

May 24, 1950

Re: Permit No. 19024

Mr. Bert Warner
Bear, Idaho

Dear Mr. Warner:

We enclose License and Certificate of Water Right issued under Permit No. 19024, confirming your right to the use of 1.2 second feet of water from Bear Creek, with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 20 North, Range 3 West, B.M. with priority of July 23, 1940, for the irrigation of 57 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Township 20 North, Range 3 West, B.M.

We also enclose Departmental Receipt for the \$8.00 fee paid by you in connection with Beneficial Use Proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

19024

April 4, 1950

Re: Permit No. 19024

Mr. Bert Warner
Bear, Idaho

Dear Mr. Warner:

We now have on file the report of our Field Engineer on examination for Beneficial Use under your Permit No. 19024.

This report shows that you have irrigated 75 acres in the SW¹/₄ NW¹/₄, N¹/₂ SW¹/₄ and NW¹/₄ SE¹/₄ Section 24, Township 20 North, Range 3 West, B.M.

Therefore, upon receipt of the statutory fee of \$8.00, a License will be issued for 1.2 cubic feet per second from Bear Creek.

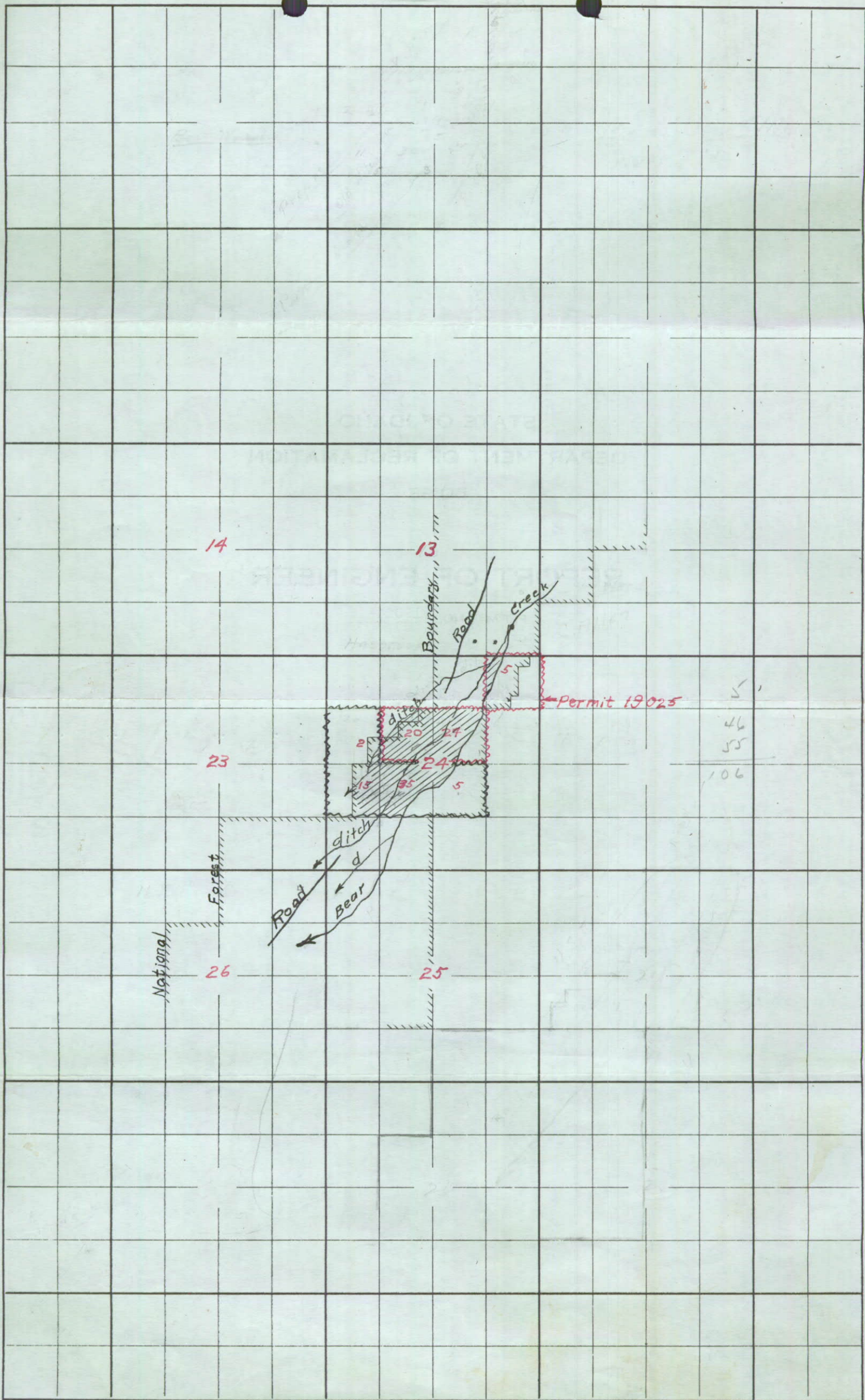
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

19024



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

1902M

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, F. E. Rogers, being first duly sworn upon my oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the Notice

..... as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

four (4) consecutive weeks, the first publication of the same being made in the issue dated June 21, 1946

and the last in the issue dated July 12, 1946;

that said newspaper is of general circulation in Adams County, Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said

Notice as aforesaid.

F. E. Rogers

Subscribed and sworn to before me this 27th

day of July, 1946

Carl H. Swanstrom

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE FOR PUBLICATION Notice Of Proof Application Of Water To Beneficial Use

Notice is hereby given that at 11 A. M. on the 27th day of July, 1946, at Council, County of Adams, State of Idaho, before Carl H. Swanstrom, Notary Public, proof will be submitted of the application to beneficial use of 1.2 cubic feet per second of the waters of Bear Creek in Adams County, Idaho in accordance with the terms and conditions of Permit No. 19024 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Bert Warner, Bear, Idaho.

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

The amount applied to beneficial use is 1.2 second feet.

The place where said water is used SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Sec. 24, Twp. 20 N. R. 3 W. B. M.

The name of the ditch or canal or other works by which said water is conducted to such place of use is the Gaarden-Warner-Galla-

gher ditch not named.

The right to take water from such works is based upon Permit No. 19024.

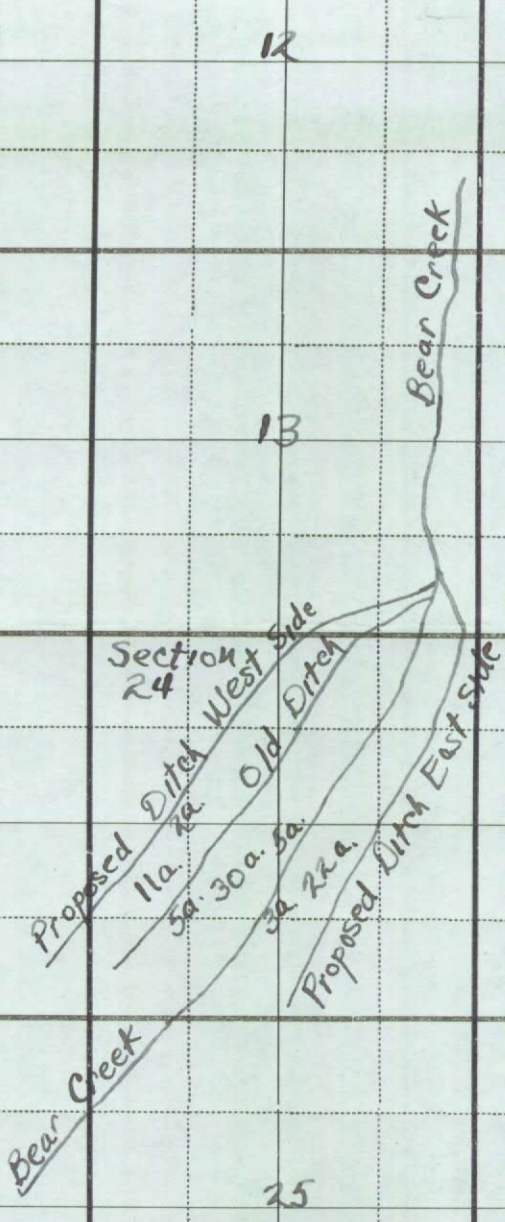
The source of supply from which such water is diverted is Bear Creek in Adams County, Idaho.

The date of priority which said user is prepared to establish is July 23, 1940.

MARK R. KULP
State Reclamation Engineer.
June 21, 28, July 5, 12.

19024

Township 20 N., Range 3 W. B.M.



Permit Map No. 19024
As Approved
AUG 2 1940
JAMES SPOFFORD
Engineer of Reclamation

State of Idaho
License and Certificate of Water Right

Water License No. 19024

Amount 1.2 second feet

Water District No. _____

Priority July 23, 1940

THIS IS TO CERTIFY that BERT WARNER
of Bear, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 23,, 19 40; that Permit No. 19024
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.2 second feet, was issued thereunder on August 11, 19 43, showing that said works
were completed on the 8th day of July, 19 43; and that on the 27th
day of July, 19 46,

BERT WARNER

of Bear, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Bear Creek
thence Snake River
, a tributary of Wildhorse Creek, /, for the purpose of irrigation
, under Use Permit No. 19024 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
8 of Licenses at page 4601, on the 22nd day of May, 19 50;

The right hereby confirmed dates from July 23, 19 40;

The Point of Diversion is located near the center of the
~~in the~~ SE 1/4 SE 1/4, Sec. 13, Tp. 20 N., R. 3 W., B. M. Adams 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 1.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
20 N.	3 W.	24	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2	2
			NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	35
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	16	15
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	27	5
			Number of Acres Actually Irrigated. -		

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

22nd day of May, 19 50.

MARK R. KULP

State Reclamation Engineer

(SEAL)

69 2038

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

69-2038

Application No. 26442
 Permit No. 19024
 District No.

A. L. Freehafer
 Council, Idaho

1. Name of Applicant: **BERT WARNER**
 Postoffice address: **Bear** County: **Adams** 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: **1.2** In proposed new ditches-0.9
 cubic feet per second. In old ditch - 0.3
3. Source of water supply: **Bear Creek** which is a tributary of **Wildhorse Creek**,
 a tributary of **SNAKE RIVER**
4. Location of point of diversion: feet distant from the
 corner of Section , T. , R. , B. M., and is the near the center of SE $\frac{1}{4}$ SE $\frac{1}{4}$
 of Section 13 , T. 20 N. , R. 3 W. , B. M., County of **Adams**
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: \$ For each of proposed new ditches \$200.00
 For enlarging old ditch - 100.00
8. Kind of works: **Ditches**
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 **Two** feet; height **One** feet.
11. Ditch: Width at bottom **Two** feet; width at water line **2 $\frac{1}{2}$** feet; depth of water **6 inches**
 feet; dimensions of flume:
 Diameter of pipe Each new ditch **1 $\frac{1}{2}$ miles**
 inches; length of conduit Enlargement of old ditch- **1 $\frac{1}{2}$ miles** miles.
 Average grade per mile **20** feet.
12. The time required for the completion of such work is **Three** years.
13. The time required for the complete application of the water to the proposed use is **Three** additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

BERT WARNER

Applicant.

By

A. L. Freehafer

Agent.

Date of first receipt at Department of Reclamation: 11:00 A.M. July 23, 1940

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19024

Recorded in Book 69 Page 19024 Approved August 2, 1940

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

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

Work to begin on or before October 1, 1940

and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before February 2, 1942

The whole of said work to be completed on or before August 2, 1943

Beneficial use of water appropriated in accordance herewith, to be made on or before August 2, 1946

Witness my hand this 2nd day of August, 1940

JAMES SPOFFORD

Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We C. A. BOTTOLFSEN Governor of the State of Idaho, and GEO. H. CURTIS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have caused the Great Seal of the State of Idaho to be hereunto affixed, this 2nd day of August 19 40

Countersigned:

STATE OF IDAHO

(SEAL

By GEO. H. CURTIS

Secretary of State.

By

C. A. BOTTOLFSEN

Governor.

Remarks: Applicant and his predecessor in interest have for many years irrigated the 30 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and the 5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 24 by waters diverted through the old ditch, and in this application wishes to enlarge the old ditch only to the extent of securing an additional right of three-tenths of a cubic foot per second for said 40 acres, the old right claimed by diversion and application to beneficial use (Continued below)

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 $\frac{1}{4}$	
Under	new east	side ditch																	
20 N.	3 W.	24									3						22		25
Under	new west	side ditch							2		7	11							20
20 N.	3 W.	24																	
x Under	old ditch,	old irrigation									30	5					5		40
20 N.	3 W.	24																	
Total Number of acres to be irrigated -																			85

x Applicant claims prior right to at least one-half cubic foot per second of water by diversion and application to beneficial use in old ditch, and wishes to enlarge the old ditch for the purpose of establishing right for an additional three-tenths of a cubic foot per second for irrigating his 30 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, his 5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and his 5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 24.

REMARKS (Continued) being at least one-half cubic foot per second,

The construction of two proposed new ditches and the enlargement of the old ditch will be carried on jointly by applicant with his brother, Clarence Warner, who is making application for water right in said ditches, at the same time with this application.

PERMIT NO. 19024

To All Whom it May Concern:

Certificate of Completion of Works.

This is to certify that BERT WARNER, of Bear, County of Adams, and State of Idaho, the holder of Permit No. 19024, issued upon Application No. 26442, bearing date of priority of July 23, 1940, authorizing the diversion of 1.2 second feet of the waters of Bear Creek, a tributary of Wildhorse Creek, which is a tributary of Snake River, County of Adams, 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 work of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.2 second feet of the waters of Bear Creek; that the point of diversion of said waters is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16 Township 20 North, Range 3 West, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Township 20 North, Range 3 West, B.M.

Witness my hand this 11th day of August, A. D. 1943.

JAMES SPOFFORD

State Reclamation Engineer

Proof of completion of works made July 8, 1943

Certificate of Completion of Works issued August 11, 1943

LICENSE ISSUED FOR 1.2 SEC. FT.

p. 4601

May 24, 1950

Re: Permit No. 19024

Mr. Bert Warner
Bear, Idaho

Dear Mr. Warner:

We enclose License and Certificate of Water Right issued under Permit No. 19024, confirming your right to the use of 1.2 second feet of water from Bear Creek, with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 20 North, Range 3 West, B.M. with priority of July 23, 1940, for the irrigation of 57 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Township 20 North, Range 3 West, B.M.

We also enclose Departmental Receipt for the \$8.00 fee paid by you in connection with Beneficial Use Proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

19024

April 4, 1950

Re: Permit No. 19024

Mr. Bert Werner
Beer, Idaho

Dear Mr. Werner:

We now have on file the report of our Field Engineer on examination for Beneficial Use under your Permit No. 19024.

This report shows that you have irrigated 75 acres in the SW 1/4 NW 1/4, NE 1/4 SW 1/4 and NW 1/4 SE 1/4 Section 24, Township 20 North, Range 3 West, B.M. 57

Therefore, upon receipt of the statutory fee of \$6.00, a License will be issued for 1.2 cubic feet per second from Bear Creek.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:eh

19024

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19024

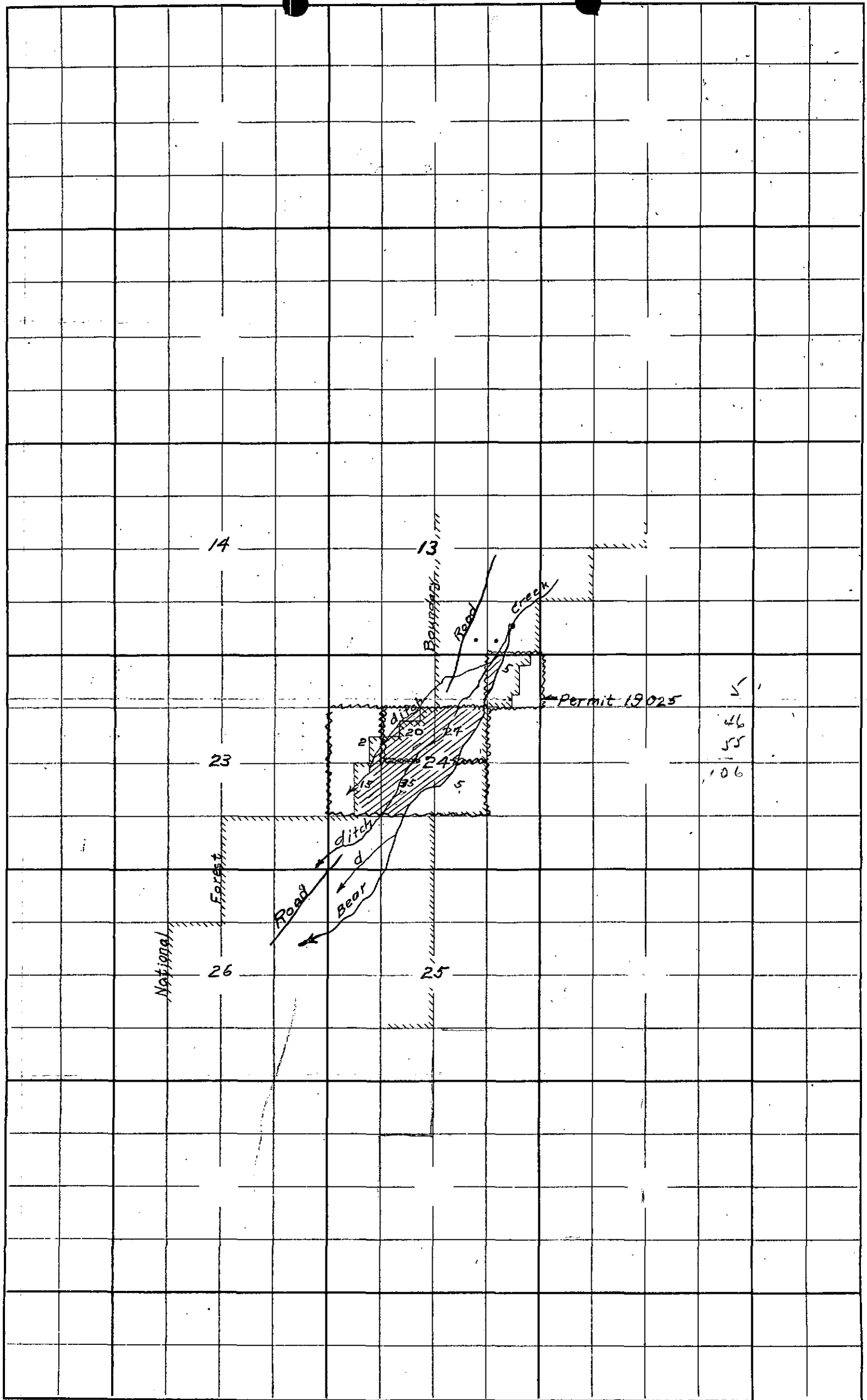
REPORT ON PROOF OF Beneficial Use

app. 1.2 cfs

*1.2 cfs
max*

*57
75 a. in
4-465 in Per.*

*NE NE } Per. 19025
SW NE }
NE SW }*



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

19024

112

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19024

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Bert Warner, Bear, Idaho
2. Source of water supply: Bear Creek
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (near the center) of Section 13
T. 20 N. R. 3 W. County of Adams
4. Describe works as they exist, giving dimensions and capacities of same: _____
Diversion by wing of logs and rock. Lumber wasteway below point of diversion
for control of ditch.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Twp. 20 N., Range 3 W., B.M.

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

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

Remarks: _____

This examination was made on the 25th day of August, 19 47

(Signed)

F. A. Tolman

Examiner.

19024

56
1/0
Bert Warner
Bear, Idaho

Permit No. 19024

Examination for Beneficial use

County Adams

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
MAR 30 1950
Department of Reclamation

July 31, 1946

Re: Permit No. 19024

Mr. Bert Warner
Bear, Idaho

Dear Mr. Warner:

We acknowledge receipt of the deposition of yourself and two witnesses, also affidavit of publication in the Adams County Leader, all in connection with beneficial use proof under your Permit No. 19024.

Before final action can be taken in the matter the law requires that a field examination be made by an engineer from this department.

We cannot say just when this examination will be made, since this department has but one field engineer, who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this Department, will try to contact you at the time he makes the examination, so that you may arrange to show him over the grounds.

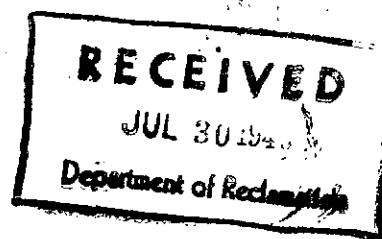
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

19024

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 19024

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Bert Warner, residence Bear, Idaho; rancher; post office address is

Bear, 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. for self

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

Ans. 19024; August 2nd 1940; Priority date July 23rd. 1940

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

Ans. From Bear Creek: near center $SE\frac{1}{4}$ $SE\frac{1}{4}$ Sec. 13 Twp. 20 N. R. 3 W B M

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

Ans. Have constructed ditch 20" wide at bottom (average); average 18" deep, from point of diversion, running $1\frac{1}{2}$ miles Southwesterly through Section 24 Twp 20 N R 3 W B M and also by diversion of additional water through existing ditch from same point of diversion, and works as now completed will divert 1.2 Cu. Ft. Per Sec.

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. For irrigation of general farm crops: 22 acres in $SW\frac{1}{4}$ $NW\frac{1}{4}$; 7 acres in $NE\frac{1}{4}$ $SW\frac{1}{4}$; 11 acres in $NW\frac{1}{4}$ $SW\frac{1}{4}$; all from new ditch and from old ditch, (enlarged under this permit); 30 acres in $NE\frac{1}{4}$ $SW\frac{1}{4}$; 5 acres in $NW\frac{1}{4}$ $SW\frac{1}{4}$ and 5 acres $NW\frac{1}{4}$ $SE\frac{1}{4}$; total, 60 acres all in Section 24 in Twp 20 N. R. 3 W B M

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

Ans.

27-15451-0

19024

18907

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 1.2 Cu. Feet per second

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

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

Ans. Water to amount claimed or 1.2 cu. ft. per second has been used at all times since 1941 for irrigation of land before described; water was diverted through new ditch and enlarged old ditch in 1941 but too late for crops of that year

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 water on same lands

(Sign) Bert Hamer

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 Council, County of Adams,

State of Idaho, on this 27th day of July, A. D. 19 46

My commission expires April 7th 1948

19024

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19024

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. Chas. Warner, age 63, residence and post office address, Bear, Idaho;
occupation is rancher and farmer near Bear, Idaho

Ques. 2. Are you acquainted with Bert Warner, the holder of Permit No. 19024? How long have you known him and where does he reside?

Ans. Yes, I am acquainted with him; have known him for the past 23 years;
he resides on Bear Creek, near Bear, Idaho

Ques. 3. Have you read or heard read said Permit No. 19024, 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. Source of water is Bear Creek in Adams County; water is diverted by one new and one old ditch from near center of SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, Twp. 20 N R 3 W B M and conveyed SW for about 1 $\frac{1}{2}$ miles by ditches about 24" wide and 18" deep

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

Ans. The ditches will safely carry over 1.5 second feet of water

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 of hay land (meadows) and my best judgment is that the irrigated acreage is-- 2 A. in SW $\frac{1}{4}$ NW $\frac{1}{4}$; 37 A. in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 16 A. in NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 5 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2 4 Twp 20 N R 3 W B M

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. ^{black loam or silt} soil is gravelly and required at least 1" per acre

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

Ans. 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 have lived neighbor to him all his life and am personally familiar with the land, the ditches, the use of water and the crops grown thereon: I have seen full amount of water on said lands each year, 1941-1946, inclusive

(Signed) Chas Warner

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 Council County of Adams, State of Idaho, on this 27th day of July, A. D. 19 46

W. L. Swanson

Notary Public.

My commission expires April 7th 1948

19024

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19024

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. William Hunsaker, 70 years of age; retired miner; post office address
is Bear, Idaho

Ques. 2. Are you acquainted with Bert Warner, the holder of Permit No. 19024? How long have you known him and where does he reside?

Ans. Yes, I have known him personally 15 years; he resides on Bear Creek near
Bear, Idaho

Ques. 3. Have you read or heard read said Permit No. 19024, 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. from Bear Creek in Adams County, Idaho. Ditch takes off from creek near the
center of SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 13, Twp. 20 N R 3 W B M and runs SW and about parallel to but
west of former ditch, and the two ditches run SW about 1 $\frac{1}{2}$ miles across Sec. 24 the
ditches will average about 20" wide on bottom and 18" deep

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

Ans. At least 1.5

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. for irrigation of hay lands, seeded to alfalfa largely; In my judgment there
is now irrigated 2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ 37 Acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$; 16 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 5 acres
in NW $\frac{1}{4}$ SE $\frac{1}{4}$; this land has all been irrigated each season since 1941 ditches were
built in late summer and fall of 1940

19024

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. Due to nature of soil, 1" per acre is required for good irrigation

Spil is black, azid, mountain soil

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. During each year, 1941 to 1946, incl. I have personally seen the water
used on all this land during the irrigation season of each year

(Signed) William H. Hunsaker

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 Council, County of Adams, State of Idaho, on this 27th day of July, A. D. 19 46

W. H. Hunsaker
Notary Public.

My commission expires April 2th 1948



19024

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, F. E. Rogers, being first duly sworn upon my oath, depose and say that I am the publisher of The Adams County

Leader, a newspaper; that a copy of the Notice

..... as per clipping hereto attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

Four (4) consecutive weeks, the first publication of the

same being made in the issue dated June 21, 1946

and the last in the issue dated July 12, 1946

that said newspaper is of general circulation in Adams County, Idaho, printed and published weekly at Council therein and that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said

Notice as aforesaid.

F. E. Rogers

Subscribed and sworn to before me this 27th

day of July

1946

Carl H. Swanstrom

Notary Public for Idaho,
Residing at Council, Idaho

NOTICE FOR PUBLICATION Notice Of Proof Application Of Water To Beneficial Use

Notice is hereby given that at 11 A. M. on the 27th day of July, 1946, at Council, County of Adams, State of Idaho, before Carl H. Swanstrom, Notary Public, proof will be submitted of the application to beneficial use of 1.2 cubic feet per second of the waters of Bear Creek in Adams County, Idaho in accordance with the terms and conditions of Permit No. 19024 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is Bert Warner, Bear, Idaho.

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

The amount applied to beneficial use is 1.2 second feet.

The place where said water is used SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Sec. 24, Twp. 20 N. R. 3 W. B. M.

The name of the ditch or canal or other works by which said water is conducted to such place of use is the Gaarden-Warner-Galla-

gher ditch not named.

The right to take water from such works is based upon Permit No. 19024.

The source of supply from which such water is diverted is Bear Creek in Adams County, Idaho.

The date of priority which said user is prepared to establish is July 23, 1940.

MARK R. KULE
State Reclamation Engineer.
June 21, 28, July 6, 12.

19024

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, July 17, 1946

Re: Permits Nos. 19024- Bert Warner
19025- Clarence Warner

Mr. Carl H. Swanstrom
Notary Public
Council, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit Nos. 19024 and 19025

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 July 27, 1946, 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 Council, Idaho before Carl H. Swanstrom, 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

XXXXXXXXXXXXXXXXXXXX
Commissioner of Reclamation.
State Reclamation Engineer

190 24

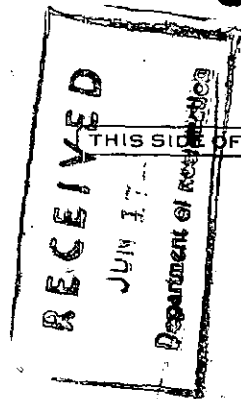
June 14, 1946

State Reclamation Office
Boise;

Copey for two notices in Clarence Warner
and Bert Warner matter received and
first publication will be made June 21.

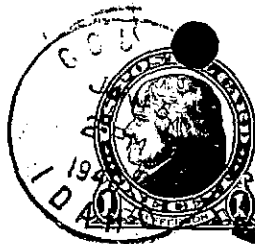
Adams County Leader,
Council, Idaho

19024



THIS SIDE OF CARD IS FOR ADDRESS

Chief Clerk
State Reclamation Eng. Off.
State House,
Boise, Idaho



190249

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date: June 13, 1946

Re: Permit No. 19024

The Adams County Leader

Counxil, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to July 27, 1946 the date set for proof, the expense of the publication to be paid by the applicant, Bert Warner of Bear, Idaho, to whom you should furnish affidavit 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

19024

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

Notice is hereby given that at 11 A. M. on the 27th day of July, 1946,
at Council, County of Adams, State of Idaho, before
Carl H. Swanstrom, Notary Public, proof will be submitted of the
application to beneficial use of 1.2 cubic feet per second of the waters of Bear Creek in
Adams County, Idaho in accordance with the terms and conditions of Permit No. 19024
heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Bert Warner, Bear, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 1.2 second feet

The place where said water is used (~~if for irrigation, give full and accurate description of the~~
~~lands irrigated~~) SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Sec. 24, Twp. 20 N. R. 3 W B M

The name of the canal or ditch or other works by which said water is conducted to such place of
use is the Gaarden-Warner-Gallagher ditch, not named

The right to take water from such works is based upon Permit No. 19024

The source of supply from which such water is diverted is Bear Creek in Adams
County, Idaho

The date of priority which said user is prepared to establish is July 23, 1940
~~Aug 2nd 1942 as to 1.3 Sec.~~
~~Feb and June 1st 1924 as to 2 Sec. Bear~~

MARK R. KULP

State Reclamation Engineer.

19024

June 13, 1946

Re: Permit No. 19024

Mr. Bert Warner
Bear, Idaho

Dear Mr. Warner:

We acknowledge receipt of notice of beneficial use proof to be made under the above numbered permit, on July 27, 1946, and also your authorization to have the notice published in the Adams County Leader.

We have had to change the notice in one respect, and that is as to the priority to be established under this permit, which must be the date your application was filed in this Department- which is July 23, 1940.

If an earlier priority is established for a part of this water, it can only be through the district court, by proving an earlier use.

A copy of the notice will be sent to the newspaper, with instructions in regard to publishing.

About ten days prior to the date set for proof we shall send to Mr. Carl H. Swanstrom, Notary Public, the necessary forms of deposition, consisting of one for you as holder, and one for each of two witnesses, so that he may have them in ample time for the proof.

At the time set you should appear at Mr. Swanstrom's office, with two disinterested witnesses, who are familiar with the terms of your permit, and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

19024

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 8th 1946

(P. O.) Bear, Idaho

STATE RECLAMATION ENGINEER :

TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Adams County Leader of Council, Idaho, published in
the county in which the works are situated.

Bert Warner
Bert Warner

(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.

19024

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

June 3, 1946

Mr. Bert Warner

Bear, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 19024. This should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make proof, in order to allow time for the four weeks' publication required by law.

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 not later than August 2, 1946, 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 the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

19024

August 12, 1943

Re: Permits No. 19024 and 19025

Mr. Bert Warner
Bear, Idaho

Dear Mr. Warner:

We enclose herewith Certificates of Completion of Works, issued under the above numbered permits, as follows:

No. 19024, in the name of Bert Warner, to appropriate 1.2 second feet of water from Bear Creek, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 20 North, Range 3 West, B? M., Adams County, for irrigation purposes.

No. 19025, in the name of Clarence Warner, to appropriate 1.1 second feet of water from Bear Creek, also diverted in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13, Township 20 North, Range 3 West, Adams County, for irrigation purposes.

We also enclose Departmental Receipts Nos. 19124 and 19125 for the statutory fees of \$5.00 each in connection with these proofs.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

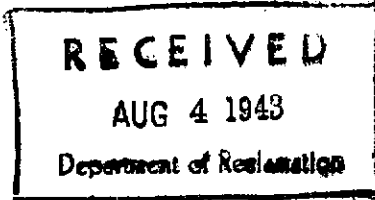
A
Encls.

19024

Bear Idaho
August 3 1943

Department of Reclamation

Boise, Idaho



Dear Sir:

I received your letter about the ditch and I find that it starts in section 13. There was an error made in typing it so please correct it.

yours Truly,

Bert Warner
Bear Idaho

19024

July 20, 1943

Re: Permit No. 19024

Mr. Bert Warner
Boar, Idaho

Dear Mr. Warner:

We acknowledge receipt of affidavits of yourself and Clarence Warner in proof of completion of works under Permit No. 19024 in your own name, and Permit No. 19025 in the name of Clarence Warner; together with your checks in the amount of \$5.00 each in payment of the statutory fee in connection with these proofs.

However, in checking your affidavit on Permit No. 19024 we note that you describe the point of diversion as being in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, Township 20 North, Range 2 West, instead of in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, as given in the permit.

We assume that this is a typographical error, as under remarks you state that the works were constructed jointly with Clarence Warner, and his affidavit shows the point of diversion as being in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13.

Please let us hear from you in regard to this, and if this is merely a typographical error, we shall make the necessary correction, and issue Certificates of Completion of Works accordingly.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

19024

Permit No. 19,024STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of ADAMS

} ss.

CLBERT WARNER, 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. 19,024, and that his postoffice address is Bear, State of Idaho.Second: That the name of the stream from which said water is to be directed is Bear Creek, in Adams County, Idaho.Third: That the point of diversion of said water is Southwest Quarter Southeast Quarter, Sec. 7 in Township 20 North, Range 2 West, Boise Meridian in Adams County SE SE-13-20-3Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 2nd, 19 43.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 (~~not~~) fully completed and consisted of the following:1. Kind of works: open ditch
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam No Dam feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

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

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit ditch width at bottom 2' feet, width at water line 2.5
(State whether ditch, flume or pipe.)
feet, depth of water 1 feet; diameter of pipe _____ inches, average grade per mile is _____ feet. Length of conduit is three ditches four miles.Seventh: That said works are capable of conducting to the place of intended use 2.5 second feet of water.Eighth: That water appropriated under said permit is available for 85 acres of land described as follows: SW 1/4 NW 1/4, 2 acres; NE 1/4 SW 1/4, 40 acres; NW 1/4 SW 1/4, 16 acres; NW 1/4 SE 1/4, 2.7 acres, all in Section 24 in Township 20 North, Range 3 West, Boise Meridian, the irrigated acreage in each legal subdivision being under the respective ditch, or ditches, as shown in applicant's application No. 26,442:Ninth: Remarks: That The Irrigation Works herein described were constructed jointly with Clarence Warner, applicant's brother, under Application 26,443, Permit No. 19025, and all three ditches shown in application are used in common for lands of both applicants.Subscribed and sworn to before me this 8th day of July, 19 43My commission expires April 7, 1944

(Sign here)

Notary Public.

19024

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Bert Warner
C/o A. L. Freehafer
Council, Idaho

Boise, Idaho, **June 8, 1943**

Dear Sir:—

Under the terms of your permit No. 19024.....you are required to complete your diversion works on or before.....August 2, 1943..... 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,

JAMES SPOTFORD

~~Commissioner of Reclamation~~
State Reclamation Engineer

19024

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19024

Boise, Idaho, August 7, 1940

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the ~~third~~^{fourth} page.

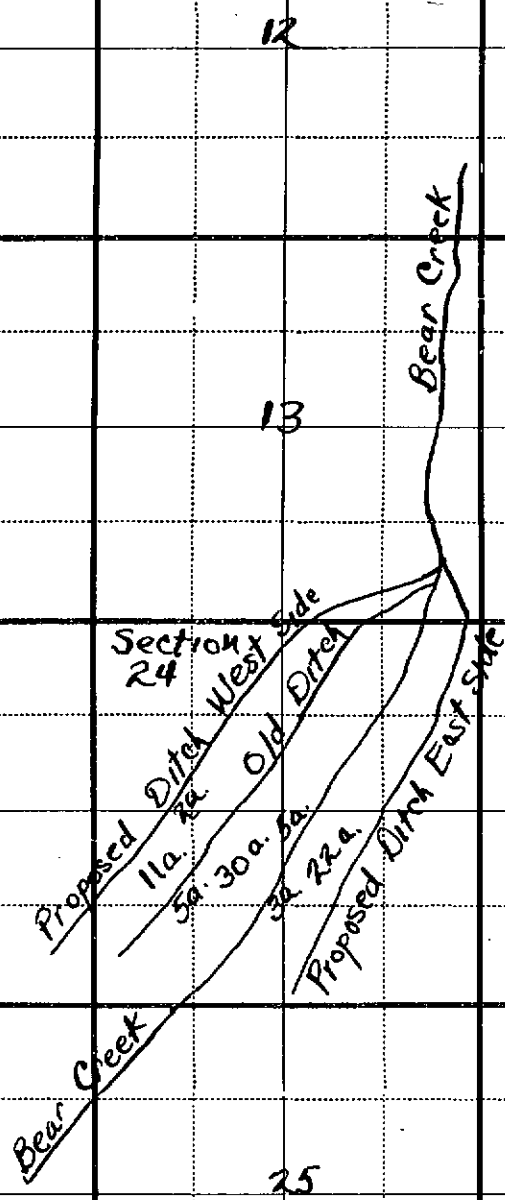
JAMES SPOTTORD

Bert Warner
C/o A. L. Freehafer
Council, Idaho
Enc. Receipt # 17492

Commissioner of Reclamation.

19024

Township 20 N., Range 3 W. B.M.

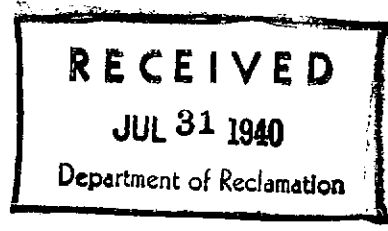


19024

Permit Map No. 19024
As Approved
AUG 2 1941
JAMES H. BOFFORD
Director of Reclamation

A. L. FREEHAFFER
ATTORNEY AT LAW
COUNCIL, IDAHO

July 30, 1940



Mr. James Spofford
Commissioner of Reclamation
Boise, Idaho

Re: Applications Nos. 26442-26443-26447

Attention: Harry Dewey, Deputy Commissioner

Dear Mr. Dewey:

Your letter of the 29th inst. regarding the above permits is at hand, and I am writing to assure you that my statements in the applications under "Remarks" were, as you assume, merely for the purpose of explanation, and not for the purpose of trying to establish the priority of any other water rights of claimants.

I am pleased to note that permits for these new rights will contain the statement that applicant claims older rights than the rights asked for in the permit, but of course those older rights will have to be established by evidence as to application of water to beneficial use.

Yours very truly,

A. L. Freehafer
Atty. for applicants.

ALF/p

19024

July 29, 1940

Re: Applications Nos. 26442-26443-26447

Mr. A. L. Freehafer,
Attorney at Law,
Council, Idaho.

Dear Mr. Freehafer:

We are now ready to issue permits as applied for through you in the names of Clarence, Bert and Charles Werner, but before doing so call attention to the fact, with which you are no doubt familiar, that no priority can be established through this department prior to the date of filing the application for permit.

We assume, therefore, that the remarks as to existing water rights are merely by way of explanation, and they will be included in the permits, with one slight variation; namely, that instead of stating that the applicant has established a prior right the permit as approved will state that the applicant claims such a right.

No doubt this will be entirely satisfactory to your clients, but we felt that this explanation should be made before we issued the permits, and we shall appreciate hearing from you promptly in reply.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

Deputy Commissioner

JLA

19024

A. L. FREEHAFFER
ATTORNEY AT LAW
COUNCIL, IDAHO

July 20, 1940

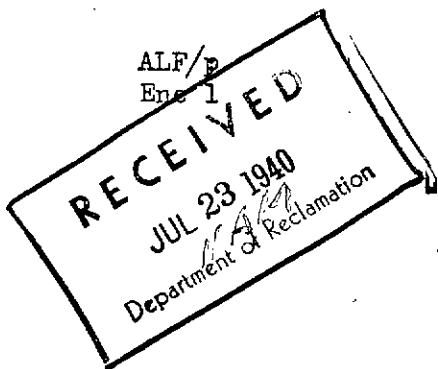
Mr. James Spofford
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Spofford:

In reply to your letter of the 18th inst., concerning the applications of Bert Warner and Clarence Warner to divert and use for irrigation the waters of Bear Creek in Adams County, I am enclosing fifty cents to complete payment of the necessary fees.

Very truly yours,

A. L. Freehafer



19024

July 12, 1940

Mr. A. L. Freshafer,
attorney at law,
Council, Idaho.

Dear Mr. Freshafer:

We have received the applications of Bert Warner and Clarence Warner, but have not given them an application number or starting date because of the fees.

They are each for more than one second foot, which would make the total fee \$10.50 instead of \$10.00

Upon receipt of the additional 50 cents, we will give them an application number and starting date for the amount requested.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

D:A

Deputy Commissioner

19024

A. L. FREEHAFFER
ATTORNEY AT LAW
COUNCIL, IDAHO

July 15, 1940

Mr. James Spofford
Commissioner of Reclamation
Boise, Idaho

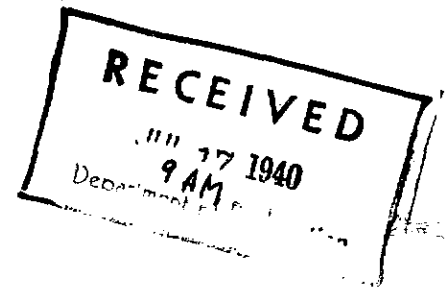
Dear Mr. Commissioner:

I am sending you herewith the applications of Clarence Warner and Bert Warner for permits to divert and use for irrigation the waters of Bear Creek in Adams County. Also I am enclosing herewith my check for \$10.00 in payment of your office fees for these permits.

Yours very truly,

ALF/p
Enc 3

A. L. Freehafer



19024