

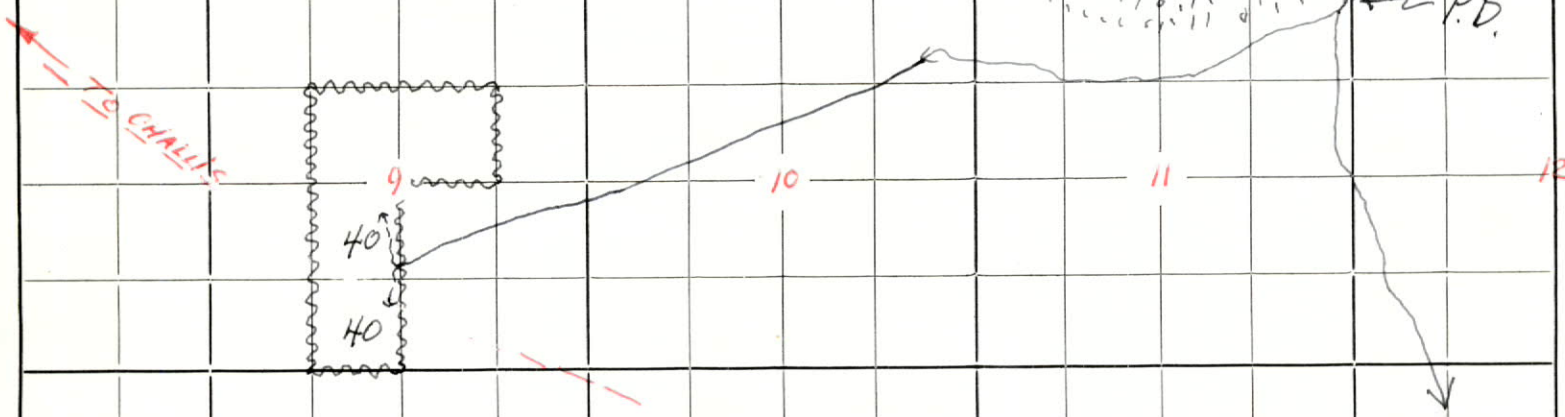
T.
16
N.

R-21E.

This map of Morgan Cr copied for official survey.

T.
15
N.

Morgan Cr.



$Q = 80$ inches or 1.6 c.F.s.

Area = 80 acres.

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

Notice is hereby given that at 2:00 p. m. on the 19th day of March, 1953 at Salmon, County of Lemhi, State of Idaho, before Frederick Hughes Snook, Notary Public, proof will be submitted of the application to beneficial use of 2.8 cubic feet per second of the waters of Morgan Creek in accordance with the terms and conditions of Permit No. 20978 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Salmon, Idaho, Robert C. Whitsett.

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

The amount applied to beneficial use is 2.8 cubic feet per second.

The place where said water is used SW $\frac{1}{4}$ of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec., 9 Twp, 15N R21 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 Stricklan Ditch.

The right to take water from such works is based upon Permit No. 20978.

The source of supply from which such water is diverted is Morgan Creek.

The date of priority which said user is prepared to establish is March 14th, 1949.

Mark R. Kulp
State Reclamation Engineer.
2-19-4tc

Affidavit of Publication

STATE OF IDAHO,
County of Lemhi,

ss.

KEITH KOST

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

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 2-19, 1953

and ending with the issue dated 3-11, 1953

Keith Kost

Subscribed and sworn to before me, this 23

day of March, 1953

Frederick Hughes Snook

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

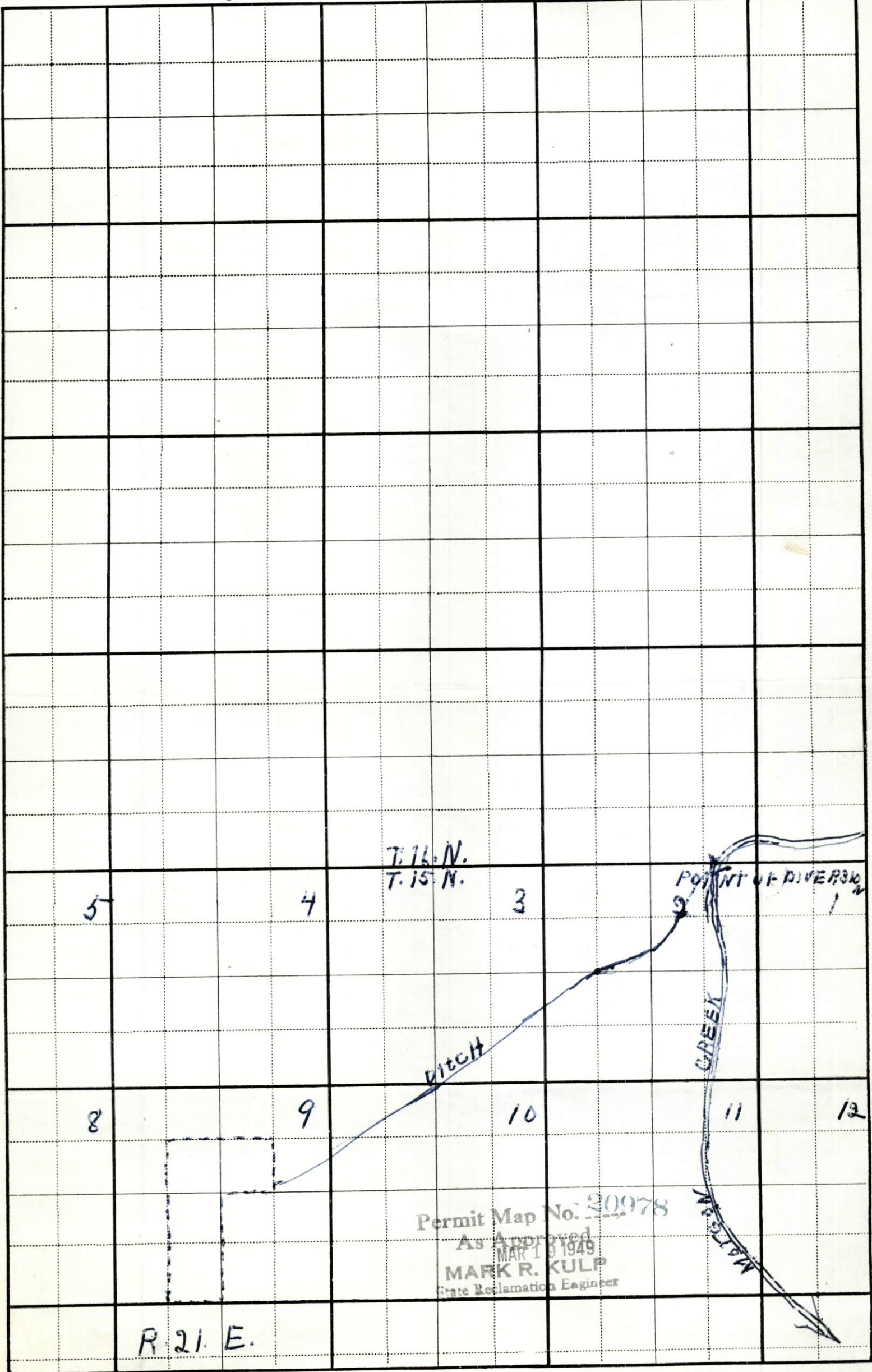
Publication Fee \$13.20

20978

NAME OF APPLICANT

Robert E. Whitsett

FORM No. 0



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

20978

State of Idaho

License and Certificate of Water Right

Water License No. 20978

Amount 1.6 second feet

Water District No.

Priority March 14, 1949

THIS IS TO CERTIFY that ROBERT C. WHITSETT
of Salmon, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 14, 1949; that Permit No. 20978
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.8 second feet, was issued thereunder on February 14, 1953, showing that said works
were completed on the 9th day of February, 1953; and that on the 19th
day of March, 1953,
ROBERT C. WHITSETT
of Salmon, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Morgan Creek,
a tributary of Pahsimeroi River, for the purpose of Irrigation and domestic
Use, under Use Permit No. 20978 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 5453, on the 8th day of January, 1955;

The right hereby confirmed dates from March 14, 1949;

The Point of Diversion is located
in the NE 1/4 NE 1/4, Sec. 11, Tp. 15 N., R. 21 E., B. M. Lemhi 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 1.6 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 N.	21 E.	9	SW 1/4 NE 1/4	40	--
			SE 1/4 NW 1/4	40	--
			NE 1/4 SW 1/4	40	40
			SE 1/4 SW 1/4	40	40
			Number of Acres Actually Irrigated		80

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
8th day of January, 1955.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

73 2140

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

13-2140

APPLICATION No. 28636
 PERMIT No. 20978
 DISTRICT No.

1. Name of Applicant: **ROBERT C. WHITSETT**

Postoffice address: **Ellis**

County: **Lemhi**

State: **Idaho**

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(b) Treasury stock:

(d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: **2.8**

cubic feet per second.

3. Source of water supply: **Morgan Creek**

which is a tributary of **Pahsimeroi River**

4. Location of point of diversion:

feet distant from the

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

of Section **2** , T. **15 N.** , R. **21 E.** , B.M., County of **Lemhi**

5. Water is to be used for **Irrigation and domestic purposes**

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

(a) Point of use of water:

feet distant from

corner of Section

T. , R. , B.M., in the

of Section

, T.

, R.

, B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T.

, R.

, B.M., in the

of Section

, T.

, R.

, B.M.

7. Estimated cost of works: \$ **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 **3.5**

feet; height

feet.

11. Ditch: Width at bottom **2.5**

feet; width at water line **3.5**

feet; depth of water **0.5**

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

2.6

miles.

Average grade per mile

75

feet.

12. The time required for the completion of such work is **Four (4)**

years.

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

None

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: **0.4 cubic feet per second since March 1, 1900, from Morgan Creek**

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.

ROBERT C. WHITSETT

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. March 14, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20978

Recorded in Book 75 Page 20978 Approved March 19, 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 May 19, 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 March, 1951

The whole of said work to be completed on or before **March 19, 1953**

Beneficial use of water appropriated in accordance herewith, to be made on or before **March 19, 1953**

WITNESS My hand this 19th day of March, 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.....19th.....

day of March, 19 49

STATE OF IDAHO

Countersigned:

(SEAL) _____ By C. A. ROBINS
 _____ J. D. "CY" PRICE Governor.

By.....
Secretary of State.

REMARKS: I am filing this application for the purpose of acquiring 2.8 c.f.s. supplemental water to the 0.4 c.f.s. from the waters of Morgan Creek, granted to Henry Nichols Mar. 1, 1900, which appears of record in Judgment Book B at pages 379 Records of Lemhi County, Idaho.

14. The real estate described herein once enjoyed a water right through a ditch known as the Ostrom Canal, being diverted from springs on privately owned property, and part from what is known as Spring Creek. This right was lost through Court action by John Benard and wife to Fred Horn and M. R. Literal, of May, Idaho, about 1937, before the State of Idaho acquired the real estate herein described.

of Idaho acquired the real estate herein described.																				
Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
15 N.	21 E.	9	40				40				40	20								160
CERTIFICATE OF COMPLETION OF WORKS																				
TO ALL WHOM IT MAY CONCERN:																				
This is to certify that ROBERT C. WHITSETT of Ellis, County of Lemhi, and State of Idaho, the holder of Permit No. 20978, issued upon Application No. 28636 bearing date of priority of March 14, 1949, authorizing the diversion of 2.8 second feet of the waters of Morgen Creek, a tributary of the Pehsimeroi River, 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 2.8 second feet of the waters of Morgen Creek; that the point of diversion of said waters is in the NE¼ NE¼ Section 2, Township 15 North, Range 21 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW¼ NE¼, SE¼ NW¼, E½ SW¼ Section 9, Township 15 North, Range 21 East, B.M.																				
Witness my hand this 14th day of February, A.D. 1953.																				
Proof of completion of works made February 9, 1953.																				
Certificate of completion of works issued February 14, 1953.																				
MARK R. KULP State Reclamation Engineer																				

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 20978

Comes now Robert C. Whitsett and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 20978.

That the point of diversion is described in said permit as being located NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, Twp. 15 N., Range 21 East, B.M.

That he now requests that the point of diversion be changed to a point located NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Twp. 15 North, Range 21 East, B.M.

That his reasons for desiring to make such change are as follows: An error was made in reference to Section describing point of diversion which should be Section 11.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Salmon, Idaho this 10th day of December 1953.

ROBERT C. WHITSETT

Date of receipt at Department of Reclamation January 8, 1955.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 20978. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

LICENSE ISSUED FOR 1.6 SEC. FT.
Page 5453

May 21, 2001

Mr. Robert Austin
Deputy Director for Fish and Wildlife
Bonneville Power Administration
P. O. Box 3621
Portland, OR 97208-3621

Re: High Priority Project Proposals No. 23010 and No. 23011

Dear Mr. Austin:

This letter is provided in response to your letter dated May 8, 2001, to Mr. D. Robert Lohn of the Northwest Power Planning Council concerning project proposal no. 23010 – Restoration of Anadromous Fish Access to Hawley Creek; and project proposal no. 23011 – Reconnect Little Morgan Creek to the Mainstem Pahsimeroi River. Both of these projects were proposed for funding as “high priority” projects related to the Reasonable and Prudent Alternative in the National Marine Fisheries Service (“NMFS”) 2000 Biological Opinion for the Federal Columbia River Power System.

Your letter to Mr. Lohn requested clarification regarding how restored or improved flows resulting from these projects would be protected. As you may know, Idaho has well established law providing for the operation of a state-wide water bank. Recent legislation passed by the Idaho Legislature and signed into law by Governor Kempthorne provides specific parameters for operation of the water bank in the Lemhi River Basin. Idaho does not have a similar statutory framework for protecting so-called “conserved water” such as would be provided to restore or improve flows under project proposals nos. 23010 and 23011. However, that does not mean that instream flows resulting from “conserved water” can not be legally protected.

Last year, prior to passage of the legislation establishing the minimum stream flow and operation of the water bank in the Lemhi River Basin, a legally enforceable agreement was executed whereby a minimum flow was maintained in the lower reach of the Lemhi River. The agreement was executed by the Lemhi Irrigation District, the Upper Salmon Basin Watershed Project (formerly, the Model Watershed Project), Water District 74, the Idaho Department of Water Resources, and the Idaho Department of Fish and Game. The agreement allowed for maintaining the minimum flow by providing “conserved water” which without the agreement could have been diverted by the Lemhi Irrigation District or other members of Water District 74. Because of this agreement between holders of valid water rights, the Idaho Department of Water

Resources committed to instructing the watermaster for Water District 74 to shepherd the "conserved water" past diversions and into the lower reach of the Lemhi River.

In the case of the Hawley Creek Project, implementing an agreement similar to the agreement executed last year for the Lemhi River Basin, but incorporating specific provisions applicable to this project, would protect the "conserved water" from being diverted. The agreement would be legally enforceable and would extend for an appropriate term consistent with the financial investment for the project, or until a suitable statutory framework could be enacted to replace the agreement. Under the agreement, "conserved water" that is physically provided when the water right for the Hawley Creek Project is in priority would be protected from diversion downstream on Hawley Creek, subject to a proportionate reduction for stream bed losses. To the extent the "conserved water" can be physically delivered into the Lemhi River, diversion of the water from the Lemhi would be similarly prevented. To ensure that the "conserved water" is protected, with proportionate reductions for conveyance through losing stream reaches, if any, measuring devices will need to be installed on Hawley Creek and additional measuring devices will be necessary on the Lemhi River. Alternatively, the watermaster for Water District 74 or his deputy will need to make manual stream flow measurements regularly to determine how much "conserved water" that is not subject to diversion exists at various locations.

To the extent the Hawley Creek Project includes ceasing to irrigate acreage authorized to be irrigated under a water right, a part of the water right associated with acreage that would no longer be irrigated can be deposited into the water bank. This part of the water right can be subsequently leased towards satisfying the downstream minimum stream flow of 35 cfs which was provided for by the recent legislation for the Lemhi River Basin. Under the lease, the quantity of water attributable to the consumptive use that resulted from the prior irrigation can be shepherded downstream past diversions from the Lemhi River to satisfy the minimum stream flow.

Another issue raised by NMFS staff concerning the Hawley Creek Project was the possible existence of a diversion on the Lemhi River that would block fish access to Hawley Creek. Last week, a representative of the Department of Water Resources conducted a field inspection of Hawley Creek and the Lemhi River and confirmed that the diversion NMFS was concerned about was not located such that fish access to Hawley Creek would be blocked.

In the case of the Morgan Creek Project, an enforceable agreement for an appropriate term consistent with the financial investment for the project would also be used to protect "conserved water" from subsequent diversion as described in the previous paragraphs. Water District 73, which includes Morgan Creek and the Pahsimeroi River, could represent holders of water rights who would otherwise be entitled to divert the "conserved water." There is a relatively small number of water right holders on the Pahsimeroi River downstream of Morgan Creek, which would make feasible the execution of an alternative agreement with all of the downstream water right holders individually. To ensure that the "conserved water" is protected, with proportionate reductions for conveyance through losing stream reaches, if any, measuring

Mr. Robert Austin
May 21, 2001
Page 3 of 3

devices would need to be installed on Morgan Creek and on the Pahsimeroi River. Alternatively, the watermaster for Water District 73 or his deputy would need to make manual stream flow measurements regularly to determine how much "conserved water" that is not subject to diversions exists at various locations.

To the extent the Morgan Creek Project includes ceasing to irrigate acreage authorized under a water right, a part of the water right associated with acreage that would no longer be irrigated can also be deposited into the water bank. This part of the water right could be subsequently leased towards satisfying the existing downstream minimum stream flow water right on the Pahsimeroi River of 74 cfs, which has a priority date of 1980. Under the lease, the quantity of water attributable to the consumptive use that resulted from the prior irrigation can be shepherded downstream past diversions from either Morgan Creek or the Pahsimeroi River to satisfy the minimum stream flow.

For both the Hawley Creek and Morgan Creek Projects, once the deliverable "conserved water" or water leased from the water bank has reached the Salmon River, it will no longer be protected by the watermasters for Water Districts 73 or 74. However, the accounting of water deliveries and use that is performed annually by the Department of Water Resources can demonstrate that any water that reaches the Salmon River from the Pahsimeroi and Lemhi Rivers will also reach Lower Granite Dam. Any evaporative or other incidental losses will be minimal and considered insignificant, based on our current knowledge.

If you have any further questions or concerns regarding how restored or improved flows will be protected, please contact the either of the individuals below.

Sincerely,

Concur,

Karl J. Dreher
Director

Clive Strong
Chief, Natural Resources Division
Office of the Attorney General

c: Brian Brown – National Marine Fisheries Service
John Palensky – National Marine Fisheries Service
Dr. Brian Allee – Columbia Basin Fish and Wildlife Authority

June 7, 2001

Ms. Sarah McNary
Manager, Fish and Wildlife
Bonneville Power Administration
P. O. Box 3621
Portland, OR 97208-3621

VIA FACSIMILE TO (503) 230-4563 AND FIRST CLASS MAIL

Re: Additional Clarification for High Priority Project Proposal No. 23011

Dear Ms. McNary:

This letter is provided to document and further clarify the water right administration process that would be implemented in association with project proposal no. 23011 – Reconnect Little Morgan Creek to the Mainstem Pahsimeroi River. The proposed project will consolidate the points of diversion for the lower three diversions on Little Morgan Creek and provide an enclosed system to deliver water so as to reduce the quantity of water diverted under the water rights involved by minimizing conveyance losses.

There could be as many as 9 water rights totaling 16.2 cfs involved in this project as follows:

<u>Water Right Number</u>	<u>Priority Date</u>	<u>Quantity</u>	<u>Owner</u>
73-0134	06/01/1883	2.13 cfs	Scott Whitworth
73-0135	06/01/1883	1.07	Scott Whitworth
73-0136	06/01/1885	6.0	Duane Moen
73-0139B	04/01/1897	1.6	Scott Whitworth
73-0129	03/01/1900	2.0	Hatch & Sons
73-0130	03/01/1900	1.6	Hatch & Sons
73-0131	03/01/1900	0.4	Hatch & Sons
73-0132	03/01/1900	1.4	Hatch & Sons
73-2140	03/14/1949	1.6	Hatch & Sons

Although water rights from Little Morgan Creek are administered together with water rights from the Pahsimeroi River, water rights with priorities earlier than about 1900 are not normally curtailed to maintain diversions under more senior water rights. During an extremely

Ms. Sarah McNary
June 7, 2001
Page 2 of 2

dry year, such as 1994, the watermaster records for Little Morgan Creek show that by mid-summer, water rights having priorities later than 1885 are curtailed.

When the water rights diverted at the structure proposed to consolidate the diversions, that is when the flows in Little Morgan Creek and the Pahsimeroi River are sufficient to supply other water rights from Little Morgan Creek and the Pahsimeroi River having more senior priorities, if any, then under project proposal no. 23011 "conserved water" would be available. The "conserved water" would not be subject to diversion by holders of senior priority water rights because those water rights would already be filled. When any of the water rights listed on the previous page are not in priority, senior priority water rights would be diverting the available water and there may be less "conserved water" for restoring stream flows, depending on which of the water rights remained in priority.

In any event, shepherding the "conserved water" past downstream water rights from the Pahsimeroi River that would otherwise be entitled to divert the "conserved water" will require that legally enforceable agreements be executed with those water right holders. There are no holders of water rights from Little Morgan Creek below the three owners listed on the previous page. Subject to those agreements, the watermaster or his deputy will shepherd or ensure passage of the "conserved water" past the diversions of water right holders on the Pahsimeroi River that otherwise could have diverted the water. This will require the installation of additional measuring devices and/or manual stream flow measurements by the watermaster or his deputy to both determine the quantity of "conserved water" at various locations, after proportionate reductions for conveyance through losing stream reaches, and to document that the appropriate amount of "conserved water" passes downstream diversions.

If you or your staff have any further questions or concerns regarding how restored or improved flows will be protected, please contact me at (208) 327-7910.

Sincerely,

Karl J. Dreher
Director

c: Karen Hunt – Bonneville Power Authority (via facsimile to 503-230-4018)
Brian Brown – National Marine Fisheries Service
John Palensky – National Marine Fisheries Service
Dr. Brian Allee – Columbia Basin Fish and Wildlife Authority

██████████
██████████
Robert E. Smylie
Governor

January 10, 1955

RE: Permit No. 20978

Mr. Robert C. Whitsett
Star Route
Salmon, Idaho

Dear Mr. Whitsett:

We return your application for amendment to the point of diversion in Permit No. 20978 which has been approved by the State Reclamation Engineer and recorded in this Department.

We also enclose License and Certificate of Water Right issued under this Permit confirming your right to the use of 1.6 second feet of water from Morgan Creek with priority of March 14, 1949, and point of diversion in the NE¹/₄NE¹/₄ Section 11, Township 15 North, Range 21 East B.M. for irrigation and domestic use on the E¹/₂SW¹/₄ Section 9, same Township and Range.

We also enclose departmental receipt No. 27132 for the \$4.00 fee in connection with beneficial use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

20978



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, RECLAMATION ENGINEER

BOISE

December 2, 1953

RE: Permit No. 20978

RECEIVED
JAN 8 1955
Department of Reclamation

Mr. Robert C. Whitsett
Salmon
Idaho *Star Rte*

Dear Mr. Whitsett:

The report of our field engineer on examination for beneficial use on Permit No. 20978, shows that you have irrigated 80 acres in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9, Township 15 North, Range 21 East, B.M., from Morgan Creek, and a license can be issued for 80 inches of water from that stream upon receipt of the statutory fee of \$4.00.

However, the report shows that the point of diversion is actually located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Township 15 South, Range 21 East, B.M., instead of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, Township 15 South, Range 21 East, B.M., as described in the permit.

It will therefore be necessary for you to amend the permit and we enclose an application for such amendment herewith. This should be signed and returned to this department for approval and record.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By *Jeanne L. Anderson*
Chief Clerk

A:fg
Enc.

20978

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20978

REPORT ON PROOF OF Beneficial use

ROBERT C. WHITSETT, Salmon, Idaho

*1.6 cfs
surge*

app. 2.8 cfs.

80 acres

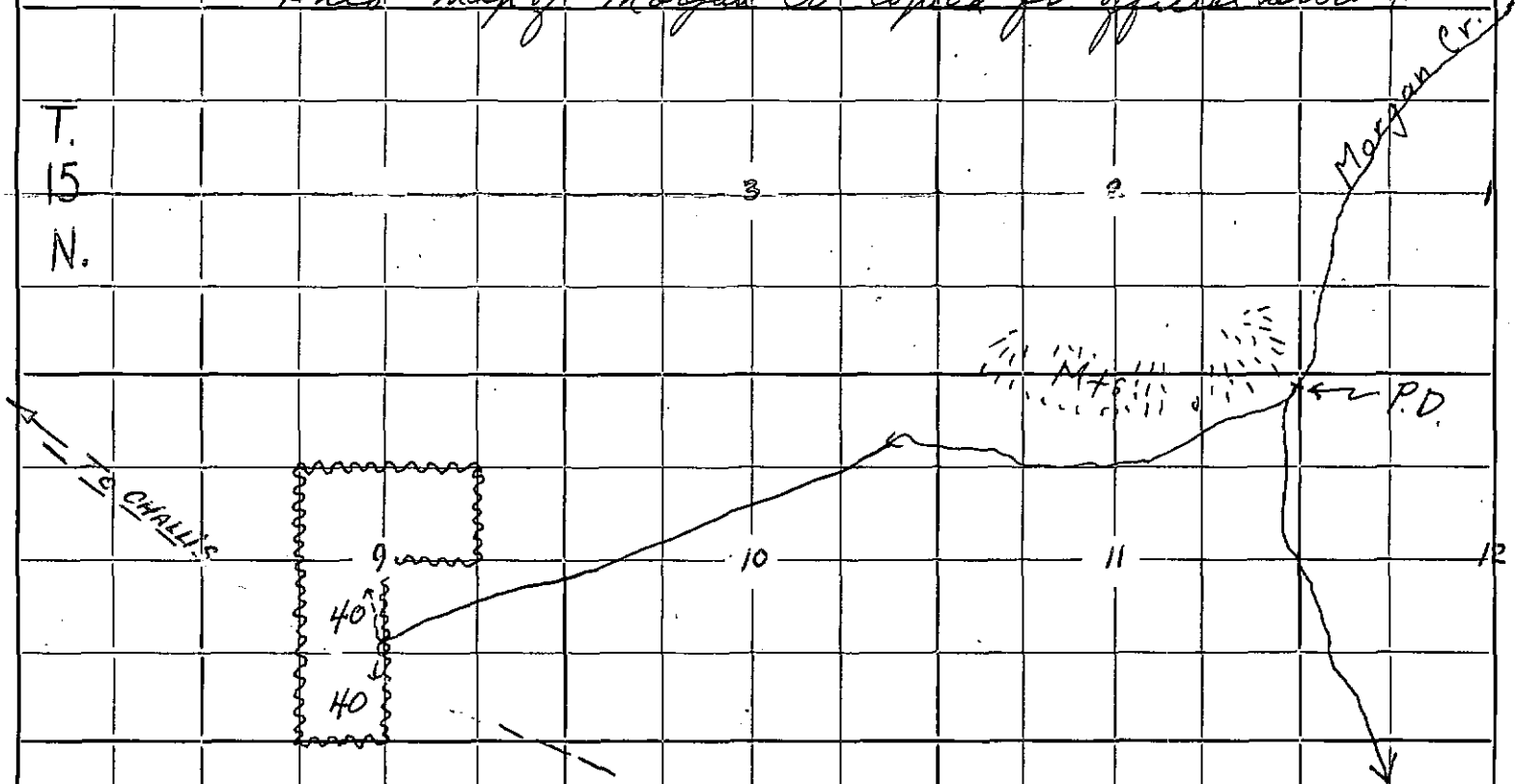
2-40's

T.
16
N.

R-21E.

This map of Morgan Cr. copied for official survey.

T.
15
N.



Q = 80 inches or 1.6 cfs.

Area = 80 acres.

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

Permit No. 20978This proof is for Beneficial use In Water District No. _____1. Name of applicant Robert C. Whitsett, Salmon, Idaho2. Source of water supply: Morgan Creek3. Location of point of diversion: Is in the NE¹/₄ NE¹/₄ of Section 2T. 15 N. R. 21 E. County of Lemhi

4. Describe works as they exist, giving dimensions and capacities of same: This is to obtain a flood water right from Morgan Creek. The point of diversion is approx. 1/8 mile into the mouth of the canyon directly along side a larger diversion leading to the Northwest and above the main diversion in the mouth of the canyon. The ditch is 2' wide in the bottom, has ample fall. Nothing but a small rock wing dam is necessary for diversion. Water is delivered by gravity, and to get water to the West side of the Hardscrabble Canal there is a flume 26" by 11" deep by 16' long.

5. Water is used for: Irrigation and domestic purposes6. 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):

SW¹/₄ NE¹/₄, SE¹/₄ NW¹/₄, NE¹/₄ SW¹/₄, SE¹/₄ SW¹/₄ Section 9, Twp. 15 N., Range 21 E., B.M.

See Map

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

8. What large stream would the water here appropriated finally reach? dry streamRemarks: Crops are hay and grain.This examination was made on the 11th day of September, 1953(Signed) E. A. Humphrey Examiner.

20978

Flume 26" w x 11" deep x 16'
across Harder off the land

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.

ROBERT C. WHITSETT

Salmon, Idaho

Permit No. 20978

Examination for Beneficial use

County Lemhi

S2: - 15N. - 21 E.

Q = 2.8 c.f.s.

S = Morgan River

R.R. = NE. NE. Sec. 2, T. 15N. - R. 21E.

See Division & Survey

RECEIVED
DEC 1 1953

Department of Reclamation

Filed for Record 19, 1949

Recorded 19, 1953

2-14-1953

Slitch 2' w. in bottom
ample fall.
no dam necessary
small rock wing wall with
stream

P.D. is in mouth of canyon
approx 1/2 mi up.

August 31, 1953

RE: Permit No. 20978

Mr. Robert Whitsett
Salmon
Idaho

Dear Mr. Whitsett:

I intend to make inspection as required by law in connection with your Permit No. 20978, which is ready for license, on Thursday or Friday, September 10 or 11.

Please be prepared to accompany me on the inspection. I shall try to contact you while in Salmon. If I do not succeed, I shall drive to the place specified in the permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

20978

April 1, 1953

RE: Permit No. 20978

Mr. Frederick H. Snook
Attorney at Law
Salmon, Idaho

Dear Mr. Snook:

We acknowledge receipt of your letter of March 25, 1953, enclosing depositions of Robert C. Whitsett and two witnesses, also affidavit of publication in the Salmon Recorder Herald, all in proof of beneficial use on Permit No. 20978.

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 Mr. Whitsett 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:fg
cc: Mr. Robert C. Whitsett

20978

Frederick Hughes Snook

ATTORNEY AT LAW
SALMON, IDAHO

RECEIVED
MAR 30 1953
Department of Reclamation

20978

March 25, 1953

Department of Reclamation
Boise, Idaho

Gentlemen:

There is enclosed herein the Depositions of Permit Holder and Witnesses in connection with the application of Robert C. Whitsett; also enclosed is the affidavit of publication.

Very truly yours,



FHS/fw
Encls.

20978

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

Notice is hereby given that at 2:00 p. m. on the 19th day of March, 1953 at Salmon, County of Lemhi, State of Idaho, before Frederick Hughes Snook, Notary Public, proof will be submitted of the application to beneficial use of 2.8 cubic feet per second of the waters of Morgan Creek in accordance with the terms and conditions of Permit No. 20978 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Salmon, Idaho, Robert C. Whitsett.

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

The amount applied to beneficial use is 2.8 cubic feet per second.

The place where said water is used SW $\frac{1}{4}$ of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of NW $\frac{1}{4}$ NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 9 Twp, 15N R21 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 Stricklan Ditch.

The right to take water from such works is based upon Permit No. 20978.

The source of supply from which such water is diverted is Morgan Creek.

The date of priority which said user is prepared to establish is March 14th, 1949.

20978
Mark R. Kulp
State Reclamation Engineer.
2-19-4tc

Affidavit of Publication

STATE OF IDAHO,
County of Lemhi,

ss.

KEITH KOST

being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

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 2-19, 1953

and ending with the issue dated 3-11, 1953

Keith Kost

Subscribed and sworn to before me, this 23

day of March, 1953

Frederick Hughes Snook

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

Publication Fee \$13.20

20978

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

20978
Permit No. 20978

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Robert C. Whitsett, Salmon, Idaho, Farmer, 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. 20578, permit date: March 19, 1949; date of priority: March 19, 1949

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

Ans. Morgan Creek; point of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 2, T. 15 N.R. 21, E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. 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. There is a dam and ditch approximately 3 feet at top, 2 feet deep and 2 feet at the bottom and will carry 5 second feet 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. The water is used chiefly for irrigation on the following described land: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, all in S. 9, T. 15 N.R. 21, E.B.M., and is also used for domestic purposes.

20978

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

Ans.

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

Ans. 2.8 cubic feet

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

Ans.

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

Ans. It has been used to the extent of 150 inches of water on the land herein described and has been used since 1949.

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.

(Sign)

Robert R. Whitsett

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

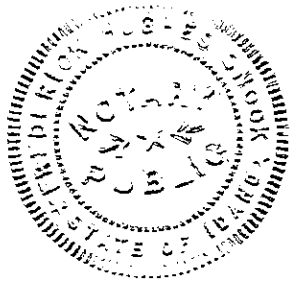
said testimony was subscribed and sworn to before me, at my office in Salmon,

County of Lemhi, State of Idaho, on this 19th day of March

A. D. 1953,

Fredrick Hughes Brock
Notary Public for Idaho, Residing
at Salmon, Idaho.

My commission expires Sept. 21, 1955



20978

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

20978
PERMIT NO. 20578

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. Romeo Robson, age 56 years, May, Idaho, farmer, May, Idaho.

Ques. 2. Are you acquainted with Robert C. Whitsett, the holder of Permit No. 20578? How long have you known him and where does he reside?

Ans. I have known him about 8 years and he resides 35 miles South of Salmon, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20578, 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. The source of water supply is Morgan Creek; the place of diversion is the NE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 2, T. 15 N.R. 21, E.B.M., and the works is a ditch.

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. 150 inches or 3 second feet of water. I have seen 150 inches of water being 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. Water is used for irrigation purposes and domestic purposes and used on SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Sec. 9, T. 15 N.R. 21, E.B.M.

20978

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

Ans. For domestic purposes--it is carried to the house.

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

Ans. The land is arid in character and should have 2 inches of water per acre for irrigation.

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

Ans. No

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

Ans. I occupied this property under lease in 1951 and saw about 150 inches of water being used on this land.

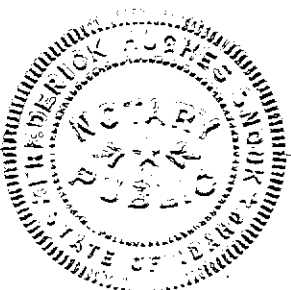
(Signed) Romeo Roberson

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 19th day of March,
A. D. 1953.

William Hughes Smith

Notary Public.

My commission expires Sept. 21, 1955 for Idaho, Residing at Salmon, Idaho.



20 97.8

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20978
20578

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. Wilson P. Ellis, age 66 years, Ellis, Idaho.

Ques. 2. Are you acquainted with Robert C. Whitsett, the holder of Permit No. 20578? How long have you known him and where does he reside?

Ans. Have known him about 10 years and he lives on a ranch about 35 miles South of Salmon, Idaho.

Ques. 3. Have you read or heard read said Permit No. 20578, 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. The source of supply is Morgan Creek; place of diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 2, T. 15 N.R. 21, E.B.M., and works is a ditch.

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. 150 inches of water, and I have seen 150 inches of water being 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 and used on SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, all in S. 9, T. 15 N.R. 21, E.B.M.

20978

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

Ans. Also used for domestic purposes by water being carried to house.

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

Ans. Land is arid in character and should have 2 inches of water per acre for irrigation.

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

Ans. No.

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

Ans. I was employed as the irrigator on this property and saw about 150 inches of water being used on it.

(Signed)

Wilson P. Ellis

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,

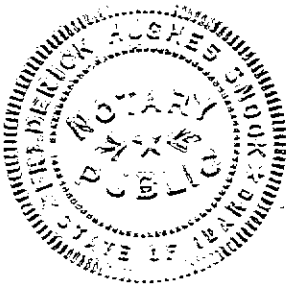
County of Lemhi, State of Idaho, on this 19th day of March,

A. D. 19 53.

Admiral Higgins

Notary Public. for

My commission expires Sept. 21, 1955 Idaho, Residing at Salmon, Idaho.



20978

State of Idaho

DEPARTMENT OF RECLAMATION BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, March 9, 1953

Re: Permit No. 20578
Robert Whitsett

Mr. Frederick H. Snook
Notary Public
Salmon, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 20578.

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 March 19, 1953, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Salmon, Idaho before Frederick H. Snook, Notary Public.

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

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

Yours truly.

MARK R. KULP
Commissioner of Reclamation
State Reclamation Engineer

20978

Salmon, Idaho Feb. 17, 1953
Department of Reclamation
Boise, Idaho

This will acknowledge receipt of legal
advertising to run in the Recorder Herald
consecutive
for four weeks prior to March 19, 1953, for
Robert C. Whitsett of Salmon, Idaho

Yours truly,

Max Burke

Recorder Herald

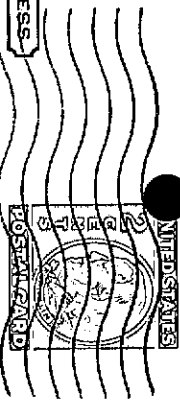
20978

RECEIVED
FEB 19 1953

Department of Reclamation

Heanne L. Anderson, Chief Clerk
Department of Reclamation
Boise, Idaho

THIS SIDE OF CARD IS FOR ADDRESS.



20978

February 18, 1953

RE: Permit No. 20978

Mr. Robert C. Whitsett
Salmon
Idaho

Dear Mr. Whitsett:

We enclose Certificate of Completion of Works issued under Permit No. 20978 for the diversion of 2.8 second feet of water from Morgen Creek with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, Township 15 North, Range 21 East, B.M., for irrigation and domestic use on the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9, Township 15 North, Range 21 East, B.M.

We also enclose departmental receipt No. 25545 for the \$5.00 fee in connection with proof of completion of works.

We have sent to the Salmon Recorder Herald notice of beneficial use proof to be made on this permit on March 19, 1953, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

We shall send Mr. Frederick H. Snook, Notary Public, the necessary forms of deposition to be used in making this proof and at the time set you should appear before him together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

We note that you give your address as Salmon, Idaho, but in the permit your address is given as Ellis, Idaho. Please advise which is the correct address.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

20978

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 20978

Date: February 14, 1953

Recorder-Herald

Salmon, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to March 19, 1953, the date set for proof, the expense of the publication to be paid by the applicant, Robert C. Whitsett of Salmon, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By Chief Clerk

20978

Idaho, Idaho
2-9-53

Dept of Reclamation
Boise, Idaho

Dear Sir:-

I forgot to enclose check for \$500.
with Note of Proof of Beneficial use of waters of
Morgan Creek mailed your Office to-day, so am
mailing same separate enclosure Permit # ~~20978~~
20978.

Very Truly

Pat. C. Whitsett

RECEIVED
FEB 11 1953
Department of Reclamation

20978

Permit No. 20978STATE OF IDAHO
Department of ReclamationRECEIVED
FEB 12 1953
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Jeremi

ss.

....., 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. 20978, and that his postoffice address is Salmon, State of Idaho

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

Morgan CreekThird: That the point of diversion of said water is SW 1/4 NE 1/4 of the NE 1/4 Sec. 2 Twp. 15 N. R. 21 E B.M. County JeremiFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 19 - 1953Fifth: That the use for which said water is intended is Irrigation + Domestic

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: Dam and ditch

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

II. Dimensions of work:

(a) Height of dam 1 foot feet, length of dam at top 14 feet, length of dam at bottom 10 feet. Material used in construction Stone

(State whether wood, earth, stone or concrete)

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

(c) Size of headgate: Width 3.5 feet, height 2 feet.(d) Conduit.....width at bottom 2.5 feet, width at water line 3.5

(State whether ditch, flume or pipe)

feet, depth of water 0.5 feet; diameter of pipe.....inches, average grade per mile is 7.5 feet. Length of conduit is 2.6 miles.Seventh: That said works are capable of conducting to the place of intended use.....2.8 second feet of water.Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: SW 1/4 NE 1/4 SE 1/4 NW 1/4 NE 1/4 SW 1/4 and SE 1/4 of SW 1/4 Sec. 9 Twp. 15 N. R. 21 E B.M.

Ninth: Remarks: That.....

Robert C. Whitsett
(Sign Here)Subscribed and sworn to before me this 9 day of Feb, 1953My commission expires Sept. 21, 1955Fredrick Hughes Smith
Notary Public.

20978

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 5th 1953
(P. O.) Salmon, Idaho, Star Route

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

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

Robert C Whitsett

(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.

20978

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

Notice is hereby given that at 2:00 P. M. on the 19th day of March, 1957,
at Salmon, County of Lemhi, State of Idaho, before
Frederick Hugh Snook, Notary Public, proof will be submitted of the
application to beneficial use of 2.8 cubic feet per second of the waters of Morgan
Creek in accordance with the terms and conditions of Permit No. 20978
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are is
Salmon Ellis, Idaho Robert C Whitsett.

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

The amount applied to beneficial use is 2.8 per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
SW 1/4 of NE 1/4 SE 1/4 of NW 1/4 NE 1/4 of SW 1/4 and SE 1/4 of SW 1/4
Sec. 9 Twp 15 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
Strickland Ditch.

The right to take water from such works is based upon Permit No. 20978

The source of supply from which such water is diverted is Morgan Creek.

The date of priority which said user is prepared to establish is March 14th 1949.
~~XXXX~~

MARK R. KULP
State Reclamation Engineer.

20978

January 12, 1953

RE: Permit No. 20978

Mr. Robert C. Whitsett
Star Route
Salmon, Idaho

Dear Mr. Whitsett:

We have your letter of January 8, 1953, returning notice that proofs are due on Permit No. 20978 on or before March 19, 1953, and note your statement that there seems to be some mistake in regard to this permit.

For your information will say that Permit No. 20978 is for 2.8 second feet of water from Morgan Creek, filed March 14, 1949, for irrigation and domestic use.

Permit No. 20160 is from Cow Creek and you are correct in stating that proof of completion of works was made on this permit on August 23, 1951.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

20978

RECEIVED
JAN 12 1953

Salmon, Idaho.

Jan. 8th, 1953.

Dept. of Reclamation.

Boise, Idaho.

Dear Sirs;

I am returning to you
your letter and ~~blank~~ affid-
avit for making proof of
beneficial use of water.

There seems to be some mis-
take in regard to this matter
as my permit no. is 20160.
and the whole work was com-
pleted by August 23rd 1951.

Yours Very respt.,

Robert C. Whitsett.

Salmon,

Idaho.

Star Route.

20978

20978 --

2.8 - Morgan Creek 9 x 2

Yule 3-14-49

supplemental

20166 - Carr Creek

C/W - 8.27-51

B/W 8.23-57

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

January 2, 1953

Mr. Robert C. Whitsett

Ellis, Idaho

Dear Sir:

Under the terms of your permit No. 20978 you are required to complete your diversion works and make proof of beneficial use on or before March 19, 1953.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or 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 of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is March 19, 1953, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

20978

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 20978

Date March 23, 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. Robert C. Whitsett
Ellis, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental Receipt No. 21363.

20978

Robert E. Whitsett

