

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

PERMIT NO. 11431

REPORT OF ENGINEER

PERMIT NO. 11431

28

Rattlesnake Creek

note, Total irrigated about 60 acres.

11431

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF LEMHI. } ss.

EVELYN MELVIN, being duly sworn, upon oath deposes and says: I am the printer, publisher, and sole proprietor of The IDAHO RECORDER, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use.

Notice is hereby given that at 10 a. m. on the 10th day of June, 1924, at Salmon, county of Lemhi, state of Idaho, before Allen C. Merritt, Notary Public, proof will be submitted of the application to beneficial use of two cubic feet per second of the waters of Rattlesnake creek in accordance with the terms and conditions of Permit No. 11,431 heretofore issued by the State Engineer of the the state of Idaho.

The name and postoffice address of the person or corporation holding said permit is Charles Kapp of Salmon, Idaho.

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

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

The place where said water is used is N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 19 N., R. 21 E., B. M.

The date of the priority which said user is prepared to establish is July 8th, 1915.

W. G. SWENDSEN,
Commissioner of Reclamation.

Sub

May 9 - May 10

ne, this 5th day of June, 1924

Publication Fee \$ 8.00

That the Notice for Publication a true

printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper, and not in any supplement thereof or thereto for

four consecutive issues, commencing with the issue dated May 9 1924 and ending with the issue dated

May 30 1924.

Evelyn Melvin

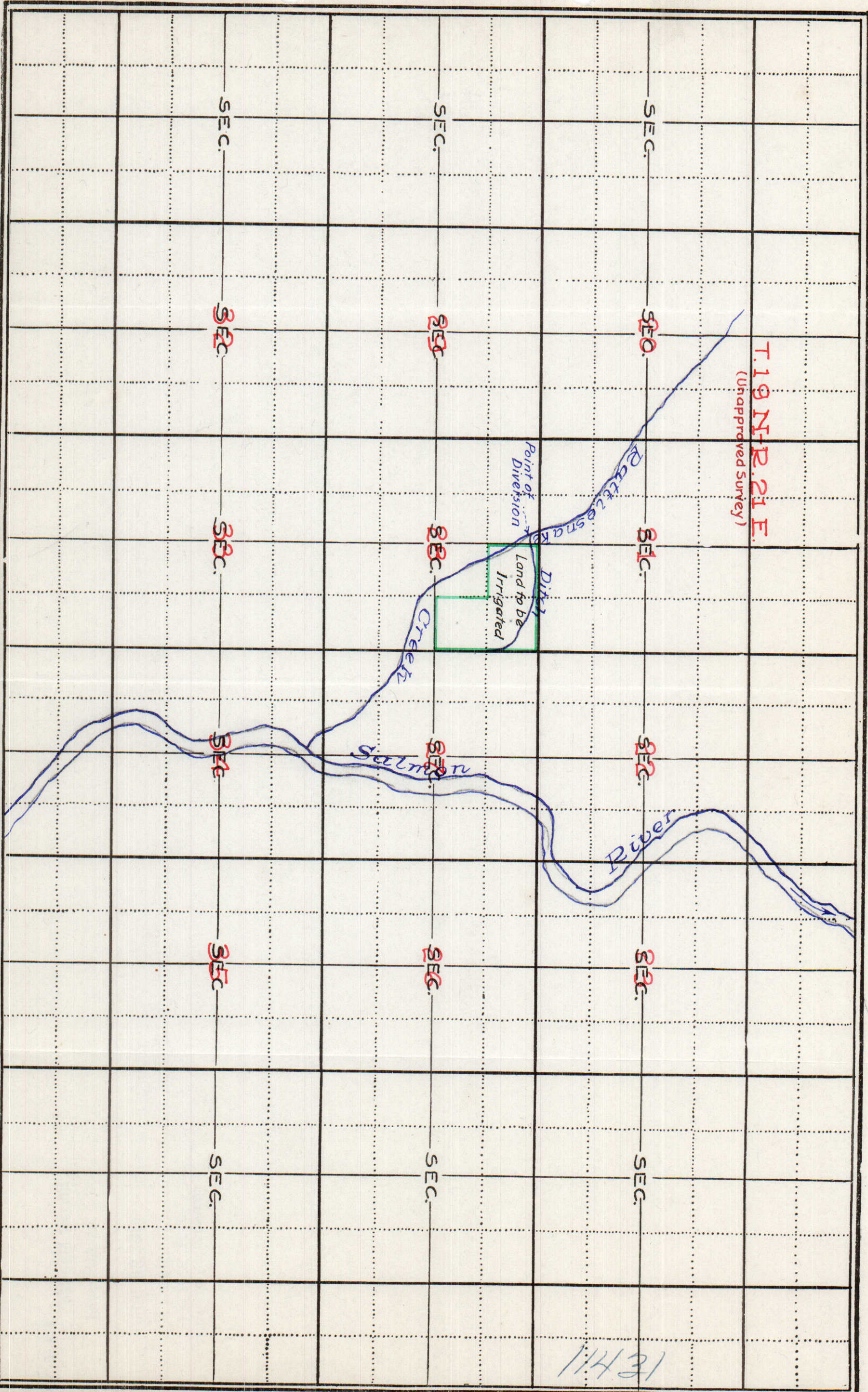
Allen C. Merritt

Notary Public for the State of Idaho

Residing at Salmon, Idaho.

11431

Name of Applicant HOMER A. ROCTOR, Salmon, Idaho.



11431

INTER-DEPARTMENT MEMO — 1

FROM *Glen*

DATE *11-7-84*

TO *Fill*

SUBJECT *- Trib determined from quad
sheet.*

MS

SIGNATURE

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 11431/75-2046 Priority July 8, 1915 Amount 1.20 cfs

THIS IS TO CERTIFY, that CHARLES KAPP
of Salmon, Idaho, has complied with the terms and conditions of Permit
No. 11431/75-2046 issued pursuant to Application for Permit dated July 8, 1915,
and has submitted proof to the Department of Water Administration on June 10, 1924,
that he has applied water to a beneficial use, an examination by the Department indicates that the
works have a capacity of 2.0 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from Rattle Snake Creek
tributary of _____, is hereby confirmed in the following amounts:

Amount 1.20 for irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount 0.03 for domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 1.20 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, Twp. 19 N, Rge. 21 E, B.M.

in the county of Lemhi; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 180 acre feet per year or _____

3.0 acre feet per acre, for irrigation use and 0.6 acre feet per year for
domestic use, with the total amount not to exceed 180.6 acre feet
Description and location of place of use: per year.

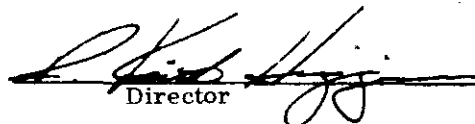
TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
19N	21E	28	20	20		20													60
				X	(domestic use)														

Total number of acres irrigated 60

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9 day of

November, 19 71.


Director

75 2046

No. 1664C

75-2046

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Homer A. Proctor,

Postoffice address: Salmon,

County: Lemhi

State: Idaho

- I. If applicant is a corporation, give
 (a) Date and place of incorporation:
 (b) The amount of capital stock:
 (c) The amount paid in:
 (d) Names and addresses of directors:

- II. The financial resources of the applicant are: (a) Cash on hand:
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:

2. The quantity of water claimed is 2 cubic feet per second.

3. Source of water supply: Rattlesnake Creek

4. Location of point of diversion: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, T. 19 N., R. 21 E. of the Boise Meridian.
(Unapproved Survey.)

County of Lemhi.

5. To be used for: Irrigation and domestic purposes

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: 100 acres.
 (b) In the following legal subdivisions: SE $\frac{1}{4}$ NE $\frac{1}{4}$, part of NE $\frac{1}{4}$ NE $\frac{1}{4}$ and part of NW $\frac{1}{4}$ NE $\frac{1}{4}$
 of Sec. 28, T. 19 N., R. 21 E. of the Boise Meridian. (Unapproved Survey)

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

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

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

(d) If so, name stream and locate point of

6. Estimated cost of works: \$200.00

7. Description of works for diversion:

I. Kind of works: ditch

II. Dimensions of works:

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

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

(b) Capacity of reservoir acre feet. (c) Size of headgate, width 2 $\frac{1}{2}$ feet,Height 1 $\frac{1}{2}$ feet. (d) Conduit ditch width at bottom 2 feet,width at water line 3 $\frac{1}{2}$ feet, depth of water 0.8 feet; diameter of pipe

inches; average grade per mile is 10.4 feet. Length of conduit is 0.7 miles,
 and it crosses the following quarter sections: NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of Sec. 28, T. 19 N., R. 21 E.
 of the Boise Meridian (Unapproved Survey.)

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

9. Time required for the complete application of the water to the proposed use is six
additional years.

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

Homer A. Proctor.

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9:00 A.M. July 8, 1915.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 11431

Recorded in Book 39 Page 11431 Approved July 30, 1915

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

Bond in the sum of to be filed on or before

Work to begin on or before September 28, 1915 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before January 30, 1917.

The whole of said work to be completed on or before July 30, 1918.

Beneficial use of water appropriated in accordance herewith, to be made on or before July 30, 1924.

Witness my hand this 30th day of July, 1915

J.H. Smith.

State Engineer.

Remarks:

THIS INDENTURE, Made the 17th day of April, in the year of our Lord one thousand nine hundred and sixteen between Homer A. Proctor, of the County of Lemhi, and State of Idaho, the party of the first part, and Charles Kapp, of the County of Lemhi, State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One Hundred and Fifty (\$150)-----DOLLARS, lawful money of the United States to him in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, does REMISE, RELEASE and forever QUITCLAIM unto the said party of the second part, and to his heirs and assigns, the following described real estate, situate in the County of Lemhi and State of Idaho, to-wit:

All right, title and interest of the said party of the first part, of, in and to the East Half of the Northeast quarter, and the Northwest quarter of the Northeast quarter of Section Twenty-eight, and the Northwest quarter of the Southwest quarter of Section Twenty-seven, all in Township Nineteen North of Range Twenty-one East of the Boise Meridian, in Lemhi County, Idaho, containing 160 acres of land,

Together with any and all water, and water rights, ditches or conduits claimed by said party of the first part in connection with said above described premises, Including all right, title and interest of, in and to Permit No. 11431 issued by the State Engineer of the Idaho, together with all the tenements, hereditaments and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest of, in and to property, possession, claim and demand whatsoever as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD, All and singular the said premises, with the appurtenances unto the said party of the second part, his heir and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of)
)

Homer A. Proctor. (SEAL).

STATE OF IDAHO,)
) ss.
County of Lemhi.)

On this 17th day of April, 1916, before me W. C. Smith, a Notary Public in and for said County, personally appeared Homer A. Proctor known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notarial Seal) W. C. SMITH
Notary Public for the State of
Idaho, residing at Salmon, Idaho

Received and filed for record in the office of
the State Engineer at Boise, Idaho, at 9 A. M.
May 31, 1917. J. H. SMITH State Engineer

C W 7-26-18

Permit No. 11431

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that CHARLES KAPP of Salmon, County of Lemhi, and State of Idaho, the holder of Permit No. 11431, issued upon Application No. 16640, bearing date of priority of July 8th, 1915, authorizing the diversion of two (2) second feet of the waters of Rattlesnake Creek, County of Lemhi, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use two (2) second feet of the waters of Rattlesnake Creek; that the point of diversion of said waters is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, T. 19 N., R. 21 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, T. 19 N., R. 21 E., B. M.

WITNESS my hand this 20th day of August, A. D. 1918.

FRED A. WILKIE
State Engineer of the State of Idaho

IDENT. NO. 75-2046

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 11431 175-2046
 Old No. New No.

Record

1. Original Owner: Charles Kapp Homer A. Proctor

Present Owner: Charles Kapp

2. Address:

3. City: Salmon State: Zip:

4. A. Source of Water: Rattlesnake Creek

B. Tributary of:

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: 7-8-1915

D. County: 59

E. Total Diversion Rate: 1.2

F. Total Diversion Volume: 180.6

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>NENW</u>	<u>28</u>	<u>19N</u>	<u>21E</u>		

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

from 4-1 to 11-1 for A purposes. Amount 1.2/180.
 (cfs or AC-Ft/yr)

from 1-1 to 12-31 for 10 purposes. Amount .03/.6

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*

1310179

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	
<i>19N</i>	<i>21E</i>	<i>28</i>	<i>20</i>	<i>20</i>		<i>20</i>													<i>60</i>
<i>19N</i>	<i>21E</i>	<i>28</i>		<i>D</i>															

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: *11431*

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

November 15, 1971

Re: Permit No. 11431/75-2046 - Charles Kapp

Mr. R. J. Greene
% LeMoyne Realty
1130 Lawndale Dr.
Twin Falls, Idaho 83301

Dear Mr. Greene:

Enclosed herewith is the Water License issued on the above referenced permit.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: License

75 2046

April 13, 1971

Mr. R. J. Greene
% LeMoyne Realty
1130 Lawndale Dr.
Twin Falls, Idaho 83301

Dear Mr. Greene:

Returned herewith is your receipt No. 5891 in the amount of \$6.00
for licensing fee on Permit No. 75-2046 in the name of Charles Kapp,
(fee paid by Salmon River Operating Account)
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

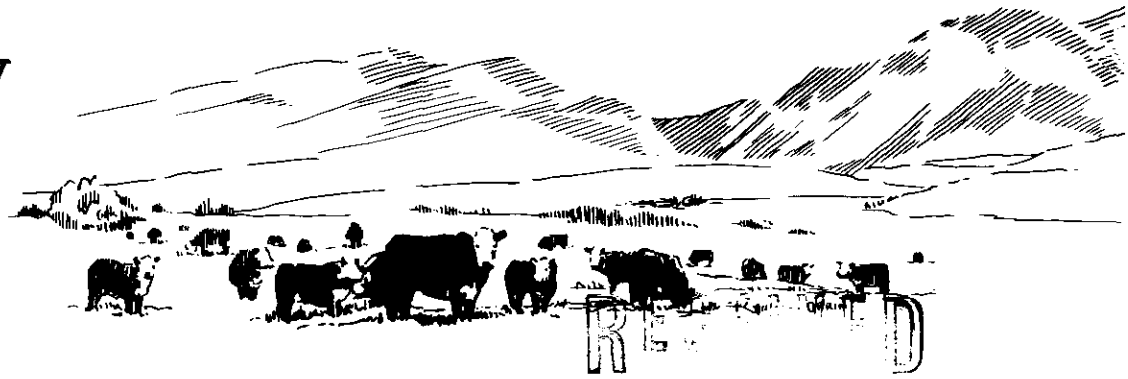
Enclosure

75 2046

Le Moyne Realty

1130 LAWDALE DRIVE
PHONE 208 733-0874
TWIN FALLS, IDAHO
83301

April 12, 1971



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

APR 12 1971

Department of Water Administration

Attention: Donald W. McEldowney
Appropriation Supervisor

Dear Don:

Your letter of March 22, 1971 to Mr. B. Jacobs was given to me by the owners of the land in Section 28. The present owners consist of four partners who live in California. They are quite anxious to retain this water filing.

I am enclosing their check in the amount of \$6.00 to cover the cost of the permit fee. If there is anything further to be done, please advise Mr. R. J. Greene, c/o LeMoyne Realty, 1130 Lawndale Drive, Twin Falls, Idaho.

Thank you.

Very truly yours,

LE MOYNE REALTY

Harry F. LeMoyne
Harry F. LeMoyne

HFL:al
enclosures: 3

75 2046

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

March 22, 1971 CERTIFIED MAIL

Re: Permit No. 11431 (New No. 75-2046)

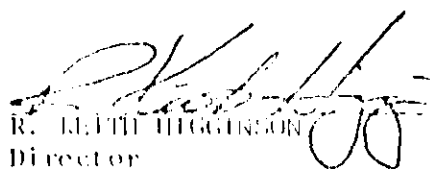
Charles Kapp
Salmon,
Idaho 83467

Dear Mr. Kapp:

It appearing to the Department of Water Administration that the terms and conditions of Permit 11431/75-2046 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee of \$6.00

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before May 1, 1971, why said permit should not be cancelled.

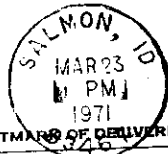
Permit 11431/75-2046 claims the use of 2.0 cubic feet per second of water from Rattlesnake Creek, the point of diversion was to be located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 19N, R. 21E, B.M. and the permit was approved July 30, 1915.


R. KEITH HIGGINSON
Director

cc: Salmon River Properties
% B. Jacobs
9301 Wilshire Blvd.
Beverly Hills, Calif.

75 2046

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



POSTMAN OF DELIVERING OFFICE

PERMIT FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, 300

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN
TO

75 2040

POD Form 3811 Apr. 1969 c55-16-71349-11

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐

Show to whom, date and address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

31212

1

Charles H. Kraft

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

by Florence Koppeltz in fact

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

3

75 446

MAR 23 1971

March 22, 1971

CERTIFIED MAIL #31212

Re: Permit No. 11431 (New No. 75-2046)

Charles Kapp
Salmon,
Idaho 83467

Dear Mr. Kapp:

It appearing to the Department of Water Administration that the terms and conditions of Permit 11431/75-2046 to appropriate the public waters of the State of Idaho have not been complied with as to failure to submit licensing fee of \$6.00

you are hereby notified that under the provisions of Section 42-311, Idaho Code, as amended, said permit is hereby held for cancellation, and you are required to show cause before the Director of the Department of Water Administration on or before May 1, 1971, why said permit should not be cancelled.

Permit 11431/75-2046 claims the use of 2.0 cubic feet per second of water from Rattlesnake Creek, the point of diversion was to be located within the NE 1/4, Sec. 28, T. 19N, R. 21E. B.M. and the permit was approved July 30, 1915.


R. KEITH HIGGINSON
Director

cc: Salmon River Properties
Z B. Jacobs
9301 Wilshire Blvd.
Beverly Hills, Calif.

75 2046

Permit # 75-2046

Township 19 North, Range 21 East:

N $\frac{1}{2}$ NE, Section 28 - Salmon River Properties
C/ B. Jacobs
9301 Wilshire Blvd.
Beverly Hills, California

SENE, Section 28 - Same as Above (N $\frac{1}{2}$ NE, Section 28)

March 22, 1971

Re: Permit No. 11431/75-2046 - Charles Kapp

Salmon River Properties
Z B. Jacobs
9301 Wilshire Blvd.
Beverly Hills, Calif.

Gentlemen:

We have been advised that you own land covered under the above referenced permit as follows:

N~~2~~NE~~4~~, SE~~1~~NE~~4~~, Sec. 28, T. 19N, R. 21E, B.M.

Enclosed you will find a copy of the pre-cancellation notice that is on this date being forwarded to the permit holder of record. If you are interested in acquiring the water right for this property, please contact this office within the limits of the pre-cancellation notice enclosed.

Very truly yours,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enclosure

75 2046

11431

November 18, 1924

Re: Permit No. 11431

Mr. Charles Kapp
Salmon, Idaho

Dear Sir:

In looking through the files under your above numbered permit we find that on July 14, 1924, we mailed you a letter advising you that, upon receipt of fees in the sum of \$6.00 license would be issued you under this permit, but as yet no reply has been received. Kindly give this your early attention.

Very truly yours,

W. C. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

CB:EK

11431

July 14, 1924.

Re: Permit No. 11431

Mr. Charles Kapp,
Salmon, Idaho.

Dear Sir:

Upon receipt of fees in the sum of \$6.00
license will be issued under the above numbered
Permit.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

CB/e

By
Chief Clerk.

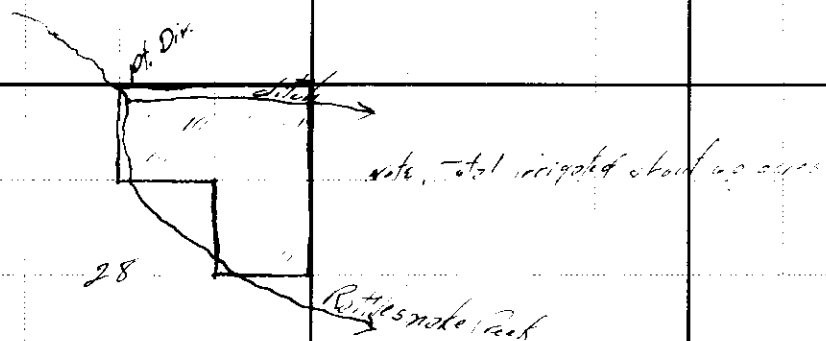
11431

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 11431

REPORT ON PROOF OF BENEFICIAL USE WATER



11431

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

Permit No. 11431This proof is for Beneficial UseIn Water District No. 3-J1. Name of applicant: Charles Kapp2. Source of water supply: Rattlesnake Creek3. Location of point of diversion: Is in the NB $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28T. 19 N R. 21 E. County of Lemhi

4. Describe works as they exist, giving dimensions and capacities of same: H. G. is wooden box
2 1/2' x 2 1/2' x 6', ditch 2 1/2' bottom 1 1/2' to 2 1/2' deep, capacity 200 inches
length about 3/4 mile

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NB $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, Twp. 19 N., R. 21 E. B.M.

Total of about 60 acres irrigated (See Remarks)

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

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

Remarks: Around irrigated is very patchy about 20 acres in each 40.
Sides of ground. Drains right back into Creek

This examination was made on the 10 day of July 19 24

(Signed)

[Signature]

Examiner.

11431

Permit No. **11451**.....

Examination for **Beneficial Use**.....

County **LEWIS**.....

INSTRUCTIONS TO EXAMINERS

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

June 14, 1924.

Re: Permit No. 11431

Mr. Charles Kapp,
Salmon, Idaho.

Dear Sir:-

We are today in receipt of depositions of yourself and two witnesses in the matter of proof of beneficial use of water under the above permit. These are in proper form and will be held, without further action, pending receipt of our engineer's report, after which time you will be advised as to fees due before issuing license.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

114.31

Affidavit of Publication

STATE OF IDAHO, }
COUNTY OF LEMHI. } ss.

EVELYN MELVIN, being duly sworn, upon oath deposes and says: I am the printer, publisher, and sole proprietor of The IDAHO RECORDER, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein.

NOTICE FOR PUBLICATION
Notice of Intent Application of Water to Beneficial Use.
Notice is hereby given that at 10 a. m. on the 10th day of June, 1924, at Salmon, County of Lemhi, State of Idaho, Evelyn Melvin, C. Merrill, Notary Public, will be examining of the application for beneficial use of two cubic feet per second of the waters of Lemhi River, in accordance with the terms and conditions of Permit No. 11,431 heretofore issued by the State Engineer of the State of Idaho.
The name and present address of the person or corporation holding said permit is Charles Kapp of Salmon, Idaho.
The use to which said water has been applied is irrigation and domestic purposes.
The amount applied to beneficial use is two cubic feet per second.
The place where said water is used is N 1/4, NE 1/4 and NW 1/4, Sec. 28, T. 19 N., R. 21 E., R. M.
The date of the priority which said user is prepared to establish is July 8th, 1915.

Sub W. G. SWENDSEN,
Commissioner of Reclamation.
May 9 - May 20

Publication Fee \$ 5.00

That the Notice for Publication a true

printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper, and not in any supplement thereof or thereto for

four consecutive issues, commencing with the issue dated May 9 1924 and ending with the issue dated

May 30 1924.
Evelyn Melvin

ne, this 5 day of June, 1924
Evelyn Melvin

Notary Public for the State of Idaho
Residing at Salmon, Idaho.

11431

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 11,431

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Charles Kapp, 29 years of age, residence near Salmon, Idaho,
farmer, Post Office Salmon, Idaho.

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

Ans. _____

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

Ans. No. 11431 dated July 30th, 1915, date of priority July 8, 1915

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

Ans. Source Rattlesnake Creek, ~~lower~~ point of diversion in NE $\frac{1}{4}$ NW $\frac{1}{4}$
Sec. 28, Tp. 19 N. R. 21 E. B. M. in Lemhi Co, Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Headgate 2 $\frac{1}{2}$ feet wide, 1 $\frac{1}{2}$ feet high, Ditch 0.7 of a mile long,
2 feet wide on bottom, 3 $\frac{1}{2}$ feet wide at water line 1 ft. deep and are
capable of conveying 2 cubic feet per second from point of diversion
to place of use.

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

Ans. to be used for irrigation and domestic purposes used on NW $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, T. 19 N. R. 21 E. B. M. and 15 acres in each
subdivision that have been actually irrigated with said water, a total
of 45 acres, 35 acres of cultivated meadow land and 10 acre of
cultivated grain land have been made as a direct result of said use.

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

Ans. _____

11431

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

Ans. will require one second foot for each 50 acres of land irrigated

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I acquired ownership from Homer A. Proctor by Deed dated Apr. 17, 1916, filed in the office of the State Engineer at Boise, Idaho. May 31st, 1917.

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

Ans. Used during the irrigation season in each year commencing with the year 1918, to and including the year 1924, using it at this time. used thru said works of diversion, used one second foot, used to the extent that 45 acres of the tract has been placed under cultivation.

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

Ans. I have used water from no other source.

(Sign)

Charles Kapp

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 Salmon, County of Lemhi State of Idaho, on this 10th day of June A. D. 1924.

J. C. Merrill

Notary Public for the State of Idaho
My Comm. Expires Jan. 1, 1925

11431

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 11431

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. Jerry Doody, 58 years of age, residence Salmon, Idaho,

farmer, post office Salmon, Idaho.

Ques. 2. Are you acquainted with Charles Kapp, the

holder of Permit No.? How long have you known him and where does he reside?

Ans. Yes, eight years he resides near Salmon, Idaho.

Ques. 3. Have you read or heard read said Permit No. 11431, 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. Rattlesnake Creek, point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28
Tp. 19 N.R. 21 E.B.M. Headgate 2 $\frac{1}{2}$ feet wide 1 $\frac{1}{2}$ feet high, Ditch 0.7
of a mile long, 2 feet wide on bottom, 3 $\frac{1}{2}$ feet wide at water line
1 ft. in depth.

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. It will safely conduct 2 second feet from point of diversion
to place of use, I have seen that amount so conveyed.

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. Irrigation and domestic purposes, used on NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, and
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28, Tp. 19 N.R. 21 E.B.M. used on 15 acres in each 40 acre tract,
45 acres of the tract cultivated and irrigated
35 acres of cultivated meadow and 10 acres cultivated grain land have
been made as a direct result of said use.

11431

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

Ans. _____

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

Ans. character of land sandy loam, I estimate it will require one inch per acre for its profitable cultivation.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent? No, I have no interest whatever in them

Ans. ~~during the irrigation season in the years 1918, 1919, 1920, 1921, 1922 and 1923 and at the present time~~

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. during the irrigation season in the years 1918, 1919, 1920, 1921, 1922, 1923 and May 1924 and at the present time. used thru said works of diversion to the extent that 45 acres of the said land have been cultivated and irrigated.

(Sign) Jerry Doody

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 Salmon, County of Lemhi, State of Idaho, on this 10th day of June

John C. Merrill
A. D. 1924

Notary Public.

My commission expires July 20th, 1926

11431

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 11431

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. Hugh Leonard, 31 years of age, residence Salmon, Idaho,
farmer, post office Salmon, Idaho.

Ques. 2. Are you acquainted with Charles Kapp, the
holder of Permit No. 11431 ? How long have you known him and where does he reside?

Ans. Yes, I have known him 8 years, he resides near Salmon, Idaho.

Ques. 3. Have you read or heard read said Permit No. 11431, 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. Rattlesnake Creek, point of diversion in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, Tp. 19
N.R. 21 E.B.M. Headgate 2 $\frac{1}{2}$ feet wide 1 $\frac{1}{2}$ feet high, Ditch 0.7 of a mile
long, 2 feet wide on bottom, 3 $\frac{1}{2}$ feet wide at water line 1 ft. deep.

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

Ans. I estimate it will safely conduct 2 second feet from point of
diversion to place of use. I have seen that amount so conveyed.

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. Irrigation and domestic purposes, used on NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec. 28, Tp. 19 N.R. 21 E.B.M. used on 15 acres in each legal subdivis-
ion, a total of 45 acres of the said land irrigated.
35 acres of cultivated meadow and 10 acres of cultivated grain land
made as a direct result of said use.

11431

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

Ans. _____

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

Ans. character sandy loam. I estimate it will require 1 second foot for each 50 acres cultivated for its profitable cultivation.

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

Ans. No, I have not.

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

Ans. during the irrigation season of each year commencing with the year 1918, to and including 1923, and at this time used thru said works of diversion, used at least 2 second feet, to the extent that 45 acres of the tract has been placed under cultivation.

(Sign) Hugh Leonard

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 Salmon, County of Lemhi, State of Idaho, on this 10th day of June A. D. 1924

John C. Merrell
Notary Public.

My commission expires July 20th, 1926

71431

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

~~PROOF OF BENEFICIAL USE OF WATER~~
~~PROOF OF BENEFICIAL USE OF WATER~~

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, May 26, 1924.

Mr. Charles Kapp,
c/o Mr. Allen C. Merritt,
Salmon, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of ~~beneficial use of~~
~~beneficial~~ beneficial use of water under Permit No. 11431.

DEPOSITION OF PERMIT HOLDER.

DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On June 10, 1924, the date set for proof, the enclosed forms ~~one~~ for permit holder and ~~two~~ each for two disinterested witnesses) should be filled out and sworn to, at Salmon before Allen C. Merritt, notary public.

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

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

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation.

11431

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE May 1, 1924.

Idaho Recorder,
Salmon, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to
..... June 10, 1924, the date set for proof, the expense of the publication to be paid
by the applicant,..... Charles Kapp, Salmon,, to whom you should
furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.
My dear Sir:

Received notice for publication for Charles Kapp
which notice will appear in issue of The Recorder, May 9.

Thank you. Very truly yours,

11431

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE May 1, 1924.

Idaho Recorder,
Salmon, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to June 10, 1924, the date set for proof, the expense of the publication to be paid by the applicant, Charles Rapp, Salmon, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

11431

April 7, 1924.

Re: Permit No. 11431.

Mr. Charles Kapp,
Salmon, Idaho.

Dear Sir:-

We are today in receipt of your notices for proof of beneficial use of water under the above permit. One copy will be mailed to the Idaho Recorder, at Salmon, in time for the required four weeks publication prior to June 10th and deposition blanks will be mailed to Allen C. Merritt, the notary public before whom proof is to be taken.

Very truly yours,
W. G. SWINDESEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

11431

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Salmon, Idaho, April 4th, 1924

(P. O.) Salmon, Idaho,

TO THE STATE ENGINEER:

Boise, Idaho.

DEAR SIR:

You are hereby authorized to have the attached notice published at my expense in the.....
Idaho Recorder of Salmon, Idaho, published
in the county in which the works are situated.

Charles Kapp

(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.

11431

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 10th day of June, 1924,
 at Salmon, County of Lemhi, State of Idaho,
 before Allen C. Merritt, Notary Public, proof will be submitted
 of the application to beneficial use of Two cubic feet per second of the
 waters of Rattlesnake Creek in accordance with the terms and conditions of
 Permit No. 11431 heretofore issued by the State Engineer XXXXXXX
 of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Charles Kapp, of Salmon, Idaho

The use to which said water has been applied is Irrigation and domestic purposes

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

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28 Tp. 19 N. R. 21 E. B. M.

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

The right to take water from such works is based upon Permit No. 11431

The source of supply from which such water is diverted is Rattlesnake Creek

The date of the priority which said user is prepared to establish is July 8th, 1915

NE 1/4 - 28 - 19 N - 21 E
 Lemhi
 - 35 -

W. G. Swendsen,
 Commissioner of Reclamation.

11431

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Mr. Charles Kapp,
Salmon, Idaho.

April 1, 1924.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. **11451**, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWEDSEN.
Commissioner of Reclamation.

11431

September 20, 1918.

Re Permit No. 11431.

Charles Kapp.
Salmon, Idaho.

Dear Sir:—

Enclosing herewith certificate of completion of work issued under above permit, with receipt for fees.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

CCW-R2269

11431

Permit No. 11431

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
 County of Lemhi } SS.

Charles Kapp, 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. 11431 and that his postoffice address is Salmon, Lemhi County, State of Idaho

Second: That the name of the stream from which said water is to be diverted is Rattlesnake Creek, a tributary of Salmon, River.

Third: That the point of diversion of said water is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 28, Tp. 19 N., R. 21 E. B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 30, 1918

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

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

I. Kind of works: Headgate at point of Diversion 2 ft. wide, 1 ft. high
 (Reservoir, dam, ditch, flume, pipe or otherwise)
Ditch 0.7 mile long, 2 ft. wide on bottom, 2 ft. wide at water line, depth of water 10 inches

II. Dimensions of work: ditch and flume

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width 2 feet, height 1 foot

(d) Conduit flume 200 ft width at bottom 1 foot feet, width at water line 1 ft, depth of water 0.5 feet; diameter of pipe _____ inches;

(State whether ditch, flume or pipe)

average grade per mile is 15 feet. Length of conduit is 0.7 miles including

Seventh: That said works are capable of conducting to the place of intended use (200 ft. flume

two second feet of water. Grade of flume 2 ft. per 100 ft.

Eighth: That water appropriated under said permit is available for 100 acres of land described as follows: N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 28, T. 19 N., R. 21 E. B.M.

Ninth: Remarks: That I have used approximately one second-foot of water through the above described works since May 10, 1918, to the present time.

(Sign here)

Subscribed and sworn to before me this 26 day of July, 1918.

My commission expires _____

Notary Public
 United States Commissioner for the District of Idaho

11431

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

~~XXXXXXXXXX~~ Charles Cap , Boise, Idaho, May 1, 1918
 Salmon, Ida.
 Dear Sir:—

Under the terms of your Permit No. 11431, you are required to complete your diversion works on or before July 30, 1918. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,
 FRED A. ILLIE

~~XXXXXXXXXX~~
 J. H. SMITH,

State Engineer.

11431

June 20, 1917.

Re Permit 11431 - Director.

Mr. W. C. Smith,
Idaho, Idaho.

Dear Sir:—

The assignment of above permit has been placed
on record in this office. Same is herewith returned, to-
gether with certified copy of permit and deed, and receipt
for same.

Very truly yours,

J. H. SMITH,

State Engineer.

Aug. 22-1917

By _____

11431

LEMHI TITLE & ABSTRACT CO.

W. C. SMITH, MGR.
SALMON, IDAHO

May 28th, 1917

State Engineer,
Boise, Idaho,

Dear Sir;

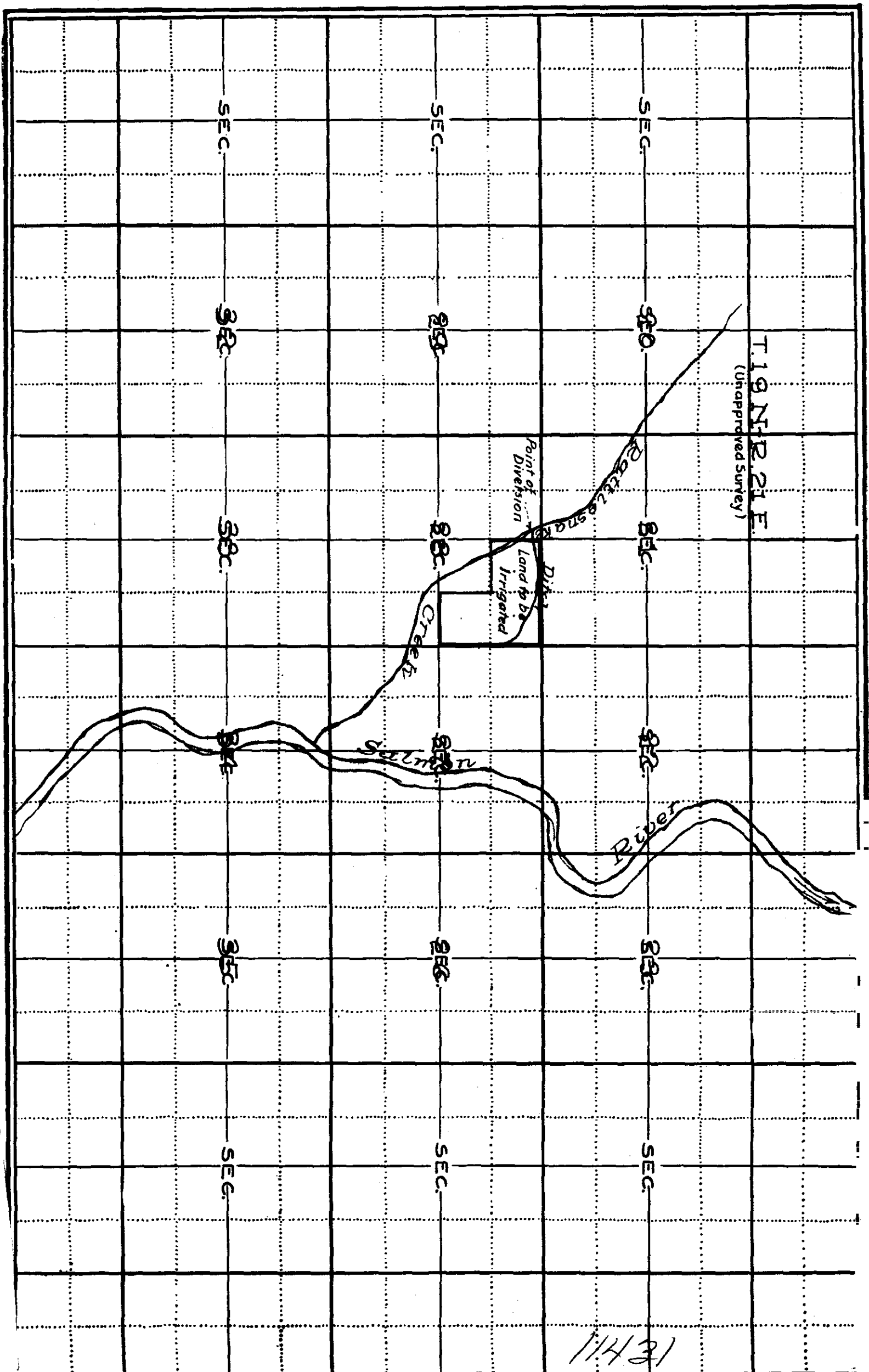
I enclose Deed which please file, and then I would like a certified copy of Permit No. 11431 "Proctor" I enclose drafts \$1. for recording deed and \$1.50 certified copy of Permit which I presume will show the deed.

Yours truly

W. C. Smith

71431

Name of Applicant HOMER A. ROCTOR, Salmon, Idaho.



State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit # 11431.

Mr. Homer A. Proctor, Salmon, Idaho.

Boise, Idaho,

July 29, 1915 .

Dear Sir:

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

J.H.Smith.

State Engineer

11431