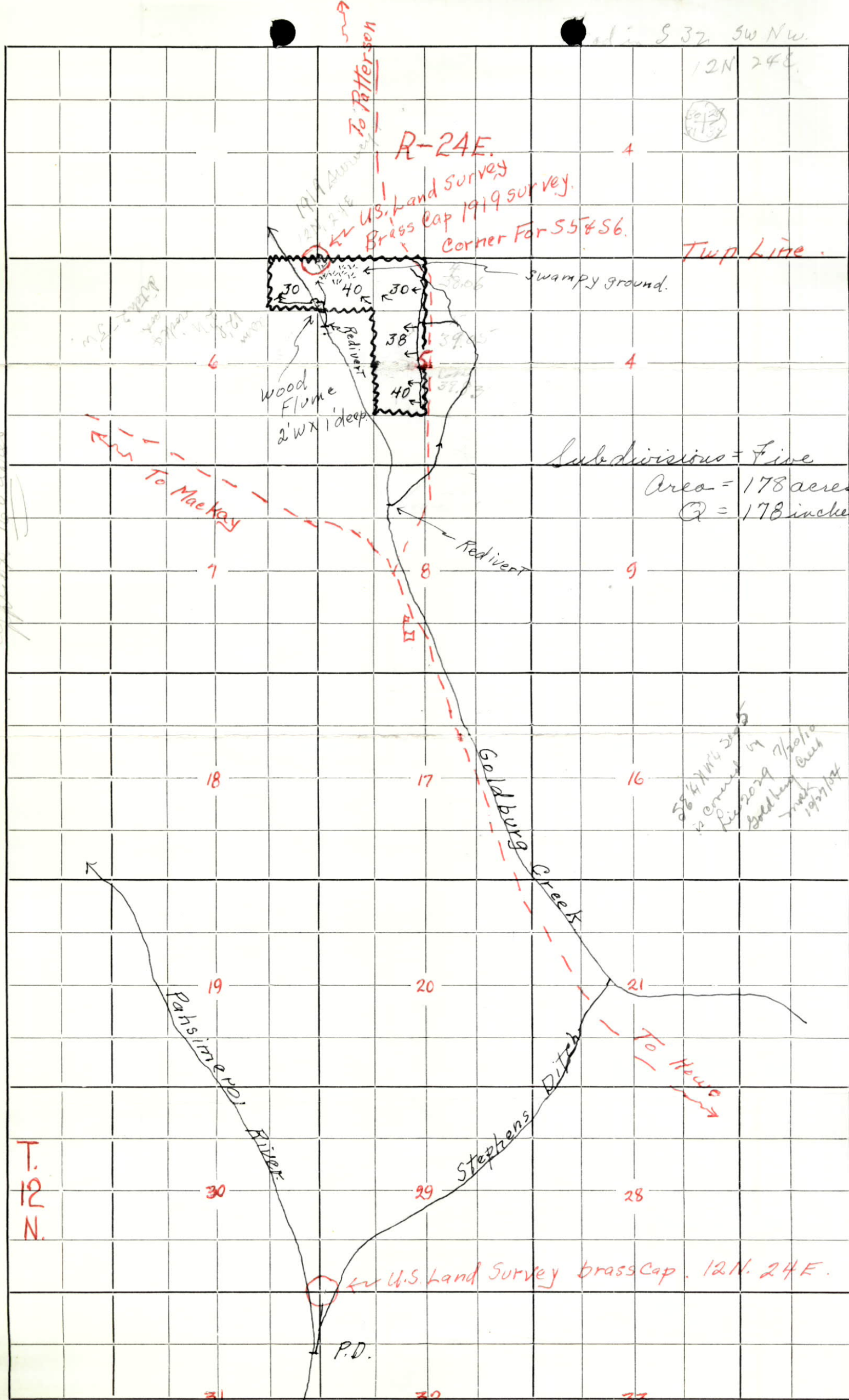




**NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE**

Notice is hereby given that at 10:00 A. M. on the 3rd day of May, 1954, at Blackfoot, County of Bingham, State of Idaho, before John W. Jones, a Notary Public, proof will be submitted of the application to beneficial use of 6 cubic feet per second of the waters of Pahsimeroi River, a tributary of Salmon River, in accordance with the terms and conditions of Permit No. 21037 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Ellen I. Stephens, Blackfoot, Bingham County, Idaho.

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

The amount applied to beneficial use is 6 cubic feet per second.

The place where said water is used Lots 1, 2, 3, and 4 in Section 5; and Lot 1 in Section 6; and the Southwest quarter of the Northeast quarter, and Southeast quarter of the Northwest quarter, and the Northeast quarter of the Southwest quarter, of Section Five; all in Township Twelve North, Range Twenty-four, East of the Boise Meridian, in Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is channel of Goldburg Creek to carry water where it enters the creek in Sec. 21, Twp. 12 North, Rge. 24 E. B. M. to the diversion point in NW 1/4 of Sec. 8, Twp. 12 North, Rge. 24, E. B. M.

The right to take water from such works is based upon Permit No. 21037.

The source of supply from which said water is diverted is Pahsimeroi River.

The date of priority which said user is prepared to establish is April 25, 1949.

21037
MARK R. KULP
44 State Reclamation Engineer

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Custer, } ss:

I, Halsey M. Gridley, manager of The Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of The Challis

Messenger for 4 consecutive weeks, commencing with the issue

dated March 31, 1954,

and ending with the issue

dated April 21, 1954

Halsey M. Gridley

Subscribed and sworn to before me this 26th

day of April, 1954

Albert J. Jones

Notary Public, Residing at Challis, Idaho.

My Commission expires 2-1-55

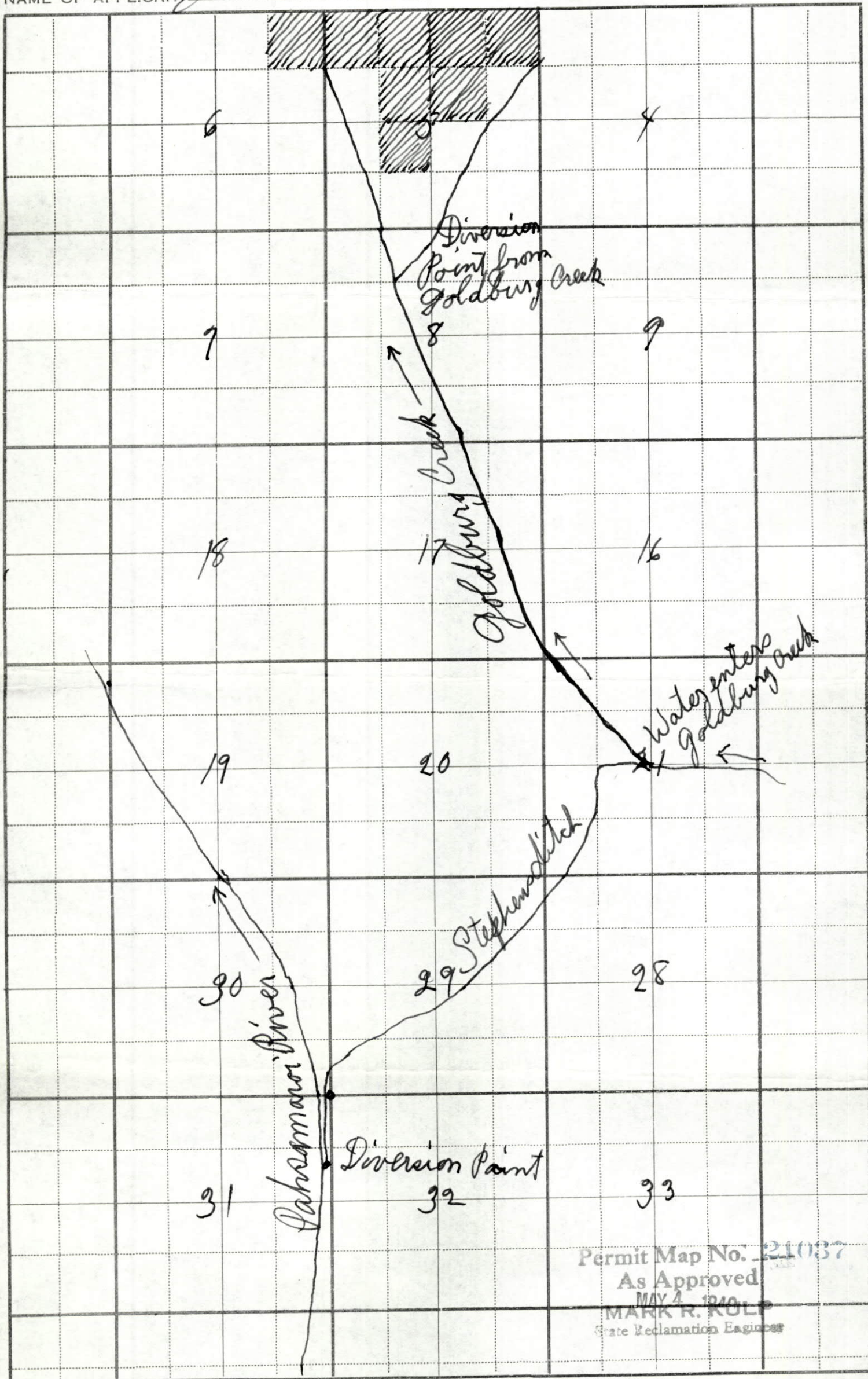
21037

NAME OF APPLICANT

John W. Stephens

T. 12N. R. 24E. B.M.

FORM No. O



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

S.

21037

State of Idaho
License and Certificate of Water Right

Water License No. 21037 Amount 3.56 second feet
Water District No. Priority April 25, 1949

THIS IS TO CERTIFY that JOHN W. STEPHENS
of Patterson, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 25, 1949; that Permit No. 21037
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
six second feet, was issued thereunder on June 3, 1952, showing that said works
were completed on the 30th day of April, 1952; and that on the 3rd
day of May, 1954,
STANLEY HULL, Assignee of Ellen I. Stephens, surviving widow of John W. Stephens,
of Patterson, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Pahsimeroi
River, a tributary of Salmon River, for the purpose of irrigation
, under Use Permit No. 21037 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
9 of Licenses at page 5417, on the 27th day of November, 1954;
The right hereby confirmed dates from April 25, 1949;
The Point of Diversion is located
in the SE 1/4 NE 1/4, Sec. 31, Tp. 12 N., R. 24 E., B. M. Custer 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 3.56 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 N.	24 E.	5	Lot 1	20	--
			Lot 2	40	--
			Lot 3	40	30
			Lot 4	40	40
		6	SW 1/4 NE 1/4	40	--
			SE 1/4 NW 1/4	40	38
			NE 1/4 SW 1/4	40	40
			Lot 1	40	30
			Number of Acres Actually Irrigated		178

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
27th day of November, 1954.

(SEAL) MARK R. KULB
State Reclamation Engineer.

State of Idaho
License and Certificate of Water Right

Water License No. 19410 Amount 0.02 second foot
Water District No. Priority June 1, 1943

THIS IS TO CERTIFY that MIKE SIRKOFF
of Bayview, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 1, 1943; that Permit No. 19410
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.1 second foot, was issued thereunder on May 12, 1948, showing that said works
were completed on the 27th day of April, 1948; and that on the 9th
day of June, 1954,
MIKE SIRKOFF
of Bayview, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Salee Creek
, a tributary of Pend Oreille Lake, for the purpose of irrigation
, under Use Permit No. 19410 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
9 of Licenses at page 5418, on the 27th day of November, 1954;
The right hereby confirmed dates from June 1, 1943;
The Point of Diversion is located

in the NW 1/4 SW 1/4, Sec. 34, Tp. 54 N., R. 2 W., B. M. Kootenai County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.02 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
54 N.	2 W.	34	NW 1/4 SW 1/4 North 100 feet of Tax No. 1471 and South 8.7 feet of Tax No. 1469, being a part of the NW 1/4 SW 1/4 Section 34, Twp. 54 North, Range 2 West, B. M.		one

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
27th day of November, 1954.

MARK R. KULP
State Reclamation Engineer.

(SEAL)

Nº 21037
~~45-230~~
73-2169

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28696
PERMIT No. 21037
DISTRICT No.

1. Name of Applicant: JOHN W. STEPHENS

Postoffice address: Patterson

County: Custer

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: Six (6) cubic feet per second.

3. Source of water supply: Pahsimeroi River which is a tributary of Salmon River

4. Location of point of diversion: 2000 feet distant from the N. E.

corner of Section 31, T. 12 N., R. 24 E., B.M., and is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 31, T. 12 N., R. 24 E., B.M., County of Custer

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section , T. , R. , B.M.

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

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 500.00

8. Kind of works: Ditch

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 4 feet; height 4 feet.

11. Ditch: Width at bottom 8 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 Three (3) years.

13. The time required for the complete application of the water to the proposed use is Two (2) 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:

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

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

JOHN W. STEPHENS *Applicant.*

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. April 25, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21037

Recorded in Book 75 Page 21037 Approved May 4, 1949

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 July 4, 1949 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 November 4, 1950

The whole of said work to be completed on or before May 4, 1952

Beneficial use of water appropriated in accordance herewith, to be made on or before May 4, 1954

WITNESS My hand this 4th day of May, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, 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 4th

day of May, 1949

STATE OF IDAHO

Countersigned:

(SEAL)

By _____ C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

REMARKS: I intend to use the channel of Goldburg Creek to carry my water from the point at which it enters the creek, in Section 21, Twp. 12 N., Range 24 E., to the diversion point in the NW $\frac{1}{4}$ Section 8, Twp. 12 N., Range 24 E., B.M.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12 N.	24 E.	5	Lot 1-Lot 2				Lot 3-Lot 4												260
			20	40	40		40	40	40	40									
		6	Lot 1																40
			40																300
			Total Number of Acres to be Irrigated - -																
			The East one-half of Lot 1 in Section 5 will not be irrigated from this ditch.																

IN THE PROBATE COURT OF CUSTER COUNTY
STATE OF IDAHO

IN THE MATTER OF THE ESTATE

OF

JOHN W. STEPHENS,

(C O P Y)

Deceased

DECREE OF DISTRIBUTION

Ellen I. Stephens, the duly appointed, qualified and acting administratrix of the estate of John W. Stephens, deceased, having on the 18th day of November, 1951, filed in this Court her petition, setting forth, among other things, that her last and final account as said administratrix had been filed for settlement, and that said estate is in a condition to be closed and settled; * * * * * and it appearing to the satisfaction of the Court that the residue of said estate, consisting of the property hereinafter described, is now ready for distribution and that the estate is now in a condition to be closed; that the whole of the residue of said estate is the community property of the said decedent and his surviving widow, Ellen I. Stephens; * * * * *

Now on this 4th day of December, 1951, on motion of John W. Jones, counsel for said administratrix, IT IS ORDERED, ADJUDGED AND DECREED that the residue of said estate of deceased, hereinafter particularly described, and the whole thereof, now remaining in the hands of said administratrix and any and all property not now known or discovered which may belong to said estate or in which the said estate may have an interest, be, and the same is hereby distributed pursuant to the provisions of law as follows:

The property of said estate in its entirety to the said Ellen I. Stephens, widow of deceased, as the survivor of the community and as such the sole heir of said deceased, all of the property of the estate and of said deceased as hereinafter being the community property of deceased and his said surviving widow, all having been acquired during their coverture with community funds and as community property.

The following is a particular description of the residue of the estate referred to in this decree, and of which distribution is hereby ordered, adjudged and decreed as aforesaid to the said Ellen I. Stephens, surviving widow of deceased, who is as such the sole heir at law of said deceased as to all of the property of said estate and of said deceased, all being community property as herein found, to-wit:

The Lots 1, 2, 3 and 4 in Section 5 and the Lot 1 in Section 6, and the Southwest quarter of the Northeast quarter, and the Southeast quarter of the Northwest quarter, and the Northeast quarter of the Southwest quarter of Section 5, all in Township 12 north of Range 24, East of the Boise Meridian, in Custer County, Idaho.

Together with the tenements, hereditaments and appurtenances, ditches and water rights thereunto appertaining and belonging.

DONE in open Court this 4th day of December, 1951.

GEORGE L. MCGOWAN,
Judge of said Probate Court

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that ELLEN I. STEPHENS of Blackfoot, County of Bingham, and State of Idaho, the holder of Permit No. 21037, issued upon Application No. 28696 bearing date of priority of April 25, 1949, authorizing the diversion of Six (6) second feet of the waters of Pahsimeroi River, a tributary of Salmon River, County of Custer, State of Idaho, for irrigation 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 Six (6) second feet of the waters of Pahsimeroi River, that the point of diversion of said waters is near the center of the East line of the NE $\frac{1}{4}$ Section 31, Township 12 North, Range 24 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lots 1, 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5; Lot 1 Section 6; Township 12 North, Range 24 East, B.M.

Witness my hand this 3rd day of June, A.D. 1952.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made April 30, 1952.
Certificate of completion of works issued June 3, 1952.

A S S I G N M E N T

For value received, I hereby assign all my right, title, and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 21037 to Stanley Hull of Patterson, Lemhi County, Idaho.

ELLEN I. STEPHENS
Permit Holder. A Widow

State of Idaho)
County of Bingham) ss

On this 16th day of November, 1954, before me, a Notary Public for the State of Idaho, residing at Blackfoot, Idaho, personally appeared Ellen I. Stephens, widow, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that she executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

JOHN W. JONES
Notary Public, residing at Blackfoot, Idaho

LICENSE ISSUED FOR 2.56 SEC. FT.
Page 5417

(SEAL)
My commission expires July 17th, 1957.

Received and filed for record in the Department of Reclamation at Boise, Idaho, November 17, 1954
MARK R. KULP, State Reclamation Engineer

December 1, 1954

RE: Permit No. 21037

Mr. Stanley Hull
Patterson
Idaho

Dear Mr. Hull:

We return your assignment of Permit No. 21037 from Ellen I. Stephens to you which has been recorded in this department.

We also enclose Licence and Certificate of Water Right issued under this Permit confirming your right to the use of 3.56 second feet of water from Pahsimeroi River with priority of April 25, 1949, and point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31, Township 12 North, Range 24 East B.M. for irrigation of land in Lots 3 and 4 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, and Lot 1 Section 6, Township 12 North, Range 24 East B.M.

We also enclose departmental receipt No. 27053 for \$10.50, which includes \$10.00 license fee and fifty cent fee for recording the assignment.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

21037

October 29, 1954

RE: Permit No. 21037

Mr. Stanley Hull
Patterson
Idaho

Dear Mr. Hull:

The report of our field engineer on examination for beneficial use on Permit No. 21037 in the name of Mrs. Ellen I. Stephens, is now on file. This report shows that 178 acres in Lots 3 and 4, SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5; and Lot 1 Section 6, Township 12 North, Range 24 East B.M. have been irrigated from the Pahsimeroi River under this Permit.

A license can therefore be issued for 178 inches or 3.56 second feet of water upon receipt of the statutory fee of \$10.00.

However, since this permit is in the name of Ellen I. Stephens, the license will have to be issued in her name although we understand that she has sold the property to you. If the license is to be issued in your name, it will be necessary for you to furnish an assignment from Mrs. Stephens and we enclose the form for such assignment herewith. There will be a fee of fifty cents for recording the assignment.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc
Enc.

Mrs. Ellen I. Stephens

21037

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21037

REPORT ON PROOF OF Beneficial Use

MRS. ELLEN I. STEPHENS, Blackfoot, Idaho

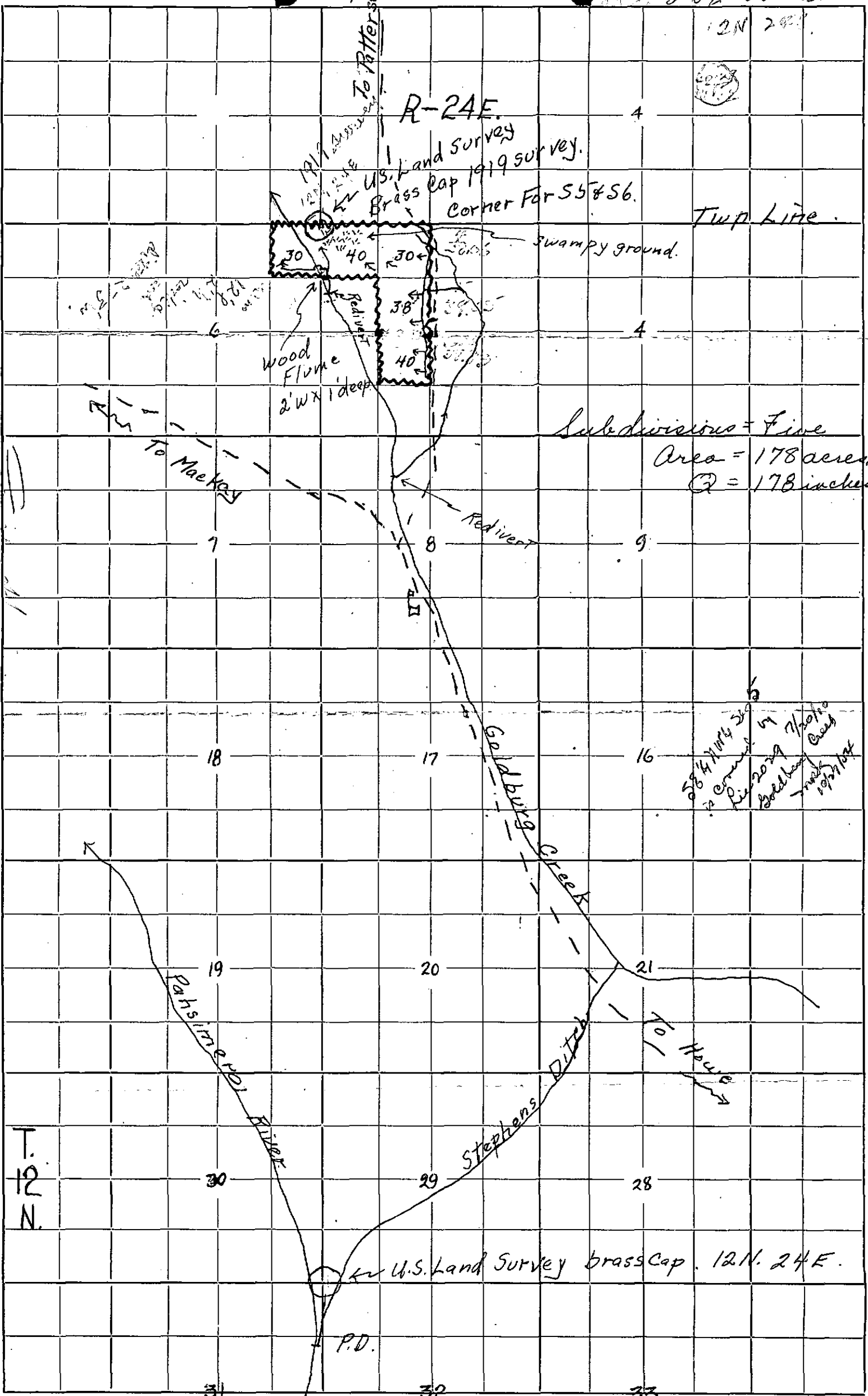
Stanley Hudd
Pitts, Idaho

app 6 cfs

3.56 cfs
mrk

178 acres
5-40's

S 32 SW NW.
12N 24E.



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

21037

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

Permit No. 21037

This proof is for Beneficial Use In Water District No. _____1. Name of applicant Mrs. Ellen I. Stephens, Blackfoot, Idaho2. Source of water supply: Pahsimeroi River3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31T. 12 N., R. 24 E. County of Custer

4. Describe works as they exist, giving dimensions and capacities of same: Low rock and earth dam across Pahsimeroi, Headgate in ditch 10' l. x 3 $\frac{1}{2}$ ' w x 3' h. wood planks cut 10' w x 6' deep. Made by dragline for short distance from River. ditch is 3 to 4' w. in bottom - Fast Flowing after it crosses divide. Other two dams are low rock & earth dams replaced yearly

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 other than irrigation):

Lots 3 & 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5;Lot 1 Section 6;Twp. 12 N., Range 24 E., B.M.See map.

Called Mrs. Stephens in Blackfoot on Oct 12th. She advised place had been sold to S. Hull and that she had notified him I would be there on Friday Oct 15.

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

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

Remarks: Mr Hull along on inspection.Crops are hay and pasture.This is cattle and sheep country.This place has been sold to Stanley Hull of Patten, IdahoThis examination was made on the 15 day of Oct., 19 54(Signed) E. N. Humphrey Examiner.

21037

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 22 1954

Department of Reclamation

Mrs. John W. Stephens
Mrs. Ellen I. Stephens
Blackfoot, Idaho
Permit No. 21037

Stanley Hull, Patterson - owner.
Examination for Beneficial Use

County Custer

St. 107 - 24 E.

Q. 6.0 a.c.s.

S. - Pakimicai River

P.L. = Near the center of the E line of
the NE 1/4, Sec. 31, T. 24 N., R. 24 E.

for Irrigation

Priority = April 25, 1949
Due = May 4, 1954

6/11 = 6-3-52

Head box in ditch fr. Pado.
10' x 3 1/2' x 3' h.
all wood const. of 2" plank
Rock & sod dam in Pakimicai
Cut 6' deep fr. River 10' w.
approx. 3 mi. upstream
from head,

October 5, 1954

RE: Permit No. 21037

Mrs. Ellen I. Stephens
Blackfoot
Idaho

Dear Mrs. Stephens:

An inspection is required by law in connection with any Permit for the use of water being brought to license in Idaho.

I hope to make inspection for Permit No. 21037 on Friday, October 15 some time in the afternoon, as soon as I can drive from Challis. It will be necessary for someone familiar with the works to accompany me on the inspection.

I intend to pass through Blackfoot on Tuesday morning, October 12, and will try to get in touch with you at that time so as to learn what arrangements are necessary in connection with your farm, as I am not sure that there is any one permanently living on the place.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

21037

May 6, 1954

RE: Permit No. 21037

Mr. John W. Jones
Attorney at Law
Blackfoot, Idaho

Dear Mr. Jones:

Thank you for your prompt reply to our letter of May 4, in which you state that Ints 1 and 2 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, Township 12 North, Range 24 East B.M. could not be irrigated under Permit No. 21037, of Mrs. Ellen I. Stephens.

The depositions of Mrs. Stephens and two witnesses, also affidavit of publication in the Challis Messenger, have been placed on file but 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 Mrs. Stephens or someone on the premises, at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc Mrs. Ellen I. Stephens

21037

JOHN W. JONES
ATTORNEY AT LAW
BLACKFOOT, IDAHO.

May 5th, 1954.

Hon. Mark R. Kulp,
State Reclamation Engineer,
Boise, Idaho.

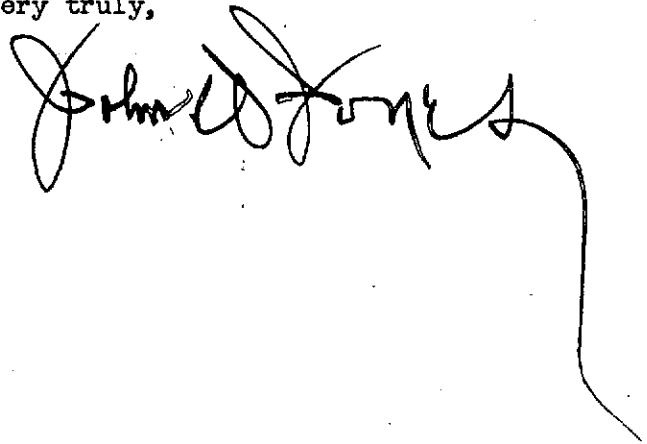
Re: Permit No. 21037.

Dear Sir:

Replying to your letter concerning the proof of beneficial use of waters under the permit, I beg to state that we were informed that the Lots 1 and 2 and the Southwest quarter of Northeast quarter of Section 5, Twp. 12 N. R. 24 East, B. M. could not be irrigated under this system, but that all of Lots 3 and 4 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5 had been irrigated and reclaimed as was true of Lot 1 of Sec. 6. That only 200 acres were irrigated and reclaimed under the permit, and claimant was seeking 4 cu. ft of the water instead of 6 cu. ft.

I very much appreciate your letter in the matter and realize that we did not make the proof very clear in this regard.

Yours very truly,

A handwritten signature in dark ink, appearing to read "John W. Jones". The signature is fluid and cursive, with a long, sweeping line extending from the bottom right of the name across the page.

RECEIVED
MAY 6 1954

Department of Reclamation

21037

✓
May 4, 1954

RE: Permit No. 21037

Mr. John W. Jones
Attorney at Law
Blackfoot, Idaho

Dear Mr. Jones:

We acknowledge receipt of your letter of May 3 enclosing depositions of Ellen I. Stephens and two witnesses, also affidavit of publication in the Challis Messenger all submitted in proof of beneficial use on Permit No. 21037.

In checking the land descriptions in all of these depositions we notice that they include Lots 3 and 4 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Township 12 North, Range 24 East B.M. but do not include Lots 1 and 2 of said Section which are in the original Permit and also in the published notice.

Are these two lots omitted intentionally?

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc Ellen I. Stephens

21037

JOHN W. JONES
ATTORNEY AT LAW
BLACKFOOT, IDAHO

May 3rd, 1954.

Hon. Mark R. Kulp, State Reclamation Engineer,
Boise, Idaho.

Re: Permit No. 21037

Dear Mr. Kulp:

We enclosed depositions in the matter of the Proof of Beneficial use of waters under the above permit. Also enclose Proof of Publication of the Notice of Intention to make such proof.

Yours very truly,

John W. Jones

RECEIVED
MAY 4 1954
Department of Reclamation

21037

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

Notice is hereby given that at 10:00 A. M. on the 3rd day of May, 1954, at Blackfoot, County of Bingham, State of Idaho, before John W. Jones, a Notary Public, proof will be submitted of the application to beneficial use of 6 cubic feet per second of the waters of Pahsimeroi River, a tributary of Salmon River, in accordance with the terms and conditions of Permit No. 21037 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Ellen I. Stephens, Blackfoot, Bingham County, Idaho.

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

The amount applied to beneficial use is 6 cubic feet per second.

The place where said water is used Lots 1, 2, 3, and 4 in Section 5; and Lot 1 in Section 6; and the Southwest quarter of the Northeast quarter, and Southeast quarter of the Northwest quarter, and the Northeast quarter of the Southwest quarter, of Section Five; all in Township Twelve North, Range Twenty-four, East of the Boise Meridian, in Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is channel of Goldburr Creek to carry water where it enters the creek in Sec. 21, Twp. 12 North, Rge. 24 E. B. M. to the diversion point in NW 1/4 of Sec. 8, Twp. 12 North, Rge. 24 E. B. M.

The right to take water from such works is based upon Permit No. 21037.

The source of supply from which said water is diverted is Pahsimeroi River.

The date of priority which said user is prepared to establish is April 25, 1949.

21037
MARK R. KULP
44 State Reclamation Engineer

AFFIDAVIT OF PUBLICATION

State of Idaho, }
County of Custer, } ss:

I, Halsey M. Gridley, manager of The Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of The Challis

Messenger for 4
consecutive weeks, commencing with the issue dated March 31, 1954 and ending with the issue

dated April 21, 1954

Halsey M. Gridley

Subscribed and sworn to before me this 26TH

day of APRIL, 1954

Chas. Dem

Notary Public, Residing at Challis, Idaho.

My Commission expires 2-1-55

21037

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21037

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Ellen I. Stephens, Blackfoot, Bingham County, Idaho. Housekeeping.

Blackfoot, Idaho. Sole heir and distributee of estate of John W. Stephens, Deceased.

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. 21037 dated May 4th, 1949. May 4th, 1949, date of priority.

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

Ans. Pahsimeroi River, point of diversion is near the center of the East line of the Northeast quarter, Section 31, Township 12 North, Range 24, East Boise Meridian, and is in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 31, in Custer County, 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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. Ditch from point of diversion to Goldburg Creek, abt. 2 miles; thence down Goldburg Creek $1\frac{1}{2}$ miles; ditch from Goldburg in NW $\frac{1}{4}$ of Sec. 8, Tp. 12 N. R. 24 EBM to land about $\frac{3}{4}$ mile. Headgates $3\frac{1}{2}$ ft. wide, 3 ft. high and 10 ft. long; Ditches 4 ft. at bottom; 5 ft. at water line and carrying $2\frac{1}{2}$ feet water; will carry 6 cu. ft. of water, but divert and convey about 200 inches of water.

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

Ans. Irrigation purposes; Irrigate all of Lots 3 & 4 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5 and Lot 1 Sec. 6, Twp. 12 N. R. 24 E.B.M. About 10 acres to wild hay and 190 acres cultivated to hay and grain. All irrigated lands produce the usual irrigated crops at this time.

21037

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

Ans. XXXXXX

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

Ans. Land is light soil requiring one inch to acre.

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.

Permit was issued to my deceased husband, and property is decreed to me
Ans. as sole heir of John W. Stephens, deceased, applicant.

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

Ans. About 200 inches of water has been diverted and used in irrigation of lands during the last two seasons.

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

Ans. No other waters are used on said lands.

(Sign) Ellen I. Stephens

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 Blackfoot,

County of Bingham, State of Idaho, on this 3rd day of May,

A. D. 19 54.

My commission expires July 17, 1957.

John W. Jones

Notary Public for State of Idaho,
Residing at Blackfoot, Idaho.

21037

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21037

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. James L. Hull, 58 years; Pocatello, Idaho; laborer; 1020 West Clark,
Pocatello, Idaho.

Ques. 2. Are you acquainted with Ellen I. Stephens, the holder of Permit No. 21037? How long have you known ^{her} ~~him~~ and where does she reside?

Ans. Yes. More than ten years, she resides in Blackfoot, Bingham County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21037, 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. Pahsimeroi River; in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, Twp. 12 N. R. 24 East, B. M.
(Water is conveyed by ditch to Goldburg Creek and down Creek about 2 miles and
diverted in ditch in NW $\frac{1}{4}$ Section 8, said township and range, and carried thereby
to lands to be irrigated. Ditches 4 ft. bottom; 5 ft. at water line; carrying
2 $\frac{1}{2}$ feet of water.

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. Ditches will carry 6 sec. feet, but I have seen only about 4 sec. ft. therein.

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 purposes. All of Lots 3 and 4 of Sec. 5, Lot 1 Sec. 6, and
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ said Sec. 5 irrigated; all of each forty acre tract
is irrigated, 200 acres. About ten acres cultivated to wild hay and 190 acres
cultivated to hay and grain. Use of waters has caused growing of usual crops
of hay and grain.

21037

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. Light soil and requires one inch to acre for its 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. None.

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

Ans. Have irrigated the lands for the last two years. Was well acquainted with all the lands and irrigated it about four time each season.

(Signed)

James L. Hull

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 Blackfoot,

County of Bingham, State of Idaho, on this 3rd day of May,

A. D. 19 54.

My commission expires July 17th, 1957.

John D. Jones
Notary Public
for State of Idaho
Residing at Blackfoot,
Idaho.

21037

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21037

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. Alvin A. Trolin, 54 years; Blackfoot, Idaho, Operate saw shop.

56 West Francis, Blackfoot, Idaho.

Ques. 2. Are you acquainted with Ellen I. Stephens, the holder of Permit No. 21037? How long have you known ^{her} ~~him~~ and where does she reside?

Ans. Yes. I have known Mrs. Stephens more than ten years, she resides in Blackfoot, Bingham County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21037, 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. Pahsimeroi River; in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31; Twp. 12 N. R. 24 East B. M.

(Water is conveyed by ditch to Goldberg Creek and down creek about 2 miles and diverted in ditch in NW $\frac{1}{4}$ of Section 8, said Twp and Range, and carried thereby to lands to be irrigated.)

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. Ditches will carry about 300 inches of water but I have seen only 200 inches carried in ditches.

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

Ans. Irrigation purposes. All of Lots 3 and 4 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5 and Lot 1 of Section 6, said twp. and range, irrigated About 200 acres.

10 acres cultivated to wild hay and 190 acres to hay and grain.

With irrigation land as described now produces the usual crops and amounts of hay and grain.

21037

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. Light soil which requires about one inch to acre.

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

Ans. None.

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

Ans. I have observed the irrigation of the said land and the amount used was at least 200 inches which the land requires.

(Signed)

Alvin R. Loebe

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 Blackfoot,
County of Bingham, State of Idaho, on this 3rd day of May,
A. D. 19 54.

My commission expires July 17th, 1957.

James D. Jones

Notary Public.
for State of Idaho
Residing at Blackfoot,
Idaho

April 3, 1954

RE: Permit No. 21037

Challis Messenger
Challis
Idaho

Gentlemen:

We have checked the notice appearing in your issue of March 31 in connection with proof on Permit No. 21037 in the name of Ellen I. Stephens.

We find same to be correct with the exception that the word "Pahsimeroi" is misspelled in both places.

Please make this correction in your subsequent issues.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

21037

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21037

Date: March 25, 1954

Challis Messenger

Challis, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 3, 1954 the date set for proof, the expense of the publication to be paid by the applicant, Mrs. Ellen I. Stephens of Blackfoot, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer
By

Chief Clerk

21037

✓
March 24, 1954

RE: Permit No. 21037

Mr. John W. Jones
P. O. Box 547
Blackfoot, Idaho

Dear Mr. Jones:

We acknowledge receipt of duplicate notice for beneficial use proof on Permit No. 21037 in the name of Ellen I. Stephens to be made before you on May 3, 1954.

A copy of the notice will be sent to the Challis Messenger with instructions to publish it once a week for four weeks prior to that date and to send Mrs. Stephens the affidavit of publication together with statement of costs.

Meanwhile, we enclose the necessary forms of deposition to be used in making these proofs, consisting of one for Mrs. Stephens as holder and one for each of two disinterested witnesses who should appear before you at the time set for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.
cc: Ellen I. Stephens

21037

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

Notice is hereby given that at 10:00 A. M. on the 3rd day of May, 19 54,
at Blackfoot, County of Bingham, State of Idaho, before
John W. Jones, a Notary Public, proof will be submitted of the
application to beneficial use of 6 cubic feet per second of the waters of Pahsimeroi
River, a tributary of Salmon River,
in accordance with the terms and conditions of Permit No. 21037
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Ellen I. Stephens, Blackfoot, Bingham County, Idaho.

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

The amount applied to beneficial use is 6 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

Lots 1, 2, 3 and 4 in Section 5; and Lot 1 in Section 6, and the Southwest quarter
of the Northeast quarter, and Southeast quarter of the Northwest quarter, and the
Northeast quarter of the Southwest quarter, of Section Five, all in Township
Twelve North, Range Twenty-four, East of the Boise Meridian, in Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is
channel of Goldburg Creek to carry water where it enters the creek in Sec. 21, Twp.
12 North, Rge. 24, E. B. M. to the diversion point in NW $\frac{1}{4}$ of Sec. 8, Twp. 12 North,
Rge. 24, E. B. M.

The right to take water from such works is based upon Permit No. 21037.

The source of supply from which such water is diverted is Pahsimeroi River.

The date of priority which said user is prepared to establish is April 25
May 4th, 1949.

MARK R. KULP

State Reclamation Engineer.

21037

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 23rd, 1954.

(P. O.) Blackfoot, 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
Challis Messenger of Challis, Idaho, published in
the county in which the works are situated.

By

Ellen I. Stephens
John W. Jones

Blackfoot, Idaho

For Claimant Ellen I. Stephens

(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.

21037

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

March 1, 1954

Ellen I. Stephens

Blackfoot, Idaho

Dear ~~SIR~~ Madam:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 21037. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

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

The date for proof, as set out in your permit, is not later than May 4, 1954, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,
MARK R. KULP

State Reclamation Engineer

21037

June 3, 1952

RE: Permit No. 21037

Mr. John W. Jones
Attorney at Law
Blackfoot, Idaho

Dear Mr. Jones:

We return herewith the copy of the Decree of Distribution of the estate of John W. Stephens, deceased, the essential portions of which have recorded in this department.

We also enclose Certificate of Completion of Works issued to Ellen I. Stephens under Permit No. 21037 for the diversion of six second feet of water from the Pahsimeroi River, with point of diversion in the center of the East line of the NE $\frac{1}{4}$ Section 31, Township 12 North, Range 24 East, B.M., for the irrigation of lands in Sections 5 and 6, Township 12 North, Range 24 East, B.M.

We also enclose departmental receipt No. 24503 for the 50 cents recording fee, and No. 24412 for the \$5.00 fee in connection with proof of completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21037

JOHN W. JONES
ATTORNEY AT LAW
BLACKFOOT, IDAHO

May 27, 1952

Box 547

Honorable Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Permit No. 21037, John W. Stephens, Deceased.

Dear Sir:

I have your letter of May 1st addressed to Mrs. Stephens and I note the suggestion which you have kindly made with reference to the issuance of the certification of completion of works to Mrs. Stephens upon receipt of a copy of the Decree of Distribution of the John W. Stephens estate.

I am enclosing a copy of the Decree which shows the vesting of the lands in Mrs. Stephens as Ellen I. Stephens, surviving widow of deceased, including the water rights in general terms as belonging and appertaining thereto.

We will appreciate the issuance of the certificate of completion of works to Mrs. Stephens and I enclose fifty cents for the recording of the Decree.

Yours very truly,

John W. Jones
John W. Jones

JWJ:ec
Encls.

RECEIVED
MAY 28 1952
Department of Reclamation

21037

May 1, 1952

RE: Permit No. 21037

Mrs. Ellen I. Stephens
Blackfoot
Idaho

Dear Mrs. Stephens:

We acknowledge receipt of your affidavit in proof of completion of works under Permit No. 21037, accompanied by Mr. James L. Hull's check for the \$5.00 fee in connection therewith.

We note that you are the widow and sole heir of John W. Stephens and we assume you would wish the permit and certificate of completion of works to be issued thereunder made in your own name. But, before this is done, it will be necessary for you to furnish this office with a copy of the decree of distribution of John W. Stephens' estate showing you to be the present owner.

There will be a fee of 50 cents for recording this instrument.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21037

Permit No. 21037

STATE OF IDAHO
Department of ReclamationRECEIVED
MAY 1 1952
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Bingham.

SS.

Ellen I. Stephens, widow and sole devisee of John W. Stephens, deceased, 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. 21037, and that his postoffice address is now Blackfoot.

State of Idaho

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

Pahsamaroi River

Third: That the point of diversion of said water is Near center East line NE 1/4 Sec 31 in Twp 12 N. R. 24 East S. M. and carried by ditch to Goldberg Ck and diverted therefrom near center of NW 1/4 of Section 8 in said Township and Range.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 4th, 1952.

Fifth: That the use for which said water is intended is for irrigation.

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

I. Kind of works: Ditch and dam

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 1 foot feet, length of dam at top 8 feet, length of dam at bottom 7 feet. Material used in construction Rock dam

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

(d) Conduit ditch width at bottom 5 feet, width at water line 6 feet.

(State whether ditch, flume or pipe)

feet, depth of water 3/4 feet; diameter of pipe inches, average grade per mile is 20 feet. Length of conduit is 5 1/2 miles.

Seventh: That said works are capable of conducting to the place of intended use 6 second feet of water.

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: NE 1/4 SW 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4 and NE 1/4 NE 1/4 Section 5 in Township 12 North of Range 24 East of the Boise Meridian in Idaho.

Ninth: Remarks: That I am the widow of John W. Stephens, deceased, and secured by decree of distribution from the Probate Court of Custer County, Idaho, the above described land as the survivor of the community.

Ellen I. Stephens
(Sign Here)

Subscribed and sworn to before me this 30th day of April, 1952.

My commission expires July 17th, 1953.

John W. Jones
Notary Public.
Residing at Blackfoot, Idaho.

21037

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. John W. Stephens

Boise, Idaho March 1, 1952

Patterson, Idaho

Dear Sir:-

Under the terms of your Permit No. 21037 you are required to complete your diversion works on or before May 4, 1952. 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,

MARK R. KULP

State Reclamation Engineer

21037

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 21037

Date May 9, 1949

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. John W. Stephens
Patterson, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental Receipt No. 21465

21037

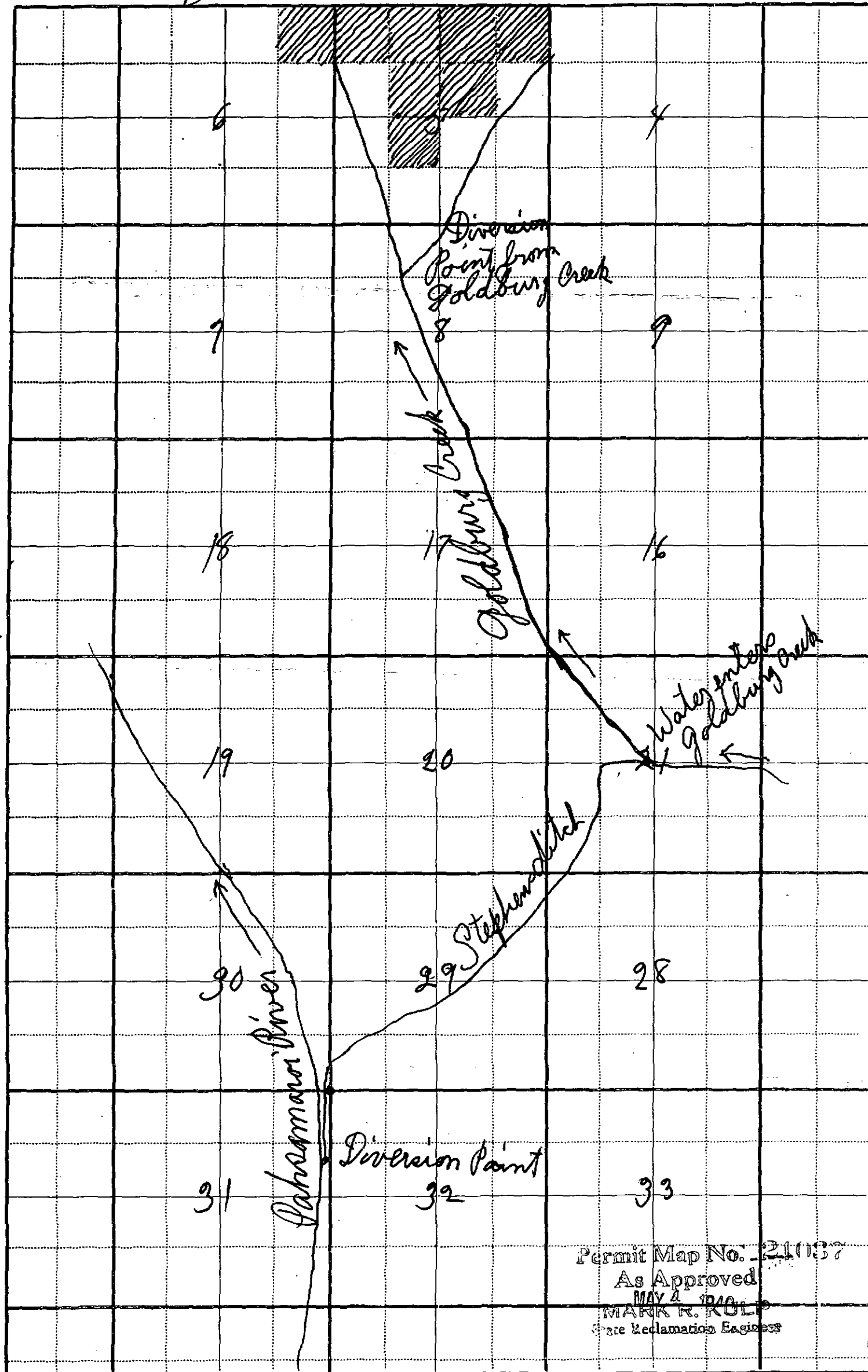
NAME OF APPLICANT

John W. Stephens

N. 12 N. R. 24 E. B. M.

T. 12 N. R. 24 E. B. M.

FORM NO. 0



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

S.

21037

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

Notice is hereby given that at 10:00 A. M. on the 3rd day of May, 1954, at Blackfoot, County of Bingham, State of Idaho, before John W. Jones, a Notary Public, proof will be taken of the application to beneficial use of 6 cubic feet per second of the waters of Pahsamaroi River, a tributary of Salmon River, in accordance with the terms and conditions of Permit No. 21037 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Ellen I. Stephens, Blackfoot, Bingham County, Idaho.

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

The amount applied to beneficial use is 6 cubic feet per second.

The place where said water is used Lots 1, 2, 3, and 4 in Section 5; and Lot 1 in Section 6; and the Southwest quarter of the Northeast quarter, and Southeast quarter of the Northwest quarter, and the Northeast quarter of the Southwest quarter, of Section Five; all in Township Twelve North, Range Twenty-four, East of the Boise Meridian, in Idaho.

The name of the canal or ditch or other works by which said water is conducted to such place of use is channel of Goldburg Creek to carry water where it enters the creek in Sec. 21, Twp. 12 North, Rge. 24 E. B. M. to the diversion point in NW 1/4 of Sec. 8, Twp. 12 North, Rge. 24, E. B. M.

The right to take water from such works is based upon Permit No. 21037.

The source of supply from which said water is diverted is Pahsamaroi River.

The date of priority which said user is prepared to establish is April 25, 1949.

3/2/54 MARK R. KULP
4-4 State Reclamation Engineer