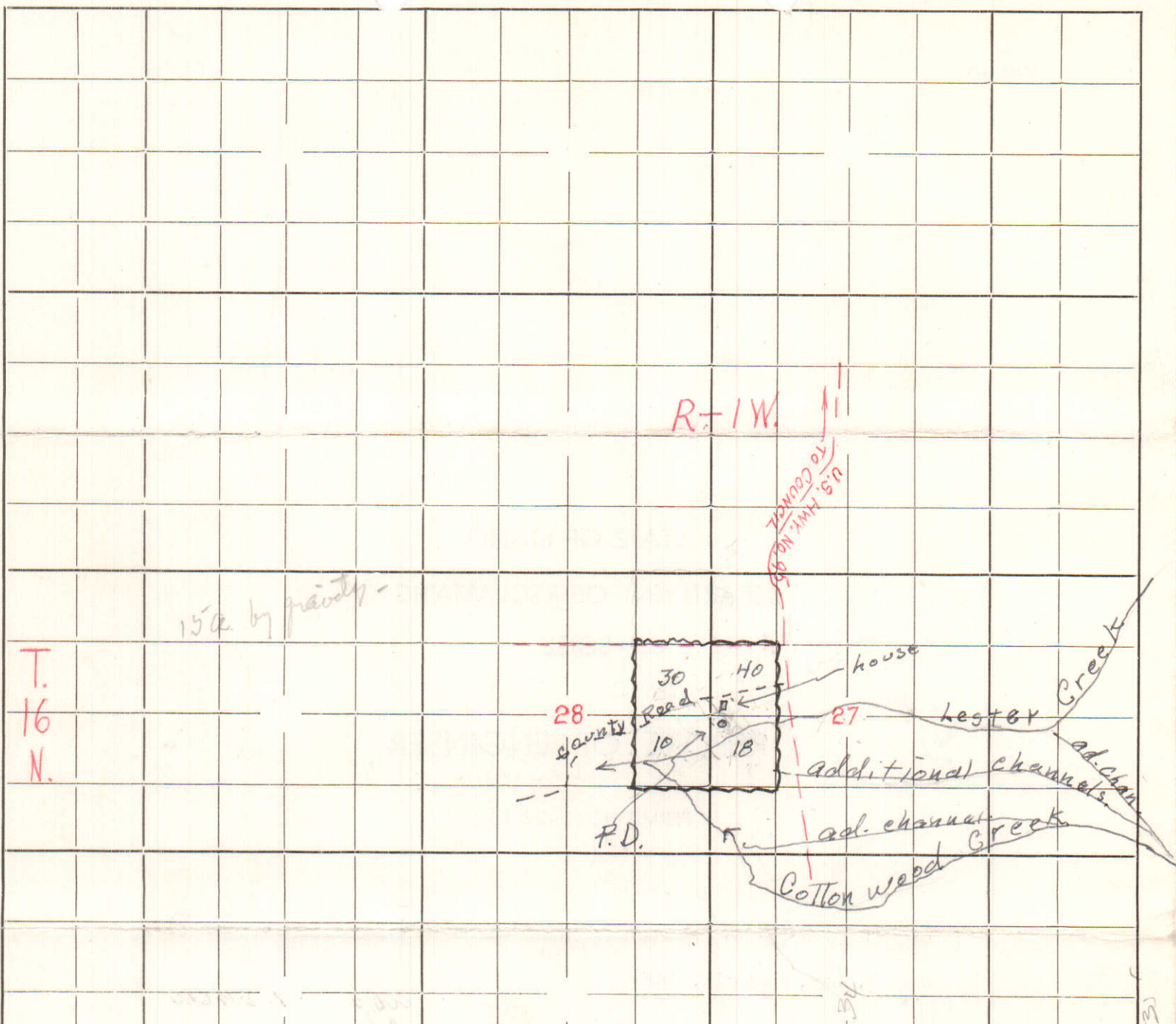




Subdivisions = four

Area = 98 acres.

Q = ~~25~~ inches.
40 inches.

E. H. H.
Jan 29-57

Mr Lay uses two 3hp motors and pumps at same time. One operates sprinkler other delivers by pipe line (4" al.) up into ditch for gravity irrigation.

RECEIVED
OCT 8 1956
Department of Reclamation

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, B. J. 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 Application of
water to Beneficial Use 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 Sept. 7, 1956

and the last in the issue dated Sept. 28, 1956;

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 sev-

enty-eight consecutive weeks prior to the first publication of

said Notice as aforesaid.

Subscribed and sworn to before me this 2nd

day of October, 19 56.

W. T. Stuckel
Notary Public for Idaho,
Residing at Council, Idaho

NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2 P. M., on the 5th day of October, 1956, at Council, County of Adams, State of Idaho, before George F. Johnson, proof will be submitted of the completion of works for the diversion of 1.84 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-22416 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Andy R. Lay, Council, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.84 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 1.84 cubic feet per second.

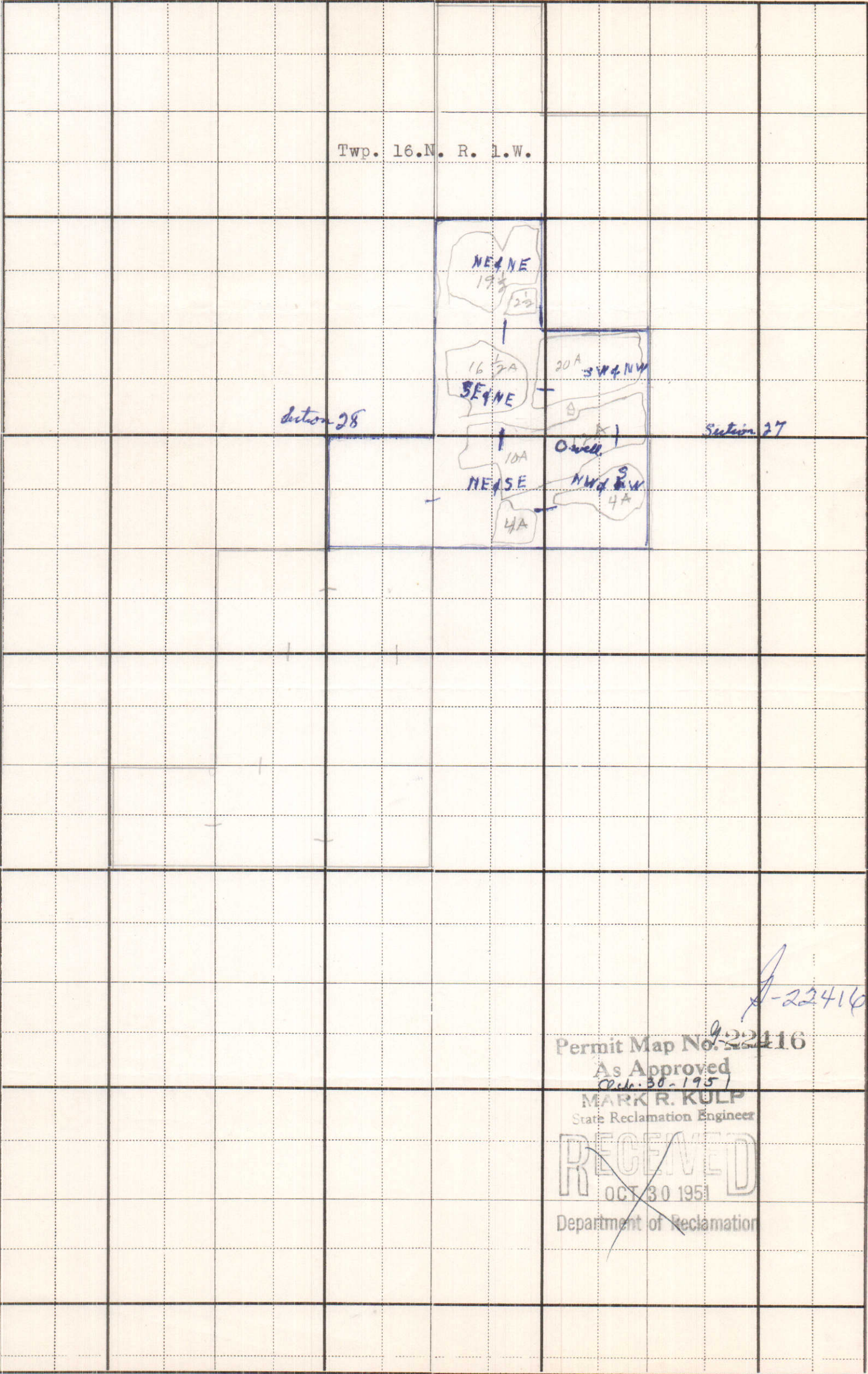
4. The point of diversion of said water is NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 27., Twp. 16 N., Rge. 1 W., B.M.

5. The place where said water is used is SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 27., NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 28., Twp. 16 N., Rge. 1 W., B.M.

6. The date of priority which said user is prepared to establish is October 12, 1951.

MARK R. KULP
State Reclamation Engineer.
Pub. Sept. 7, 14, 21, 28.

G-22416



NOTICE OF PROOF OF
COMPLETION OF WORKS

APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 2 P. M., on the 5th day of October, 1956, at Council, County of Adams, State of Idaho, before George F. Johnson, proof will be submitted of the completion of works for the diversion of 1.84 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-22416 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Andy R. Lay, Council, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.84 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 1.84 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 27., Twp. 16 N., Rge. 1 W., B.M.

5. The place where said water is used is SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 27., NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 28., Twp. 16 N., Rge. 1 W., B.M.

6. The date of priority which said user is prepared to establish is October 12, 1951.

MARK R. KULP
State Reclamation Engineer.
Pub. Sept. 7, 14, 21, 28. 56

0443

State of Idaho

License and Certificate of Water Right

Water License No. G-22416

Amount .8 c.f.s.

Water District No. _____

Priority October 12, 1951

THIS IS TO CERTIFY that **ANDY R. LAY**
of **Council, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **October 12, 1951**; that Permit No. **G-22416**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
.8 second feet, was issued thereunder on **July 23, 1957**, showing that said works
were completed on the **5th** day of **October, 1956**; and that on the **5th**
day of **October, 1956**, **ANDY R. LAY**

of **Council**, State of **Idaho**, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of **a well**
subterranean ~~underground~~ flow, for the purpose of **Irrigation and**
domestic ^{use}, under Use Permit No. **G-22416** 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
10 of Licenses at page **6045**, on the **23rd** day of **July, 1957**;
The right hereby confirmed dates from **October 12, 1951**;

The Point of Diversion is located
in the **NE 1/4 SW 1/4, Sec. 27, Tp. 16 N. R. 1 W, B. M. County Adams**

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 **.8** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
16 N	1 W	27	SW 1/4 NW 1/4	25	40
			NW 1/4 SW 1/4	15	18
		28	SE 1/4 NE 1/4	20	30
			NE 1/4 SE 1/4	15	10
			Total number of acres irrigated -	- - -	98

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

23rd day of **July, 1957**

/s/ Mark R. Kulp

State Reclamation Engineer.

(SEAL)

67 2248

67-2208

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G-30155
Permit No. G- 22416
District No.

1. Name of Applicant: **ANDY R. LAY**
Postoffice address: **Council** County: **Adams** State: **Idaho**
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second. **1.84** or Idaho
Miners' inches **92** or gallons per minute.
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: **Subterranean flow.**
4. Location of point of diversion or well is in the **NW** $\frac{1}{4}$ of the **SW** $\frac{1}{4}$ of Section **27**
Twp. 16 N., Rge. **1 W.**, B.M., County of **Adams**
5. Water is to be used for: **Irrigation and domestic purposes.**
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: **Well, pump, ditches and sprinkler system**
8. Estimated cost of works: **\$ 2,000.00**
9. (a) Is reservoir to be used?
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is **five (5)** years.
11. If applicant is a corporation, give:
 - I. (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:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **No recorded right; Small amount of flood water used**
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

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

ANDY R. LAY Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 5:00 P. M. October 12, 1951

Re'turned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G-22416

Recorded in Book 80 Page 22416 Approved October 30, 1951

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 December 30, 1951 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before April 30, 1954

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made on or before October 30, 1954

Witness my hand this 30th day of October, 1951 MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, LEN JORDAN Governor of the State of Idaho, and IRA H. MASTERS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30th day of October, 1951.

Countersigned:

STATE OF IDAHO

(SEAL) By IRA H. MASTERS Secretary of State. By LEN JORDAN Governor

12.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16 N.	1 W.	28	22			20												57	
		27						25					15					40	
Total Number of Acres to be Irrigated -																		97	
Permit No. <u>G-22416</u>																			
Certificate of Completion of Works																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that ANDY R. LAY of Council, County of Adams, and State of Idaho, the holder of Permit No. G-22416, issued upon Application No. G-30155 bearing date of priority of October 12, 1951, authorizing the diversion of 1.84 second feet of the waters of subterranean flow from a well County of Adams, 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 .8 second feet of the waters of subterranean flow from a well that the point of diversion of said waters NW 1/4 SW 1/4 of Section 27, Township 16 North, Range 1 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 27; SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 28, Township 16 North, Range 1 West, B.M. Proof of Completion of Works made: October 5, 1956																			
Witness my hand this 23rd day of July, A.D. 1957																			
/s/ Mark R. Kulp State Reclamation Engineer																			
Proof of Completion of Works made: October 5, 1956																			
Certificate of Completion of Works issued: July 23, 1957.																			
LICENSE ISSUED FOR 28 SEC. F.																			

Page 6045

WATER RIGHT NUMBER 67-2208

OWNER LAST NAME - LAY ✓ FIRST NAME - ANDY R. ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - COUNCIL ✓ STATE - ID ✓ ZIP CODE -
SOURCE - GROUNDWATER ✓ TRIBUTARY OF -
STAGE - LICENSE STATUS - PRIORITY - 10-12-1951 ✓ COUNTY - ADAMS ✓ TOTAL DIV. RATE - .8000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - NWSW 27 16N 01W LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
FROM - TO - USE - IRRIGATION USE DIV. RATE - .8000 CFS USE DIV. VOLUME - .00 AFA
FROM - TO - USE - DOMESTIC USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA
USE - IRRIGATION PLACE OF USE - TWN 16N RNG 01W SEC 28 ✓ TRACT SENE LOT AC 30 ✓ TRACT NESE LOT AC 10 ✓
USE - IRRIGATION PLACE OF USE - TWN 16N RNG 01W SEC 27 ✓ TRACT SWNW LOT AC 40 ✓ TRACT NWSW LOT AC 18 ✓
DECREE NAME - DATE - TOTAL ACRES - 98 ✓
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 22416
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

IDENT. No. 67-2208

WATER RIGHT
DATA ENTRY LOG[illegible]

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

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

September 25, 1970

Mr. Herschel Jackson
Watermaster, Water District #41
Box 345
Weiser, Idaho

Dear Mr. Jackson:

Mr. Andy Lay was recently in this office concerning his water rights on Cottonwood Creek. He indicated that he had been informed that you understood your instructions from this office to require you to deliver water to the current holder of the water right under permit #16093 (67-2145) which was originally issued to Matilda Moser before any water is delivered to those holding prior decreed rights.

In case there may be some misunderstanding, this is to advise that all water rights which are of record, whether by decree, a permit, or license issued by this office, are to be delivered in the order of their priority without regard to the type of right. Under such system of distribution, if there are adjudicated rights in Cottonwood Creek with a priority ahead of the September 5, 1924 priority of the Moser permit, such decreed rights should be first satisfied before any subsequent right is filled.

If you have any questions, please let me know.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH:cc

cc: Mr. Andy Lay

67-2208
22416

July 23, 1957

Re: Permit No. G-22416

Mr. Andy R. Lay
Council
Idaho

Dear Mr. Lay:

Enclosed is the Certificate of Completion of Works and the License and Certificate of Water Right issued under Permit No. G-22416 confirming the right with a priority of October 12, 1951, to your use of .8 second foot of water from subterranean flow with the point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 16 North, Range 1 West, B.M. for irrigation of 98 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27 and SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, Township 16 North, Range 1 W., B.M.

Also enclosed is departmental receipt No. G-2578 for \$13.00 issued as receipt of the five dollar fee for the Certificate of Completion of Works and eight dollar fee for the License.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR/nls
Enc.

G-22416

G. 22416

RECEIVED
MAY 23 1957

Department of Reclamation

Council, Idaho

May 21, 1957

Re. G. 22416

Dept of Reclamation

Boise, Idaho.

Dear Mr. Humphrey.

I have been very busy since receiving your letter of May 7, but will try to explain why I ask for .8 cfs of water at well, in so doing will answer your letter.

If you will but get the permit filling to compare these facts, you will find the well is very near the center of 160 acres I own, and that I applied for 92 inch of water. This filling is a matter of Court record at present, and I have complied in every respect.

In the land cultivated and irrigated (not waste land) you will find 73 acres or more.

Now in paragraph 3 of your letter; you checked 1 pump and motor, designed for high pressure sprinkling which I use, but I also had 2 other pumps and another motor all equiped with wire and sect. stored there which were called to your attention.

I have used 3. different pumps to apply the water in the most beneficial manner to conserve water, and see no reason for limiting it to one special pump at one pressure as I interpret your letter.

As I explain to you and showed you I had a ditch out of Lester creek to irrigate the bottom land as long as the surface water lasted. I have since followed and planted that land, except for ~~the~~ some small parts (4 acres about) and the drill measured 15 acres of wheat 13 $\frac{1}{2}$ acres of barley, then plus above 4 acres (total 32 $\frac{1}{2}$ one field) of which at least 16 or 17 acres is below the well.

Now to explain what I have done, and can do is this, pump 40 inches of water from well with pump, then take part of water into sprinkler pump to use north of road on 30 or more ^{acres} ~~inches~~ the rest goes on the land below the well, or above the well on bottom land, or use all to flood part time.

I will be within the 1 inch to the acre of all the established rights, and have stood up to court action by Peebles to defend rights.

In following your advise of recheck, I think it a very good plan and would like to recall our agreement of last fall ^{about, 3rd} of ~~1~~ June as a fair time to check well; Or I also would settle for 40 inches to July 25th of each year, and 35 inches thereafter of season from well with out further checking or controversy.

Thanking you for your conservative efforts I remain,

Yours truly

Jindy Fay

P.S. Can you complete Permit no 22634 to a license soon...

9-22416
May 7, 1957

Re. G-22416

Mr Andy Lay
Council, Idaho

Dear Mr Lay:

Your request for .8 cfs from your well instead of the amount reported has been referred to me for reply.

The amount of water that has been put to beneficial use is the amount I put in the report in each and every inspection reported. That is the only amount that can be lawfully claimed, keeping in mind the statutory limitation placed upon beneficial use as being not over one inch per acre.

Now, if without changing your system in any way from that which it has been continuously and regularly used, you wish me to return and check your sprinkler system with a pressure gage when it is in full operation and determine from that the amount of water delivered I will be glad to do so and change my report accordingly.

I discussed with you the usage on open delivery and you said the land below it (about 10 acres or less) was all that could be irrigated that way. Since that is all that you can irrigate that way the land amount rather than pump capability controls the amount that can be so considered.

If your pump can satisfactorily deliver the gravity water and supply a full amount to the sprinklers at the same time it may be worth making a recheck.

But please remember the only report that I am willing to make is one that shows the true beneficial use as it has regularly been made as that is the only report that will protect your right.

However, if you feel the report I turned in is lower than your actual usage, I will gladly make a recheck and change the amount to that determined by actual measurement.

Please let us hear from you regarding this as nothing more will be done re issuing your well license until it is learned whether or not you wish a reinspection.

Yours truly,

Mark R. Kulp
State Reclamation Engineer
by

E. H. Humphrey, Deputy

E. M. Humphrey, Deputy

ph
space reservation enclosed
Mark E. Kelly

Yours truly,

not too much a representation.

When he presents your will license until it is issued whether or
license let me hear from you regarding this as nothing more will be

to that determined by actual measurement.

account needs. I will kindly make a check and obtain the amount
However, if you feel the report I issued in is lower than your

made as that is the only report that will protect your right.

one that shows the true beneficial value as it has definitely been
but please remember the only report that I am willing to make is

be worth making a check.

truly a full amount to the administrator at the same time if may
if your land can satisfactorily deliver the stated water and

amount that can be so considered.

way the land amount rather than land actually contains the
first report that way. Since that is all that you can deliver that

land before it is about 10 acres or less) will all that could be
I discussed with you the matter on your delivery and you said the

accordingly.

water delivered I will be glad to go as and check my report
it is in full operation and determine from that the amount of

land and check your water meter system with a pressure pipe when
it has been continuously and regularly used. You wish me to see

now, it appears that your water in any way from that which

not over one inch per acre.

When the statement information placed upon beneficial use as being
that is the only amount that can be lawfully claimed. Nothing in

amount I put in the report in each and every information reported.
The amount of water that has been put so beneficial use is the

reported has been referred to me for reply.
Your request for a file from your will insured of the amount

sent Mr. Kelly:

Commodity, Chicago
Mr. Kelly, Tex

Re: G-33716

May 3, 1923

5X110X10X550

18

62 1/2

93

20

Handwritten signature

8547110

3
10
21
7

RECEIVED
MAY 1 1957

Department of Reclamation

44 Encl 2111

G-22416

Council Idaho

April 29, 57

Dept of Reclamation

Mark Kulp Engineer

Boise Idaho

Re: Permit no. 22634 and
Permit no. G. 22416.

Inclosed find check for \$21.⁰⁰/₁₀₀
for statutory fees of both, as
requested of letters of April 23 and 24.

I also note the "Protest of
Peebles", and "dismissal of same".

I will only say we are dealing
with the public waters of State
of Idaho, of which Peebles has
a very small right to, and they are
infringing on the rights of others.

-G-22416

You will find that the engineer based his finding of use of water on the efficiency of a certain pump by sprinkler system to arrive at .5 Cubic feet of water, also at a assumed pressure. This pump is capable of delivering .7 to .8 Cubic feet of water at a reduced pressure or open discharge, and is used that way by one part of the irrigation. The well is capable of delivering 1. Cubic feet of water a large part of irrigation season, and the land irrigated needs it.

I am asking you to ~~please~~ reconsider and raise the license to .8 Cubic feet. Thank you.
Andy B. Lacy.

April 24, 1957

Re: Permit No. G-22416

Mr. Andy R. Lay
Council
Idaho

Dear Mr. Lay:

We have the Report made by our Field Engineer of proof of completion of works and beneficial use of water filed on under Permit No. G-22416.

Enclosed is the "Dismissal of Protest" of Stephen Peebles and Ethel Peebles - against - Issuance of License to Andy R. Lay for underground water under Permit No. G-22416 - by Mark R. Kulp, State Reclamation Engineer, Boise, Idaho.

This permit is now entitled to a Certificate of Completion of Works and a License and Certificate of Water Right. Upon receipt of the statutory fee of \$13.00 we can issue you a Certificate of Completion of Works (\$5.00) and a License (\$8.00 - based at a rate of \$2.00 for each 40-acre subdivision) with a priority of October 12, 1951, for the right to the diversion and use of .5 second feet of the water from a well with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 16 North, Range 1 West B.M., for irrigation of 98 acres located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, all in Township 16 North, Range 1 W.B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Enc:

9-22416

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-22416

REPORT ON PROOF OF ~~Completion of Work & Beneficial Use~~

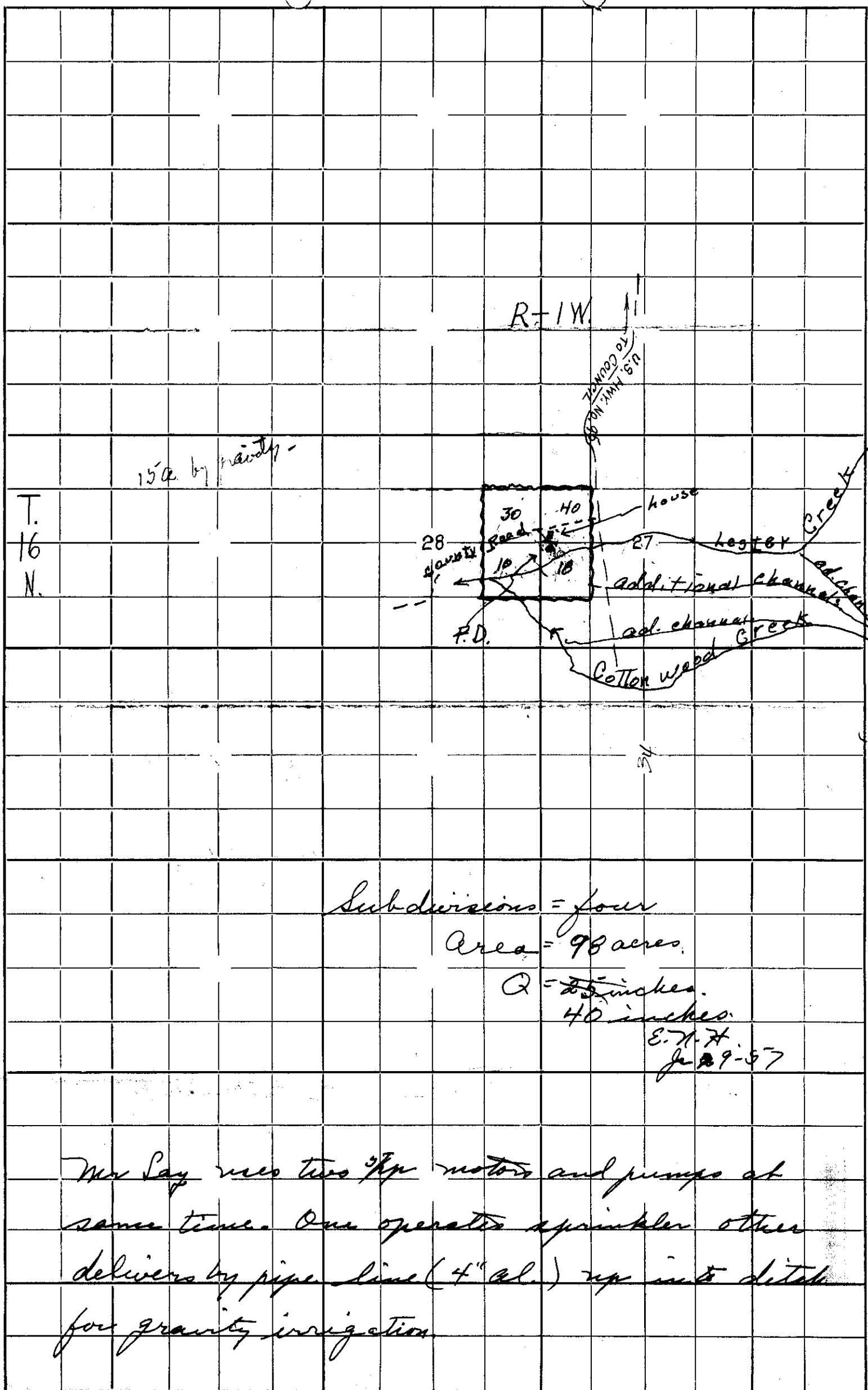
Andy R. Lay, Council, Idaho

app. 1.84 cfs

Int. 4
area - 98

5 cfs
max
8 cfs
max 7/1/57

Left = 2' 2"
Pressure = 53
5 hp. Machinery 220V
Lease Roadcut 3' x 2'
5 hp. 1750 rpm
L 7D 13045
2" x 1 1/2" Centre Perforator



Subdivisions = four

Area = 98 acres.

Q = 25 inches.

40 inches.

E. H. H.

Jan 29-57

Mr. Lay uses two 3hp motors and pumps at same time. One operates sprinkler other delivers by pipe line (4" ad.) up into ditch for gravity irrigation.

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

Permit No. G-22416This proof is for Comp. Works & Bene. Use In Water District No. _____1. Name of applicant Andy R. Lay, Council, Idaho2. Source of water supply: Subterranean from well3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27T. 16 N. R. 1 W.B.M. County of Adams

4. Describe works as they exist, giving dimensions and capacities of same: Well = 2' d x 10' plus.
175' deep 8" to 6" Peerless Cent pump 2' x 2' x 6' d.
5 hp. 1 ph. motor Wagner mfg. 17 pieces 4" x 40' al. tubing
main line. 44 pieces of 3" x 40' al. tubing with nozzle
risers. 37 Rainbird #40 nozzles sizes $\frac{3}{32}$ x $\frac{1}{64}$
and $\frac{3}{32}$ x $\frac{5}{32}$ (var)

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27; and NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28; Twp. 16 N., Rge. 1 W.B.M.

(NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 28 in pub. notice & permit but not in proofs)

See map.

water stands at ground surface. very little draw down.

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

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

Remarks: _____

This system is used on any ground desired
within reach.

There is over a half mile of pipes.

37 sprinklers @ 6 gpm = 25- inches

This examination was made on the 17 day of April, 1957

(Signed) E. H. Humphrey Examiner.

G-22416

Well is 94 yds from
creek

44 joints 3" al. pipe
17 " 4" al. pipe

$\frac{44 \times 2}{40} = \frac{88}{40} = 2.2$
 $\frac{37}{5} = 7.4$
 $\frac{1960}{680} = 2.88$
 $\frac{2440}{3000} = 0.81$
3000 x 3" lateral
21"

$\frac{5 \times 70 \times 550}{139} = 92$

RECEIVED
JUL 3 1957
Department of Reclamation

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
APR 19 1957
Department of Reclamation

Andy R. Lay,
Council, Idaho

Permit No. G-22416

Examination for Compl. of Works & Bene. Use

County Adams

27-16N.-1W.

Q = 1.84 c.f.s.

S = Well

P.D. = NW. SW., Sec. 27, T. 16 N. R. 1 W.

Use = Irrigation & Domestic

Filed = Oct. 12, 1951

Due = Oct. 30, 1956

Pecklers center

2" x 2 1/2" x 6"

180 gpm @ 100'

5 hrs. 1 ph. Wagner

270 V. 24A.

L7-D15045

680 x 4" main

3/32 x 5/32

3/32 x 1/4

run 34 have 37
sprinkler

Shur rain fitting

175' x 8" to 6"

2 1/2' x 10' deep

W = 0. dd = 10'

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

PROTEST of Stephen Peebles and)
Ethel Peebles)

against)

Issuance of License to Andy R.)
Lay for underground water under)
Permit No. G-22416.)

DISMISSAL OF PROTEST

On October 30, 1951, Permit No. G-22416 was issued to Andy R. Lay for the appropriation of 1.84 c.f.s of subterranean water with point of diversion at a well in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 16 North, Range 1 West B.M.

Notice of Completion of Works and Application of Water to Beneficial Use was published in the Adams County Leader on September 7, 14, 21 and 28, 1956.

Protest was filed by Stephen Peebles and Ethel Peebles alleging that license should not be issued because the "District Court has already adjudicated said water right pertaining to said underground or subterranean flow between Lays and ourselves, and said parties should be bound thereby."

Licenses are issued on the basis of diversion and beneficial use of unappropriated public waters and the Statutory requirements thereof, subject to all existing rights and modifications by a court of competent jurisdiction.

The State Reclamation finds that Andy R. Lay has complied with the laws relating to the appropriation of public unappropriated subterranean water and has diverted and applied to beneficial use .5 cubic feet per second of subterranean water, and is entitled to a License and Certificate of Water Right under Permit No. G-22416 subject to such restrictions as are imposed by the Decree of the District Court in the case of "Stephen and Ethel Peebles -vs- Andy R. Lay and Ona Lay."

The protest of Stephen and Ethel Peebles is therefore dismissed and License and Certificate of Water Right will be issued to Andy R. Lay for .5 cubic feet per second of subterranean water under Permit No. G-22416.

Any one feeling himself aggrieved by the issuance of license as above outlined or the dismissal of the protest may appeal the same to the District Court for Adams County as outlined in Section 42-224 of the Idaho Code.

Given under my hand and seal of the Department of Reclamation, Boise, Idaho, this 24th day of April, 1957.

Mark R. Kulp

Mark R. Kulp
State Reclamation Engineer

G-22416

April 24, 1957

Re: Permit No. G-22416
Andy R. Lay

Norris & Welch
Attorneys at Law
Payette, Idaho

Subject: Protest Against the Department issuing License to Andy
R. Lay under Permit #G-22416, and Against Statements of
Proof of Beneficial Use of Waters as Set Forth in Said
Notice -- Received at the Department of Reclamation -
October 2, 1956.

Gentlemen:

I hand you herewith the "Dismissal of Protest" of
Stephen Peebles and Ethel Peebles - against - Issuance of License
to Andy R. Lay for underground water under Permit No. G-22416 -
by Mark R. Kulp, State Reclamation Engineer, Boise, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:nls
Enc:
cc: Mr. Andy R. Lay
Council, Idaho

G-22416

April 15, 1957

Re: Permit Nos. 22634 and G-22416.

Mr. Andy R. Lay
Council, Idaho

Dear Mr. Lay:

Elmer Humphrey from this office intends to make inspection in connection with your two permits on Wednesday, April 17, as soon as he can drive from Boise to your place.

Such inspection is required by law in connection with any permit being brought to license within the state of Idaho.

Please be prepared to accompany him on the inspection.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:d

G-22416

October 12, 1956

RE: Permit No. G-22416

Mr. Andy R. Lay
Council
Idaho

Dear Mr. Lay:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in the Adams County Leader, all submitted in proof of completion of works and beneficial use on Permit No. G-22416.

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

We cannot tell just when this examination will be made, but our field engineer will try and contact you when 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

R:hll

G-22416

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
OCT 8 1956
Department of Reclamation

Permit No. G-22416

Proof of Application of Water to Beneficial Use
and Completion of Works

Deposition of Holder

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

Ans. Andy B. Lay, Council, Idaho, Farming

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. Permit No. G-22416 date October 12, 1951. Irrigated with gas & pump 1946

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

Ans. Subterranean water point of diversion NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27 Range 16 T14N

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. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Dug well 10 ft. deep; 3 $\frac{1}{2}$ ft. diameter; Drilled in center to 165 ft.
Drilled well 10 in. casing. I use electric driven pump, 4 in. pipe to ditch, or
to sprinkler lateral 20 to 1320 ft. from well. The pump is capable of delivering
30 inches of water open discharge into ditch, or 200 GPM at 30 lb. pressure, or
160 GPM at 40 lb. I use all above ways. measured ditch water over weir, 37 sprinklers
5 GPM at 30 lb. pressure; Water level, Artesian to July 25 then to 2 $\frac{1}{2}$ ft.

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

Ans. Irrigation, Well is supplemental to creek right on about 30 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ &
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27; & NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28. 20 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27,
8 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, 17 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, depend solely on sprinkler
irrigation. All land is cultivated. The well and sprinkler system has doubled pasture
units, made second crop alfalfa seed crops possible, and 20 acres of grass seed on
otherwise barren land.

G-22416

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. 150 GPM or 17 inches is insufficient water, so let part of crop dry up.

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. All through irrigation season April to October. Sprinkler irrigation.

Amount is 50 to 10 inches depending on capacity of pump, and amount of water available in dryest part of season.

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. In first $\frac{1}{2}$ of season water is plentiful in creeks so use whatever is needed for crops by ditches and flood method on 50 acres, from 2 creeks, one of which goes dry.

(Sign)

Andy R. Luy

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 Carroll, County of Adams,

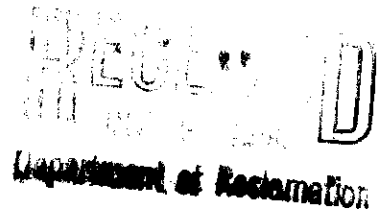
State of Idaho, on this 5 day of October, A. D. 1956.

My commission expires

Dec. 27, 1959

9-22416

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. G-22416.....

Proof of Application of Water to Beneficial Use
and Completion of Works
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. Homer C. Bridge, 53, Council, Idaho, Ranching

Ques. 2. Are you acquainted with Andy R. Lay, the holder of Permit No. G-22416? How long have you known him and where does he reside?

Ans. Yes 8 years, He lives 2 miles south of Council, first ranch on Johnson Creek Road

Ques. 3. Have you read or heard read said Permit No. G-22416, and are you familiar with its provisions and conditions?

Ans. Yes, 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. Well, NW 1/4 SW 1/4 of Sec. 27, Twp. 16N., Rge. 1W. BM

He uses a sprinkler system, which is plain to see, as I pass to and from my ranch.

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. 40 second feet. I have seen about 35 sprinklers working at one set

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. 175 gallons per minute, by number of sprinklers.

G-22416

Ques. 7. 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: 21 acres wheatgrass he planted a few years ago in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 27, and hay meadow other side of road same $\frac{1}{4}$ Sec., meadow extends onto NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27 about 12 acres. An other 12 or 14 acres meadow below buildings in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 28, also an alfalfa field on hill to make seed about 16 acres in field.

The sprinkler is mooved from one field to another .

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what etxent.

Ans. _____

Ques. 9. (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 un leveled, but sprinkler conserves water; about 2 $\frac{1}{2}$ acre feet ;
or 1 inch per acre

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No. _____

Ques. 11. 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. Each year, once or twice a week as I go by on road. We visit, trade help
as neighbors.

(Signed) _____

Homer C Bridge

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 _____
County of Adams, State of Idaho, on this 5th day of October,
A. D. 1956.

W. T. Stuckfader

Notary Public.

My commission expires 11-25-57

4-22414

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
OCT 8 1956
Department of Reclamation

Permit No. G-22416

Proof of Application of Water to Beneficial Use
and Completion of Works
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. G.C. Woods - 70 - Weiser - Retired Water
Master & School Teacher - Rt #1 Weiser

Ques. 2. Are you acquainted with Andy Lay, the
holder of Permit No. G-22416? How long have you known him and where does
he reside?

Ans. Seven years
Council Idaho RFP

Ques. 3. Have you read or heard read said Permit No. G-22416, 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 con-
veying water from point of diversion to place of use.

Ans. Well-fed by Spring
using pipes and sprinkler sys.

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

Ans. 33 Sprinklers Running 6 gal per min each
22 inches = 44 Second ft

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons
per minute have you seen the pump deliver, and how did you measure or estimate the
amount?

Ans. 44 Cfs 198 ~~min~~ gals - 22 miners in
measured over a cuppalette Weir

G-22416

Ques. 7. 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 - NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$
Sec 27 NE $\frac{1}{4}$ SE $\frac{1}{4}$ of 28 all in
T.16 - R.1W.B.M.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (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. Good Land
1 inch per acre

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. 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. As Water Master for that Section
1948 - 1955

(Signed) _____

T. C. Woods

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 Washington County of Washington, State of Idaho, on this 29 day of Sept., A. D. 1956.

James Walker

Notary Public.

My commission expires 8-26-59

G-22416

RECEIVED
OCT 8 1956
Department of Reclamation

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, B. J. 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 Application of water to Beneficial Use 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 Sept. 7, 1956

and the last in the issue dated Sept. 28, 1956;

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 sev-

enty-eight consecutive weeks prior to the first publication of said Notice as aforesaid.

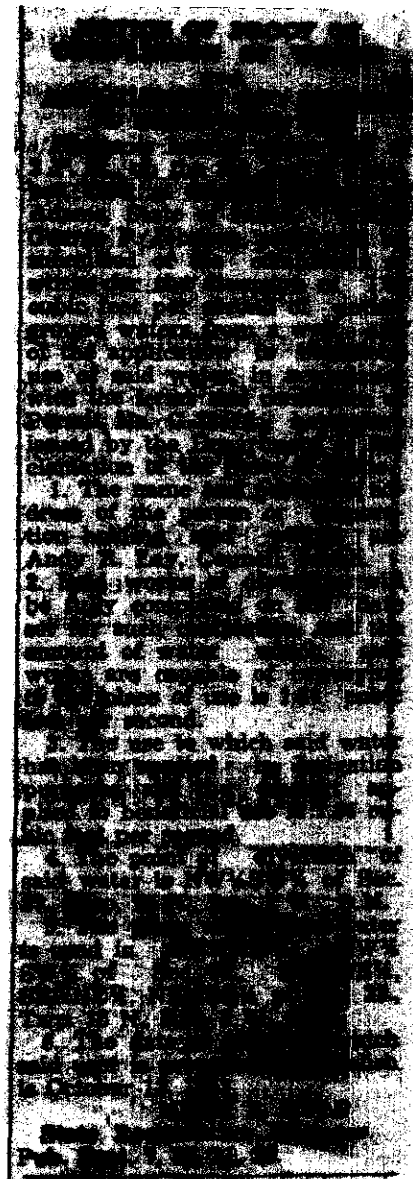
Harriet A. Rogers

Subscribed and sworn to before me this 2nd

day of October 19 56

W. J. Stuckel

Notary Public for Idaho,
Residing at Council, Idaho



J. 22416

RECEIVED
OCT 2 1956
Department of Reclamation

1 TO: Department of Reclamation
2 Statehouse
3 Boise, Idaho

3 SUBJECT: PROTEST AGAINST THE DEPARTMENT ISSUING LICENSE TO ANDY
4 R. LAY UNDER PERMIT #G-22416, AND AGAINST STATEMENTS
5 OF PROOF OF BENEFICIAL USE OF WATERS AS SET FORTH IN SAID
6 NOTICE.

5 STATE OF IDAHO)
6) ss.
7 County of Payette)

8 Stephen Peebles and Ethel E. Peebles each being duly sworn,
9 depose and say, that the reasons for said protest are as follows:

10 (A) That on the 9th day of August, 1954, a decree of the Dist-
11 rict Court of the Seventh Judicial District in and for Adams County,
12 State of Idaho, in the matter of STEPHEN PEEBLES & ETHEL PEEBLES,
13 Husband and wife, Plaintiffs, vs ANDY R. LAY AND ONA LAY, Husband and
14 wife, defendants, was duly signed wherein said decree adjudged and
15 decreed as follows, to-wit:

16 1. That the plaintiffs, Stephen & Ethel Peebles, as against
17 Andy R. Lay and Ona Lay, defendants, have the prior right, by
18 appropriation commencing with the year 1896 to eight inches of
19 water out of Lester Creek at the plaintiffs present diversion x
20 x x x, said waters being the flow of Lester Creek which comes to
21 the surface in the bed of said creek easterly from the head of
22 plaintiffs' ditch for a distance of approximately 600 feet. . . .

23 2. That the defendants, Andy R. Lay and Ona Lay, are entitled
24 to pump water from their "Well Spring" for irrigation purposes,
25 so long as the plaintiffs are receiving at least eight inches
26 of water from the flow of Lester Creek hereinabove described,
27 measured at plaintiffs' weir in plaintiffs' ditch; that the def-
28 endants and all others claiming by, through or under said defen-
29 dants should be, and they and each of them are hereby enjoined
30 and restrained from operating their said pump, or any pump, or
31 pumping from the "well spring" on defendants' lands situate in
32 Adams County, Idaho, described as follows, to-wit: E $\frac{1}{2}$ of the
NE $\frac{1}{4}$, the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 28, twp. 16 North, range 1,
W.B.M., and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section
27, Twp. 16 North, Range 1 W.B.M. . . . or in any manner inter-
fering with the flow of water in Lester Creek, hereinabove
mentioned, whenever the plaintiffs are unable to divert into
their ditch at least 8 inches of water. . . . at any time after
July 15, 1954, or after July 15 of any subsequent irrigation
season. . . ."

33 (B) That in the Findings of Fact in said above described case
34 in Section XIV, the Court found as follows, to-wit:

35 "That the defendants' said well spring was dug and drilled at
36 a point where it intersects and cuts down into the same sub-
37 terranean flow of water that during each season since 1895 up
38 to and including the year 1950 supplied water to the said

22416

1 Ditch Spring and said subterranean flow of Lester Creek, which
2 furnished and supplied water to plaintiffs and their predecessors in interest for their lands."

3 (C) That in said Notice of Proof of Completion of Works and
4 Application of Water to Beneficial Use published by Andy R. Lay,
5 his diversion for pumping 1.84 cubic feet per second is stated
6 as the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, TWP. 16 North, Range L, W.B.M.,
7 which diversion point is the same location and same diversion
8 and pump that Andy R. Lay was restrained from suing by said
9 Decree when Stephen Peebles and wife were not getting their
10 required 8 inches of water by prior appropriation of 1895, after
11 July 15, 1954 and after July 15 each and every year thereafter.

12 (D) That said described decree shows a priority of 8 inches of
13 water in the Stephen Peebles dating back to 1895 pertaining to said
14 underground or subterranean flow of water which Andy Lay is presently
15 trying to receive a license on.

16 (E) That said District Court has already adjudicated said
17 water rights pertaining to said underground or subterranean flow
18 between Lays and ourselves, and said parties should be bound thereby.

19 (F) That during the past two years, pursuant to said decree,
20 Andy Lay's use of said diversion for pumping purposes has been res-
21 tricted after July 15 of each of such years; in other words, Andy
22 Lay has not had an unrestricted use of said diversion for pumping
23 1.84 cubic feet per second of water as alleged in said Notice, but
24 has only been able to pump when Mr. Peebles has received his 8 inches
25 priority of water, as decreed by the district Court, after July 15
26 of each year.

27 (G) We submit that this attempt by Andy R. Lay to obtain a
28 license as set forth in said Notice is an attempt on his part to do
29 in an around about way what he can not legally do pursuant to said
30 District Court Decree hereinabove cited, a certified copy of which is
31 attached hereto for further reference purposes; and further, that
32 said Decree is controlling in the matter between the parties, said
33 Court having already determined the respective rights of the two par-
34 ties pertaining to said diversion and water.

35 We therefore protest against the department of Reclamation issuing
36 the license as requested by Andy Lay, and ask that said application
37 be denied.

A-22116

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Respectfully submitted.

Stephen Peebles
Ethel E. Peebles

Subscribed and sworn to before me this 1st day of ~~October~~^{OCTOBER},
1954.

Dwaine T. Welch
Notary Public for Idaho
Residing at Payette, Idaho

L-22416

Permit G-22416
October 3, 1956

Messrs. Norris & Welch
817 First Avenue North
Payette, Idaho

ATTENTION: Mr. Dwaine L. Welch

Dear Mr. Welch:

Receipt is acknowledged of Protest against issuance of license to Andy R. Lay under Permit No. G-22416.

Receipt is also acknowledged with thanks for the copy of Findings of Fact and Conclusions of Law and the Decree in the Matter of Stephen Peebles and Ethel E. Peebles, Husband and Wife vs. Andy R. Lay and Ona Lay, Husband and Wife, defendants.

As soon as proofs are received from the applicant and statutory field examination has been made by the Department of Reclamation, full consideration will be given to the Protest.

The sequence of events may take some time but you will be notified of any action taken.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:hll

G-22416

NORRIS & WELCH

ATTORNEYS AT LAW

817 FIRST AVENUE NORTH

RIO BUILDING

PAYETTE, IDAHO

JOHN H. NORRIS
DWAINE L. WELCH

TELEPHONE 14

October 1, 1956

RECEIVED
OCT 2 1956

Department of Reclamation

Department of Reclamation
State of Idaho
Statehouse
Boise, Idaho

Gentlemen:

Enclosed herewith please find original protest against the department issuing a License to Andy K. Lay under Permit # G-22416, and protest against statements of proof of Beneficial use of waters as set forth in notice of hearing on the same, which hearing has been noticed up for October 5, 1956, at Council, Idaho.

Also inclosed in a certified copy of the original Decree and Findings of Fact and Conclusions of Law in the matter of Stephen Peebles and Ethel E. Peebles, Husband and wife, vs. Andy K. Lay and Ona Lay, Husband and wife, defendants, upon which Decree this protest is based.

This matter pertains to the same problem upon which I was over to Boise to see you about recently concerning the turning off of said pump of Mr. Lay's pursuant to said Decree. At that time you stated that the Department would like a copy of said decree; therefore if you still would like a copy, retain the one that is attached to said protest.

Such a Protest, we understand, is the proper manner of contesting matters of this kind.

Encl.

Very truly yours

NORRIS & Welch

BY

G. 22416

Dwaine L. Welch

September 25, 1956

RE: Cottonwood Creek

Mr. Andy Lay
Council, Idaho

Dear Mr. Lay:

We are enclosing herewith a letter written to G.N. Tillotson, Watermaster, Water District No. 41, relative to the administration of Cottonwood Creek waters, which is self explanatory.

It may not be possible for the writer to get up to Council this fall in order to talk this matter over between you and Mr. Mink, however if not, will see you in the spring. Wish that you would drop us a card stating the opportune time for a talk.

We also wish that you would give us a letter stating the exact location of your point of diversion, relative to the four (4) inches of water that we may be able to process your transfer of your water right.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:vm
Enc.

9-22416

GRAYDON W. SMITH
Attorney General
State of Idaho
Boise,

September 10, 1956

Mr. Mark R. Kulp
State Reclamation Engineer
B U I L D I N G

ATTENTION: Roy W. Thompson, Supervisor of Water Distribution

Gentlemen:

Answering your letter concerning the pumping operations carried on near Lester Creek in the Weiser Watershed, it seems that in accordance with the decree in Peebles v. Lay, the pump should be shut down. You inquire whether the watermaster has authority to shut down the pump personally, or whether personal notification to Lay would be sufficient.

I doubt very much that a watermaster has such authority under that decree, and if not, of course, he would be under some liability if he did so. In short, I believe this is just another case where the parties, if notification by the watermaster does not accomplish its purpose, should resort to the court which rendered the decree.

Trusting that the foregoing fully answers your inquiry, I am

Yours very truly,

s/ J. R. Smead
J. R. SMEAD
Assistant Attorney General

JRS:hfs

9-32410

C O P Y

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 22416

Date: August 27, 1956

Adams County Leader
Council
Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **October 5, 1956** the date set for proof, the expense of the publication to be paid by the applicant, **Andy R. Lay** of **Council Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

P-22416

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
AUG 23 1956
Department of Reclamation

Notice is hereby given that at 2 P M., on the 5th,
day of October, 1956, at Council, County of
Adams, State of Idaho, before George F. Johnson
Notary Public, proof will be submitted of the completion of works for
the diversion of 1.84 cubic feet per second of the waters of
Subterranean Source and of the application to beneficial use of
said water, in accordance with the terms and conditions of Permit No.
G-22416 heretofore issued by the Department of Reclamation of the
State of Idaho.

1. The name and postoffice address of the person or corporation holding
said permit are Andy R. Lay, Council Idaho.

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of con-
veying to the place of use, in accordance with the plans accompanying the appli-
cation for such permit, is 1.84 cubic feet per second.

3. The use to which said water has been applied is Irrigation,
purposes, and the amount applied to beneficial
use is 1.84 cubic feet per second.

4. The place where said water is used is SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27,
NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, Twp. 16.N. Range 1.W. B.M.
Well is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27, Twp. 16.N. R.1.W

5. The date of priority which said user is prepared to establish is
October 12, 1951.

MARK. R. KULP.

State Reclamation Engineer

G-22416

ADAMS COUNTY LEADER

Only Newspaper Published In and Serving Adams County

RECEIVED
SEP 7 1956
Department of Reclamation

HARRIET K. and BERT J. ROGERS

Editors and Publishers

COUNCIL, IDAHO
Sept. 5. 1956

State of Idaho
Department of Reclamation
Boise, Idaho

RECEIVED
SEP 7 1956
Department of Reclamation

Gentlemen:

This is to acknowledge receipt of RE; Permit No. 22416, to be published for four consecutive weeks, September 7-14-21-28, and expense of publication to be paid by Andy R. Lay of Council.

Very truly yours

Harriet K. Rogers
Harriet K. Rogers

6-22416

August 27, 1956

Re: Permit No. C-22416

Mr. Andy R. Lay
Council
Idaho

Dear Mr. Lay:

We acknowledge receipt of Notice in proof of completion of works and beneficial use proof on Permit C-22416. to be made October 2, 1956, before Mr. George F. Johnson, Notary Public.

We shall send a copy of the notice to the Adams County Leader, 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.

At the time set, you should appear before the Notary Public, 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 enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:vm

Enc.

cc: Geo. F. Johnson

G-22416

RECEIVED
AUG 23 1956
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August, 21, 1956

(P. O.) Council, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Adams County Leader, of Council, Idaho published in
the county in which the works are situated.

Andy R. Fay

(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.

G. 22416

August 20, 1956

RE: Permit No. G-22416

Mr. Andy R. Lay
Council
Idaho

Dear Mr. Lay:

In answering your letter of August 10, 1956, in which you request an Extension of Time for the proof of Completion of Works and application of water to Beneficial Use under the terms of the above numbered Permit, we wish to state that your filing was filed with this Department on October 12, 1951, and you were given the full five years for Completion of Works and Beneficial Use, therefore, we cannot extend the time as per your request.

It will be necessary to make both proofs on or before October 30, 1956.

We are enclosing herewith a Notice of Publication to be published in the newspaper within your County stating your intent to make such proofs.

Kindly check same and return to this Department as soon as possible that it may be sent to the publisher for publication.

We will request that you fill in the name of the "otary on the third line of said Notice before whom you wish to appear to take yours and your witnesses depositions.

We also wish that you would fill out Form 11 enclosed herewith stating the paper and giving your authorization to have us send your notice to be published at your expense.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:cu
Enc.

22416

Council, Idaho.
Aug 10, 1956

Mark Nulff.
State Reclamation Engineer
State House
Borise Idaho.

RECEIVED
AUG 13 1956

Department of Reclamation

Dear Sir:

I ask you for an extension of time on proof of completion of proof of beneficial use, one time when in your office, do to legal action brought against me by a Mr. Buehler.

You said I could get the time the case was in action.

The time of legal action was about 2 yrs. so I am asking an extension of time and your advise.

However I have irrigated with sprinkler system nearly all of land listed on reverse side and in compliance with filling to date. In the event you cannot give an extension of time I am ready to furnish proof of beneficial use. However do to the decree of case no 13,17 of which your office has been furnished, ^{a copy} the watermaster will probably have shut the pump off after a week or two.

This is all a little complicated and confusing and would ~~like~~ like for you to send a man up here if possible. Preferably Roy as he has been here before, but when flood water was confusing with adjudicated rights.

I have not attempted to fill out forms as you will note, but you may see necessity of proceeding. I therefore am giving you necessary information on reverse side.

yours Truly
Andy R. Lay.

J-22416

RECEIVED
AUG 13 1956

9-22416

Department of Reclamation

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2 P. M., on the 10th
day of June, 1957, at Council, County of
Adams, State of Idaho, before State Reclamation
Engineer, proof will be submitted of the completion of works for
the diversion of 1.84 cubic feet per second of the waters of subterranean
water and of the application to beneficial use of
said water, in accordance with the terms and conditions of Permit No.

G-22416 heretofore issued by the Department of Reclamation of the
State of Idaho.

1. The name and postoffice address of the person or corporation holding
said permit are Andy R. Fay, Council, Idaho.

2. Said works of diversion will be fully completed on the date set for
such completion, and the amount of water which said works are capable of con-
veying to the place of use, in accordance with the plans accompanying the appli-
cation for such permit, is 1.84 cubic feet per second.

3. The use to which said water has been applied is irrigation
purposes, and the amount applied to beneficial
use is 1.50 cubic feet per second.

4. The place where said water is used is 31 acres in SW $\frac{1}{4}$ & NW $\frac{1}{4}$,
+ 10 acres in NW $\frac{1}{4}$ & SW $\frac{1}{4}$ all in S 27; 15 acres SE $\frac{1}{4}$ & NE $\frac{1}{4}$ &
20 acres in NE $\frac{1}{4}$ & SE $\frac{1}{4}$ of Section 28, all in T 16 R 1 W B M

5. The date of priority which said user is prepared to establish is

first used about 1900 as shallow over flowing well for garden.

I started pumping with gas motor and pump July 1946.

I installed electric pumping plant and sprinkler system May 1951

I filled on location and water October 1951

State Reclamation Engineer

this said filling is in
evidence of Case No. 1317
Peebles vs. Fay of Adams Co
+ therefore is an adjudicated right

over for better

RECEIVED
AUG 13 1956
Department of Reclamation

Council, Idaho
July 10, 1956

Mark Kulp.
State Reclamation Engineer.
Boise Idaho.

Dear Mr. Kulp,

You have a new water master for this area a ~~Mr~~ S. M. Tillotson who replaced Mr. T. C. Woods.

Mr. Tillotson being new seems to be influenced by other parties, and has posted and giving a Mr. Mink my adjudicated Lester creek water to fill a Cottonwood right.

I am asking you to come up or send a good man as soon as possible preferably ~~in~~ ~~company~~ with Mr. Tillotson

It will be necessary to have decree of Lester cr water case no 1317, and Cottonwood cr. decree of Weiser river waters.

I have turned my case over to my attorney and inlue Mr Tillotson removes notice from my clutch and delivers water according in decrees he will be sued in accordance.

It is possible that upon a good explanation and agreement with you or your man we can prevent a lot of future trouble to all concerned.

Yours truly
Andy R Gay

At

I may call your office before this reaches.
I have always got along with Mr. Woods and hope to with new men but I need the water I am intitled to.

G-22416

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

August 1, 1956

Mr. Andy H. Lay
Council
Idaho

Dear Sir:

We enclose herewith blank notice for proof of completion of works and application of water to beneficial use under your Permit No. 0-22416. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

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

The date for proof, as set out in your permit, is not later than October 30, 1956.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

9-22416

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. G-22416

Date November 8, 1951

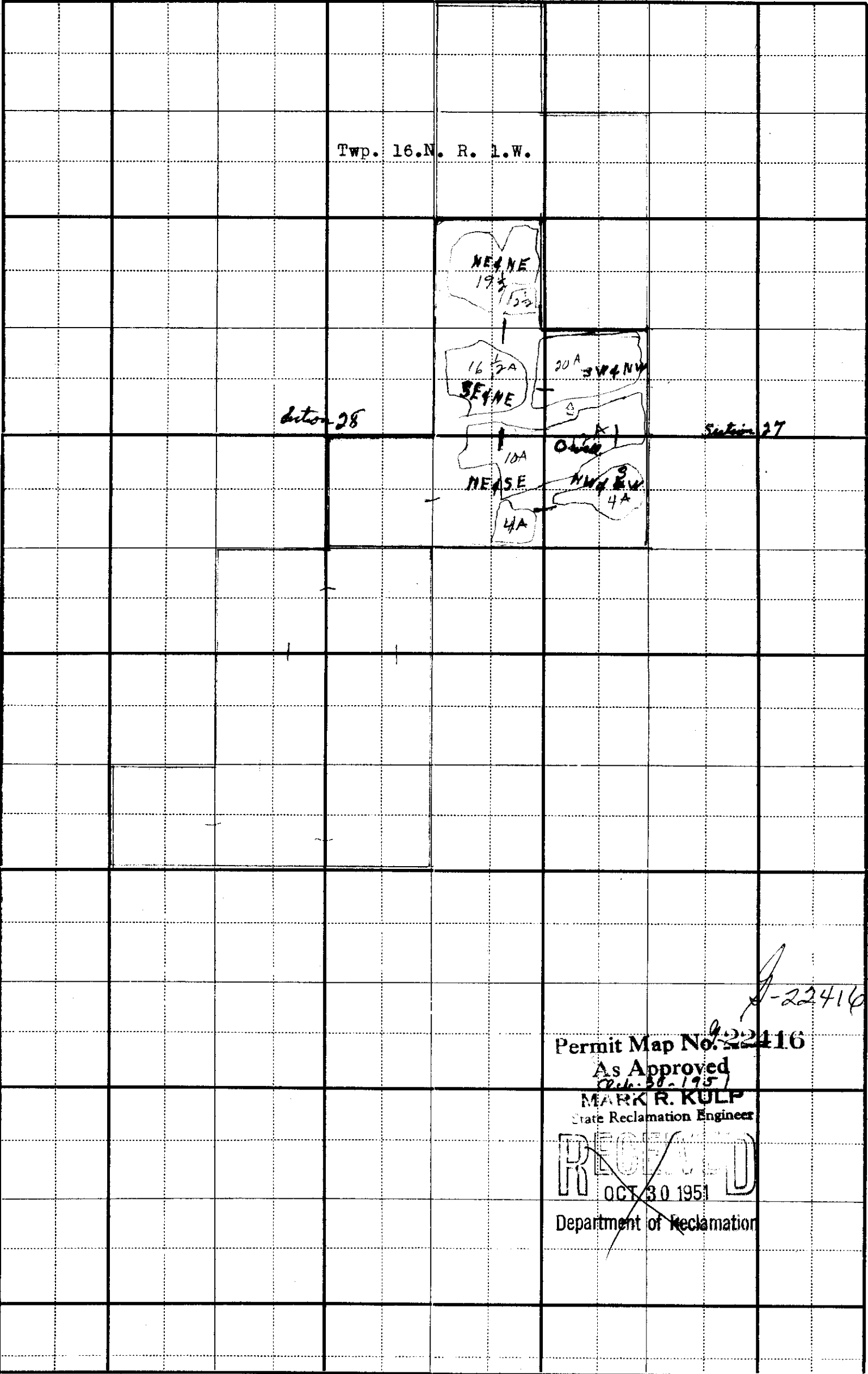
We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Andy R. Lay
Council,
Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental receipt No. 23871 for \$5.25 filing fee.

G-22416



**NOTICE OF PROOF OF
COMPLETION OF WORKS**

**APPLICATION F WATER
TO BENEFICIAL USE**

Notice is hereby given that at 2 P. M., on the 5th day of October, 1956, at Council, County of Adams, State of Idaho, before George F. Johnson, proof will be submitted of the completion of works for the diversion of 1.84 cubic feet per second of underground waters from a well, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. G-22416 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are Andy R. Lay, Council, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conveying to the place of use is 1.84 cubic feet per second.

3. The use to which said water has been applied is Irrigation purposes, and the amount applied to beneficial use is 1.84 cubic feet per second.

4. The point of diversion of said water is NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 27., Twp. 16 N., Rge. 1 W., B.M.

5. The place where said water is used is SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 27., NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 28., Twp. 16 N., Rge. 1 W., B.M.

6. The date of priority which said user is prepared to establish is October 12, 1951.

MARK R. KULP

State Reclamation Engineer.
Pub. Sept. 7, 1956.