CO.

Applicant.

By Warren H. Brown

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. December 16, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 24617

Recorded in Book 87

Page 24617

Approved January 2, 1954

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 March 2, 1954

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 July 2, 1956

The whole of said work to be completed on or before January 2, 1959

Beneficial use of water appropriated in accordance herewith, to be made on or before January 2, 1965

WITNESS My hand this 2nd day of January, 1954

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN

Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this ..2nd.....

day of January, 19 54

STATE OF IDAHO

Countersigned:

(SEAL)

By LEN JORDAN.

Governor.

By IRA H. MASTERS

Secretary of State.

By Paula L. Fleenor

Acting Secretary of State

REMARKS: This application to be effective upon expiration of existing permit filed by William Deinhard, and which will expire on December 18, 1953.

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals		
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄			
20 N.	6 E.	29	AFFIDAVIT TO ESTABLISH RESIDENCE OR QUALIFICATION TO DO BUSINESS UNDER THE LAWS OF IDAHO I. P. J. Hayes, of McCall, County of Valley, State of Idaho, being first duly sworn, depose and say: That I am the Asst. Secy. of the Brown's Tie & Lumber Co.; that as such I am in charge of the registered office of the said corporation, as provided by Section 29-142, I. C. A., located at McCall, Idaho, wherein are kept the records provided by Section 29-143, I. C. A., and that a majority of the stock-holders of the said corporation are bona fide residents of the State of Idaho, or we are a legal corporation qualified to do business in the State of Idaho under the laws of the State of Idaho. P. J. HAYES Subscribed and sworn to before me this 22nd day of December, 1953. (SEAL) MARGARET M. BELL Notary Public Residence McCall, Idaho NOTE: This permit is issued subject to the provisions of Chapter 142 of the 1937 Session Laws, as amended Chapter 66 of the Session Laws of 1947. In the event of its sale, transfer, assignment, or of its being mortgaged, without a compliance with the provisions of this Act, it shall be cancelled and revoked by the State Reclamation Engineer.																40	10	50

Permit No. 24617
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that BROWN'S TIE & LUMBER COMPANY of McCall, County of Valley, and State of Idaho, the holder of Permit No. 24617, issued upon Application No. 32423, bearing date of priority of December 16, 1953, authorizing the diversion of 8 second feet of waters of Zena Creek, County of Valley, State of Idaho, for irrigation and power 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 8.0 second feet of the waters of Zena Creek, tributary of Secesh Creek; that the point of diversion of said waters SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 20 N., R. 6 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

50 acres for irrigation and for power in W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, T. 20 N., R. 6 E., B. M.

Witness my hand this 8th day of October, A. D. 1964.

s/ RALPH W. THOMAS
Deputy State Reclamation Engineer

Proof of Completion of Works Made: April 20, 1959

LICENSE ISSUED FOR 7.1 SEC. FT.
LICENSE PAGE NO. 8538



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 18, 1991

Richard K. Linville
Attorney at Law
316 East Main Street
P.O. Box 671
Emmett, ID 83617

RE: FERC Project No. 10939-001; Water Right License No. 77-2119

Dear Mr. Linville:

I have reviewed our files, and find that I sent a letter to James B. Adkins in error. Our records show a water right license no. 77-2119 which corresponds with the FERC project. When we receive notices from FERC, I routinely send them to my staff to research and determine whether water rights exist. Those researching the rights did not find license no. 77-2119. Again, I am sorry for the inconvenience.

Respectfully,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

RICHARD K. LINVILLE
ATTORNEY AT LAW
316 EAST MAIN STREET
P.O. BOX 671
EMMETT, IDAHO 83617
(208) 365- 2106

RECEIVED
FEB 13 1991

Department of Water Resources

February 11, 1991

Gary Spackman, Supervisor
Water Allocation Section
State of Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720

Re: FERC Project No. 10939-001

Dear Spackman:

This office has recently represented the interests of Mr. and Mrs. James B. Adkins in obtaining the above-referenced Exemption from Licensing for their small hydropower project located on Zena Creek.

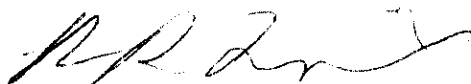
This project has been in existence for more than thirty years. The water diversion is licensed by the State of Idaho under License No. 77-2119, originally in the name of Brown's Tie and Lumber Company. I am enclosing a copy of the original License and Certificate of Water Right with this letter, as well as a copy of page 4587 of the Department of Water Resources printout of water rights, indicating the Brown's Tie and Lumber Company water right.

Prior to my representation of the Adkins, it is my understanding that a claim of water right was filed on behalf of the Adkins in the Snake River Adjudication by their former attorney, Charles L. Hay. I am also enclosing with this letter a copy of the Notice of Claim to a Water Right filed by the Adkins on November 21, 1988, and a copy of a transmittal letter from Mr. Hay to your office, also dated November 21, 1988.

Gary Spackman
Page 2
February 11, 1991

After reviewing the enclosed documentation and comparing it to your records, please inform me of the current status of the Adkins' water right No. 77-2119. Please feel free to contact me if you have any question with regard to this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "R. K. Linville", written in a cursive style.

Richard K. Linville
Attorney at Law

RKL/bt

Enclosures

cc: Jim Adkins

November 21, 1988

Idaho Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Adkins claim

Ladies and Gentlemen:

Enclosed please find the Adkins claim. The dam wording was changed to diversion structure because it is not really a dam any more. They slow the water down, but do not impound it, and I didn't know this until the Adkins came out from Yellowpine to sign this form. According to the Forest Service special use permit, their capacity is 7 kilowatts, so they owe \$50.00 plus 7 x \$3.50 or \$24.50, plus \$5.00 for irrigation or \$79.50 altogether. Please call if you have any questions.

Very truly yours,

Charles L. Hay

Encl

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) James B. Adkins and Geraldine Adkins Phone ()Mailing Address P.O. Box 16, Yellow Pine, Idaho Zip 836772. Date of Priority (Only one (1) per claim) January 11, 19543. Source of water supply (a) Zona Creek
which is tributary to (b) Secesh Creek4. a. Location of existing point of diversion is: Township 20N Range 6E Section 29
N/E 1/4 of N/E 1/4 of SE 1/4, Govt. Lot, Valley B.M., County of Valley

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township 20N Range 6E Section 29 1/4 of 1/4 of 1/4Govt. Lot Valley B.M., County of Valleyending point is: Township 20N Range 6E Section 29 1/4 of 1/4 of 1/41/4, Govt. Lot Valley B.M., County of Valley

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Diversion structure constructed across Zona Creek
at elevation 3968'. Reservoir capacity is approximately 4 acres
structure is 90 feet wide. There is a 16" conduit from
dam to power house.

6. Water is claimed for the following purposes:

For Irrigation purposes from 3/15 to 11/15 amount 7.1 cfs or _____
 For Power purposes from 1/1 to 12/31 amount 7.0 cfs or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 7.1 c.f.s. (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 10 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Hydropower generation; Domestic use

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
20N	6E	29														S			5
20N	6E	29														P			
20N	6E	29														D			

Total number of acres irrigated 5

11. In which county (ies) are lands listed above as place of use located? Valley

12. Do you own the property listed above as place of use? Yes X No _____
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. Inactive or None ()

14. Remarks:

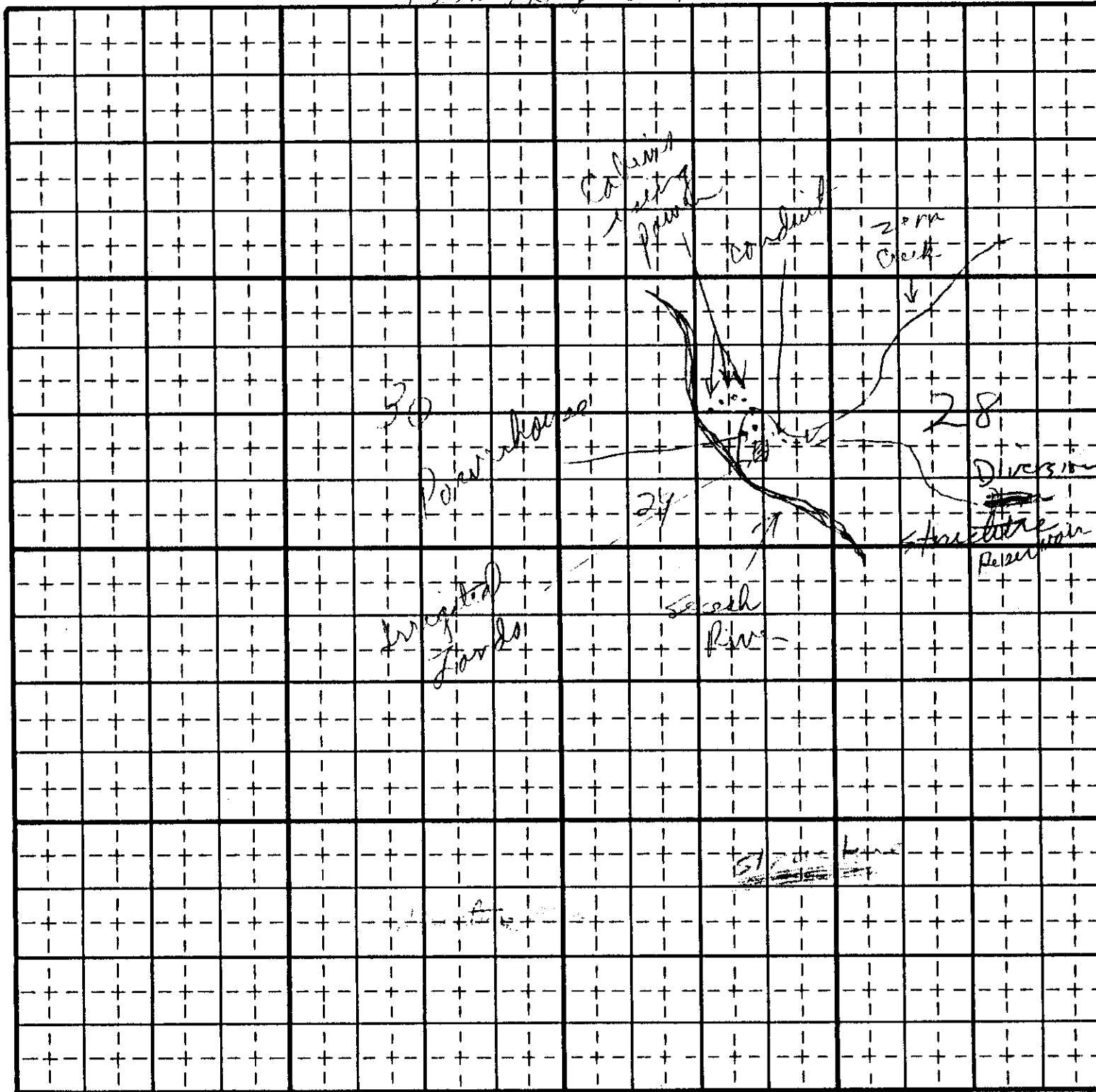
Last Name Adkins Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the place of diversion, place of use, section number, township, and range number.

Scale: 2 Inches equals 1 mile

T 20 N, Range 6 E, 8 M.



Last Name Adkins

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Be Special Use Decree Posted Notice Permit 77-2119
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Gymna B. Adkins

Date Nov. 21, 1988

Bernadine Adkins

Date Nov. 21, 1988

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Diversion
structure
State

State of Idaho/or _____)
County of Valley) SS.

Subscribed and sworn (or affirmed) before me this 21st

day of

November

19 88

SEAL

Notary Public

Charles T. Gray

Residing at

Cascades, Idaho

My Commission Expires

12/18/93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Adkins Ident. Number _____

Copies White-State, Yellow-Claimant

State of Idaho

License and Certificate of Water Right

77-221
77-2119

Water License No. 24617 Priority 11, 1954 Amount 7.1 c.f.s.

THIS IS TO CERTIFY that BROWN'S TIE & LUMBER COMPANY

of McCall, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 16, 1953; that Permit No. 24617 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 8.0 second feet, was issued thereunder on October 8, 1954, showing that said works were completed on the 20th day of April, 1959; and that on the 27th day of January, 1965 BROWN'S TIE & LUMBER CO.

of McCall, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Zena Creek

a tributary of Seeesh Creek for the purpose of irrigation and power, under Use Permit No. 24617 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 13 of Licenses, at Page 8538, on the 10th day of August, 1966.

The right hereby confirmed dates from January 11, 1954

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec. 28, Twp. 20 N, R. 6 E., B.M. Valley 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 7.1 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
20 N	6 E	29	NW 1/4 SEC 29	40	5
			0.1 c.f.s. for irrigation 7.0 c.f.s. for power		

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 10th day of August, 1966.

R. Kirk Higgins
Deputy State Reclamation Engineer.

24617

HRR156

IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHTS BY PLACE OF USEPAGE 4587
06/28/1987

THNSHP	RNG	SEC	TRACT	LOT	ACRES	USES	WATER RIGHT NUMBER	LAST NAME	OWNER STAGE	PRIORITY DATE	SOURCE OF WATER
20N	02E	31	SWSE		20	01.04	78-4060	JOHNSON	C	S	06-01-1925 WASTE WATER
			SWSE		40	01.04	78-4129	JOHNSON	C	S	07-01-1960 MARTIN CREEK
								JOHNSON	C		
								JOHNSON	D		
			SWSE		20	01.43	78-7069	JOHNSON	C	P	03-26-1975 GROUNDWATER
			SWSE		40	01.03.02.05	78-7077	JOHNSON	C	P	04-30-1976 BRUNDAGE DRAIN
			SWSE		40	02.03	78-7263	BRUNDAGE WATER USE	C	P	03-22-1985 BRUNDAGE DRAIN
			SESE		01	01	78-0269	ANDERSON	C	D	05-01-1922 BRUNDAGE CREEK
			SESE		01	01	78-0270	ANDERSON	C	D	05-01-1895 MARTIN CREEK
			SESE		18	01.04	78-4129	ANDERSON	C	S	07-01-1963 MARTIN CREEK
								JOHNSON	C		
								JOHNSON	D		
			SESE		05	01.43	78-7069	JOHNSON	C	P	03-26-1975 GROUNDWATER
			SESE		40	01.03.02.05	78-7077	JOHNSON	C	P	04-30-1976 BRUNDAGE DRAIN
			SESE		40	02.03	78-7263	BRUNDAGE WATER USE	C	P	03-22-1985 BRUNDAGE CREEK
32			NENE		04.10.49	78-4300	78-4300	BOISE CASCADE CORP	C	S	01-31-1940 BRUNDAGE CREEK
								BOISE CASCADE CORP	C	S	01-31-1940 UNNAMED STREAMS
			NANE		04.10.49	78-4300	78-4300	BOISE CASCADE CORP	C	S	01-01-1940 SIXTILE CREEK
								BOISE CASCADE CORP	C	S	01-01-1940 UNNAMED STREAMS
			NENH		04.10.49	78-4300	78-4300	BOISE CASCADE CORP	C	S	01-01-1940 MARTIN CREEK
								BOISE CASCADE CORP	C	S	01-01-1940 SIXTILE CREEK
			NANH		04.10.49	78-4300	78-4300	BOISE CASCADE CORP	C	S	01-01-1940 UNNAMED STREAMS
								BOISE CASCADE CORP	C	S	01-01-1940 MARTIN CREEK
			SANH		04.10.49	78-4300	78-4300	BOISE CASCADE CORP	C	S	01-01-1940 SIXTILE CREEK
								BOISE CASCADE CORP	C	S	01-01-1940 UNNAMED STREAMS
20N	03E	14	SWSE		28		65-12580	HY-TECH CO.	C	A	12-02-1982 SIXTILE CREEK
			SESE		28		65-12513	HELLHAKE	C	A	04-22-1982 FISHER CREEK
			SWSE		47		78-7263B	BRUNDAGE WATER USE	C	P	03-22-1985 BRUSH CREEK
								U.S. DEPT. OF AGRIC	C	A	04-22-1985 BRUNDAGE CREEK
			SWSE		28		65-12515	HELLHAKE	C	A	04-22-1982 BOX CREEK
			SWSE		43		77-4082	U.S. DEPT. OF AGRIC	C	S	06-01-1950 SPRING
20N	04E	24	SWSE		43		77-4081	U.S. DEPT. OF AGRIC	C	S	06-01-1960 SPRING
20N	06E	29	NANE		05	01.28	77-2119	BROWN TIE & LUMBER	C	L	01-11-1954 ZENA CREEK
			SWSE		05	01.28	77-2119	HELLHAKY	C	S	01-01-1898 FRITTSER CREEK
20N	07E	08	SWSE		15	01.04.43	77-4075	DAVIS	C	S	01-01-1897 WILLEY CREEK
			SWSE		10	01	77-4174	DAVIS	C	S	01-01-1897 SHEEP CREEK



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

February 4, 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

James B. Adkins
P.O. Box 671
Emmett, ID 83617

RE: FERC Project No. 10939-001 (Exemption from Licensing)

Dear Mr. Adkins:

This office has recently been notified that you have been granted an Exemption from Licensing for the above referenced project from the Federal Energy Regulatory Commission (FERC).

We have investigated our records and have found no indication of a water right filing for the project. The purpose of this letter is to advise you that prior to diverting water for any purpose, including hydroelectric power generation, a valid Idaho water right must be approved.

Enclosed for your convenience we are providing a copy of the instructions for filing an Application for Permit and two blank Application for Permit forms. In addition, we have enclosed Form 205/206 which is required for any diversion for power generation purposes. Depending on the size and type of project that you anticipate developing, there may be additional requirements including the submittal of plans, feasibility studies, and a financial statement. We suggest that you contact the regional office nearest you for clarification of these requirements. Addresses and telephone numbers of the regional offices can be found on the last page of the instructions for filing an Application for Permit.

Please be advised that in Idaho the date of filing an Application for Permit may have a bearing on the availability of water for the proposed project. In addition, water may not be diverted until you have obtained a permit to appropriate water.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:js

Enclosures

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Notice of Application Filed with the Commission
(September 5, 1990)

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

- a. Type of Application: Conduit Exemption
- b. Project No.: 10939-001
- c. Date filed: July 30, 1990
- d. Applicant: James B. Adkins
- e. Name of Project: Zena Creek Ranch Hydropower
- f. Location: On an existing diversion of water from Zena Creek in Valley County, Idaho. Township 20 N., Range 9 E., B.M.
- g. Filed Pursuant to: Section 30 of the Federal Power Act, 16 U.S.C. §823 (a)
- h. Applicant Contact: Mr. Richard K. Linville
Attorney at Law
P.O. Box 671
Emmett, ID 83617
(208) 365-2106
- i. FERC Contact: Mr. James Hunter, (202) 357-0843
- j. Comment Date: October 23, 1990
- k. Description of Project: The existing project consists of: (1) a connection to a 10-inch-diameter water supply pipeline; (2) a 16-foot-wide, 26-foot-long powerhouse containing a generating unit rated at 45 KW and producing an average annual output of 61 MWH; and (3) a tailrace connecting to pipelines directing water to domestic, irrigation, and stock watering uses.
- l. Purpose of Project: All power generated is consumed by the lodge and related buildings on the ranch.
- m. This notice also consists of the following standard paragraphs: B, C, and D3b.

Linda
This should be
filed with this
water right.
Thx. Gary

RECEIVED
SEP 14 1990

Department of Water Resou

January 4, 1990

Richard K. Linville
316 E. Main Street
P. O. Box 671
Emmett, ID 83617

RE: LICENSE 77-2119 - ZENA CREEK RANCH

Dear Mr. Linville:

I have reviewed your letter dated December 20, 1989, in connection with a Small Conduit Hydroelectric Exemption for the Zena Creek Ranch in Valley County, Idaho.

Department records show that license 77-2119 was issued with a priority of January 11, 1954 for the diversion and use of water from Zena Creek in the amount of 7.0 cfs for power generation purposes. Department records also show that a Snake River Adjudication claim has been filed in 1988 pursuant to the on-going adjudication of water rights.

The Department of Water Resources has no objection to the Application for Exemption for Small Conduit Hydroelectric Facility filed on behalf of your client James B. Adkins.

Sincerely,

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - W. Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

February 4, 1991

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

James B. Adkins
P.O. Box 671
Emmett, ID 83617

RE: FERC Project No. 10939-001 (Exemption from Licensing)

Dear Mr. Adkins:

This office has recently been notified that you have been granted an Exemption from Licensing for the above referenced project from the Federal Energy Regulatory Commission (FERC).

We have investigated our records and have found no indication of a water right filing for the project. The purpose of this letter is to advise you that prior to diverting water for any purpose, including hydroelectric power generation, a valid Idaho water right must be approved.

Enclosed for your convenience we are providing a copy of the instructions for filing an Application for Permit and two blank Application for Permit forms. In addition, we have enclosed Form 205/206 which is required for any diversion for power generation purposes. Depending on the size and type of project that you anticipate developing, there may be additional requirements including the submittal of plans, feasibility studies, and a financial statement. We suggest that you contact the regional office nearest you for clarification of these requirements. Addresses and telephone numbers of the regional offices can be found on the last page of the instructions for filing an Application for Permit.

Please be advised that in Idaho the date of filing an Application for Permit may have a bearing on the availability of water for the proposed project. In addition, water may not be diverted until you have obtained a permit to appropriate water.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Supervisor
Water Allocation Section

GS:js

Enclosures

RICHARD K. LINVILLE
ATTORNEY AT LAW
316 EAST MAIN STREET
P. O. BOX 671
EMMETT, IDAHO 83617
(208) 365-2106

December 20, 1989

RECEIVED
DEC 26 1989

Rich Sterling
Dept. of Water Resources
Statehouse
Boise, ID 83720

Department of Water Resources

Re: Zena Creek Ranch
Small Conduit Hydroelectric Exemption

Dear Mr. Sterling:

As we have previously discussed, I represent the interests of James B. Adkins, owner of the Zena Creek Ranch in Valley County, Idaho.

Enclosed with this letter please find a draft Application to the Federal Energy Regulatory Commission for an exemption for licensing for the small conduit hydroelectric facility serving the Zena Creek Ranch. Please review this draft Application, and forward a letter to me, setting forth the position of your agency regarding the issuance of an exemption from licensing for this project by the Federal Energy Regulatory Commission.

Thank you very much for your prompt attention to this matter. If I can be of any assistance whatsoever, do not hesitate to contact me by telephone.

Sincerely yours,



Richard K. Linville
Attorney at Law

RKL/bt

cc: James B. Adkins
Federal Energy Regulatory Commission

RICHARD K. LINVILLE
Attorney at Law
316 E. Main Street
P.O. Box 671
Emmett, ID 83617
Telephone: (208)365-2106

RECEIVED
DEC 26 1989

Department of Water Resources

ATTORNEY FOR APPLICANT

BEFORE THE FEDERAL ENERGY REGULATORY
COMMISSION

* * * * *

Application for Exemption for Small
Conduit Hydroelectric Facility

JAMES B. ADKINS applies to the Federal Energy Regulatory Commission for an exemption for the Zena Creek Ranch Hydropower Project, a small conduit hydroelectric facility that meets the requirements of 18 CFR, Section 4.30(b)(26), except paragraph (b)(26)(v), from certain provisions of Part I of the Federal Power Act.

The location of the facility is:

State or Territory: Idaho
County: Valley
Township or nearby town: Township 20 N.,
R. 6 E.B.M.

The exact name and business address of each applicant is:

James B. Adkins
P.O. Box 16
Yellow Pine, ID 83677

The exact name and business address of each person authorized to act as agent for the applicant in this application is:

Richard K. Linville
Attorney at Law
P.O. Box 671
Emmett, ID 83617

James B. Adkins is a citizen of the United States.
The provisions of Part I of the Federal Power Act for which
APPLICATION FOR EXEMPTION FOR SMALL CONDUIT
HYDROELECTRIC FACILITY - page 1 bt

This application is accompanied by a Petition for Waiver of Section 4.30(b)(26)(v), submitted pursuant to 18 CFR 385.207.

STATE OF IDAHO)
) ss.
County of Gem)

James B. Adkins

NOTARY PUBLIC FOR IDAHO
RESIDING AT _____
MY COMMISSION EXPIRES _____

EXHIBIT A

(1) The Zena Creek Hydropower Project is located on an existing diversion of water from Zena Creek, a small tributary to the Secesh River in Valley County, Idaho. The diversion consists of a conduit pipe 16" in diameter and approximately 1,500 feet long, reducing to 400' of 10" conduit pipe running the power house. From the power house, water is diverted directly to the lodge, cabins, barn and shop for culinary and domestic beneficial use and for irrigation and stock watering pursuant to Idaho Water Right License No. 77-2119. Idaho Water Right License No. 77-2119 has a priority date of January 11, 1954.

A portion of the discharge from the power house returns to Zena Creek immediately below the power house. A small dam was constructed at the point of diversion in 1952, but removed several years ago and replaced with a stream side diversion structure.

The structures associated with the facility are the stream side diversion structure, conduit pipeline, a small power house (approximately 16'x26') and a short transmission line to the lodge, cabins and shop. All electric power generated at the site is consumed on site by the lodge and related buildings. No power is distributed or sold to any consumer except your applicant, James B. Adkins. The power house and transmission line are located wholly on the 50-acre tract belonging to James B. Adkins. A copy of the Warranty Deed to the property is set forth in Exhibit "C". The water supply conduit is partially located on property belonging to the United States Government, and administered by the Forest Service. The water supply conduit has been authorized by Payette National Forest Special Use Permit No. 5189.

(2) The proximate natural source of water that supplies the conduit is Zena Creek, a tributary of the Secesh River.

(3) The water supply conduit is used for the purpose of supplying culinary, stock watering and irrigation use to the 50-acre tract owned by James B. Adkins, and for power generation. James B. Adkins is the current holder of Idaho Water Right License No. 77-2119, priority date January 11, 1954, for domestic use, irrigation and power generation beneficial use.

(4) The project has one generating unit with a capacity of 43 - 45 kw, and operates at 11 kw. There is no provision for any future units.

(5) The hydraulic turbine consists of a 42-inch pelton wheel and a 6-inch nozzle.

(6) The power plant is to be operated manually, and will not be used for peaking. The sole use of power generated by the project is for the domestic purposes of the adjoining James B. Adkins lodge and related domestic structures.

(7) (i) The average annual generation is estimated to be 61,000 kw hours; (ii) the plant operates with an average head of 87 feet; (iii) the hydraulic capacity of the plant is estimated to be 7.1 cubic feet per second; (iv) the average flow of the conduit at the plant would consist of the underlying water rights, a maximum of 7.1 cubic feet per second; and (v) the average amount of the flow described in (iv) above available for power generation is 7.1 cubic feet per second.

(8) The facility has been in place and operating since 1952.

(9) A portion of the discharge of the facility returns to Zena Creek, and a Petition for Waiver of Section 4.30(b)(26)(v) has been submitted concurrently with this application.

(10) The project discharges directly to the point of agricultural and domestic use. Domestic consumption is by the James B. Adkins lodge and related domestic structures, for culinary, irrigation and stock watering purposes. The

location of the consumptive uses is at the lodge, cabins, shop and barn adjoining the power house, and adjoining irrigated pasture.

(11) No dam would be constructed in conjunction with this project.

EXHIBIT "B"

GENERAL LOCATION MAP

**ZENA CREEK DIVERSION STRUCTURE,
CONDUIT & POWER HOUSE**

**SITUATE IN SEC. 29, T. 20 N., R. 6 E., B. M.
VALLEY COUNTY, IDAHO**

**JAMES B. ADKINS
BOX 16, YELLOW PINE, IDAHO 83677**

APPROVED *James B. Adkins* DATE 7-30-1977

APPROVED _____ DATE _____

APPROVED _____ DATE _____

DESIGNED BY: BILL HARRIS

DRAWN BY: TOM KERR

CHECKED BY:

DATE: JULY, 1977

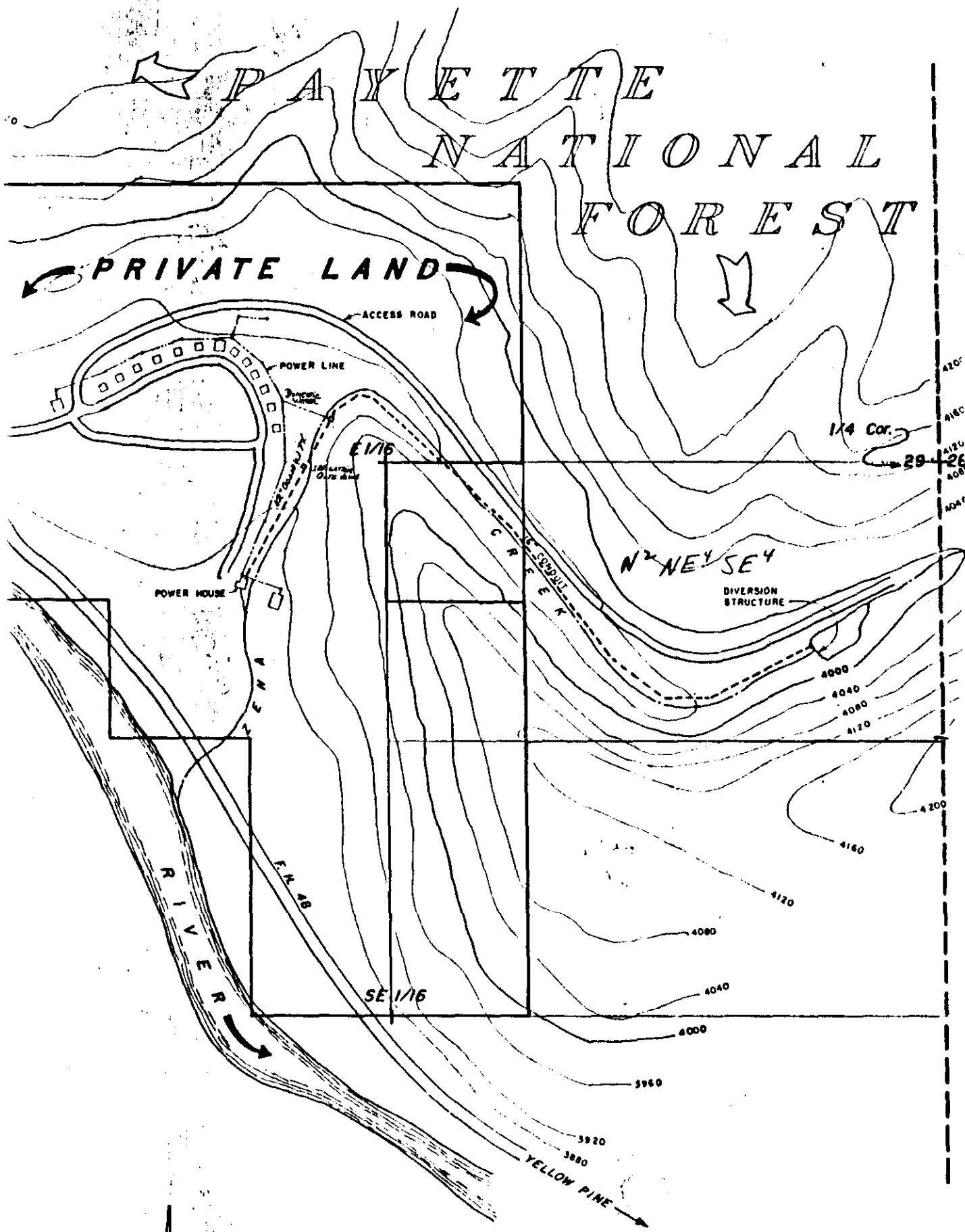
SHEET 1 OF 3

REVISED:

This drawing is a part of the application for a license made by
the undersigned this 24 day of June, 1977.

James B. Adkins

Exhibit "B"



AREA MAP

SCALE: 1" = 200'

CONTOUR INTERVAL: 40'

FROM U. S. G. S. WILLIAMS PEAK QUADRANGLE, 7.5 MINUTE SERIES, 1969

EXHIBIT "C"

WARRANTY DEED TO JAMES B. ADKINS AND GERALDINE A. ADKINS

WARRANTY DEED

FOR VALUE RECEIVED

JUDD W. DEBOER and DIANE B. DEBOER, husband and wife,

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto

JAMES B. ADKINS and GERALDINE A. ADKINS, husband and wife,

GRANTEE(S), whose current address is: Box 16 Yellow Pine Id. 83677
the following described real property in Valley County, State of Idaho,
more particularly described as follows, to wit:

See Exhibit A attached.

COMPASSO _____
INDEXED - LANDCT _____
INDEXED - RECORD _____

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: July 30, 1987

Judd W. DeBoer
Judd W. DeBoer

Diane B. DeBoer
Diane B. DeBoer

STATE OF Idaho, County of Valley ss.

On this 30 day of July,
in the year of _____, before me, the undersigned, a Notary
Public in and for said State, personally appeared Judd W.
Diane B. DeBoer
known or identified to me to be the person(s) whose name(s)
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Signature [Signature]
Name Judd W. DeBoer (type or print)

Residing at: Casper

My commission expires: 1-13-93

STATE OF IDAHO, COUNTY OF _____

I hereby Certify that this instrument was filed for record at the request of _____

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____
Deputy,
Fee \$ _____
Mail to: _____

This form furnished courtesy of

STEWART TITLE OF IDAHO, Inc.



EXHIBIT A
REAL PROPERTY

Section 29: W 1/2 SW 1/4 NE 1/4 SE 1/4,
SW 1/4 NW 1/4 NE 1/4 SE 1/4,
W 1/2 SW 1/4 SE 1/4 NE 1/4;
S 1/2 SW 1/4 NE 1/4, -
NE 1/4 NW 1/4 SE 1/4
NE 1/4 NW 1/4 NW 1/4 SE 1/4 and
S 1/2 SE 1/4 NW 1/4 SE 1/4,
Township 20 North, Range 6 East, B. M. Valley County, Idaho

SAVE AND EXCEPTING THEREFROM:

Beginning at a point which is the NE corner of SW 1/4 SW 1/4 NE 1/4 of Section 29, T. 20 N., R. 6 E., B. M., thence south along the E. line of the SW 1/4 SW 1/4 NE 1/4 339 feet to a point; thence S 35° W 107 feet to a point; thence N 86° W 313 feet to a point which is on the easterly right of way boundary of the McCall-Stibnite Road; thence N 12° W 151 feet along said right of way boundary to a point, which is the approximate Highway Station 1644+69 as shown on the McCall-Stibnite Highway Survey on file in the office of the Dept. of Public Works of the State of Idaho and the U.S. Forest Service Office at Ogden, Utah; thence N 3° W 254 feet along said right of way boundary to a point which is the boundary at Station 1642+15 of said Survey, which is approximately 200 feet East of the NW corner of the SW 1/4 SW 1/4 NE 1/4, Section 29; thence S. 89°53' E approximately 408' to the point of beginning.

3.78
ac.

SUBJECT TO:

1. Taxes for 1987 and subsequent years are a lien and not yet due and payable.
2. RIGHT OF WAY DEED: from Clyde A. Parks and Bettie F. Parks, his wife as Grantors to U.S.A., as Grantee, dated November 12, 1943 and filed for record in the office of the Recorder of Valley County, Idaho on December 12, 1943 in Deed Book 22 at page 447 as Instrument No. 31519.
3. SURVEY: filed for record in the office of the Recorder July 2, 1980 as Instrument No. 106865.

STATE OF IDAHO, } ss. **156183**
County of Valley, }

I hereby certify that this instrument

was filed for record at the request of

Mrs. T. H. L.

at 33 minutes past 2

o'clock P. M. This 31 St

day of July 1987

in my office and duly recorded in

Dr. # 5 of 22605

Public Trust

Ex-Officio Recorder

By H. O. Perkins Deputy

Fee \$ 6.00

EXHIBIT "E"

ENVIRONMENTAL REPORT

EXHIBIT E

(1) This project consists of a very small hydroelectric generation facility located on an existing water line used for irrigation, domestic consumption and power generation at a lodge in a remote area of Valley County, Idaho. The scope of the project and its environmental impact are extremely limited. All power is consumed directly on the 50-acre tract occupied by the power plant and the James B. Adkins lodge, cabins, shop and barn. The lodge utilizes the power for electric lighting, refrigeration and freezing of food, and incidental utilization of small electrical appliances.

The environmental setting in the vicinity of the facility is a remote, heavily-timbered area of the Payette National Forest. Primary vegetative cover is lodgepole pine and various scrub growth. Fish and wildlife resources in the area are significant, although Zena Creek, at the point of diversion, is very small, with an estimated volume of 40 cfs, and has no known fish population. The lodge is utilized for permanent residence by James B. Adkins and his family, and the cabins are used intermittently for residential recreational purposes. The area has plentiful moose, elk, deer and other animals and birds typical of the Central Idaho high country. Water quality is excellent.

The entire project is located on an existing diversion for domestic, irrigation and power-production purposes. Land uses in the area around the lodge are primarily recreational. The closest private land is approximately 17 miles away. There are no year-around residents nearby. Socio-economic conditions reflect intermittent recreational use. There are no identified historical or archeological resources in the project area. Visual resources are quite spectacular in the general vicinity, but limited in the actual project area due to heavy timber.

The project has no known effect on any endangered or threatened plant or animal species, critical habitat thereof, or sites eligible for or included in the National Register of Historic Places.

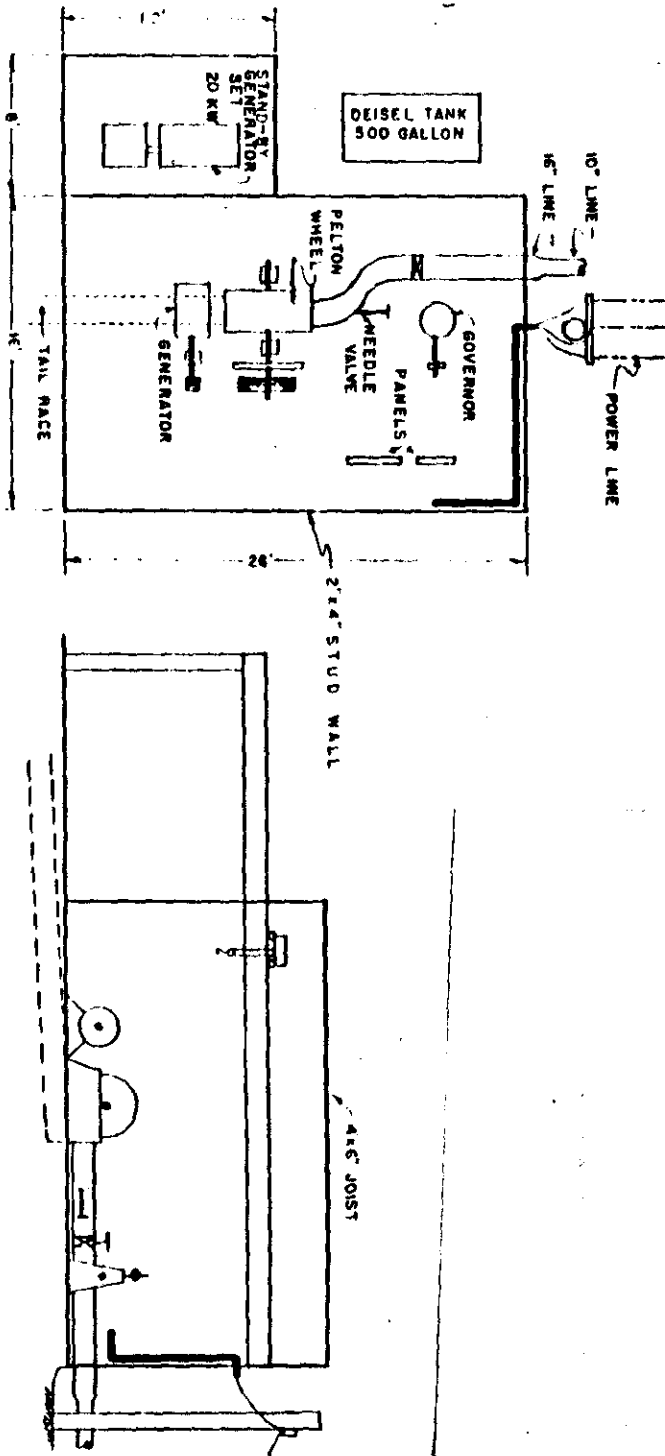
(2) The project has minimal environmental impact while in operation. That portion of the conduit located on Forest Service property is authorized by the Forest Service, Payette National Forest Special Use Permit No. 5189. The pipeline is almost completely underground. No specific measures to protect or enhance environmental resources or mitigate adverse impacts of the facility will be necessary or desirable.

(3) There are no alternative means of obtaining electric power from any public utility, as there is no power supply grid within many miles of the James B. Adkins lodge. The only alternative means of generating power for use at the lodge would be by diesel power generation on site. The project was in place and operating prior to August 10, 1988, and is therefore not affected by the Columbia River Basin Fish and Wildlife Program. The project operates independently from all power grids, with no intertie planned or anticipated, and is therefore not subject to the Northwest Conservation and Electric Power Plan.

EXHIBIT "G"

EQUIPMENT DIAGRAMS

FLOW AVAILABLE IN STREAM (NORMAL)
 * 40 CFS
 ESTIMATED HEAD
 * 87 FEET
 FLOW IN PLANT, ESTIMATED
 * 7.7 CFS
 PLANT CAPACITY
 * 50 KVA
 * 43 TO 45 KW
 TRANSMISSION LINE
 * 1700 FEET OF 220
 VOLT LINE

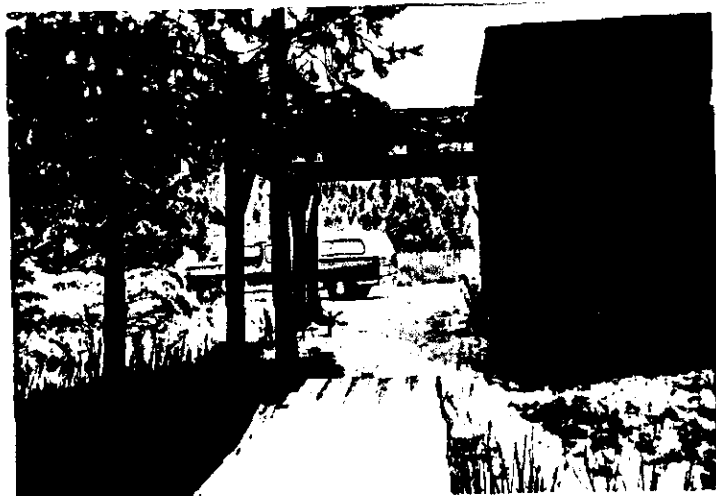


P L A N

E L E V A T I O N

P O W E R H O U S E

SCALE 1/8" = 1'-0"



WRD417

WATER RIGHTS PROOF READING REPORT

01/22/85

PAGE 1

WATER RIGHT NUMBER 77-2119

OWNER LAST NAME - BROWNS TIE & LUMBER CO.

FIRST NAME - ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - MC CALL

STATE - ID ZIP CODE -

SOURCE - ZENA CREEK

TRIBUTARY OF - SECESH CREEK

STAGE - LICENSE

STATUS -

PRIORITY - 01-11-1954 COUNTY - VALLEY

TOTAL DIV. RATE - 7.1000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. -

OLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWNW 28 20N 06E LOT

REDIV -

272.0 92.0 172.0

47.0 2.0 0.0

0.0 0.0 0.0 0.0

1.1

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

.1000 CFS

USE DIV. VOLUME -

.00 AFA

FROM - TO -

USE - POWER

USE DIV. RATE -

7.0000 CFS

USE DIV. VOLUME -

.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 20N RNG 06E SEC 29

TRACT NWSE LOT

AC 05

DECREE NAME -

DATE -

TOTAL ACRES

5

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 24617

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

VERIFIED LGS

VERIFIED LGS

IDENT. NO. 77-2119

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 24617 1 77-2119
Old No. New No.

Record

1. Original Owner: Browns Tie & Lumber Co.

Present Owner: _____

2. Address:

3. City: M^g Call State: IO Zip: _____

4. A. Source of Water: Zena Creek

B. Tributary of: Secesh Creek

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 1-11-1954

D. County: 85

E. Total Diversion Rate: 7.1

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SWNW</u>	<u>28</u>	<u>20N</u>	<u>6E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for <u>A</u> purposes.	Amount <u>7.0</u> (cfs or ~~AE~~ ft/yr)
from _____ to _____ for <u>P</u> purposes.	Amount <u>.1</u>
from _____ to _____ for _____ purposes.	Amount _____
from _____ to _____ for _____ purposes.	Amount _____
from _____ to _____ for _____ purposes.	Amount _____
from _____ to _____ for _____ purposes.	Amount _____
from _____ to _____ for _____ purposes.	Amount _____

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 24617

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

August 17, 1977

Re: License No. 77-2119 (Old No. 24617)

Mr. P. J. Hayes
BROWN'S TIE & LUMBER COMPANY
Box 886
McCall, Idaho 83633

Dear Mr. Hayes:

We received your letter concerning the transferring or assigning of your water right.

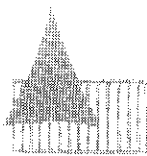
The Department has no procedure for changing the name on a licensed, claim or water right transfer as once these are filed or a license is issued, the water right is appurtenant to the land.

A copy of the deed is not necessary but could be filed in the water right file for future reference as to ownership.

If you have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

JANICE RENK
Water Rights Secretary



Brown's Tie & Lumber Company

BOX ⁸⁸⁶ McCall, IDAHO 83638 AREA CODE 208 PHONE 634-2234

State of Idaho.
Dept. of Water Resources.
373 West Franklin.
Boise, Idaho 83702

McCall, Idaho
August 10, 1977

Gentlemen;

Enclosed is a copy of Water Permit No. 24617.
We are presently negotiating for the sale of the land
in W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, twp. 20 N., Rge. 3E, BM. to which this
water right pertains.

We need to know the proper procedure for
transferring this water right to the buyer of the private
land. Would an attachment to the deed be enough, or
should some record be made for your office?

We would appreciate having this information,
together with any forms that need to be completed
for your office. Thank you.

Very Truly Yours,
Brown's Tie & Lumber Co.

By: *P.J. Hayes*
P.J. Hayes.

BROWN'S TIE & LUMBER CO.
BOX 886
McCALL, IDAHO 83638



State of Idaho.
Dept. of Water Resources.
373 West Franklin
Boise, Idaho. 83702

August 10, 1966

RE: Permit No. 24617

P. J. Hayes, Secretary
Brown's Tie & Lumber Co.
Box 691
McCall, Idaho

Dear Mr. Hayes:

Enclosed is the License and Certificate of Water
Right on the above
numbered permit.

Also enclosed is departmental receipt No. 33316 in
the amount of \$5.00 covering the fees.

Very truly yours,


M. Russell Bosch
Office Manager

MRB:mr

Enc. license

24617

State of Idaho

License and Certificate of Water Right

Water License No. 24617 Priority January 11, 1954 Amount 7.1 c.f.s.

THIS IS TO CERTIFY that BROWN'S TIE & LUMBER COMPANY

of McCall, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 16, 1953; that Permit No. 24617 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 8.0 second feet, was issued thereunder on October 8, 1964, showing that said works were completed on the 20th day of April, 1959; and that on the 27th day of January, 1965 BROWN'S TIE & LUMBER CO.

of McCall, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of Zena Creek

a tributary of Secesh Creek for the purpose of irrigation and power, under Use Permit No. 24617 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 13 of Licenses, at Page 8538, on the 10th day of August, 1966.

The right hereby confirmed dates from January 11, 1954

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec. 28, Twp. 20 N. R. 6 E., B.M. Valley 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 7.1 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
20 N	6 E	29	NW1/4 SE1/4 0.1 c.f.s. for irrigation 7.0 c.f.s. for power	40	5

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 10th day of August, 1966.

R. Kirk Higgins
Deputy State Reclamation Engineer.

24617

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No.	24617
To	Brown's Tie & Lumber Co.
	McCall, Idaho
Source of Supply	Zena Creek
	Valley County
Amount	7.1 c.f.s. Sec. Ft.
Point of Diversion	SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28,
	T. 20 N., R. 6 E., B.M.
Place of Use	NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29,
	T. 20 N., R. 6 E., B.M.
Purpose	Irrigation & Power
Date of Priority	January 11, 1954
Recorded	August 10, 1956
in Book	13 of Licenses, Page 8538

July 21, 1966

RE: Permit No. 24617

C
O
P
Y

P. J. Haynes, Secretary
Brown's Tie & Lumber Co.
Box 691
McCall, Idaho

Dear Mr. Haynes:

Our field examiner's report on his inspection of the application of water to beneficial use under the terms of Permit No. 24617 shows the dam and reservoir are capable of conveying 355 miner's inches, or 7.1 c.f.s. of water for irrigation and power purposes.

Upon receipt of the statutory fee of \$5.00 we will issue the License and certificate of Water Right, confirming the right, with priority of January 11, 1934, to the use of 7.1 c.f.s. of water for irrigation purposes, and power production, from Zena Creek with the point of diversion in the SW¼NW¼, Sec. 28, and place of use in the NW¼SE¼, Sec. 29, T. 20 N., R. 6 E., E.N.

Very truly yours,

M. Russell Bosch
Office Manager

MRB:mr

24617

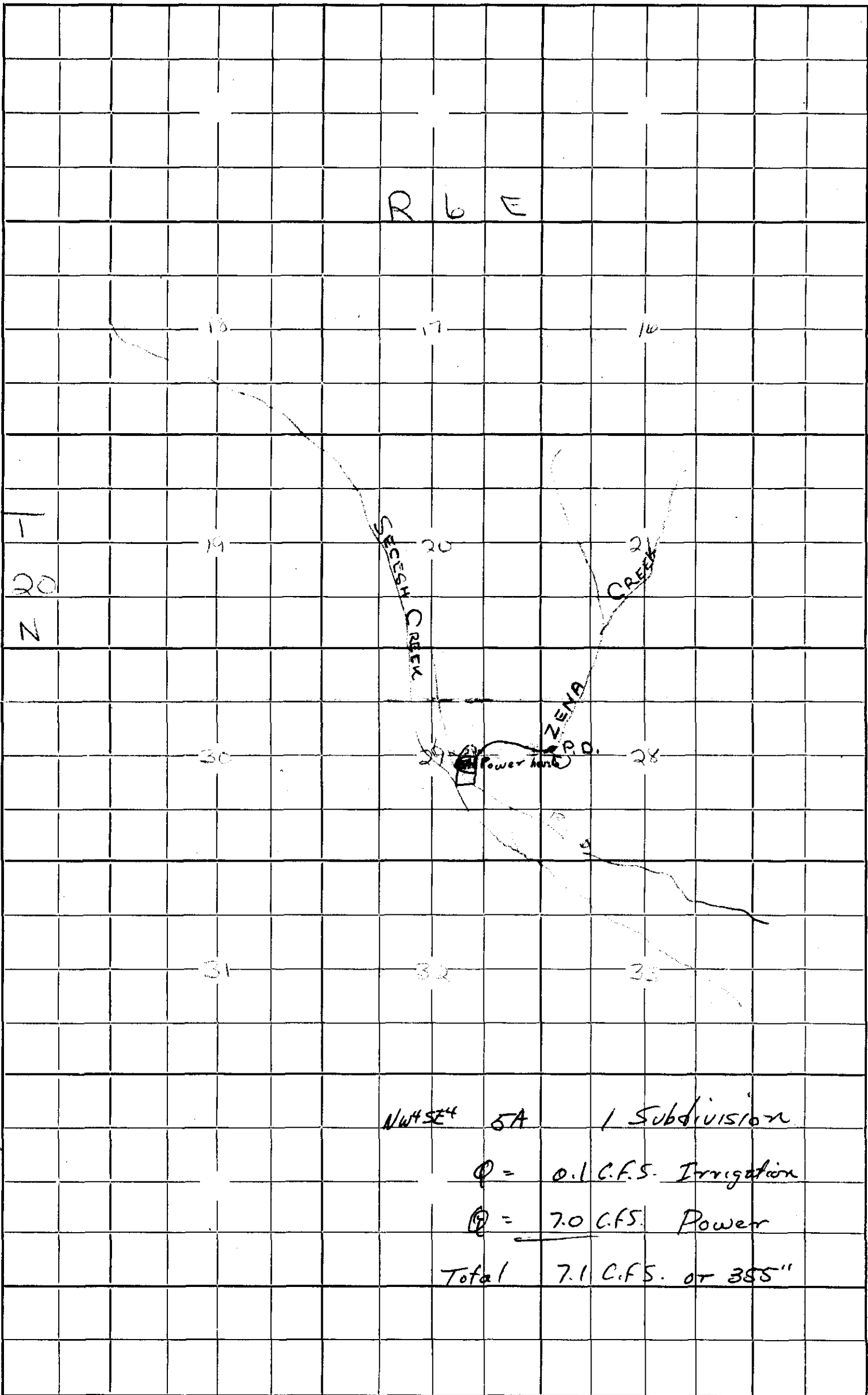
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 24617

REPORT ON PROOF OF Beneficial Use

P. J. Hayes, Secretary
Brown's Tie & Lumber Co.
Box 691, McCall, Idaho



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

Permit No. 24617This proof is for Beneficial Use In Water District No. _____1. Name of applicant Brown's Tie & Lumber Co.2. Source of water supply: Zena Creek3. Location of point of diversion: Is in the SW 1/4 NW 1/4 of Section 28T. 20N R. 6 E.B.M. County of Valley

4. Describe works as they exist, giving dimensions and capacities of same: Type F Governor #3007 Pelton Water Wheel Co. Electric Power plant Type C-1A, Direct Current generator 2.5 KW 110 Volts 22.7 Amps 2400 R.P.M. Serial No. R81517 Continental Electric Co. Turbine powered, 16" penstock reduced to 12" with gate valve, Enclosed in 14'x24' building 45" pressure at Turbine

2 Control panels switches etc. (see Remarks) penstock 1585' long (smooth iron) 16" - 985' 12" - 600'

5. Water is used for: Irrigation and power6. 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):

POINT OF USE: NW 1/4 SE 1/4 Sec. 29., Twp. 20N., Rge. 6 E.B.M.Irrigation - 50 acres in NW 1/4 SE 1/4 Sec. 29., Twp. 20 N., Rge. 6 E.B.M.

5 Acres irrigated, 4 Acres Pasture & 1 Acre in Lawn & building area

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

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

Remarks: Diversion Dam 15' high 25' long 2X1 slope both faces of Dam 20' top width
Reservoir Area 1/4 Acre Capacity 2 Acre foot. Two 15" Arma gates to penstock + fire pit
Spillway 14'x6' with stop log slots. Max storage 2 A.F. 4" domestic line
Takes off where line reduces. Irrigated land watered by sprinkler system

50 KW generator below DC generator described above

The Camp Cook was interviewed as all men were working in the woods.

This examination was made on the 8th day of June, 1966(Signed) Robert Hamilton

Examiner.

24617

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.

RECEIVED
JAN 9 1954

Department of Reclamation

Brown's Tie & Lumber Co.
Box 691, McCall, Idaho

Permit No. 24617

Examination for Beneficial Use

County Valley

Sec. 28 T.20N R. 6 EBM

Quantity: 80 FS

Source: ZENACR.

P.D.: SWNW, SEC. 28, T20N-R6E
VALLEY

Use: IRRIGATION & POWER

Filed: Dec. 16, 1953

Date:

Jan 2, 1965
Jan 2, 1959

Revised:

Jan 27, 1965
Privity Jan 11, 1954

Protest:

Completion of Work: Oct. 8, 1964

Other Rights:

1M April 1962

March 31, 1965

Re: Permit No 24617

P. J. Hayes, Secretary
Brown's Tie & Lumber Co.
Box 691
McCall, Idaho

Dear Mr. Hayes:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the PAYETTE LAKES STAR, all submitted in proof of ~~completion of work~~ and beneficial use on Permit No 24617.

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 tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:

24617

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
County of Valley) ss.

RECEIVED
MAR 23 1965

Department of Reclamation

Wm. E. Youngblood, being first duly sworn, deposes and

says: That he is the Editor of the PAYETTE LAKES STAR, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for four consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began

FEB 11, 1965, and ended MARCH 11, 1965

[Signature]

Subscribed and sworn to before me, a Notary Public in and for

the County of Valley, and the State of Idaho, this 22

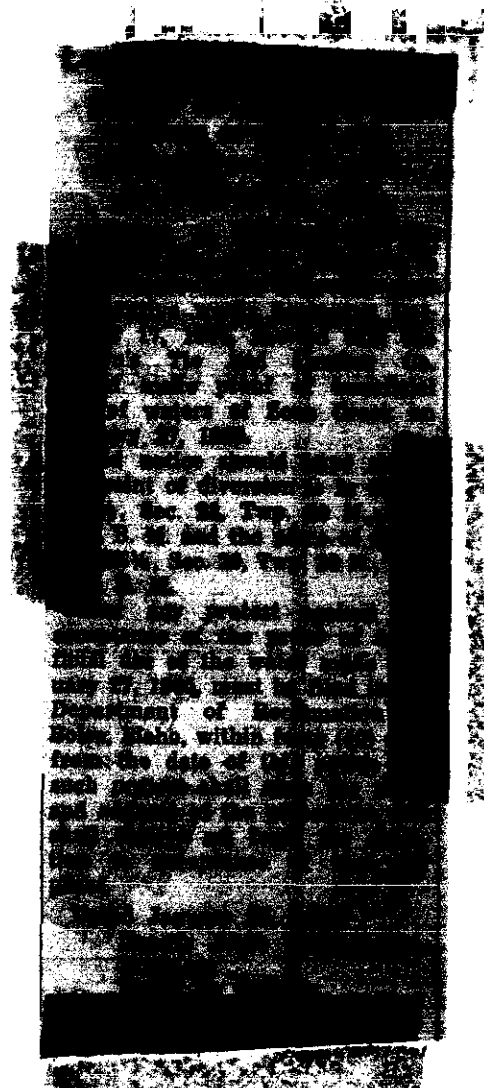
day of March, 1965

[Signature], Notary Public.

My commission expires Nov 24, 1965

24617

24617



January 29, 1965

Re: Permit No. 24617
Brown's Tie & Lumber Co.

Payette Lakes Star
McCall, Idaho

Gentlemen:

Enclosed is copy of the original notice sent to you December 7, 1964 and copy of the affidavit of publication and a new legal notice.

The notice on the affidavit has the last portion so garbled that it is not intelligible.

Kindly publish the new legal notice in four consecutive weekly issues of your paper, last publication to be prior to March 10, 1965, at your expense.

Furnish this office with your affidavit of publication after the last publication.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

24617

NOTICE OF PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER

TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN, That the legal notice published in the Payette Lakes Star for four consecutive weeks beginning December 17, 1964, showed that the Brown's Tie and Lumber Co. would make proof of beneficial use of waters of Zena Creek on January 27, 1965.

Said notice should have shown the point of diversion is in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 20 N., Rge. 6 E., B. M. and the place of use is W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, Twp. 20 N., Rge. 6 E., B. M.

That any protest against the acceptance of the proof of beneficial use of the water made January 27, 1965, must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice and such protest shall state the name and address of the protestant, and shall clearly set forth his objection to acceptance of the said proof.

Dated January 29, 1965.

Deputy State Reclamation Engineer

First date of Publication _____

Last date of Publication _____

Last date for Protest _____

24617

PUBLISHER'S AFFIDAVIT

STATE OF IDAHO)
County of Valley) ss.

_____, being first duly sworn, deposes and

says: That he is the PUBLISHER of the PAYETTE LAKES STAR, a weekly newspaper published at McCall, in the County of Valley, State of Idaho; that said newspaper is in general circulation in the county aforesaid and is a legal newspaper; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for (4) consecutive weeks in the regular and entire issue of every number thereof during the period and time of publication, and was published in the newspaper proper and not in a supplement; and that publication of such notice began

Dec. 17, 1964, and ended JAN 7, 1965

Donald E. Anderson

Subscribed and sworn to before me, a Notary Public in and for

the County of Valley, and the State of Idaho, this 8th

day of January, 1965

Don Anderson Notary Public.

My commission expires September 1, 1965

RECEIVED

JAN 29 1965

McCall, Idaho Reclamation

NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 a.m. on the 27 day of January, 1965, at McCall, County of Valley, State of Idaho, before David M. Bunker, a Notary Public, proof will be submitted in application to beneficial use of public land not record of the State of Idaho, a tributary of Snake River in accordance with the terms and conditions of the 1867 heretofore issued by the Department of Reclamation of Idaho.

The name and post office address of the person or persons claiming said permit is _____, residing said permit is _____, and the name of the person or persons who are to be benefited by the use of said water is _____.

24617

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JAN 29 1965
Department of Reclamation

Permit No. 24617

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address: P.J. Hayes.

McCall, Idaho. Secretary of Brown's Tie & Lumber Co. McCall, Idaho, Box 691

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:

Brown's Tie & Lumber Co. (a corp.) McCall, Idaho. Position-Secretary. Authority to sign as Secretary.

Ques. 3. State number, approval date of permit, and date of priority you propose to establish under the permit; 24617. ~~October 27, 1964~~ Date of Priority-December 16, 1953

Ques. 4. State source of water supply: Zena Creek, a tributary of the Secesh river.
Give location of point of diversion, showing subdivision, section, township and range:

SW 1/4, Sec. 28, T20 N., R. 6 E., B.M.

Ques. 5. Describe your works of diversion: Zena Creek Dam & 16" Pipe Line.

_____ ; state amount of water they are capable of conveying from point of diversion to place of use 8.0 cu. ft. per second, Give name of canal or ditch or other works by which water is conducted to such place of use: Zena Creek Pipeline
_____ ; if a well, state depth of well _____ ; depth and size of casing: _____ ; depth to water _____ ; if pump is used, state discharge of pump: _____ ; tell how it was measured or determined: _____
_____ ; if sprinkler irrigation, give number and size of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: Power generation and irrigation, & domestic u
If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water :

W 1/2 Sec. 29, T. 20 N., R. 6 E., B.M. - 5 acres.

State nature of all improvements which have been made as a direct result of said use:

Complete power supply for permanent residence area known as Zena Creek Camp, and irrigation of 5 acres of fenced, improved pastureland, and domestic water system at Zena Creek camp.

24617

9

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, state purpose and how used:

For power generation for private use , and for domestic use _____

Ques. 8. What is the minimum amount of water required for the purpose specified above:
8.0 cubic feet per second.

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: _____

Ques. 10. State when and in what amount the water diverted under above mentioned permit has been first used: December 16, 1953 Time used since first use: _____

Constant.

Ques. 11. Describe all other water rights appurtenant to same place of use: _____

None.

(sign) *P. J. Hayes*

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

Maesville, County of *Valley*
State of Idaho, on this 27 day of *January*, A.D. 1965.

Herbyne Bauer

My Commission expires: *July 10, 1968*

24617

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUN 20 1935

Department of Reclamation

PERMIT NO. 24617

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. Stanley E. Wallace, age 57, McCall, Idaho, occupation-truck line operator.

Address; Box 1085, McCall, Idaho.

Ques. 2. Are you acquainted with Brown's Tie & Lumber Co., the holder of Permit No. 24617 Yes.? How long have you known him and where does he reside? The company's principal place of business is in McCall, Idaho, and I have known

Ans. the Company for 30 years . I have known P.J. Hayes, Secretary of the Company, who is acting on behalf of the Company , for 20 years

Ques. 3. Have you read or heard read said Permit No. 24617, 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. Zena Creek, a tributary of the Secesh river, in the SW 1/4, Sec. 28, T. 20 N., R. 6 E., B.M. . Works consist of the Zena Creek dam and a 16" pipe line carrying the water to the power plant and to the Zena creek camp for domestic 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. 8.0 cubic feet per second. (2) 8.0 cubic feet per second.

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

Ans. Water is used for power generation and irrigation and domestic use .

The irrigated land consists of 5 acres of fenced, improved pasture land in

W 1/2 Sec. 29, T. 20 N., R. 6 E., B.M. Other water use is in the same sub-division.

24617

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

Ans. For power generation and domestic use for permanent residence area known as Zena Creek camp.

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. Fertile meadow land, improved and reseeded. It would take approximately .50 cubic ft. per second for proper periodic 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. Have periodically seen the use of the power in the residence area on Zena Creek, and the irrigation of the improved land on Zena creek, together with the domestic water system at the residence area.

(Signed) Stanley E. Wallace

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 Valley, County of McCall, State of Idaho, on this 27 day of January, A. D. 1965.

Harlowe Bauer
Notary Public.

My commission expires July 19, 1968.

24617

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JAN 24 1965

PERMIT NO. 24617

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. Kathryn Bell, age 42, McCall, Idaho. Occupation- Housewife.

Address Box 213, McCall, Idaho.

Ques. 2. Are you acquainted with Brown's Tie & Lumber Co., the holder of Permit No. 24617? Yes How long have you known him and where does he reside? The Company's principal place of business is in McCall, Idaho., and I have known the Company for 4½ years. I have known P.J. Hayes, Secretary of the

Ans. Compane, who is acting on behalf of the Company, for 4½ years.

Ques. 3. Have you read or heard read said Permit No. 24617, 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. Zena Creek, a tributary of the Secesh river, in the SW¼, Sec. 28, T. 20 N., R. 6 E., B.M.. Works consist of the Zena creek dam and a 16" pipe line carrying the water to the power plant and to the Zena Creek camp for domestic 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. 8.0 cubic feet per second. (2) 8.0 cubic feet per second.

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

Ans. Water is used for power generation and irrigation and domestic use.

The irrigated land consists of 5 acres of fenced, improved pasture land in

W½SE¼, Sec 29, T. 20 N., R.6 E., B.M.. Other water use is in the same sub-division.

24617

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

Ans. For power generation and domestic use for permanent residence area known as Zena Creek camp.

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. Fertile meadow land, improved and reseeded. It would take approximately .50 cubic ft. per second for proper periodic 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. Have periodically seen the use of the power and domestic water in the residence area on Zena Creek, and the irrigation of the improved land on Zena Creek.

(Signed) Kathryn Bell

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 Valley, County of McCall, State of Idaho, on this 27 day of January, A. D. 1965.

Harold Bauer

Notary Public.

My commission expires July 19, 1968

24617

Recd of Application of [unclear] to
Receivable the

Deposition of Holder - [unclear]

Deposition of Witness - Kathryn Bell

Deposition of Witness - Stanley E. [unclear]

All by: Darlene Bauer
Notary Public

January 27, 1965

All mailed January 27th
with affidavit of publication.
from [unclear] dated 1/2/65

201617

December 28, 1964

Re: Permit No. 24617

Payette Lakes Star
McCall, Idaho

Gentlemen:

Upon checking the proof mailed to us on the above numbered permit, we find the following correction:

In the first paragraph, Line 12, we ask that the Permit No. be changed to 24617, instead of 2417 as shown.

Would you please send us a copy of the corrected proof for our files?

Thank you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

H. PETRI
Read of Section
State Water Rights & Records

HP:ew

24617

December 22, 1964

Re: Permit No. 24617 - Brown's Tie & Lbr. Co.

Payette Lakes Star
McCall, Idaho

Dear Sir:

On December 7th we mailed you a Notice of Publication on the above numbered permit requesting a copy of the first publication for checking purposes.

To date we have not received such copy and ask that one be mailed into this office as soon as possible.

Thank you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

24617

December 7, 1964

Re: Permit No. 24617

Brown's Tie & Lumber Company
McCall, Idaho

Gentlemen:

This acknowledges the Notice of Proof of Completion of Works and Application of water to Beneficial Use under Permit No. 24617. The proofs are to be made at 10:00 o'clock A.M., on the 27th day of January, 1964, before Darlene Bauer, Notary Public.

As of this date, we have mailed the Notice to the Payette Lakes Star, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

(MRS.) EDNA P. RULE
Chief Clerk

Encl.
EPR:pmk
cc: Notary

24617

Re: Permit No. 24617

Date: 12/7/64

Payette Lakes Star
McCall, Idaho

Gentlemen:

Enclosed you will find Notice for Publication, once a week for four consecutive weeks prior to January 27, 1965. the date set for proof; the expense of the publication is to be paid by the applicant Brown's Tie & Lumber Company, McCall, Idaho of _____ 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 or tear sheet of the first publication. **

Very truly yours,

Carl E. Tappan

CARL E. TAPPAN
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

24617

(Date) December 4, 1964

(P. O.) McCall, Valley County, Idaho

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the The Payette Lakes Star of McCall, Valley County, Idaho. published in the county in which the works are situated.

BROWN'S TIE & LUMBER COMPANY

By: [Signature] Secretary.

(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

24617

DEC 7 1964

Department of Reclamation

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

Notice is hereby given that at 10.00 A.M. on the 27 day of January, 1965,
at McCALL, County of VALLEY, State of Idaho, before
DARLYNE BAUER, A Notary Public., proof will be submitted of the
application to beneficial use of 8.0 cubic feet per second of the waters of
Zena Creek, a tributary of the Sacash River in accordance with the terms and conditions of
Permit No. 24617 heretofore issued by the Department of Reclamation of the State of
Idaho.

The name and post office address of the person or corporation holding said permit

BROWN'S TIE & LUMBER COMPANY Mc CALL, IDAHO

The use to which said water has been applied is Irrigation & Power Generation.

The amount applied to beneficial use is 8.0 cubic feet per second.

The point of diversion of said water is SW 1/4 NW 1/4, Sec. 28, Twp. 20 N., Rge. 6 E., B.M.

The place where said water is used (LEGAL DESCRIPTION)

W 1/2 SE 1/4, Sec. 29, Twp. 20 N., Rge. 6 E., B.M.

The date of priority which said user is prepared to establish is December 16, 1953

24617

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Re: Permit No. 24617

Date:

Nov. 2, 1964

Browns Tie & Lumber Co.
McCall, Idaho

Dear Mr. Brown:

The date for proof of application of water to beneficial use, as set out under the terms of Permit No. 24617 is due not later than **January 2, 1965**. If by this date you are not prepared to make this proof, you may make it at a later date, however, your priority will be advanced the same length of time for which the proof is late.

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper within the county.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date, the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use, or lands which are irrigated -- by legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published, or you may have to readvertise and complete another set of proof forms.

Also enclosed is Form 11, which is authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper we will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, and at the place named, before the Notary Public, as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by field inspection to have been irrigated at the time of proof.

Very truly yours,


CARL E. TAPPAN

State Reclamation Engineer

Enc. Form 10 and 11

24617

October 8, 1964

Re: Permit No. 24617

Brown's Tie & Lumber Co.
McCall, Idaho

Gentlemen:

Enclosed is the Certificate of Completion of
Works issued on the above numbered permit.

Also enclosed is department receipt No. 29592
in the amount of \$5.00 covering the fees for certificate.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

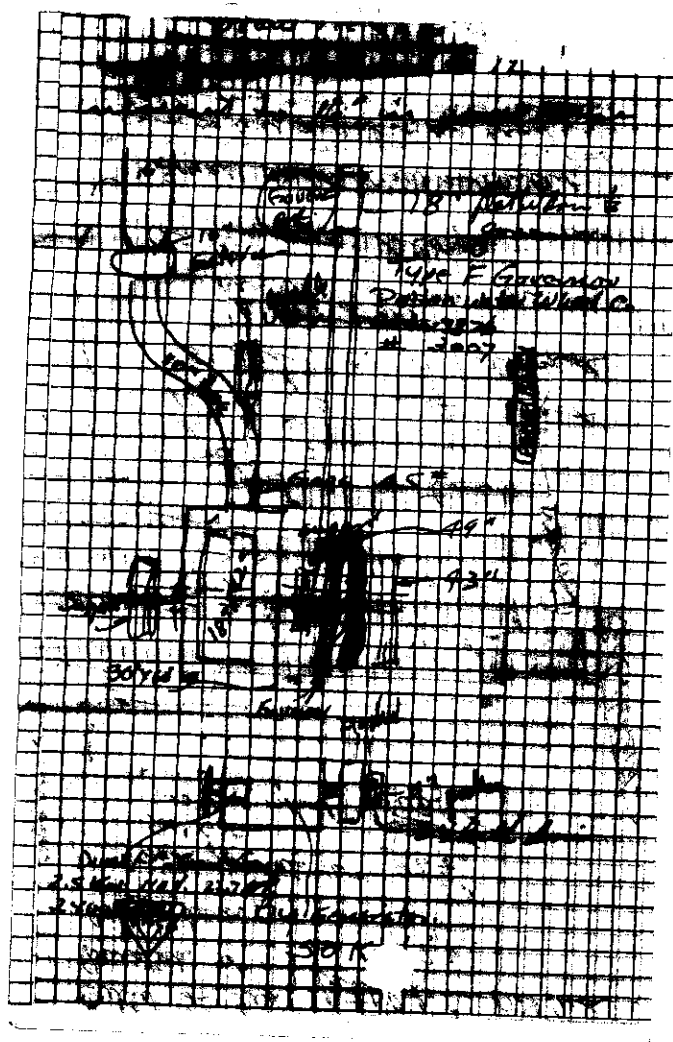
By:

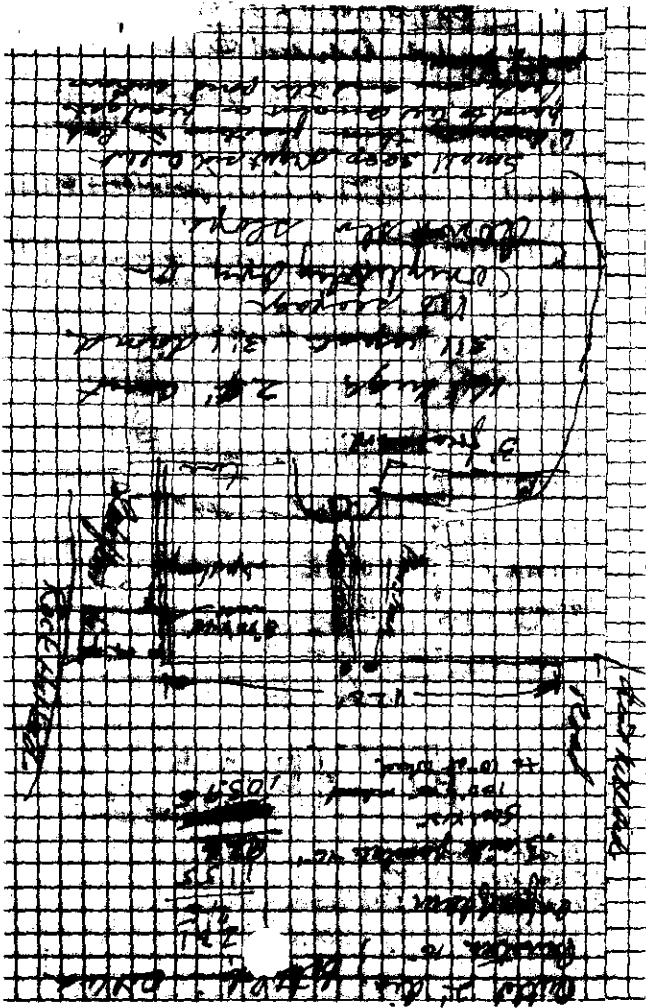
(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

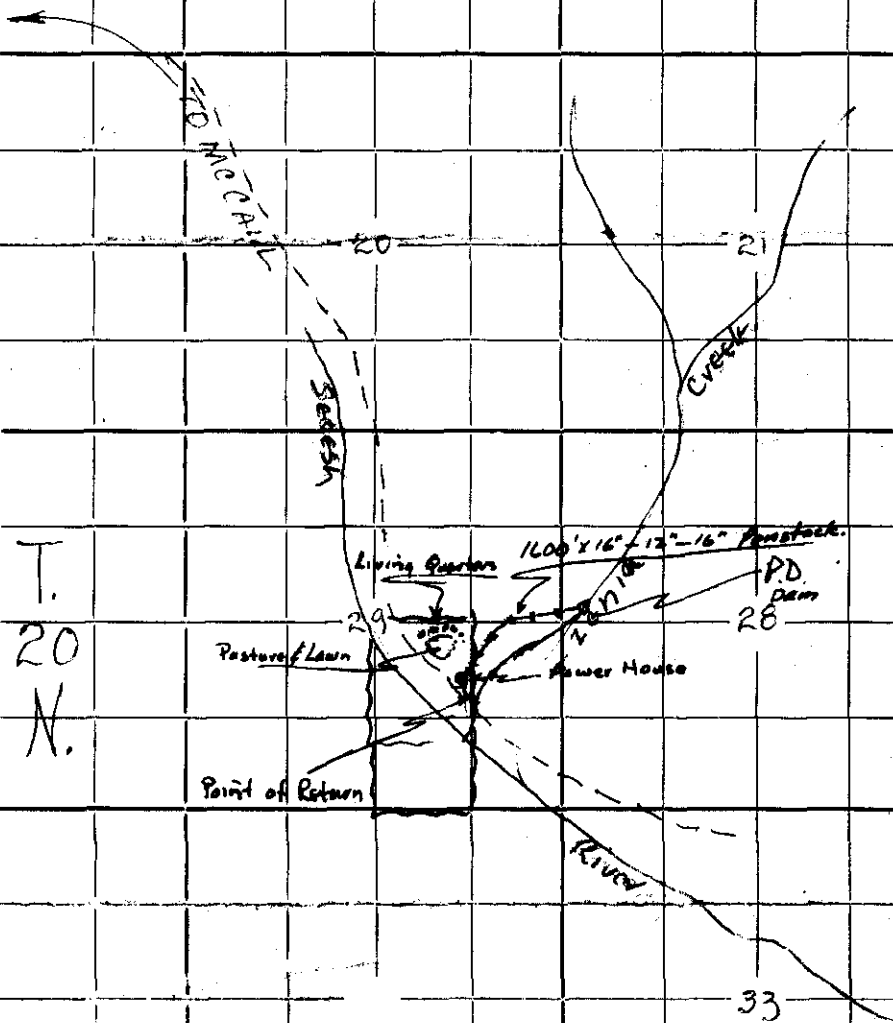
Enc. certificate
receipt

24617





R-6 E.B.M.



C/W only
Irrigation & Power

Subdivision 2

Area 50 acres

Irrigation	Q =	1.0 cfs or 50 inches
Power	Q =	7.0 cfs or 350 inches
Total		8.0 cfs or 400 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 24617

REPORT ON PROOF OF Completion of Works

Brown's Tie & Lumber Company
McCall, Idaho

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

Permit No. 24617This proof is for Completion of Works

In Water District No. _____

1. Name of applicant Brown's Tie & Lumber Company
2. Source of water supply: Zena Creek, tributary of Secesh Creek
3. Location of point of diversion: Is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28
T. 2 N. R. 6 E.B.M. County of Valley
4. Describe works as they exist, giving dimensions and capacities of same:

Well constructed earth dam, capacity approximately 2 A.F. 122' x 24' crest length and width x 16' high on down stream side; 3:1 both upstream and downstream slopes; 3' freeboard; concrete spillway, 14' wide x 6' deep with flash boards to 6" of top of concrete; top of concrete 2 $\frac{1}{2}$ ' below crest of dam. East wall keyed into solid rock wall; west wall 8" thick x 6' high x 48' long with 4' x 48' apron floor keying into rock floor.

2' conduit has a rock riprap head wall that sets back approximately 10' from toe of dam. Estimate 3" seep through seams of natural rock floor of outlet ditch (water clear) 6' down stream from conduit, right side. Outlet gate leaks slight amount. Both the penstock and outlet head gates supported on the upstream face of dam, incased in filled oil tubes. 1600' x 16" penstock to powerhouse and land irrigated. 4" tee in 16" penstock with gate valve to 4" aluminum sprinkler pipe with 8 heads, 2 7/32x3/16 and 6, 3/16 at 40# pressure. Penstock enters power house and is reduced to 10" steel pipe with gate valve and 4" jet that drives pelton water wheel and 50 KW generator. 2'x3' concrete race way to a 15' ditch that returns water to creek.

Works capable of conveying 8.0 c.f.s.

NOT to much irrigation being done on 14 acre area here in front of quarters.

(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 - Snake River

Remarks: Only the wives of 2 families living there consulted. They couldn't offer any information. Called Bill Bell, ^{foreman} in McCall - he couldn't tell me to much - thought the jet was 4" diameter

No measurement made.

This examination was made on the 1st day of October, 1964

(Signed)

Layne Johnson

Examiner.

24617

Form 10

1. The water is used for: *irrigation and power*

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

3. 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):

4. Water is used for: *irrigation and power*

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

6. 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):

W1/2SE1/4 Section 29, Township 20 North, Range 6 East, B. M.

Not too much irrigation being done only around and in front of quarters.

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

7. What large stream would the water here appropriated finally reach? *Salmon River-Snake River*

Remarks: *Only the wives of 2 families living there consulted. They couldn't offer any information. Called Bill Bellman ^{postman} McCall - he couldn't tell me too much - thought the jet was 4" diameter*

No measurement made.

This examination was made on the *1st* day of *October*, 19*64*

(Signed) *Layne Johnson*

Examiner.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plot same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plot same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any efficient 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.

RECEIVED
OCT 7 1954

Department of Reclamation

Surveyor's Title & Location
McCall, Idaho

Patent No. 24217

B. W. Kelly, Foreman

Investigation for Completion of Work

County Valley

28-20N-6E

Irrigation loc. 5

Lower 7.0 "

See Lema Cr.

R.D. = SW. 1/4, Sec. 28, T. 20N. R. 6E

See Irrigation & lower

Filed - Dec. 16, 1953

Due - Jan. 2, 1954 (Amended)

no other right.

634-5535

Sty. gasket - 4' 10" or 12"

Orifice - 4" with needle valve

est. only 10 KW used now

for 5 acres, (230 volts)

Frequency 62 1/2 cycles



ROBERT E. SMYLLIE
Governor

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

GEO. N. CARTER, STATE RECLAMATION ENGINEER

BOISE

May 4, 1959

Re: Permit No. 24617

Brown's Tie & Lumber Company
Warren H. Brown, President
McCall, Idaho

Dear Mr. Brown:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Payette Lakes Star, all submitted in Proof of Completion of Works on Permit No. 24617.

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 tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw

24617

May 4, 1959

Re: Permit No. 24617

Brown's Tie & Lumber Company
Warren H. Brown, President
McCall, Idaho

Dear Mr. Brown:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Payette Lakes Star, all submitted in Proof of Completion of Works on Permit No. 24617.

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 tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw

In the Matter of the Reinstatement of)
Permit No. 24617, Under the Provisions)
of Section 5594, Idaho Compiled Statutes)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 24617 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: January 2, 1959; and,

WHEREAS, On the 20th day of March, 1959, Notice to show cause why said permit should not be cancelled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, on the 29th day of April, 1959, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 24617, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said permit No. 24617 be, and the same is hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this department at Boise, Idaho, this 1st day of May, 1959.



State Reclamation Engineer

24617

PONDEROSA PINE
DOUGLAS FIR
WHITE FIR
ENGLEMANN SPRUCE

Brown's Tie & Lumber Company

MANUFACTURERS AND DISTRIBUTORS
HIGH QUALITY KILN DRIED LUMBER
RAILROAD CROSS TIES
MCGALL, IDAHO

BROWN'S MILL
W D A
87

RECEIVED
APR 28 1959
Department of Reclamation

April 28, 1959

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Re: Permit No. 24617

Attached hereto are documents requested in your letter of April 23 regarding the above permit for diversion of water from Zena Creek in Valley County, Idaho.

The attached documents consists of:

- No. 1 Affidavit of holder.
- No. 2 Deposition of 2 witnesses.
- No. 3 Affidavit of publication.
- No. 4 Affidavit of Notary Public.
- No. 5 Check for five dollars (\$5.00)

I sincerely hope this is in complete conformance with your requests and that this substancely takes care of the matter.

Yours very truly,

BROWN'S TIE & LUMBER CO.

Wyman X. Zachary
Wyman X. Zachary

RW

24617

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

PERMIT No. 24617

APR 29 1959

Department of Reclamation

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. Dale C. Fortin, McCall, Idaho, Logging Foreman

Ques. 2. Are you acquainted with Brown's Tie & Lbr. Co., the

holder of Permit No. 24617 authorizing the diversion of 8 second-feet of the waters of Zena Creek, at Sec. 28, Twp. 20 N, R. 6 E for irrigation & power purposes? How long have you known him, and where does he reside?

Ans. 20 years - McCall, Idaho

Ques. 3. Have you read or heard read said Permit No. 24617, and are you familiar with its terms and conditions?

Ans. Yes

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. Company Logging Camp (Permanent) with approximately 5 acre lawn & Hay area

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? If so, when were they so completed?

Ans. Yes - Completed about June 1955

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Earth fill dam with headgate, spillway, and conduit to power plant. Capacity of 10 second feet (estimated)

(Sign here.)

Dale C. Fortin

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 McCall, County of

Valley, State of Idaho, on this 20th day of April, A. D. 1959.

My Commission expires Aug. 28, 1961

Shuman Y. Zachary
Notary Public.

24617

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

PERMIT No. 24617

Department of Water

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. Arthur W. Ellison, McCall, Idaho, Logging Foreman

Ques. 2. Are you acquainted with Brown's Tie & Lbr. Co., the

holder of Permit No. 24617 authorizing the diversion of 8 second-feet of the waters of Zona Creek, at Sec. 28, Twp. 20 N, R. 6 E for Irrigation Power purposes? How long have you known him, and where does he reside?

Ans. Idaho Corporation - 25 years - Office at McCall, Idaho

Ques. 3. Have you read or heard read said Permit No. 24617, and are you familiar with its terms and conditions?

Ans. Yes

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. Composite with lawns and pasture comprises approx. 5 acres of irrigable land

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? If so, when were they so completed?

Ans. Yes - Completed about June, 1955

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Consisted of earth fill dam with metal conduit pipe running from dam to power house - a distance of approximately 1000 feet

(Sign here.) Arthur W. Ellison

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 McCall, County of Valley, State of Idaho, on this 20th day of April, A. D. 1959.

My Commission expires Aug. 28, 1961

Thymon X Jackson
Notary Public.

24617

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of VALLEY

ss.

Warren H. Brown, Vice-Pres. of Brown's Tie & Lumber Co., 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. 24617, and that his postoffice address is McCall State of Idaho

Second: That the name of the stream from which said water is to be diverted is ZENA CREEK

Third: That the point of diversion of said water is IN THE SW $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 28 of Township 20 North, Range 6 East, B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by January 2, 1959.

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

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

I. Kind of works: Dam, Headgate, ditch and Power plant.
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 14 feet, length of dam at top 90 feet, length of dam at bottom 40 feet. Material used in construction Earth, Stone and concrete.

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 24" feet, height feet.

(d) Conduit 16" width at bottom feet, width at water line feet, depth of water feet; diameter of pipe 16" down to 10" inches, average grade per mile is 10% feet. Length of conduit is 1000' miles.

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

Eighth: That water appropriated under said permit is available for 50 acres of land described as follows: NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the North one fourth of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 20 North, Range 6 East, B.M.

Ninth: Remarks: That

BROWN'S TIE & LUMBER CO.

Warren H. Brown Vice-President
(Sign Here)

Subscribed and sworn to before me this 12th day of March, 1959

My commission expires August 28, 1961

Notary Public.

24617

RT

A F F I D A V I T

STATE OF IDAHO

ss

County of Valley

Wyman X. Zachary, being first duly sworn, upon his oath deposes and says:

First: That he is a Notary Public in and for the State of Idaho.

Second: That his office in the Village of McCall, Idaho was open to the public between the hours of 8 a.m. and 6 p.m. on January 26, 1959.

Third: That no protests were received in regard to the State of Idaho Department of Reclamation Permit No. 24617, relating to the operations of the water and the proof of completion of work from Zena Creek.

Fourth: That the dates of the deposition of witnesses regarding the above matter differs from that of legal notice for the reason that it ^{was} ~~is~~ not with in the knowledge of the affiant nor of the holder, that depositions were required in those cases where protests were not actually made.

Subscribed and sworn to before me this 27th day of April, 1959

Margaret M. Beck
NOTARY PUBLIC

My commission expires July 28-1962

24617

LEGAL NOTICES

Notice is hereby given that at 10 a.m. on the 28th day of January 1969, at McCall county of Valley State of Idaho, before Wyman X. Zachary, a Notary Public proof will be submitted of the completion of works for the diversion of 8 cubic feet per second of the waters of Zena Creek in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Brown's Tie & Lumber Co.

2. The postoffice address of such Geo. N. Carter.

State Reclamation Engineer or principal place of business of such corporation is McCall, county of Valley, State of Idaho.

3. The number of such permit is 24417, and date set for completion of such work is January 2, 1969

4. Said water is to be used for Irrigation (1) Power (?) purposes.

5. Said works of diversion will be fully complete on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permits, is eight cubic feet per second.

6. The amount of lands for which said water is available is 50 acres, particularly described as follows. W one-half SE one-fourth Sec. 20, T 20N, R. 9E, E4E

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
COUNTY OF VALLEY } ss.

I, Louis Squire, being first duly sworn, depose and say:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was and now am over the age of 21 years, not a party to nor interested in the proceedings hereinafter mentioned.

2. That during the time of the publication of the notice hereinafter mentioned, I ~~was~~ now am the editor and publisher of THE PAYETTE LAKES STAR, a newspaper of general circulation published weekly, on Thursday of each and every week, in the Village of McCall and County of Valley and State of Idaho.

3. That the said, The Payette Lakes Star, has been published continuously and uninterruptedly in said County during a period of seventy-eight weeks prior to the first publication of the attached notice.

4. That said notice of completion of
works for diversion of water

of which a printed copy, taken from said newspaper, is hereto annexed, was published in the regular issue thereof, and not in a supplement

thereto, in said newspaper, in 1 consecutive calendar weekly issues of said newspaper, on the following dates:

Jan 1 - 1959

Jan 8 - 1959

Jan 15 - 1959

Jan 22 - 1959

Signed

Louis Squire

Subscribed and sworn to before me this 11th day of March

A. D., 1959...

Wyman X Zachary
Notary Public in and for the State of Idaho,
residing at McCall, Idaho.

My commission expires 8-28, 1961.

24617

Handwritten: 24617

April 23, 1959

Re: Permit No. 24617

Warren H. Brown, Vice-Pres.
Brown's Tie and Lumber Co.
McCall, Idaho

Dear Mr. Brown:

March 23 we returned the affidavit of holder for additional information and blank forms to be completed by two disinterested witnesses to support the holder proof of completion of works. The deposition of the witnesses is a statutory requirement when proof of completion of works affidavit of the holder is made after the due date or if the amount of water claimed is over 6.4 cubic feet per second.

March 20 we sent you notice that the proofs were overdue and allowed 40 days from that date to show cause why the permit should not be cancelled. We have not received any return from either notice.

The permit will have to be cancelled if the following papers are not received in this office by April 30; affidavit of holder and depositions of two witnesses, affidavit of publication and affidavit of the Notary Public, Wyman K. Zachary, stating that his office was open Jan. 26, 1959, advertised as date for making the proofs, that no protests were received in regard to Permit No. 24617 and explanation why the dates of the depositions differed from the legal notice.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew

Handwritten: 24617

PONDEROSA PINE
DOUGLAS FIR
WHITE FIR
ENGLEMANN SPRUCE

Brown's Tie & Lumber Company

MANUFACTURERS AND DISTRIBUTORS
HIGH QUALITY KILN DRIED LUMBER
RAILROAD CROSS TIES

MCCALL, IDAHO

March 21, 1959

BROWN'S MILL
A 87

RECEIVED
MAR 24 1959

Department of Reclamation

George N. Carter
State Reclamation Engineer
Department of Reclamation
Boise, Idaho.

Permit No. 24617

Dear Sir:

We have today received a notice that the above permit is being held for cancellation because notice of completion of works proof had not previously been submitted.

This matter has been held on my desk for sometime for the following reasons:

1. Due to a change in management of the local newspaper I was unable to obtain the affidavit of publication until March 11th.
2. I have been unable to obtain accurate figures on the size of the dam and the reservoir since it is not feasible to get into the South Fork at this time and the dam was constructed without benefit of blueprints or other material from which to obtain the length, width or height.

To expedite this matter, however, I am submitting the required affidavit of publication together with the Proof of Completion and upon being advised by you that dimensions, capacities etc. are required, even though they were not given on the original application, we will be glad to submit them at a time when we can make an on-the-site survey.

I am sorry this matter has been delayed but as indicated above there have been reasons for the delay.

Yours very truly,
BROWN'S TIE & LUMBER CO.

W. L. Zachary
W. L. Zachary

24617

March 23, 1959

Re: Permit No. 24617

Mr. Warren H. Brown, Vice-Pres.
Brown's Tie & Lumber Company
McCall, Idaho

Dear Mr. Brown:

Enclosed is affidavit of holder, proof of completion of works, and affidavit of publication for Permit No. 24617 and two forms Deposition of Witness for proof of completion of works.

The depositions of two disinterested witnesses are required when the works convey over 6.4 c.f.s. and also when proofs are made after the date the proof is due for completion of works.

Deposition of the holder shows irrigation and power uses, claims a capacity of 8 c.f.s. and shows irrigation on 50 acres of land but does not show any power use construction. Information on amount of water, head, cost and capacity of plant must be shown to prove the completion of works for power use, if power use is claimed, and if not claimed such should be noted. Give amount of water turned into the works and when.

The legal notice gives the time 10 A. M., 26th day of January, 1959 as time of making proofs. The affidavit of holder is signed 12th of March, 1959. The depositions of the witnesses will be still later. The Notary Public, Wyman X. Zachary, must make affidavit that his office was open January 26, 1959, give reason why affidavits or depositions were not taken on that date and report whether protests were received in regard to completion of works under this permit.

The fee of \$5.00 for certificate of completion of works should accompany the depositions when returned.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew
Enc.

24617

RETURN RECEIPT

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

1 Brown's Tie + L & Co
(Signature or name of addressee)

2 B T Lawrence
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 7/21, 19 57

24617

Post Office Department

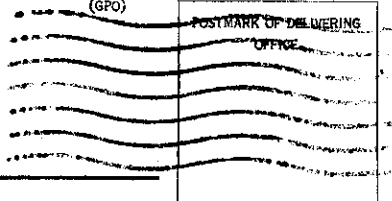
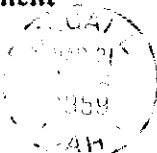
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

(GPO)

POSTMARK OF DELIVERING
OFFICE

24617



Return to State Department of Reclamation

(NAME OF SENDER)

Street and Number, or Post Office Box, Room 107 Statehouse

~~REGISTERED~~ ARTICLE

No. CERTIFIED

Post Office Boise, Idaho

~~REGISTERED~~ PARCEL

No. 19843

16-12421

State _____

24617

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

March 20, 1959

Re: Permit No. 24617

To Brown's Tie & Lumber

McCall, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 24617 to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of Work Proof which was due January 2, 1959

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 24617

is hereby held for cancellation.

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

Said Permit No. 24617 claims the use of 8 cubic feet per second of the waters of Zena Creek with point of diversion located

SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 28, Twp. 20 N., Rge. 6 E. B. M., and was approved January 2, 1954

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

20th day of March, 1959

State Reclamation Engineer.

By

Assistant.

24617

Feb. 20, 1959

Re: Permit No. 24617

Brown's Tie & Lumber Co.
McCall, Idaho

Gentlemen:

The affidavits of proof of completion of works on the above mentioned permit were to have been made before Wyman X. Zachary, a Notary Public at 10 A. M. the 26th day of January, 1958.

These affidavits, together with publication notices, were to have been forwarded to this department, but to date they have not been received. It will be necessary to receive them at once for this permit to remain valid.

Thanking you for your immediate attention to this matter, I remain,

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

BY:

Chief Clerk

ERP:ew

cc: Wyman X. Zachary

24617

Notice for Publication

Notice is hereby given that at 10 A.M. M., on the 26th day of January, 1958, at McCall, County of Valley, State of Idaho, before Wyman I. Zachary, a Notary Public, proof will be submitted of the completion of works for the diversion of 8 cubic feet per second of the waters of Zena Creek.

in accordance with the terms and conditions of certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Brown's Tie & Lumber Co.

2. The postoffice address of such person or principal place of business of such corporation is

McCall, County of Valley, State of Idaho.

3. The number of such permit is 24617, and the date set for the completion of such work is January 2, 1959.

4. Said water is to be used for Irrigation (1) Power (7) purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 8 cubic feet per second.

6. The amount of lands for which said water is available is 50 acres, particularly described as follows:
NW $\frac{1}{4}$ (10 acres) and SW $\frac{1}{4}$ (10 acres) of Section 29, Township 20 North, Range 6 East,

~~B.M.~~

W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 29, T. 20 N., R. 6 E. B.M.

Commissioner of Reclamation.

24617

24617

December 22, 1958

Re: Permit No. 24617

Brown's Tie & Lumber Company
McCall, Idaho

Dear Sir:

We are returning two copies of the Notice of Publication of Proof of Completion of Works under Permit No. 24617.

Complete the day, month and year at the top of the Notice and name of Notary Public who will take the depositions, on both copies. The date must allow for four weekly publications of the Notice.

You may give the original copy of the Notice for Publication to the Payette Lakes Star, instructing them to send this office a copy of the first publication or tear sheet. Return the copy to this office.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Office Engineer

RWT/lw
Enclosures (2)

24617

RECEIVED
DEC 19 1958
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 16, 1958

(P. O.) McCall, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Payette Lakes Star of McCall, Idaho published in
the county in which the works are situated.

BROWN'S TLE & LUMBER CO.

Harold H. Brown

(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.

24617

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Brown's Tie & Lumber Company
McCall, Idaho

Boise, Idaho, **November 26, 1958**

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 24617.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before January 2, 1959. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

Geo. N. Carter

State Reclamation Engineer

24617

January 4, 1954

RE: Permit No. 24617

Brown's Tie & Lumber Co.
McCall
Idaho

Gentlemen:

We enclose Permit No. 24617 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 26393 for the \$6.75 filing fee.

If we understand correctly, and this permit is to take the place of Permit No. 20791 of William Deinhard which expired December 18, 1953, we would like to have you send us Mr. Deinhard's relinquishment of Permit No. 20791 enclosed herewith, in order to clear our records.

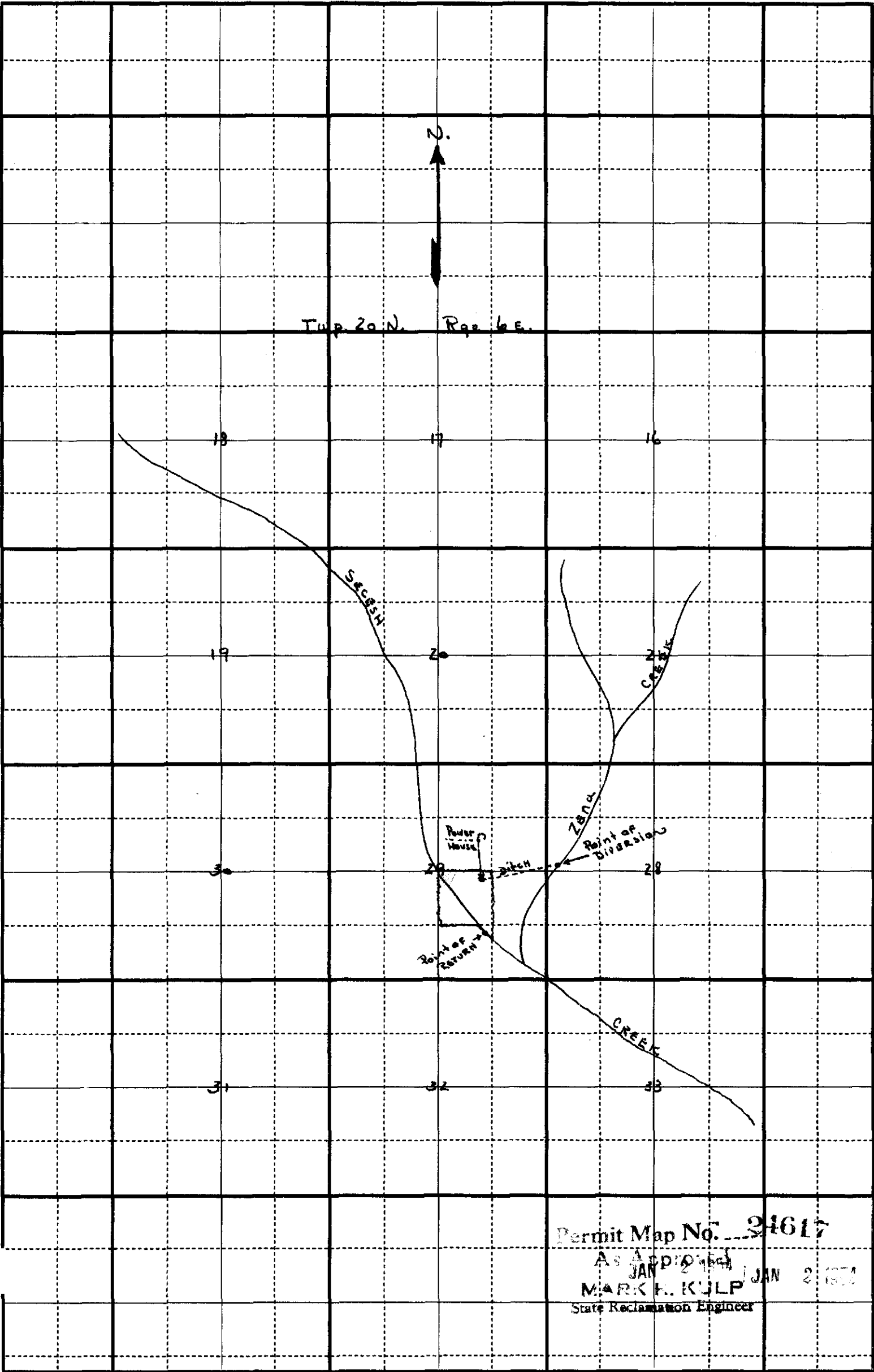
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/re
Enc.

24617



Permit Map No. 24617

As Approved
JAN 2 1971
MARK H. KULP
State Reclamation Engineer

December 16, 1953

RE: Application No. 32423

Brown's Tie & Lumber Co.
McCall
Idaho

Gentlemen:

We acknowledge receipt of your application for permit to appropriate 8 second feet of water from Zena Creek for irrigation and power purposes, accompanied by your check for the \$6.75 filing fee.

In applications for the use of water for power purposes, the statutes require that an Affidavit of Residence or Qualifications To Do Business Under the Laws of Idaho be furnished.

This Affidavit may be made on the form enclosed and returned to this department to accompany your application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/re
Enc.

24617

NOTICE FOR PUBLICATION

**NOTICE OF PROOF
APPLICATION OF WATER
TO BENEFICIAL USE**

Notice is hereby given that at 10:00 a.m. on the 27 day of January, 1965, at McCall, County of Valley, State of Idaho, before Darlyne Bauer, A Notary Public, proof will be submitted of the application to beneficial use of 8.0 cubic feet per second of the waters of Zena Creek, a tributary of the Secesh River in accordance with the terms and conditions of Permit No. 24617 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit is Brown's Tie holding said permit Brown's Tie and Lumber Company.

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

The amount applied to benefici-

al use is 8.0 cubic feet per sec-
water is SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, Twp. 20 N., Rge. 6 E., B. M.

The place where said water is
ond.

The point of diversion of said
used (LEGAL DESCRIPTION) W $\frac{1}{2}$
SE $\frac{1}{4}$, Sec. 29, Twp. 20 N., Rge. 6
E., B.M.

The date of priority which said
user is prepared to establish is
December 16, 1953.

Carl E. Tappan
State Reclamation Engineer

INVITATION TO BID

LEGAL NOTICES

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

Notice is hereby given that at 10:00 a.m. on the 27 day of January, 1965, at McCall, County of Valley, State of Idaho, before Darlyne Bauer, A Notary Public, proof will be submitted of the application to beneficial use of 8.0 cubic feet per second of the waters of Zena Creek, a tributary of the Secesh River in accordance with the terms and conditions of Permit No. 2417, heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit is Brown's Tie holding said permit Brown's Tie and Lumber Company.

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

Legal Notice

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

NOTICE IS HEREBY GIVEN
That the legal notice published in
the Payette Lakes Star for four
consecutive weeks beginning Dec-
ember 17, 1964, showed that the
Brown's Tie and Lumber Co.
would make proof of beneficial
use of waters of Zena Creek on
January 27, 1965.

Said notice should have shown
the point of diversion is in SW¼
NW¼, Sec. 28, Twp. 20 N., Rge.
6 E., B. M. and the place of use is
W½SE¼, Sec. 29, Twp. 20 N., Rge.
6 E., B. M.

That any protest against the
acceptance of the proof of bene-
ficial use of the water made Jan-
uary 27, 1965, must be filed in the
Department of Reclamation at
Boise, Idaho, within forty (40) days
from the date of this notice and
such protest shall state the name
and address of the protestant, and
shall clearly set forth his objec-
tion to acceptance of the said
proof.

Dated January 29, 1965.

Deputy State Reclamation
Engineer
Ralph W. Thomas

LEGAL NOTICES

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

Notice is hereby given that at 10:00 a.m. on the 27 day of January, 1965, at McCall, County of Valley, State of Idaho, before Darlyne Bauer, A Notary Public, proof will be submitted of the application to beneficial use of 8.0 cubic feet per second of the waters of Zena Creek, a tributary of the Secesh River in accordance with the terms and conditions of Permit No. 2417, heretofore issued by the Department of Reclamation of the State of Idaho.

The name and post office address of the person or corporation holding said permit is Brown's Tie and Lumber Company.

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

The amount applied to beneficial use is 8.0 cubic feet per second.

The point of diversion of said water is SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Twp. 20 N., Rge. 6 E., B. M.

The place where said water is used (LEGAL DESCRIPTION) W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29, Twp. 20 N., Rge. 6 E., B.M.

The date of priority which said user is prepared to establish is December 16, 1953

Carl E. Tappan

State Reclamation Engineer

Legal Notice

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

NOTICE IS HEREBY GIVEN,
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the Payette Lakes Star for four
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6 E., B. M.

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and address of the protestant, and
shall clearly set forth his objec-
tion to acceptance of the said
proof.

Dated January 29, 1965.

Deputy State Reclamation
Engineer
Ralph W. Thomas