

27

26

25

Point of Diversion

Creek

ditch

East Bl. Can

Cr.

34

35

Canyon

Canal

St. Wood Riv

36

Black

2

3

1

AFFIDAVIT OF PUBLICATION

Notice for Publication NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 22nd day of June, 1948, at Gooding, County of Gooding, State of Idaho, before Branch Bird, Notary Public, proof will be submitted of the application to beneficial use of six cubic feet per second of the waters of Black Canyon Creek and tributaries in accordance with the terms and conditions of Permit No. 20077 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Stewart Elsner, Gooding, Idaho.

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

The amount applied to beneficial use is six (6) cu. ft.

The place where said water is used $E\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35; W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 36, all in Twp. 4 S. R. 14 E.B.M.; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, and NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 2, all in Twp. 5 S. R. 14 E.B.M., all in Gooding County, Idaho.

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

The right to take water from such works is based upon Permit No. 20077.

The source of supply from which such water is diverted is Black Canyon Creek and tributaries.

The date of priority which said user is prepared to establish is April 29, 1947.

MARK R. KULP, State Reclamation Engineer. 27-30

STATE OF IDAHO }
County of Gooding } ss.

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was published in said newspaper *four* consecutive weeks, the first publication having been made on the *20th* day of *May*, 194*8*, and the last publication having been made on the *10th* day of *June*, 194*8*, that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress

Subscribed and sworn to before me this

11th day of *June*, 194*8*.

Helene P. Smith

Notary Public.

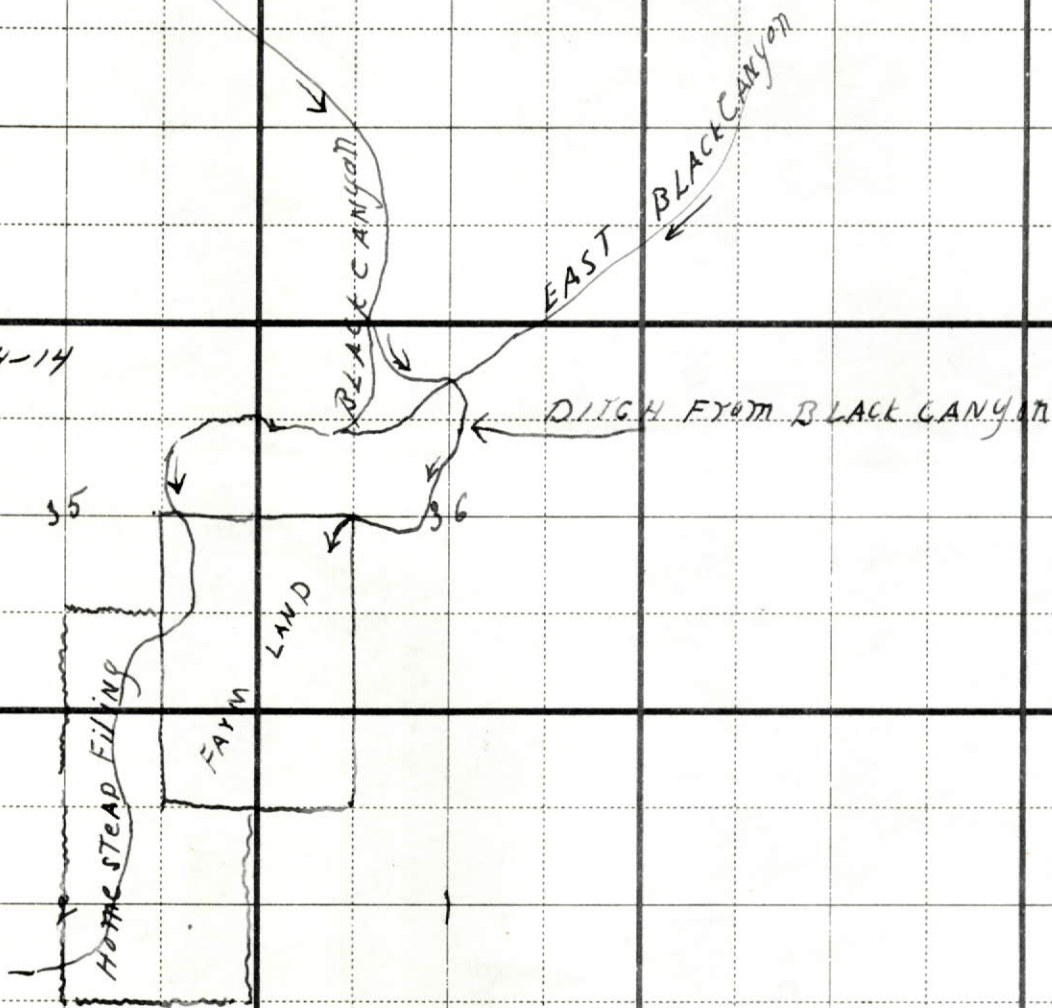
20077

NAME OF APPLICANT

Stewart Elmer

FORM No. 0

35-4-14



Permit Map No. 20077
As Approved
MAY 24 1947
MARK R. KULP
State Reclamation Engineer

✓ 11:30
- 11:30

State of Idaho
License and Certificate of Water Right

Water License No. 20077

Amount 2.42 second feet

Water District No.

Priority April 29, 1947

THIS IS TO CERTIFY that STEWART ELSNER
of Gooding, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 29, 1947; that Permit No. 20077
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
Six (6) second feet, was issued thereunder on July 25, 1947, showing that said works
were completed on the 22nd day of July, 1947; and that on the 22nd
day of June, 1948,

STEWART ELSNER

of Gooding, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Black Canyon Creek
and tributaries a tributary of Wood River, for the purpose of irrigation and domestic
uses, under Use Permit No. 20077 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 4433, on the 24th day of January, 1949;

The right hereby confirmed dates from April 29, 1947;

The Point of Diversion is located 1500 ft. East from NW corner Sec. 36, and on north
Section line of ~~the~~ Sec. 36, Tp. 4 S., R. 14 E., B. M. Gooding County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.42 cubic feet per second. of supplemental water

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S.	14 E.	36	NW $\frac{1}{4}$ SW $\frac{1}{4}$	37	8
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	37	36
		35	NE $\frac{1}{4}$ SE $\frac{1}{4}$	20	6
			SW $\frac{1}{4}$ SE $\frac{1}{4}$	8	8
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	33	33
5 S.	14 E.	1	NW $\frac{1}{4}$ NW $\frac{1}{4}$	39	-
			NE $\frac{1}{4}$ NE $\frac{1}{4}$	39	25
		2	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10	5
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	15	-
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	20	-
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	20	-
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	25	-
			Number of acres actually irrigated	-	121

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
24th day of January, 1949.

MARK R. KULP

State Reclamation Engineer

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 20405Amount 0.02 second feet

Water District No. _____

Priority April 9, 1948

THIS IS TO CERTIFY that EUGENE LAYTON
 of Oakley, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated April 9, 1948; that Permit No. 20405
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.10 second feet, was issued thereunder on May 29, 1948, showing that said works
 were completed on the 22nd day of May, 1948; and that on the 22nd
 day of July, 1948,

EUGENE LAYTON

of Oakley, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of subterranean
 flow, ~~as tributary of~~ from a well, for the purpose of domestic, livestock and
 irrigation, under Use Permit No. 20405 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 4434, on the 27th day of January, 1949;

The right hereby confirmed dates from April 9, 1948;

The Point of Diversion is located

in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, Tp. 12 S., R. 22 E., B. M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 0.02 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	22 E.	27	SW $\frac{1}{4}$ SW $\frac{1}{4}$	5	5

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
 of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
27th day of January, 1949.

MARK R. KULPState Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

37-2478

Application No. 27665
Permit No. 20077
District No.

1. Name of Applicant: STEWART ELSNER

Postoffice address: Gooding

County: Gooding

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

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

3. Source of water supply: Black Canyon & tributaries which is a tributary of Wood River

4. Location of point of diversion: 1500 ft. East feet distant from the N. W. corner of Section 36, T. 4 S., R. 14 E., B.M., and is in the N. Section line of Section 36, T. 4 S., R. 14 E., B.M., County of Gooding

5. Water is to be used for Irrigation (Farming)

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: \$ 250,000 (Already constructed)

8. Kind of works: Ditch between forks of creek, and thence to lands

9. Height of dam None feet; length of dam at top feet; length of dam at bottom feet; material used in dam: Ditch heads into creek at level below natural course.

10. Size of headgate: Width None feet; height feet;

11. Ditch: Width at bottom 2 feet; width at water line 4 feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Completed years.

13. The time required for the complete application of the water to the proposed use is - 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: 146 shares, 5/8 inch per share, American Falls Reservoir; 38 shares 5/8 inch per share Big Wood Canal Co.

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

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

STEWART ELSNER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. April 29, 1947

Returned to applicant for correction: April 30, 1947

Corrected application received: May 7, 1947

Approval of State Reclamation Engineer

The number of this permit is 20077

Recorded in Book 72 Page 20077 Approved May 24, 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 _____ Completed _____ 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

The whole of said work to be completed on or before August 24, 1947

Beneficial use of water appropriated in accordance herewith, to be made on or before August 24, 1947

Witness my hand this 24th day of May, 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 21th

day of May 1947

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

Remarks: This water is intended to supplement existing rights, and also is intended to use early in the season when existing rights are not available.

14.

[illegible]

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 20077, to July 15, 1948.
Witness my hand this 31st day of July, 1947.

MARK R. KULP
State Reclamation Engineer

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 20077, to September 1, 1952.

Witness my hand this 10th day of July, 1948.

MARK R. KULP
State Reclamation Engineer

WATER RIGHT NUMBER 37-2478

OWNER LAST NAME - ELSNER

FIRST NAME - STEWART

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - GOODING

STATE - ID ZIP CODE - 83330

SOURCE - BLACK CANYON CREEK

TRIBUTARY OF - DRY CREEK

STAGE - LICENSE

STATUS -

PRIORITY - 04-29-1947

COUNTY - GOODING

TOTAL DIV. RATE -

2.4200 -CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SENW 36 04S 14E LOT REDIV -

272.0 386.0

3.0

2.0

0.0

0.0

0.0

0.0

0.0

0.0

0.0

3.3

SESW 25 04S 14E LOT REDIV -

0.0

0.0

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 -

2.4200

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 05S RNG 14E SEC 02

TRACT NENE LOT

AC 25 TRACT

NWNE LOT

AC 05

USE - IRRIGATION

PLACE OF USE - TWN 04S RNG 14E SEC 35

TRACT NESE LOT

AC 06 TRACT

SWSE LOT

AC 08

USE - IRRIGATION

PLACE OF USE - TWN 04S RNG 14E SEC 36

TRACT NWSW LOT

AC 08 TRACT

SWSW LOT

AC 36

DECREE NAME -

DATE -

TOTAL ACRES

121

REMARKS - LIC. INCORRECTLY DESCRIBES BLACK CANYON CR. TRIB. TO WOOD RIVER.

LIC. DESCRIBES P/D AS 1500 FT. EAST FROM NW CORNER SEC. 36.

AND ON NORTH SEC. LINE OF SEC. 36, T4S, R14E.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 20077

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

3/79

IDENT. NO. 27-2478

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 20077 / 37-2478
Old No. New No.

Record

1. Original Owner: Stewart Elmer

Present Owner: _____

2. Address:

3. City: Gooding State: ID Zip: _____4. A. Source of Water: Black Canyon CreekB. Tributary of: Wood River5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 4-29-1947D. County: 47E. Total Diversion Rate: 2.42

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NW1/4</u>	<u>36</u>	<u>48</u>	<u>14E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for A purposes. Amount 2.42
(cfs or ~~AG-FT~~/yr)from _____ to _____ for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: *A*

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	
<i>48</i>	<i>14E</i>	<i>36</i>							<i>8</i>				<i>36</i>						<i>44</i>
		<i>35</i>													<i>6</i>		<i>8</i>	<i>33</i>	<i>49</i>
<i>58</i>	<i>14E</i>	<i>2</i>	<i>25</i>	<i>5</i>															<i>30</i>
																			<i>120</i>

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: *20011*

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

January 25, 1949

Re: Permit No. 20077

Mr. Stewart Elsner
Gooding, Idaho

Dear Mr. Elsner:

We enclose License and Certificate of Water Right issued under Permit No. 20077 confirming your right to the use of 2.42 second feet of water from Black Canyon Creek and tributaries, with priority of April 29, 1947; the point of diversion being on the north section line of Sec. 36, Twp. 4 S., Range 14 E. B.M., for irrigation and domestic use on 121 acres as described in Sections 35 and 36, Twp. 4 S., Range 14 E. B.M. and Sections 1 and 2, Twp. 5 S., Range 14 E. B.M.

We also enclose Departmental Receipt No. 21214 for the \$14.00 fee paid in connection with beneficial use proof.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt
Encls.

20077

Gooding Idaho

Jan 15 1949

Dear Sir

We made filing an 6 ft
water from Black Canyon creek.
part of which was to be used as
a desert land claim, we have
just been granted part of this
claim and expect the rest to
be granted soon. as soon as
possible we will stop beneficial
use of the water on this land and
complete this filing. enclosed find
check for amount requested

yours truly
Shirley Elmer

20077



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

January 6, 1949

Re: Permit No. 20077

Mr. Stewart Elsner
Gooding, Idaho

Dear Mr. Elsner:

We now have on file the report of our Field Engineer on examination of beneficial use under your Permit No. 20077.

This report shows that you are irrigating 121 acres in the $W\frac{1}{2}$ $SW\frac{1}{4}$ Section 36, $NE\frac{1}{4}$ $SE\frac{1}{4}$ and $S\frac{1}{2}$ $SE\frac{1}{4}$ Section 35, Twp. 4 S., Range 14 E. B.M. and the $N\frac{1}{2}$ $NE\frac{1}{4}$ Section 2, Twp. 5 S., Range 14 E. B.M.

Therefore, upon receipt of the statutory fee of \$14.00, being at the rate of \$2.00 for each 40 acre subdivision in which the land is located, a license will be issued for 2.42 second feet of supplemental water from Black Canyon Creek and tributaries.

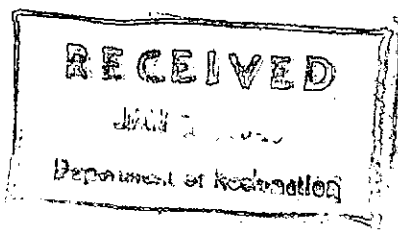
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeannie L. Anderson
Chief Clerk

A/gt

20077



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20077

This proof is for Beneficial use In Water District No.

1. Name of applicant Stewart Elsner, Gooding, Idaho
2. Source of water supply: Black Canyon Creek and tributaries
3. Location of point of diversion: Is in the 1500 ft. East of N.W. corner of Section 36
T. 4 S. R. 14 E. County of Gooding, and on North line of Section 36.
4. Describe works as they exist, giving dimensions and capacities of same: Diversion is made directly from the stream, no structures being installed as yet. The first 600 feet of ditch is 16 feet wide, and $1\frac{1}{2}$ feet deep, and thence the width is five feet, and the depth continues at $1\frac{1}{2}$ feet.
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):
E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35; W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 36; Twp. 4 S., Range 14 E., B.M.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2; Twp. 5 S., Range 14 E., B. M.

The permit also includes the rest of the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2, Twp. 5 S., Range 14 E., B.M., but the proof only made on above described tracts. The proof states that water will be used on the rest when homestead filing approved. Proof may be made on that later.

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

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

Remarks:

This filing is supplemental to water from the Big Wood River Canal system.

This examination was made on the 10th. day of August, 1948.

(Signed)

Frederick A. Johnson
Examiner.

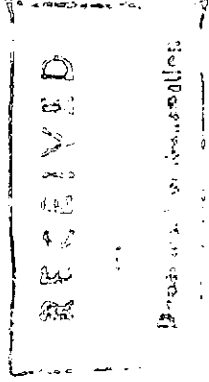
20077

Stewart Elsner
Gooding, Idaho

Permit No. 20077

Examination for Beneficial use

County Gooding



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.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE
REPORT OF ENGINEER

PERMIT NO. 20077

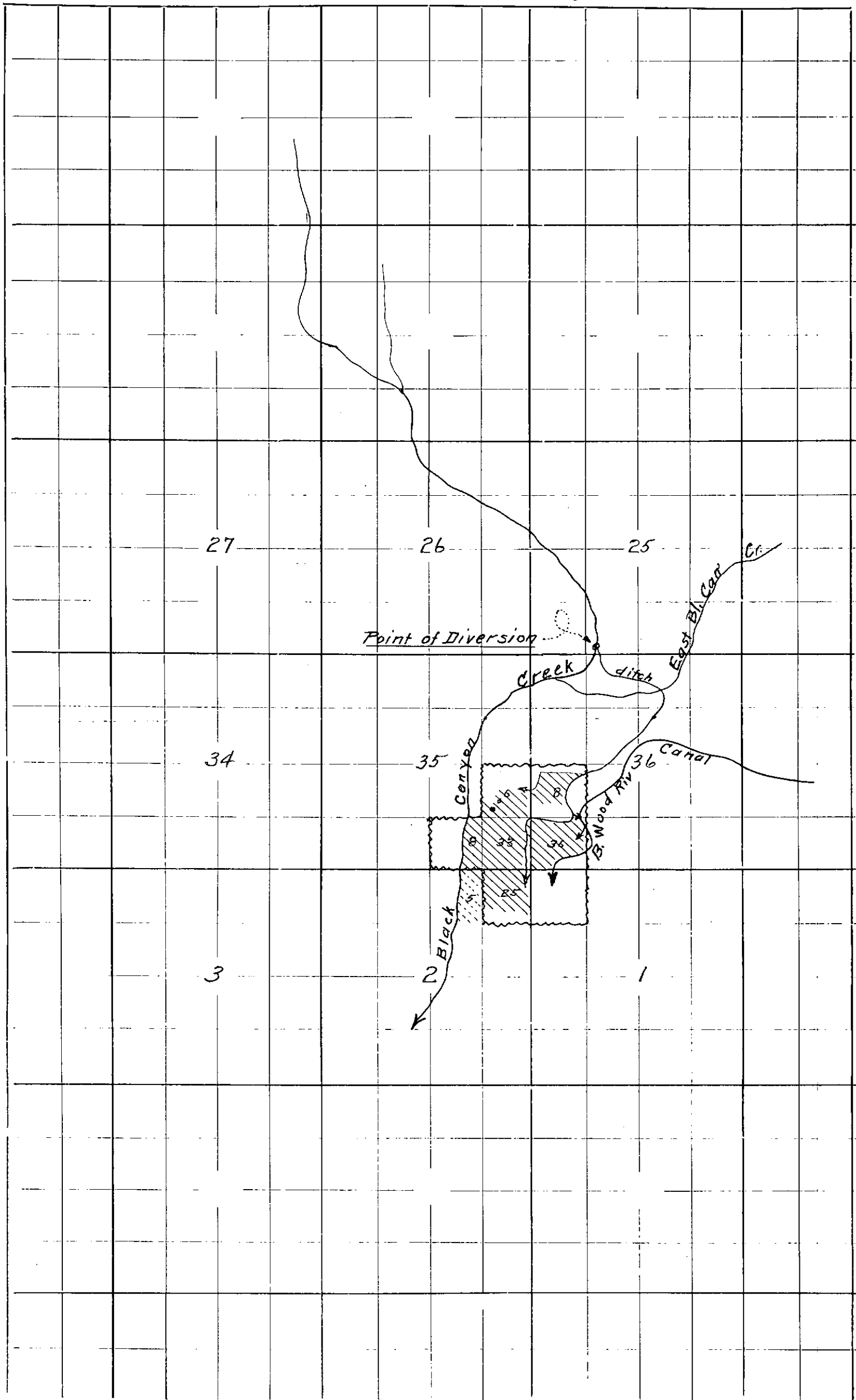
REPORT ON PROOF OF Beneficial use

*sup-
small*

app - 600 -

121 acres

7-40's



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

20077

20077

August 23, 1948

Mr. J. E. Bailey, Sec-Treas.
Gooding National Farm Loan Association
Gooding, Idaho

Dear Mr. Bailey:

In reply to your letter of August 21 in regard to water rights of Stewart Elser:

On checking the decree rendered by Judge D. H. Sutphen in the case of William Schreiber, et al., vs. August Crist, et al., dated January 16, 1932, we find the following.

"That there be and is hereby decreed to E. L. Crist the right to divert from said Dry Creek 1.4 cubic feet per second of time of the waters thereof with a priority of May 1, 1886 for use upon lands situate in Gooding County, State of Idaho, and more particularly described as follows, to-wit:

W $\frac{1}{2}$ of the NE $\frac{1}{4}$, E $\frac{1}{2}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the SE $\frac{1}{4}$
of Sect 7, Twp. 4 S., R. 14 E., B. M. "

This decree is recorded in Gooding County in Book 6 of Judgments at Page 18.

Permit No. 20077 was issued to Mr. Elser with priority of April 19, 1947, for 6 cubic feet per second from Black Canyon Creek and tributaries for the irrigation of the following described land.

W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 36 and NE $\frac{1}{4}$ SE $\frac{1}{4}$, 9th SE $\frac{1}{4}$
Section 35, Twp. 4 S., Range 14 E., B. M.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 1, NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2,
Twp. 5 S., Range 14 E., B. M.

Proof of completion of works has been made and certificate of completion of works issued under the above permit; proof of beneficial use is not due until September 1, 1952.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A/gt

Chief Clerk

20077

GOODING NATIONAL FARM LOAN ASSOCIATION

GOODING, IDAHO

August 21, 1948

J. E. BAILEY, SECRETARY-TREASURER

FEDERAL LAND BANK LOANS

144 - E - Stewart Elsner

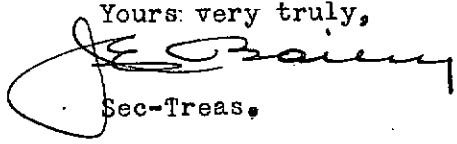
Mr. Mark R. Culp,
State Reclamation Engineer,
Boise, Idaho.

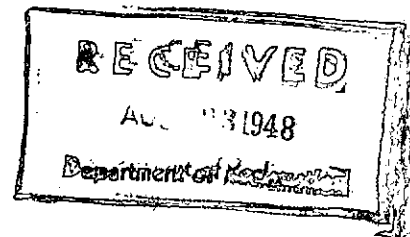
Dear Mr. Culp:

We have a loan application covering on certain land in Gooding County which reportedly has a decreed right out of Dry Creek. The land is described as the $E\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$ and the $NE\frac{1}{4}SW\frac{1}{4}$ of Section 7, Twp. 4 South, Range 14 E. B. M. It was purchased about 1945 from G. L. Bemrose by Stewart Elsner, our applicant. The latter informed us the property carries a decree of 70" out of Dry Creek but not give the date of the decree or tell us how many parties had prior ones. Any information you can give us concerning this matter will be appreciated.

At the time of filing his application for a loan, Mr. Elsner stated that he had made a filing for the use of water out of Black Canyon in connection with the following described land: $NE\frac{1}{4}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, Section 35; $NW\frac{1}{4}SW\frac{1}{4}$ Section 36, all in Twp. 4 South, Range 14 E. B. M. Lot 4, Section 1 and Lot 1, Section 2, all in Twp. 5 South, Range 14 East, in Gooding County. We will appreciate it if you will give us the available information about this matter.

Yours very truly,


Sec-Treas.



20077

July 16, 1948

RE: Permit No. 20077

Messrs. Bissell and Bird
Attorneys at Law
Gooding, Idaho

Attention: Mr. Branch Bird

Dear Mr. Bird:

We enclose Approval of State Reclamation Engineer of the application of Stewart Elsnor for extension of time for making supplemental proof of beneficial use under Permit No. 20077 to September 1, 1952.

This should be attached to the original permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/gt

Enc.

20077

STATE OF IDAHO
Department of Reclamation

Permit No. 20077

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Gooding } SS

Stewart Elsner

of Gooding,

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 20077

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by July 1th, 19 48

That he has heretofore put to beneficial use two(2) second feet of water and has irrigated 139 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit:

Applicant has made a U. S. desert land filing for the NE $\frac{1}{4}$
(except lot o thereof) and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 2, Twp. 5 S. R. 14

E. B. M., and as soon as his filing thereon is approved by the
United States reclamation and irrigation of that land will be
undertaken and completed.

State Reclamation Engineer

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the making of proof of beneficial use under said permit to September 1st, 19 52.

Subscribed and sworn to before me this 3rd day of July, 19 48

Notary Public.

My commission expires 1951.

Date of receipt at office of Department of Reclamation July 9, 1948

STATE RECLAMATION ENGINEER

APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~

I, Mark R. Kulp ~~State Reclamation Engineer~~
~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 20077 to

September 1, 19 52

Witness my hand this 10th day of July, 19 48

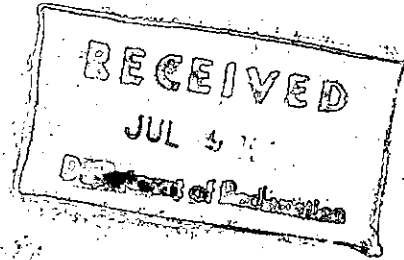
Mark R. Kulp
State Reclamation Engineer

BISSELL & BIRD

1ST SECURITY BANK BLDG.

GOODING, IDAHO

W. G. BISSELL
BRANCH BIRD



July 6, 1948

Department of Reclamation
Boise, Idaho

Permit No. 20077

Gentlemen:

Thank you for your letter of the 24th. As suggested therein, Mr. Elsner has signed and we enclose application for extension of time until September 1st, 1952. Mr. Elsner will be able to do the job much ahead of this time if he can get the green-light from the government. As you probably know these government departments are not always very prompt.

Sincerely yours,

BISSELL & BIRD

A large, stylized handwritten signature that appears to read "Branch Bird". The signature is written in dark ink and is positioned below the typed name "BISSELL & BIRD".

BB:gh
enc

20077

June 24, 1948

Re: Permit No. 20077

Messrs. Bissell & Bird
Attorneys at Law
Gooding, Idaho

Attention-Mr. Branch Bird

Dear Sirs:

We acknowledge receipt of your letter of June 22nd, enclosing depositions of Stewart Elsner and two witnesses, also affidavit of publication in the Gooding Leader, all submitted in proof of beneficial use under Permit No. 20077.

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 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 Mr. Elsner at the time he makes the examination, so that he may show him over the grounds.

We note from the proofs that the water has not yet been applied to land in the NE $\frac{1}{4}$ (except Lot 1) and the NE $\frac{1}{4}$ Section 2, Twp. 5 South, Range 14 East, B.M., awaiting the approval of his homestead filing.

Any license, therefore, that may be issued under the present proof, will not include water appurtenant to these tracts; but subsequent proof can be made later, when the water has been so beneficially applied thereon. The priority under this later proof will take a later priority date, unless an extension is allowed on time for making such proof. As the statutes allow a maximum of six additional years, after completion of works, such extension can be approved until July 15, 1953. We enclose a form of application for such extension for Mr. Elsner's use.

Very truly yours,

MARK R. RUPP
State Reclamation Engineer
By

Incl.

CC Stewart Elsner

Chief Clerk

20077

AFFIDAVIT OF PUBLICATION

**Notice for Publication
NOTICE OF PROOF
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10:00 A. M. on the 22nd day of June, 1948, at Gooding, County of Gooding, State of Idaho, before Branch Bird, Notary Public, proof will be submitted of the application to beneficial use of six cubic feet per second of the waters of Black Canyon Creek and tributaries in accordance with the terms and conditions of Permit No. 20077 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Stewart Elsner, Gooding, Idaho.

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

The amount applied to beneficial use is six (6) cu. ft.

The place where said water is used $E\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35; W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 36, all in Twp. 4 S. R. 14 E.B.M.; NW $\frac{1}{4}$ of Sec. 1, and NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 2, all in Twp. 5 S. R. 14 E.B.M., all in Gooding County, Idaho.

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

The right to take water from such works is based upon Permit No. 20077.

The source of supply from which such water is diverted is Black Canyon Creek and tributaries.

The date of priority which said user is prepared to establish is April 29, 1947.

MARK R. KULP, State Reclamation Engineer. 27-30

STATE OF IDAHO }
County of Gooding } ss.

I, *Leland G. Burress*, do solemnly swear that I am the printer and publisher of THE GOODING LEADER, a weekly newspaper of general circulation, published once each week at Gooding, Idaho; that the notice attached hereto was published in said newspaper *four* consecutive weeks, the first publication having been made on the *20th* day of *May*, 194*8*, and the last publication having been made on the *10th* day of *June*, 194*8*, that said notice was published in the regular and entire issue of every number of the paper during that period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in *Gooding, Gooding County, Idaho*, for a period of more than 78 weeks prior to the first publication of the attached notice.

Leland G. Burress

Subscribed and sworn to before me this

11th day of *June*, 194*8*.

Helene D. Smith

Notary Public.



20077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20077

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. Claude Campbell, 55, Gooding, Idaho, farming
and livestock.

Ques. 2. Are you acquainted with Stewart Elsner, the holder of Permit No. 20077? How long have you known him and where does he reside?

Ans. more than 15 years, north of Gooding, Idaho, in
Gooding County.

Ques. 3. Have you read or heard read said Permit No. 20077, and are you familiar with its provisions and conditions?

Ans. yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Black Canyon Creek, about 1500 feet east of NW corner of
Sec. 36, Twp. 4 S. R. 14 EBM; ditch from creek to land about $\frac{1}{4}$ mi.
in length $1\frac{1}{2}$ ft in depth and 4 or 5 feet in width

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. will carry up to 6 cu. ft., and I have seen from 75" to 100"
being carried in this 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 improvements which have been made as a direct result of said use.

Ans. Same as answer to question # 6 on deposition of Stewart Elsner,
permit holder, given at same time and place this deposition given.

20077

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

Ans. none for power, all for cultivation and irrigation

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. arid == 1 1/2 inches per acre in cultivation; this Black Canyon creek water is used only in early season, generally giving out during May.

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

Ans. no

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

Ans. used for cultivation of lands described in #6 of Stewart Elsner taken at same time this depposition given.

(Signed) blonde Campbell

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 Gooding, County of Gooding, State of Idaho, on this 22 day of June, A. D. 1948.

Branch Bink
Notary Public.

My commission expires 1951.

20077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20077**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. Wendell P. Cranney, age 32 yrs, farming & livestock
Gooding, Idaho

Ques. 2. Are you acquainted with Stewart Elsner, the holder of Permit No. 20077? How long have you known him and where does he reside?

Ans. 40 years = north of Gooding in Gooding County, Idaho

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

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Black Canyon Creek; about 1500 feet east of of NW corner
of Sec. 36, Twp. 4 S. R. 14 EBM; ditch between forks of creek ,
and onto land being little over one-fourth of mile in length and
about 18" in depth and five feet in width

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. will carry maximum of 6 cu. ft.; have seen 75 to 100 inches
on several occasions.

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

Ans. Same as answer to question # 6 on deposition of "holder"
dated and given in same hearing.

20077

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

Ans. none for power

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. arid, brushy ; 1½ inches per acre in cultivation.

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

Ans. no

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

Ans. This water applied to cultivation and reclamation of lands in question 6 of deposition of "holder" taken and dated at the same time this deposition is given. This water is of short duration usually being off about May 1st, and occasionally running until about June 1st, and is supplemantary and mostly for use early in season.

(Signed)

Stendell P. Channing

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 Gooding, County of Gooding, State of Idaho, on this 22 day of June A. D. 19 48.

Rancho Bird

Notary Public.

My commission expires 1951.

20077

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. 20077

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Stewart Elsner

Gooding, 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 own behalf

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

Ans. 20077, May 24, 1947, April 29, 1947

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

Ans. Black Canyon Creek and tributaries; 1500 ft. east of NW corner of Sec. 36, T. 4 S. R. 14 EBM and on north line of said section 36.

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 constructed to head into east fork of Black Canyon Creek and carries water to west fork of same creek; ditch will carry maximum of 10 feet of water === no name for ditch

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. 43 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$ & SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35; 68 acres in W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 36, Twp. 4 S. R. 14 EBM; 3 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1 and 25 acres in NE $\frac{1}{4}$ of Sec. 2, Twp. 5 S. R. 14 EBM; and water will be used on homestead filing when filing approved by U. S., this covers NE $\frac{1}{4}$ (except lot 1) and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 2, Twp. 5 S. R. 14 E B M === cultivated.

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

Ans. all for irrigation purposes.

20077

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. six (60 cu. ft.)

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. in 1946 used about 25 inches; in 1947 used 1 cu. ft. and in 1948 used 2 cu. ft. Ditch is now of sufficient capacity to carry much more than it did in previous years.

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. Land in #35 has Am Falls Res Dist # 2 water for 33 acres, that in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 36 has water for 37 acres in same district; Lot 1 of 2-5-14 has 39.58 shares in Big Wood Canal Co; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1 has 39 water for 39 acres in said Res. District.

(Sign)

Stewart Elmer

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 Gooding, County of Gooding, State of Idaho, on this 22 day of June, A. D. 19 48.

Brian C. Bird

My commission expires 1951.

20077

W. G. BISSELL

BRANCH BIRD

BISSELL & BIRD

LAWYERS

GOODING, IDAHO

June 22, 1948

Department of Reclamation
Boise, Idaho

Re: Permit No. 20077

Gentlemen:

We enclose depositions of holder and two witnesses and affidavit of publication, which we hope you find satisfactory.

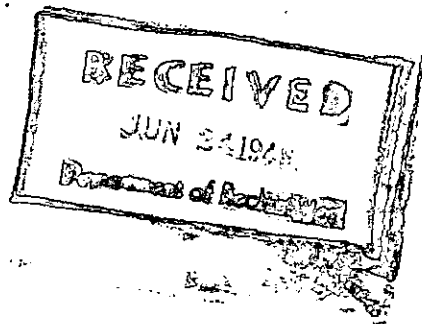
Awaiting your advice, we are

Sincerely yours,

BISSELL & BIRD

Branch Bird

BB:gh



20077

Section 56-501 provides for making application for right of way for ditch across state lands. Mr. Elsner is leasing or buying the West half of Section 36, referred to in his permit, and we presume he should make application for his ditch to go across this land, the ditch conveying the water for use on the state lands and other lands. This statute requires the map to be drawn on tracing linen, which is not available here. Perhaps you are acquainted with a Boise shop where this can be purchased. Will you have such shop send us a dozen sheets of paper which will be suitable for making these maps, and have the bill enclosed.

Thank you.

BB

20077

State of Idaho

DEPARTMENT OF RECLAMATION BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 20077
Stewart Elsner

BOISE, IDAHO, June 12, 1948

Mr. Branch Bird
Notary Public
Gooding, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 20077.....

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 June 22, 1948....., 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..... Gooding, Idaho..... before Branch Bird, Notary Public.....

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

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

Yours truly.

MARK R. KULP
Commissioner of Reclamation
State Reclamation Engineer

20077

✓
May 12, 1948

Re: Permit No. 20077

Bissell & Bird
First Security Bank Bldg.
Gooding, Idaho

Attn: Mr. Branch Bird

Dear Mr. Bird:

In accordance with your letter of May 7, 1948, we have sent to the Gooding Leader copy of notice of beneficial use proof to be made on June 22, 1948, under Permit No. 20077 in the name of Stewart Elsner.

The newspaper has been instructed to publish this notice once a week for four consecutive weeks prior to that date, and to send Mr. Elsner affidavit of publication together with statement of costs.

We enclose herewith the necessary forms of deposition for Mr. Elsner and his two witnesses, and at the time set he should appear before you with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

20077

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

Notice is hereby given that at 10:00 A. M. on the 22nd day of June, 1948,
at Gooding, County of Gooding, State of Idaho, before
Branch Bird, Notary Public, proof will be submitted of the
application to beneficial use of six cubic feet per second of the waters of Black Canyon
Creek & tributaries in accordance with the terms and conditions of Permit No. 20077
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are _____

Stewart Elser, Gooding, Idaho

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

The amount applied to beneficial use is six (6) cu. ft.

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) NE $\frac{1}{4}$ SE $\frac{1}{4}$ & SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35;
W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 36, all in Twp. 4 S. R. 14 E. B. M.;
NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, and
NE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, all in Twp. 5 S. R. 14 E. B. M.,
all in Gooding County, Idaho.

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

The right to take water from such works is based upon Permit No. 20077

The source of supply from which such water is diverted is Black Canyon Creek
and tributaries.

The date of priority which said user is prepared to establish is April 29
May 24, 1947.

MARK R. KULP

State Reclamation Engineer.

20077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 20077

Date: May 12, 1948

The Gooding Leader

Gooding, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to June 22, 1948 the date set for proof, the expense of the publication to be paid by the applicant, Stewart Elener of Gooding 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

20077

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 7th, 1948

(P. O.) Gooding, Idaho, Route # 1

STATE RECLAMATION ENGINEER:
TO THE COMMISSIONER OF RECLAMATION

Boise, Idaho.

Dear Sir:

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

Stewart Elmer

(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.

20077

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

DEPARTMENT OF RECLAMATION

Boise, Idaho

May 3, 1948

Mr/ Stewart Ellsner

Gooding, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 20077. 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 July 15, 1948, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

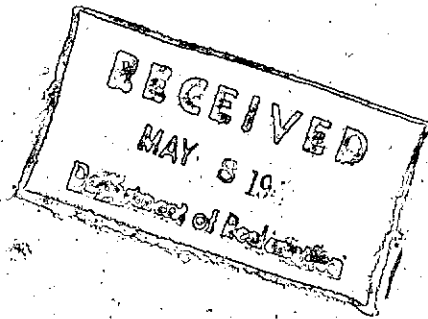
20077

BISSELL & BIRD

1ST. SECURITY BANK BLDG.

GOODING, IDAHO

W. O. BISSELL
BRANCH BIRD



May 7th, 1948

Department of Reclamation
State House
Boise, Idaho

Re: Permit No. 20077

Gentlemen:

We enclose authorization for publication of notice, and duplicate copies of notice of proof to beneficial use, which we hope are satisfactory and will enable you to proceed.

If any corrections or changes are needed please advise this office.

Sincerely yours,

BISSELL & BIRD

A large, stylized handwritten signature in dark ink, appearing to read "Branch Bird". The signature is written over a horizontal line.

BB:gh
encs

20077

✓
20077

November 3, 1947

Re: Permit No. 20077

Messrs. Bissell & Bird
1st Security Bank Bldg.
Gooding, Idaho

Attention-Mr. Branch Bird

Dear Sirs:

In reply to your letter of November 1st, in regard to extension of time for making proof of beneficial use under Permit No. 20077 in the name of Stewart Elmer:

The records in this department show that on July 31, 1947, a letter was addressed you, enclosing the approval of the State Reclamation Engineer for such extension to July 15, 1948.

This approval was in the form of a small slip or rider, to be attached to the original permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

BISSELL & BIRD

1ST SECURITY BANK BLDG.

GOODING, IDAHO

W. G. BISSELL
BRANCH BIRD

November 1, 1947

Department of Reclamation,
State House,
Boise, Idaho.

Re: Permit No. 20077

Gentlemen:

With our letter of July 29th we enclosed Mr. Elsner's application for extension of time of making proof of beneficial use. As we have had no response we presume this is agreeable to the department. However Mr. Elsner feels he would like to have something in writing from your department. Will you please advise us.

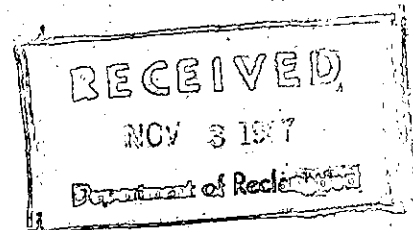
Sincerely yours,

BISSELL & BIRD

Branch Bird

BB:dlw

20077



✓
July 31, 1947

Re: Permit No. 20077

Messrs. Bissell and Bird
Attorneys at Law
Booding, Idaho

Attention: Branch Bird

Dear Mr. Bird:

We enclose approval of the State Reclamation Engineer of the application of Stewart Elsner for extension of time for Beneficial Use Proof under Permit No. 20077, to July 15, 1948.

This should be attached to the original permit, of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:FS
Encl.

20077

STATE OF IDAHO
Department of Reclamation

Permit No. 20077

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Gooding } SS

Stewart Elsner, of Gooding, Idaho

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 20077

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by August 24th, 1947.

That he has heretofore put to beneficial use two (2) second feet of water and has irrigated twenty acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit: _____

Applicant desires to further improve diversion ditch,

clear additional land and put same in crop, and apply full

amount of water to such land, which cannot be done at this

season of year because flow of stream is low now.

State Reclamation Engineer

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the making of proof of beneficial use under said permit to July 15th, 1948.

Subscribed and sworn to before me this 26th day of August, 1947.

Notary Public.

My commission expires 1951.

Date of receipt at office of Department of Reclamation July 30, 1947

STATE RECLAMATION ENGINEER
APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~
State Reclamation Engineer

I, Mark R. Kulp, ~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 20077, to _____

July 15, 1948

Witness my hand this 30th day of July, 1947

Mark R. Kulp
State Reclamation Engineer

W. G. BISSELL

BRANCH BIRD

BISSELL & BIRD
LAWYERS
GOODING, IDAHO

July 29, 1947

Department of Reclamation,
State House,
Boise, Idaho.

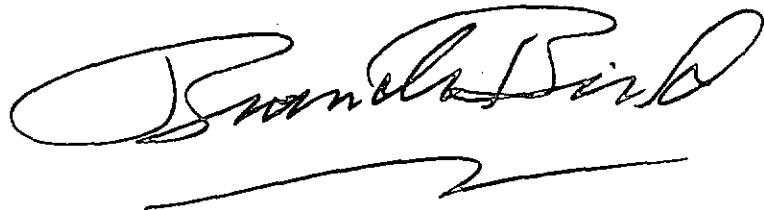
Re: Permit No. 20077

Gentlemen:

We enclose application of Stewart Elsner for extension of time for making proof of beneficial use. Please advise if this is agreeable to the department.

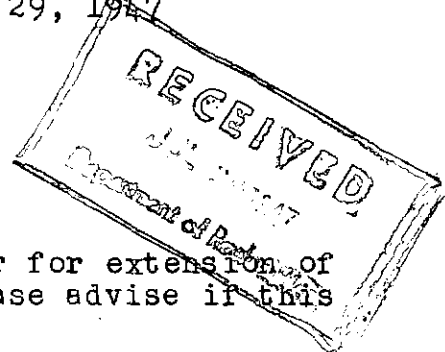
Sincerely yours,

BISSELL & BIRD

A large, stylized handwritten signature in dark ink, appearing to read "Branch Bird". Below the signature is a horizontal line.

BB:dlw
Enc.

20077



✓
July 29, 1947

Re: Permit No. 20077

Messrs. Bissell and Bird
First Security Bank Building
Gooding, Idaho

Attention Mr. Branch Bird

Dear Mr. Bird:

We enclose Certificate of Completion of Works issued under Permit No. 20077 in the name of Stewart Elsner, for the diversion of 6 second feet of the waters of Black Canyon and tributaries with point of diversion on the North section line of Section 36, Township 4 South, Range 14 East, B. M. for the irrigation of certain lands as described in sections 35 and 36, Township 4 South, Range 14 East and Sections 1 and 2, Township 5 South, Range 14 East.

Departmental receipt No. 20076 for the \$5.00 fee is also enclosed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

20077
A:FS
Encl.

July 24, 1947

✓
Re: Permit No. 20077

Messrs. Bissell and Bird
First Security Bank Building
Gooding, Idaho

Attention: Mr. Branch Bird

Dear Mr. Bird:

We acknowledge receipt of your letter of July 23rd, enclosing Proof of Completion of Works under Permit No. 20077, in the name of Stewart Elsner together, with your check for the \$5.00 fee in connection therewith.

Certificate of Completion of Works will be issued and sent you within a few days.

An extension can be allowed for making Beneficial Use Proof and we enclose herewith a form of application for such extension.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

20077
A:FS
Enc.

Permit No. 20077

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO }
County of Gooding } ss.

Stewart Elsner

, 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. 20077, and that his postoffice address is Gooding, State of Idaho.

Second: That the name of the stream from which said water is to be directed is Black Canyon and tributaries

Third: That the point of diversion of said water is 1500 feet east from NW corner of Sec. 36, Twp. 4 S. R. 14 E. B. M., Gooding County, Idaho

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 24th, 1947.

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: cut bank of stream with ditch
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam: feet, length of dam at top: feet, length of dam at bottom: feet. Material used in construction:

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir: acre feet.

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

(d) Conduit ditch width at bottom: two feet, width at water line: four feet, depth of water: two feet; diameter of pipe: inches, average grade per mile is: feet. Length of conduit is: miles.

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

Eighth: That water appropriated under said permit is available for 303 acres of land described as follows: E $\frac{1}{2}$ SE $\frac{1}{4}$ & SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35; W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 36, all in Twp. 4 S. R. 14 E. B. M. NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 1, and NE $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 2, all in Twp. 5 S. R. 14 E. B. M. Gooding County, Idaho.

Ninth: Remarks: That

This water has been used to some extent by applicant heretofore.

Stewart Elsner
(Sign here)

Subscribed and sworn to before me this 22 day of July, 1947.

My commission expires 1951

Branley Bird
Notary Public.

20077

E. H. H.

BISSELL & BIRD

1ST SECURITY BANK BLDG.

GOODING, IDAHO

W. O. BISSELL
BRANCH BIRD

July 23, 1947

Department of Reclamation
Boise, Idaho

Re: Permit #20077 -
Stewart Elsner

Gentlemen:

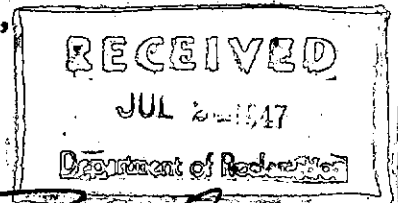
We enclose proof of completion of works and this firm's check in the amount of \$5.00.

The engineer's approval requires beneficial use of water to be made on or before August 24, 1947. Section 41-211 of the statutes authorizes an extension of time, and both this office and Mr. Elsner will appreciate it very much indeed if the time for making proof of application to beneficial use will be extended until about the middle of next summer. Will you kindly consider this as application for such extension? The reasons for asking the application are that the writer, who had been working with Mr. Elsner in this matter, expects to be out of the state during August, and Mr. Elsner is extremely busy with his farm and livestock business during this season of the year.

Will you kindly advise by return mail so we can proceed with the publication of notice prior to August 24th, if the extension cannot be granted. In the latter event, since the 24th is on Sunday, we assume the 25th would be acceptable.

Awaiting your advice, we are

Sincerely yours,



BISSELL & BIRD

A large, stylized handwritten signature in dark ink, appearing to read "Branch Bird".

BB/jeb
Encl

20077

May 29, 1947

Re: Permit No. 20077

Messrs. Bissell and Bird
First National Bank Building
Gooding, Idaho

Attention Mr. Branch Bird

Dear Mr. Bird:

We enclose Permit No. 20077 in the name of Stewart Elsner together with departmental receipt No. 19970 for the \$3.25 filing fee and direct his attention to the limitations and conditions of the permit as given on the fourth page.

Since the application stated that the works were already completed, we have allowed the minimum of three months in which to make the statutory proofs required to complete his water right, that is, on or before August 24, 1947.

The first, or completion of works proof, is made by executing Form 6, enclosed, before a Notary Public, and returning to this Department with the statutory fee of \$5.00, upon receipt and approval of which a Certificate of completion of works will be issued.

Notice of proof of beneficial use is required by law to be published once a week for four consecutive weeks prior to the date set for proof, in the county where the water is diverted. This notice should be made out in duplicate on Form 10 enclosed, setting the date sufficiently far ahead to allow for the four weeks' publication, and naming the Notary Public, or other officer authorized by law to administer oaths, before whom the proof will be made.

Both copies of the notice are to be returned to this Department together with Form 11, which is his authorization for us to have the notice published at his expense in the newspaper, with instructions in regard to publishing same.

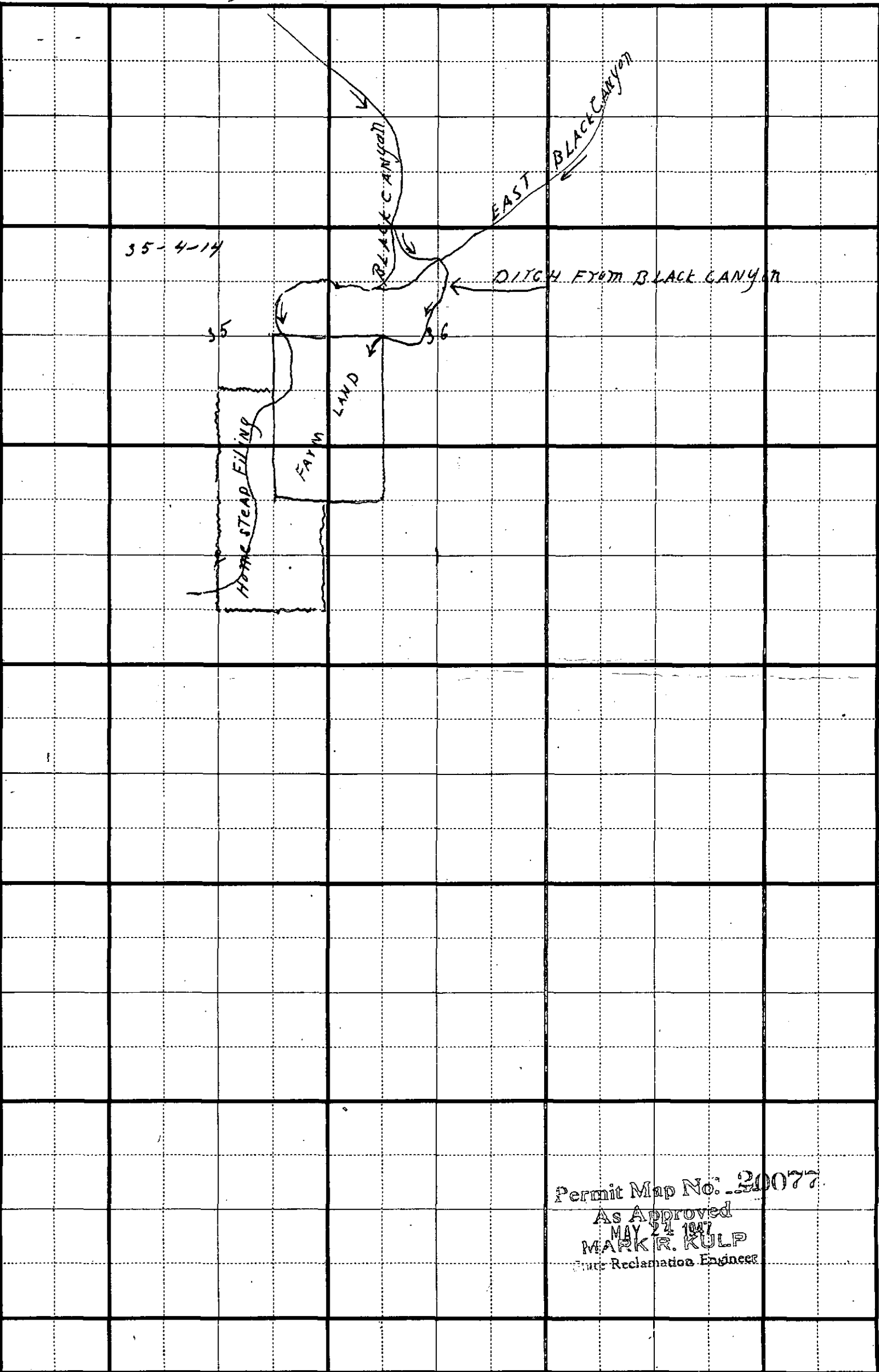
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

20077
A:FA
Encl.

Stewart Olson



Permit Map No. 20077
As Approved
MAY 24 1947
MARK R. KULP
Chief Reclamation Engineer

BISSELL & BIRD

1ST. SECURITY BANK BLDG.

GOODING, IDAHO

W. G. BISSELL
BRANCH BIRD

May 6, 1947

Department of Reclamation,
Boise,
Idaho.

Re: Stewart Elsner

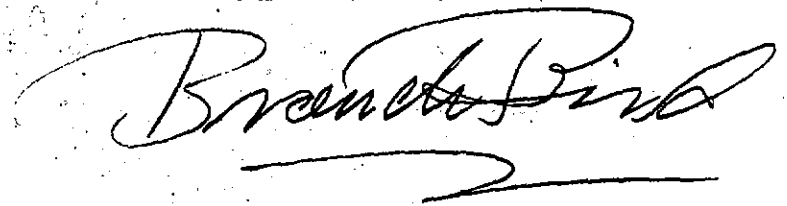
Gentlemen:

We return the application for permit, with requested remarks added.

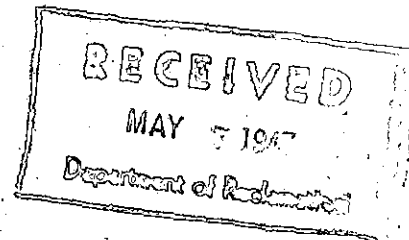
The land planned to be irrigated includes lands now owned by the applicant and his wife and also 240 acres recently filed upon by them under the desert entry law. In connection with making this filing he had to make application to transfer some of the irrigation water from his old land. The net result is that he is a little short on both tracts, and desires this water he is making application to appropriate to supplement present supply. This water being filed upon is only good for a short time in the spring, but will be very helpful in getting his hay and grass going in good style each year.

Sincerely yours,

BISSELL & BIRD



BE:dlw
Enc.



20077

April 30, 1947

Bissel and Bird
First Security Bank Building
Gooding, Idaho

Attention: Mr. Branch Bird

Dear Mr. Bird:

We acknowledge receipt of your letter of April 23 enclosing the application of Stewart Elaner for permit to appropriate 6 second feet of water from Black Canyon and tributaries, accompanied by check for \$6.25 filing fee.

We note that there are already 164 shares of water appurtenant to this land, with $5/8$ of an inch per share, which would be equivalent to 140 inches. This application calls for 300 inches, which would make 440 inches for 803 acres of land, which is more than the statutory inch per acre.

Please state under "Remarks" whether this water applied for is in addition to existing water rights, or is supplemental thereto, to be used when the existing rights are unavailable.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:FA

Encl.

20077

BISSELL & BIRD

1ST. SECURITY BANK BLDG.

GOODING, IDAHO

W. G. BISSELL
BRANCH BIRD

April 28, 1947

Commissioner of Reclamation,
Boise,
Idaho.

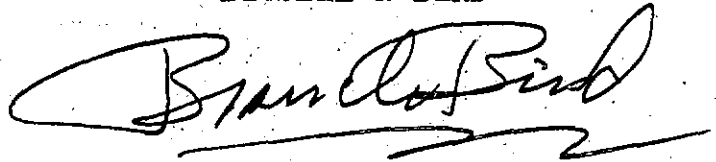
Dear Sir:

Mr. Stewart Elsner has requested us to forward to you the enclosed application for permit. He neglected to leave a check, so we are enclosing our check.

If anything further is needed please notify us or Mr. Elsner.

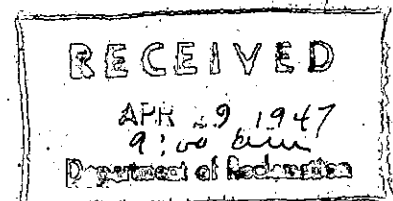
Sincerely yours,

BISSELL & BIRD



BB:dlw
Enc.

PS: Mr. Elsner called before this was ready for mailing, and his check for \$6.25 is enclosed. B&B



20077