

Twp 18N. R. 1E.

6 1/2 Miles

Tamarac = Approx

30

Place of use = Orchard and garden

29

10

Gaylord St

P.D.

House and Fish Hatchery buildings

31

Weiser R

32

area irrigated = 10 acres.

10"

Council Weiser

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, ^{H.K.}~~B.W.~~ 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 Nov. 26, 1949

and the last in the issue dated Sept. 16, 1949;

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.

Narriset K. Rogers.

Subscribed and sworn to before me this 20th

day of September, 1949

Carl H. Swanstrom

Notary Public for Idaho,
Residing at Council, Idaho

Notice of Proof Application of Water To Beneficial Use

Notice is hereby given that at 2:00 P. M. on the 20th day of September, 1949, 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 one cubic foot per second of the waters of Gaylord Creek, in accordance with the terms and conditions of Permit No. 20159 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Willie J. and Cynthia E. Pottenger, Route 2, Parma, Idaho.

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

The amount applied to beneficial use is one cubic foot per second

The place where said water is used SE $\frac{1}{4}$ Section 30, Twp. 19 North, Range 1 East, B.M.

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

The right to take water from such works is based upon Permit No. 20159.

The source of supply from which such water is diverted is Gaylord Creek, a tributary of Weiser River.

The date of priority which said user is prepared to establish is August 19, 1947.

MARK R. KULP
State Reclamation Engineer.
Pub Aug. 26, Sept. 2, 9, 16.

20159

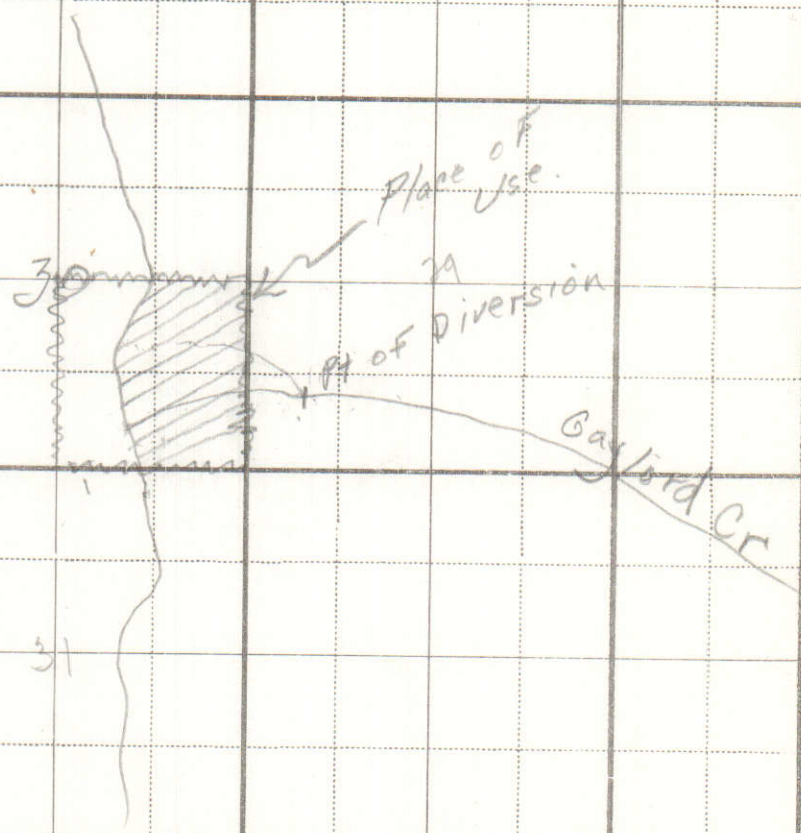


NAME OF APPLICANT Pottenger

FORM No. 0

Twp 18 N. R 1 E.

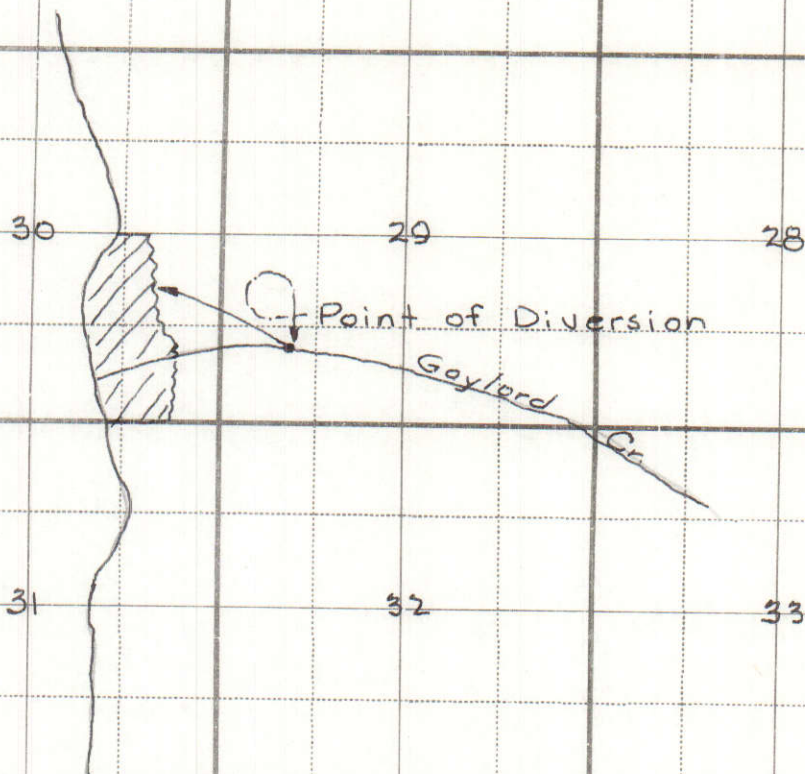
↑
W.



NAME OF APPLICANT POTTENGER { WILLIE J. E.
CYNTHIA E.

FORM No. 0

TP 18 N R 1 E



Permit Map No. **20159**

As Approved
AUG 23 1947
MARK R. KULP
State Reclamation Engineer

J.M.T.

appear
with-
d, the
ment as
mplaint.
ommenc-
plaintiff
Northwest
Southeast
tion twenty-
seventeen (17)
(1) West, of
Adams County,
appears on the
of the County Re-
ns County, State of

by hand and the seal
District Court this 28
dy, 1949.

MABEL HOOVER

Clerk

mon K. Smith, Attorney for
ntiff, 404 Sun Building, Boise
aho.

ub. Aug. 5, 12, 19, 26, Sept. 2

**Notice of Proof Application of
Water To Beneficial Use**

Notice is hereby given that at
2:00 P. M. on the 20th day of Sep-
tember,, 1949, at Council, County
of Adams, State of Idaho, before
Carl H. Swanstrom, Notary Pub-
lic, proof will be submitted of the
application to beneficial use of
one cubic feet per second of the
waters of Gaylord Creek, in ac-
cordance with the terms and con-
ditions of Permit No. 20159 here-
tofore issued by the Department
of Reclamation of the State of Id-
aho.

The name and postoffice address
of the person or corporation hold-
ing said permit are Willie J. and
Cynthia E. Pottenger, Route 2,

Parma, Idaho.

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

The amount applied to bene-
ficial use is one cubic foot per
second

The place where said water is
used SE¼ Section 30, Twp. 19
North, Range 1 East, B.M.

The name of the canal or ditch
or other works by which said wa-
ter is conducted to such place of
use is private ditch.

The right to take water from
such works is based upon Per-
mit No. 20159.

The source of supply from
which such water is diverted is
Gaylord Creek, a tributary of
Weiser River.

The date of priority which said
user is prepared to establish is
August 19, 1947.

MARK R. KULP

State Reclamation Engineer.

Pub (Aug. 26) Sept. 2, 9, 16.

**Complete Line Of
STUDEBAKERS**

and

WILLYS JE

SEE

GEORGE M

PHONE

CO

COUSEN

State of Idaho

License and Certificate of Water Right

Water License No. 20159Amount 0.2 second foot

Water District No. _____

Priority August 19, 1947

THIS IS TO CERTIFY that **WILLIE J. and CYNTHIA E. POTTENGER**
of **Parma, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **August 19**, 19 **47**; that Permit No. **20159**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.6 second foot, was issued thereunder on **September 20**, 19 **48**, showing that said works
were completed on the **26th** day of **August**, 19 **48**; and that on the **20th**
day of **September**, 19 **49**,

WILLIE J. and CYNTHIA E. POTTENGER
of **Parma**, State of **Idaho**, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of **Gaylord Creek**
, a tributary of **Weiser River**, for the purpose of **irrigation and domestic**
use, under Use Permit No. **20159** 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 **5193**, on the **2nd** day of **December**, 19 **53**;

The right hereby confirmed dates from **August 19**, 19 **47**;

The Point of Diversion is located

in the **SW** $\frac{1}{4}$ **SW** $\frac{1}{4}$, Sec. **29**, Tp. **18 N.**, R. **1 E.**, 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 **0.2** cubic ~~foot~~ per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
18 N.	1 E.	30	NE $\frac{1}{4}$ SE $\frac{1}{4}$)	50	10
			NW $\frac{1}{4}$ SE $\frac{1}{4}$)		--
			SW $\frac{1}{4}$ NE $\frac{1}{4}$)		--
			SE $\frac{1}{4}$ SE $\frac{1}{4}$)		--
					--
			Number of Acres Actually Irrigated		- 10

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

2nd day of **December**, 19 **53**.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

67 2182

N^o 20159
67-2182

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

Application No. 27761
Permit No. 20159
District No.

1. Name of Applicant: WILLIE J. POTTENGER and CYNTHIA E. POTTENGER (Husband and wife)

Postoffice address: Council

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: One cubic feet per second.

3. Source of water supply: Gaylord Creek which is a tributary of Weiser River

4. Location of point of diversion: feet distant from the

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

of Section 29 , T. 18 N, R. 1 E. , B. M., County of Adams

5. Water is to be used for Irrigation (49.9") and domestic (.1")

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: \$ 250.00

8. Kind of works: Ditch

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet;

11. Ditch: Width at bottom 1 feet; width at water line 1 $\frac{1}{2}$ feet; depth of water 9" feet;

dimensions of flume:

Diameter of pipe inches; length of conduit 1/4 miles.

Average grade per mile feet.

12. The time required for the completion of such work is One (1) years.

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

14. The land to be irrigated is described in the following tabulation: See remarks.

- 14-A. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

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

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

WILLIE J. POTTENGER *Applicant.*

By

Agent.

Date of first receipt at Department of Reclamation: 11:45 A. M. August 19, 1947

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20159

Recorded in Book 72 Page 20159 Approved August 23, 1947

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 23, 1947** 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 23, 1948

The whole of said work to be completed on or before August 23, 1948

Beneficial use of water appropriated in accordance herewith, to be made on or before August 23, 1950

Witness my hand this 23rd day of August, 1947

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd
day of August, 1947

STATE OF IDAHO

STATE OF IDAHO

Countersigned:

(SEAL)

By J. D. "CY" PRICE

Secretary of State.

By C. A. ROBINS

Governor.

Remarks:

14.

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	
18 N.	1 E.	30													x x x x				50
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that WILLIE J. POTTENGER and CYNTHIA E. POTTENGER of Council, County of Adams, and State of Idaho, the holders of Permit No. 20159, issued upon Application No. 27761 bearing date of priority of August 19, 1947, authorizing diversion of one second foot of the waters of Gaylord Creek, a tributary of Weiser River, County of Adams, State of Idaho, for irrigation and domestic purposes, have fully complied with the provisions of the laws of the State of Idaho relating to completion of works of diversion set out and described in said Permit; that said works are adequate for diverting to the place of intended use 0.6 second foot of the waters of Gaylord Creek; that the point of diversion of said water is the SW ¹ / ₄ Section 29, Township 18 North, Range 1 East, B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Thirty (30) acres in the SE ¹ / ₄ Section 30, Township 18 North, Range 1 East, B.M.																			
Witness my hand this 20th day of September, A.D.1948.																			
MARK R. KULP State Reclamation Engineer																			
Proof of Completion of Works made August 26, 1948.																			
Certificate of Completion of Works issued September 20, 1948.																			
LICENSE ISSUED FOR 0.2 SEC. FT. pg. 5193																			

WATER RIGHT NUMBER 67-2182

OWNER LAST NAME - POTTENGER
OWNER LAST NAME - POTTENGERFIRST NAME - WILLIE J.
FIRST NAME - CYNTHIA E.ORIG OWNER -
ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - PARMA

STATE - ID ZIP CODE -

SOURCE - GAYLORD CREEK

TRIBUTARY OF - WEISER RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 08-19-1947 COUNTY - ADAMS

TOTAL DIV. RATE - .2000 -CFS

TOTAL DIV. VOLUME -

.00 AFA TRFR/AMEND -

WATER DIST. - 67 DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SWSW 29 18N 01E LOT REDIV -

272.0 288.0 39.0 2.1 0.0 0.0 0.0 0.0 0.0 0.0 1.2

FROM - TO -

USE - IRRIGATION

USE DIV. RATE -

.2000 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 18N RNG 01E SEC 30 TRACT NESE LOT

AC 10

DECREE NAME -

DATE -

TOTAL ACRES

10

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 20159

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

IDENT. NO. 67-2182

WATER RIGHT
DATA ENTRY LOG

[illegible]

July 15, 1954

RE: Permit No. 20159

Mr. John Edmunson
Box 284
Council, Idaho

Dear Mr. Edmunson:

In reply to your letter inquiring in regard to water right from Gaylord Creek in the names of Cynthia and Willie Pottenger:

If you will refer to our letter addressed you on December 11, 1953, you will note that a license has been issued under this Permit and that any transfer of the license would have to be made the same as a transfer of real estate, that is by deed, recorded in the county and does not require a record of such transfer in this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

20159

RECEIVED
JUL 15 1954

Department of Reclamation

Box 284

Council, Idaho

Bureau of Reclamation
Dept. of Water Rights
Boise, Idaho.

Dear Sir:-

I would like to know
if a water right in the
names of Cynthia and Willie
Pottinger has been transferred
to us, John and Mary Edmanson.
It is located on Gaylord Creek
which runs into the north
fork of the Weiser River in
Adams County.

Thank You

John Edmanson

L20159

20159

✓
December 11, 1953

RE: Permit No. 20159

Mr. John H. Edmunson
Box 284
Council, Idaho

Dear Mr. Edmunson:

Reference is made to your letter requesting a license for 10 inches, or 0.2 second foot of water out of the 30 inches covered by Permit No. 20159 and enclosing copy of a memorandum of agreement between yourself and Ira F. Pottenger.

A check of the records in this department show that Permit No. 20159 originally claimed 30 inches of water from Gaylord Creek to be used on 50 acres in the SE $\frac{1}{4}$ Section 30, Township 18 North, Range 1 East, B.M.

However, an inspection in connection with this permit, as required by law, showed that only 10 acres were irrigated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, and a license was accordingly issued to the permit holders, Willie J. and Cynthia E. Pottenger for 10 inches, or 0.2 second foot of water from Gaylord Creek for use on the 10 acres above described.

Any transfer of this license will have to be made the same as a transfer of real estate, that is, by deed recorded in the county where the land is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg

20159

RECEIVED

DEC 11 1953

Box 284

Department of Reclamation

Council, Idaho.

Bureau of Reclamation,
State House,
Boise, Idaho

Dear Sir:-

Since we have lived on this place,
described in the enclosed papers, each year we
have used this water for irrigation. We
wish to request a license in our name
for 10 inches of water or 0.2 second feet out
of the 30 inches covered by permit

No. 20159

Respectfully,

John H. Edmonson

20159

✓
December 3, 1953

RE: Permit No. 20159

Mr. Willie J. Pottenger
Route 2
Parma, Idaho

Dear Mr. Pottenger:

We enclose License and Certificate of Water Right issued under Permit No. 20159, confirming the right of yourself and Cynthia E. Pottenger to the use of 0.2 second foot of water from Gaylord Creek, with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, Township 18 North, Range 1 East, B.M., and priority of August 19, 1947, for irrigation and domestic use on 10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 18 North, Range 1 East, B.M.

We also enclose departmental receipt No. 26365 for the \$2.00 license fee.

Very truly yours,

MARK R. GULI
State Reclamation Engineer
By

Chief Clerk

A/rc
Encls.

20159



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

BOISE

November 17, 1953

RECEIVED
DEC 21 1953
Department of Reclamation

RE: Permit No. 20159

Mr. Willie J. Pottenger
Route 2
Parma, Idaho

Dear Mr. Pottenger:

In checking our files in response to a request in regard to filings on Gaylord Creek, we find that License has never been issued on your Permit No. 20159.

We wrote you about this on November 23, 1951, advising that upon receipt of the statutory fee of \$2.00 a License could be issued for 0.2 of a second foot of water from Gaylord Creek.

We have received no reply to this letter and no doubt you have overlooked it. It is important that you give the matter your attention in order that your water right may be completed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By *Jeanne L. Anderson*
Chief Clerk

A:fg

Dear Sirs

20159

I am sorry this hasent been taken care of before now. However we are now living at Riggins And the letter you mentioned in 57- must have been mislaid as we were moving at that time - over

I am enclosing M.O. for the ~~2~~ fee.
And hope that all will be satisfactory.

Yours Respt-

Willie J. Patterger

Box 5-75, - Riggs
Ida.

20159

November 23, 1951

RE: Permit No. 20159

Mr. Willie J. Pottenger
Route 2
Parma, Idaho

Dear Mr. Pottenger:

We now have on file the report of our field engineer on examination for beneficial use under Permit No. 20159. This report shows that you have irrigated 10 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 18 North, Range 1 East, B.M.

Therefore, upon receipt of the statutory fee of \$2.00, a license will be issued for 10 inches or 0.2 second foot of water from Gaylord Creek.

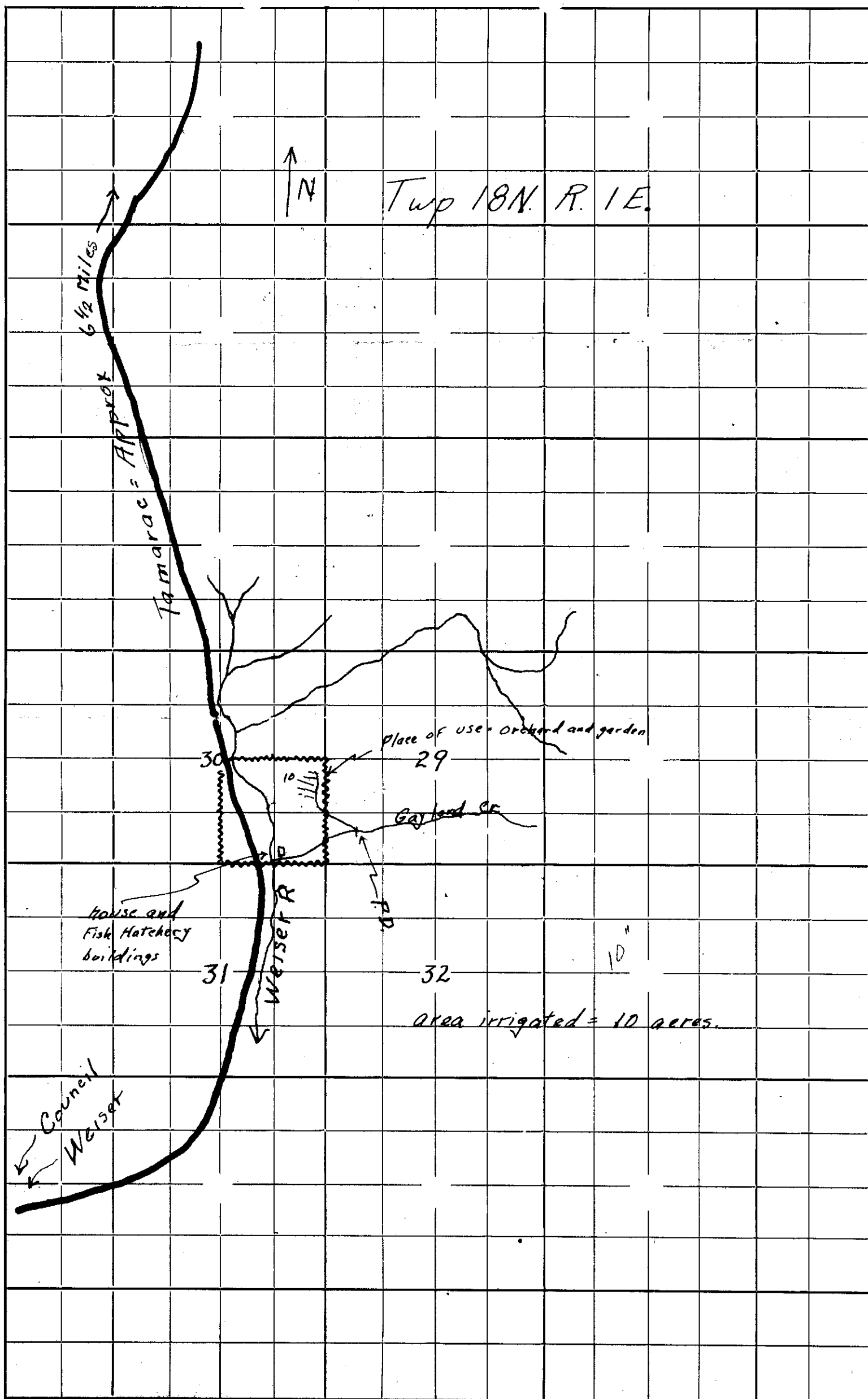
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

20159



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

20159

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20159

REPORT ON PROOF OF Beneficial use

.2 cfs
smk

app one c.f.s.

10 acres

one 40

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

Permit No. 20159This proof is for Beneficial use

In Water District No. _____

1. Name of applicant: Willie J. and Cynthia E. Pottenger, Route 2, Parma, Idaho,
formerly of Council, Idaho2. Source of water supply: Gaylord Creek, a tributary of Weiser River.3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29T. 18 N. R. 1 E. County of Adams

4. Describe works as they exist, giving dimensions and capacities of same: The works consist of a small ditch approximately 6 to 8 inches in the bottom, leading from Gaylord Creek to the place of
use. The diversion dam consists of a few large rocks placed in the stream to divert water
into the ditch.

5. Water is used for: Irrigation and domestic purposes.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 other than irrigation):

SE $\frac{1}{4}$ Section 30, Twp. 18 North, Range 1 East, B. M.Approximately 10 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30

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

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

Remarks: There has been some checks and rechecks on surveys in this area and it was discovered that Mr. Pottenger actually owned the fish hatchery, instead of the timber land that he thought he owned. The fish hatchery was abandoned and Mr. Pottenger now has the buildings.

This examination was made on the 14th day of September, 19 51(Signed) E. M. Humphrey Examiner.

20159

736
 32
 1472
 2208
 36) 2355-2
 2166
 195-
 180
 15-2
 144
 654 700-
 440
 214

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.

Willie & Cynthia Pettenger
 Rt. 2, Pahr, Idaho

Permit No. 20159

Examination for Beneficial use

County Adams

29

1871-1E

Q = 1 cfs.

S. = Kaylond Cr.

P.D. = SW₄ SW₄ S29
18N-1E.

Irrig & dom.

Walked to a point
 1/4 mi. N. of house

RECEIVED
 NOV 21 1951

Department of Reclamation

137

736 steps to center
 of place fr. P.D.

October 4, 1949

Re: Permit No. 20159

Mr. Willie J. Pottenger
Route 2
Perma, Idaho

Dear Mr. Pottenger:

We have placed on file, the depositions of yourself and two witnesses, also Affidavit of Publication in the Adams County Leader, all submitted in Proof of Beneficial Use under your Permit No. 20159.

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

We are unable to say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

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

Very truly yours,

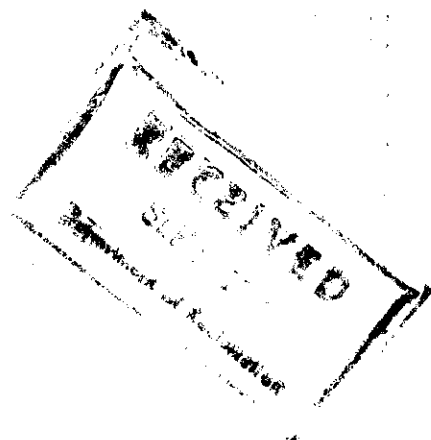
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20159

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 20159

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. WILLIE J. POTTENGER and CYNTHIA E. POTTENGER (husband and wife)
Council, 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. Acting in our own behalf.

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

Ans. 20159, August 23rd 1948: date of priority, August 19th 1947.

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

Ans. Gaylord Creek, a tributary of Weiser River; diversion point is in
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29, Twp. 18 North Range 1 East B M in Adams County, Idaho

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

Ans. Ditch from Gaylord Creek, about 2 4" on top, 18" on bottom and 12"
deep; ditch will carry in excess of 75 inches of water or 1.15 Sec. Feet

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. Water is used for irrigation on 30 acres of land in the
Southeast Quarter of Section 30, Twp. 18 N. R. 1 East B M
in Adams County, Idaho.

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

Ans. _____

20159

Amg

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. One (1) cubic foot per second or 50 miners inches

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. Beginning with August 19th 1947 we diverted one second foot of water and used it for irrigation on the lands before described.
It has been used in seasons of 1948 and 1949 to date

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. This is the only available water for the land irrigated.

Willis J. Potterger

(Sign) *Cynthia E. Potterger*

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 20th day of September, A. D. 1949.

Carl W. Swanson

My commission expires April 7th 1952

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20159

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. Schley W. Cooper, age 51, occupation is farming and my address
is Council, Idaho.

Ques. 2. Are you acquainted with Willie J. Pottenger and
Cynthia E. Pottenger, the
holder of Permit No. 20159? How long have you known him and where does
he reside?

Ans. I am acquainted with them and have known them since 1902 and they
reside on Weiser River Northerly of Council, Idaho

Ques. 3. Have you read or heard read said Permit No. 20159, 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. Water is from Gaylord Creek, a tributary of Weiser River in Adams
County, Idaho; water is diverted from creel in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29, Twp. 18 N/
R. 1 E B M and is conveyed through ditch, 25" on top, 18" on bottom and
12" in depth about 1/2 mile to place of use

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. At least 1.5 Second feet; I have seen in excess of 1 second feet
in use on lands irrigated

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 im-
provements which have been made as a direct result of said use.

Ans. Water is used for irrigation on lands in Southeast Quarter of Sec. 30 1
in Twp. 18 N. R. 1 E B M where about 30 acres is under irrigation. About 10
acres is in actual cultivation for garden, orchard and grain; balance is
largely natural meadow land used for pasture; can all be farmed. With the use
of the water the area will support a farm family and is so used now.

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. Land is arid in nature, but cultivatable and fertile; it requires at least 1 1/2 inches per acre for successful irrigation

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

Ans. I have no interest in the property

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 seen the water, to an amount of 1 second feet, used on the lands described in add during the years 1947 1948 and 1949

(Signed) Schley W. Cooper

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 20th day of September,
A. D. 19 49.

Paul H. Swanson
Notary Public.

My commission expires April 7th 1952

20159

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20159

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. Mable B. Cooper, aged 49, reside north of Council, Idaho and
my occupation is housewife; P O Address is Council, Idaho

Ques. 2. Are you acquainted with Willie J. Pottenger and
Cynthia E. Pottenger, the
holder^s of Permit No. 20159? How long have you known him and where does
he reside?

Ans. Yes, I have known them about one year; their residence is northly of
Council, Idaho on lands hereinafter described

Ques. 3. Have you read or heard read said Permit No. 20159, 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. Water is taken from Gaylord Creek in Adams County, Idaho in SW $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 29 Twp. 18 N. R. 1 E B M and conveyed through about one half mile
of ditch that is about 24 inches on top, 18 inches on bottom and averages
12 inches deep

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. Ditch will carry over 1.5 second feet and I have seen that
amount in ditch

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 im-
provements which have been made as a direct result of said use.

Ans. Water is used to irrigate about 30 acres in SE $\frac{1}{4}$ of Sec. 30 in Twp.
18 N. R. 1 E. B. M. This land is in part cultivated garden and orchards
and balance is irrigated meadow lands used for pasture; about 10 acres
in orchard, garden and farmed lands due to use of this water and irrigating
balance makes place sufficient for a family unit and farm home.

20159

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. Land now irrigated is dry and arid but is fertile and tillable and when irrigated produces good crops of hay grain, fruit and pasture

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 interest in the land

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 seen at least 1 second foot of water applied to beneficial use on land described during the irrigating season of 1949

(Signed) Mable B. Cooper

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 20th day of September, A. D. 19 49.

Carl W. Swanson
Notary Public.

My commission expires April 7th 1952

Affidavit of Publication

State of Idaho, County of Adams, ss:

I, H. K. 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 Aug. 26, 1949

and the last in the issue dated Sept. 16, 1949;

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 K. Rogers

Subscribed and sworn to before me this 20th

day of September, 19 49

Carl H. Swanstrom
Notary Public for Idaho,
Residing at Council, Idaho

Notice of Final Application of Water To Beneficial Use

Notice is hereby given that at 2:00 P. M. on the 20th day of September, 1949, 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 one cubic foot per second of the waters of Gaylord Creek, in accordance with the terms and conditions of Permit No. 20159 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Willie J. and Cynthia E. Pottenger, Route 2, Parma, Idaho.

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

The amount applied to beneficial use is one cubic foot per second.

The place where said water is used SE $\frac{1}{4}$ Section 30, Twp. 19 North, Range 1 East, B.M.

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

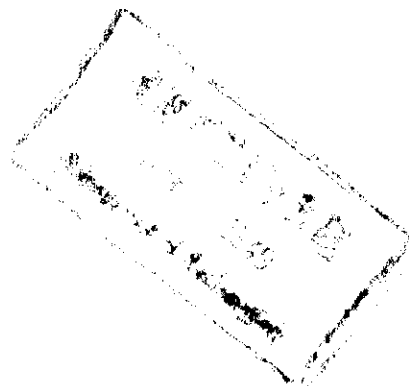
The right to take water from such works is based upon Permit No. 20159.

The source of supply from which such water is diverted is Gaylord Creek, a tributary of Weiser River.

The date of priority which said user is prepared to establish is August 19, 1947.

MARK R. KULP
State Reclamation Engineer.
Pub Aug. 26, Sept. 2, 9, 16.

20159



State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, Sept. 10, 1949

Re: Permit No. 20159
Willie Pottenger

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 No. 20159

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 September 20, 1949, 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. KUIP

~~Commissioner of Reclamation~~
State Reclamation Engineer

20159

✓
August 23, 1949

Re: Permit No. 20159

Mr. Willie J. Pottenger
Route 2
Perma, Idaho

Dear Mr. Pottenger:

We have sent to the Adams County Leader, Notice of Beneficial Use Proof to be made under Permit No. 20159 on September 20, 1949, at 2:00 P. M. before Carl H. Swanstrom, Notary Public, at Council, Idaho

At the time set, you should appear before Mr. Swanstrom, together with two disinterested witnesses who are familiar with the terms of your Permit and the work done thereunder, for the purpose of executing depositions which we shall send Mr. Swanstrom and which are similar to the ones which we think we handed you when in the office a few days ago.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20159

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: August 19, 1949

Re: Permit No. 20159

Adams County Reader
Council, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 20, , 1949 the date set for proof, the expense of the publication to be paid by the applicant, Willie J. Pottenger of Rt. 2, Parma, Idaho , to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

20159

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

Notice is hereby given that at 2:00 P. M. on the 20th day of September, 1949,
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 one cubic foot per second of the waters of Gaylord Creek, &
in accordance with the terms and conditions of Permit No. 20159
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Willie J. and Cynthia E. Pottenger, Route 2, Parma, Idaho,

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

The amount applied to beneficial use is one cubic foot per second.

The place where said water is used (~~if for irrigation, give full and accurate description of the~~
~~land irrigated~~) SE $\frac{1}{4}$ Section 30, Twp. 19 North, Range 1 East, B.M.

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

The right to take water from such works is based upon Permit No. 20159.

The source of supply from which such water is diverted is Gaylord Creek, a tributary of
Jeiser River.

The date of priority which said user is prepared to establish is August 19, 1947

MARK R. KUIP

State Reclamation Engineer.

20159

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 18, 1949
(P. O.) Boise, 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 Co. Leader of Grounail, Ida. published in
the county in which the works are situated.

Vilho J. Pottenger

(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.

20159

✓
September 20, 1948

Re: Permit No. 20159

Mr. Willie J. Pottenger
Box 395
Council, Idaho

Dear Mr. Pottenger:

We enclose Certificate of Completion of Works issued under your Permit No. 20159 for the diversion of 0.6 second foot of water from Gaylord Creek with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29, Township 18 N., Range 1 E. B.M., for irrigation and domestic uses on thirty acres in the SE $\frac{1}{4}$ of Section 30, same Township and Range.

Very truly yours,

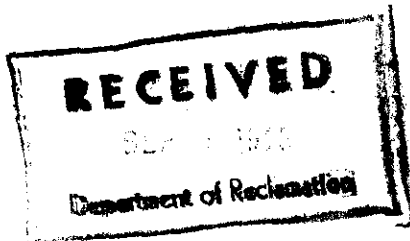
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/et

Enc.

20159



Coun - L.
Ida.

Sept 7, 1948.

Mr. Mark R. Culp,
State Reclamation Engineer

Dear Sir,

I am returning this Proof of Completion of Works, Hope it is satisfactory this time. At the time we filed, We needed water for about 50 acres of land. Since we have Sold 20 acres to Paul Hayes, The Party that Bought the State Fish Hatching grounds. He has a water right so we wont need but 30 in of water instead of 50 as permit calls for-

20159

Yours Respt,
Willie J. Pottinger
Box 395



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

August 30, 1948

Re: Permit No. 20159

Mr. Willie J. Pottenger
Council, Idaho

Dear Mr. Pottenger:

We acknowledge receipt of your proof of completion of works under Permit No. 20159 together with your check for the \$5.00 fee for which we enclose Departmental Receipt No. 20844.

The affidavit is returned herein for completion as follows:

(1) Complete the answer to the first question giving the number of the permit and your post office address.

(2) Under Question 3 give the point of diversion to the 40 acre subdivision.

(3) Answer Question 7.

(4) Under Question 8 give the legal description of the land upon which the water is to be used.

Please complete and return this affidavit in order that Certificate of Completion of Works may be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeannie L. Anderson
Chief Clerk

A/gt

Enc.

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Adams

SS.

Willie J. Pottinger, 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. 20159, and that his postoffice address is Council
State of Idaho.

Second: That the name of the stream ^{FROM} which said water is to be ~~diverted~~ ^{DIVERTED} is

Gaylord Creek

Third: That the point of diversion of said water is in the S.W. 1/4 S.W. 1/4 Section 29 T 18 N, R 1 E B.M., County of Adams.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by 23 Aug, 1948.

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

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

I. Kind of works: Ditch

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

II. Dimensions of work: Ditch 4 ft. wide 1000 ft long.

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

Material used in construction Chick box
at head of ditch, (Wood.)

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 10 in. height 1 in. feet.

(d) Conduit Headgate width at bottom 10 in. feet, width at water line 10 in.

(State whether ditch, flume or pipe)

feet, depth of water 6 in. feet; diameter of pipe inches, average grade

per mile is feet. Length of conduit is 1000 ft. of Ditch

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

Eighth: That water appropriated under said permit is available for
acres of land described as follows: 30 acres, of Farming
land, Pasture and garden

P.S. Since filing our Application last year we
have sold part of the land to be irrigated

Ninth: Remarks: That This ditch runs into
the creek. Does not require a dam.
Just a box and head gate at,
Point of Diversion.

Willie J. Pottinger
(Sign Here)

Subscribed and sworn to before me this 26 day of August, 1948

My commission expires Nov 1, 1950

Notary Public.

20159

August 30, 1948

Re: Permit No. 20159

Mr. Willie J. Pottenger
Council, Idaho

Dear Mr. Pottenger:

We acknowledge receipt of your proof of completion of works under Permit No. 20159 together with your check for the \$5.00 fee for which we enclose Departmental Receipt No. 20844.

The affidavit is returned herein for completion as follows:

(1) Complete the answer to the first question giving the number of the permit and your post office address.

(2) Under Question 3 give the point of diversion to the 40 acre subdivision.

(3) Answer Question 7.

(4) Under Question 8 give the legal description of the land upon which the water is to be used.

Please complete and return this affidavit in order that Certificate of Completion of Works may be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

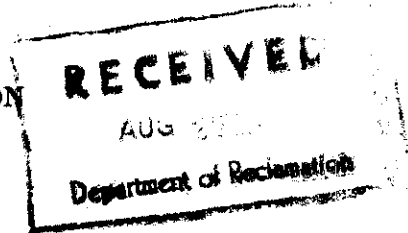
Chief Clerk

A/gt

Enc.

20159

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE



INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. Willie J. Pottenger
Council, Idaho

Boise, Idaho June 1, 1948

Dear Sir:-

Under the terms of your permit No. 20159-----you are required to complete your diversion works on or before August 23, 1948. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

MARK R. KULP

State Reclamation Engineer

20159

You have my initial (T) instead of J, which my right initial
Willie J. Pottenger. Box 395

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. Millie I. Pottenger

Boise, Idaho

June 1, 1948

Council, Idaho

Dear Sir:-

Under the terms of your permit No. ~~20159~~----- you are required to complete your diversion works on or before ~~August 31, 1948~~----- I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

MARK R. KUTP

State Reclamation Engineer

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. 20159

Date August 27, 1947

Dear Sir:

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. Willie T. Pottenger
Council, Idaho

MARK R. KULP

State Reclamation Engineer

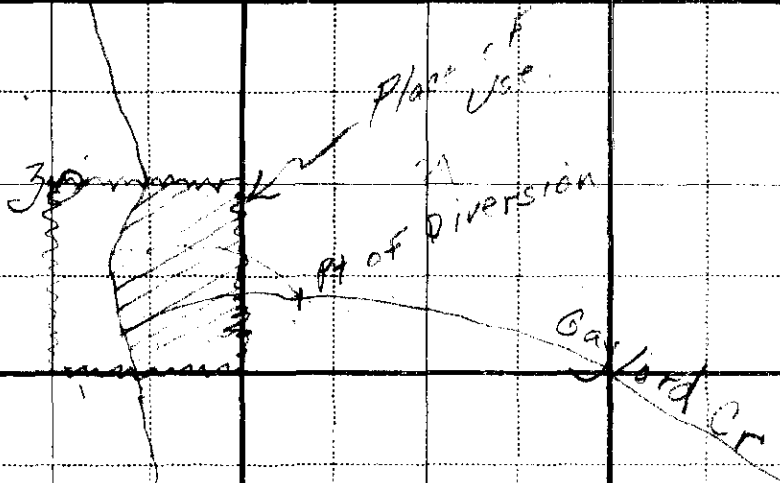
20159

NAME OF APPLICANT Pottenger

FORM No. 0

Twp 18 N. R 1 E.

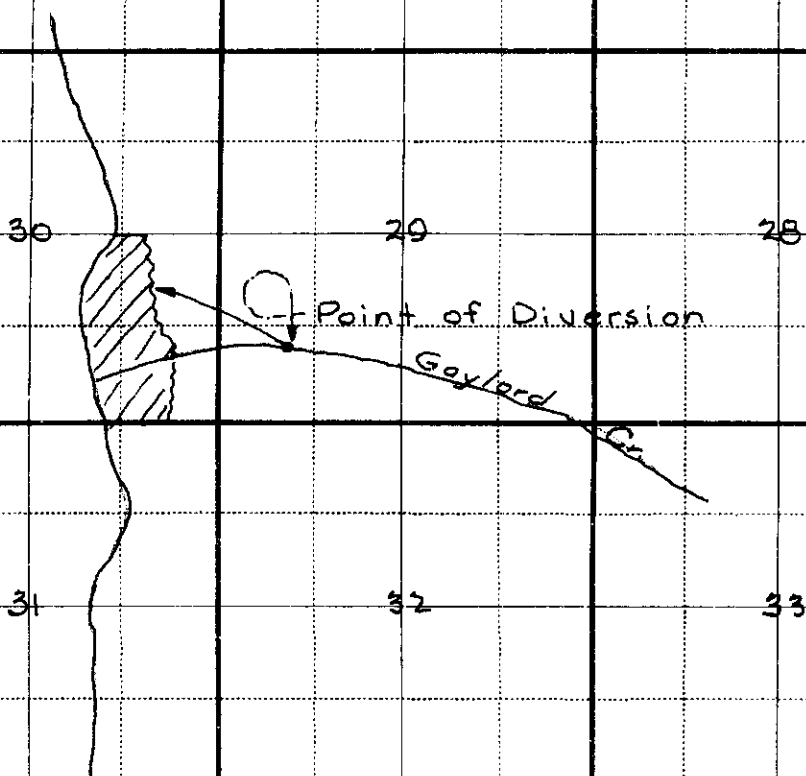
↑
W.



NAME OF APPLICANT POTTINGER { WILLIE J. E.
CYNTHIA E. E.

FORM No. 0

TP 18N R 1E



Permit No. No. 20159

As Approved
AUG 23 1947
MARK R. KULP
Reclamation Engineer

J.M.T.

SEE
GEORGE M
PHONE
CO
COUSEN

COUSEN