

PUBLIC NOTICE

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

NOTICE is hereby given that at 1:30 P. M., on the 25 day of May 1962 at Boise, County of Ada, State of Idaho, before Harley M. McDowell, Notary Public, at (address) 329 Idaho Bldg., Boise, Ida., proof will be submitted of the completion of works for the diversion of .24 cubic feet per second of the waters of an unnamed spring, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 29705, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is: Heath B. Fowler, Johnny Ck. Road, Pocatello, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is .24 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes, and the amount applied to beneficial use is .24 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T3N-R45 E., B.M., Ida.

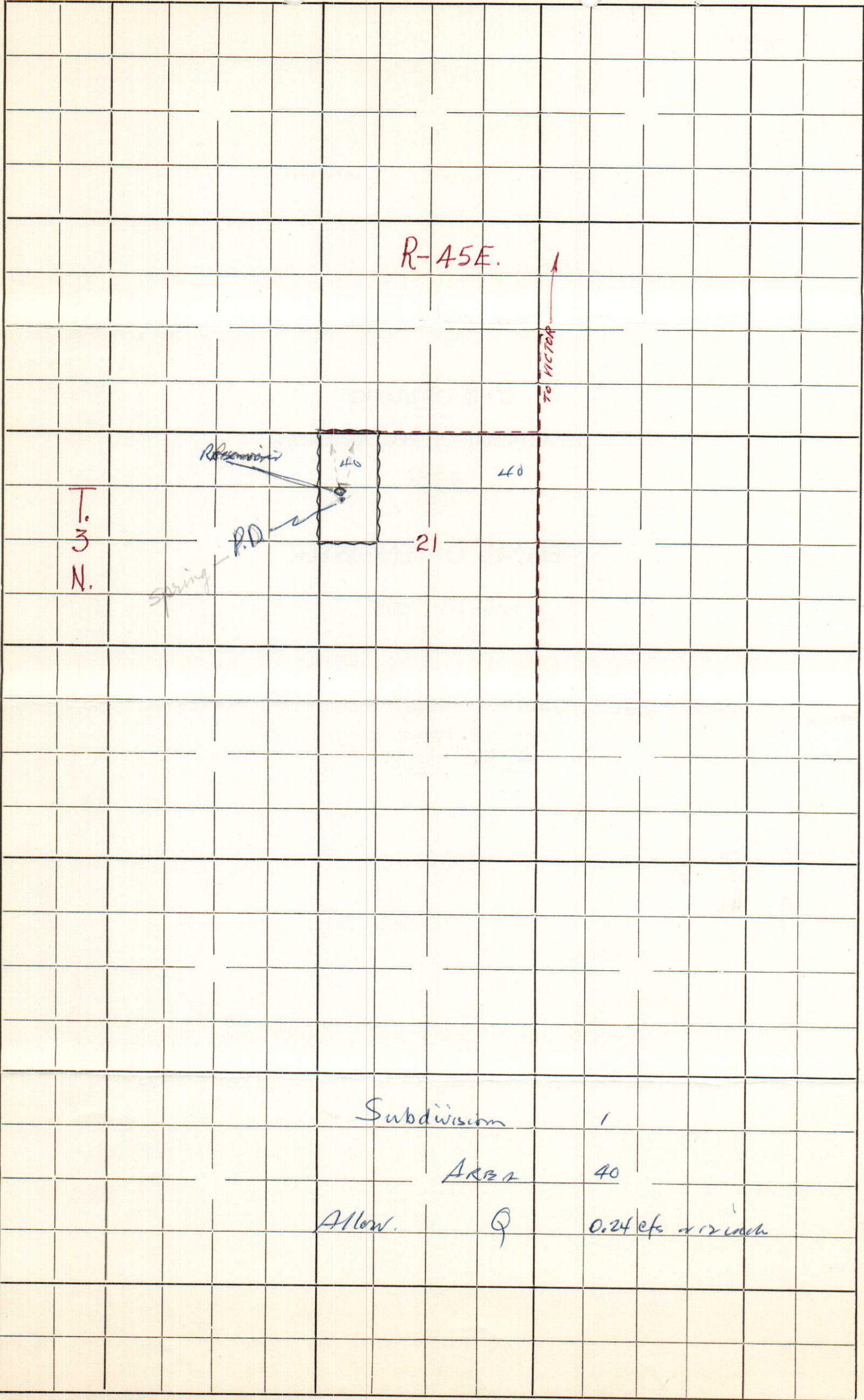
5. The place where said water is used is W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 21, T3N-R45E., B.M., Ida., Total 80 acres.

6. The date of priority which said user is prepared to establish is 5/12/61.

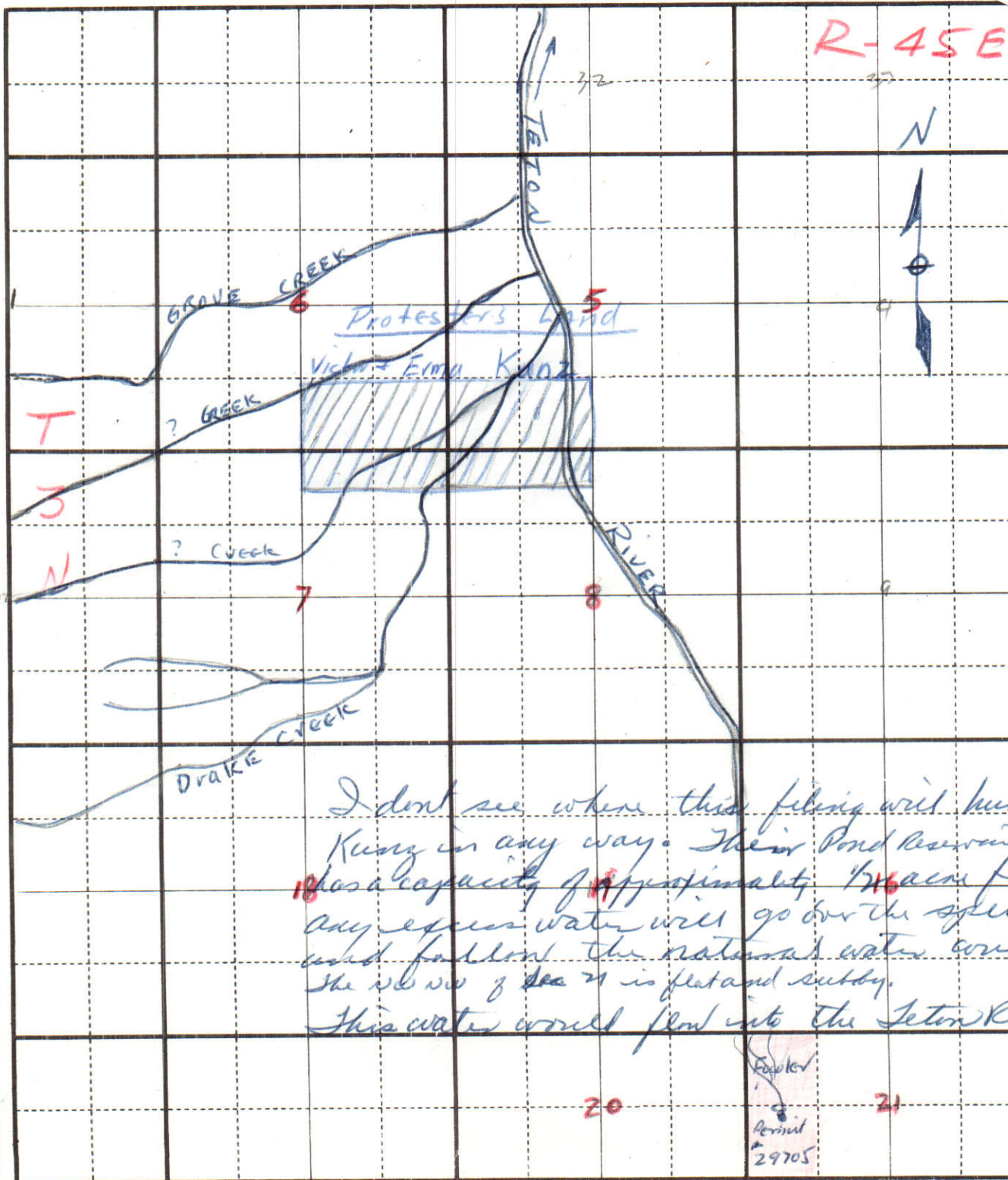
GEO. N. CARTER

State Reclamation Engineer
Pub Apr 26, May 3-10-17, 1962

PUBLIC NOTICE



Subdivision	1
Area	40
Allow.	Q
	0.24 cfs or 12 inch



29705

RECEIVED
JUN 1 1962

Department of Reclamation

AFFIDAVIT OF PUBLICATION

State of Idaho,
County of Teton—ss.

I, D. W. Leitch
being first duly sworn depose and say

That I am the Editor
of the Teton Valley News a newspaper
as defined by Idaho Codes Annotated,
Section 58-106, as amended, and that
said newspaper is a weekly newspaper
printed and published at Driggs, in Te-
ton County, Idaho, having a general
circulation in said county, and that said
newspaper has been printed in said
county for more than 78 consecutive
weeks prior to the first publication of
the attached notice, advertisement or
publication of

Notice Proof of
Completion - Dowell

And affiant further says that said at-
tached notice, advertisement or publica-
tion, as per clipping attached, was pub-
lished in said newspaper, in the regular
and entire issue thereof, and not in any

supplement issue thereof, for 4
consecutive issues thereof; first publi-

cation having been made on the 26

day of Apr. 1962

and last publication on the 17

day of Apr. May 1962

And affiant further says that at the
times herein mentioned said newspaper
was made up of at least four pages of at
least five columns each, printed from
type matter, of at least seventeen and
three-fourths inches deep.

D. W. Leitch
Subscribed in my presence and sworn

to before me this 31 day of

May 1962

Eric T. Strong

(Seal) Notary Public for the State of
Idaho, residence and postoffice
address, Driggs, Idaho.

My Commission expires

March 7 1966

PUBLIC NOTICE

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

NOTICE is hereby given that
at 1:30 P. M., on the 25 day of
May 1962 at Boise, County of Ada,
State of Idaho, before Harley M.
McDowell, Notary Public, at (ad-
dress) 329 Idaho Bldg., Boise,
Ida., proof will be submitted of
the completion of works for the
diversion of .24 cubic feet per
second of the waters of an un-
named spring, and of the applica-
tion to beneficial use of said
water, in accordance with the
terms and conditions of Permit
No. 29705, heretofore issued by the
Department of Reclamation of the
State of Idaho.

1. The name and postoffice ad-
dress of the person or corporation
holding said permit is: Heath B.
Fowler, Johnny Ck. Road, Poca-
tello, Idaho.

2. Said works of diversion will
be fully completed on the date
set for such completion and the
amount of water which said works
are capable of conveying to the
place of use is .24 cubic feet per
second.

3. The use to which said water
has been applied is irrigation pur-
poses, and the amount applied to
beneficial use is .24 cubic feet
per second.

4. The point of diversion of said
water is SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T3N-
R45 E., B.M., Ida.

5. The place where said water
is used is W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 21,
T3N-R45E., B.M., Ida., Total 80
acres.

6. The date of priority which
said user is prepared to establish
is 5/12/61.

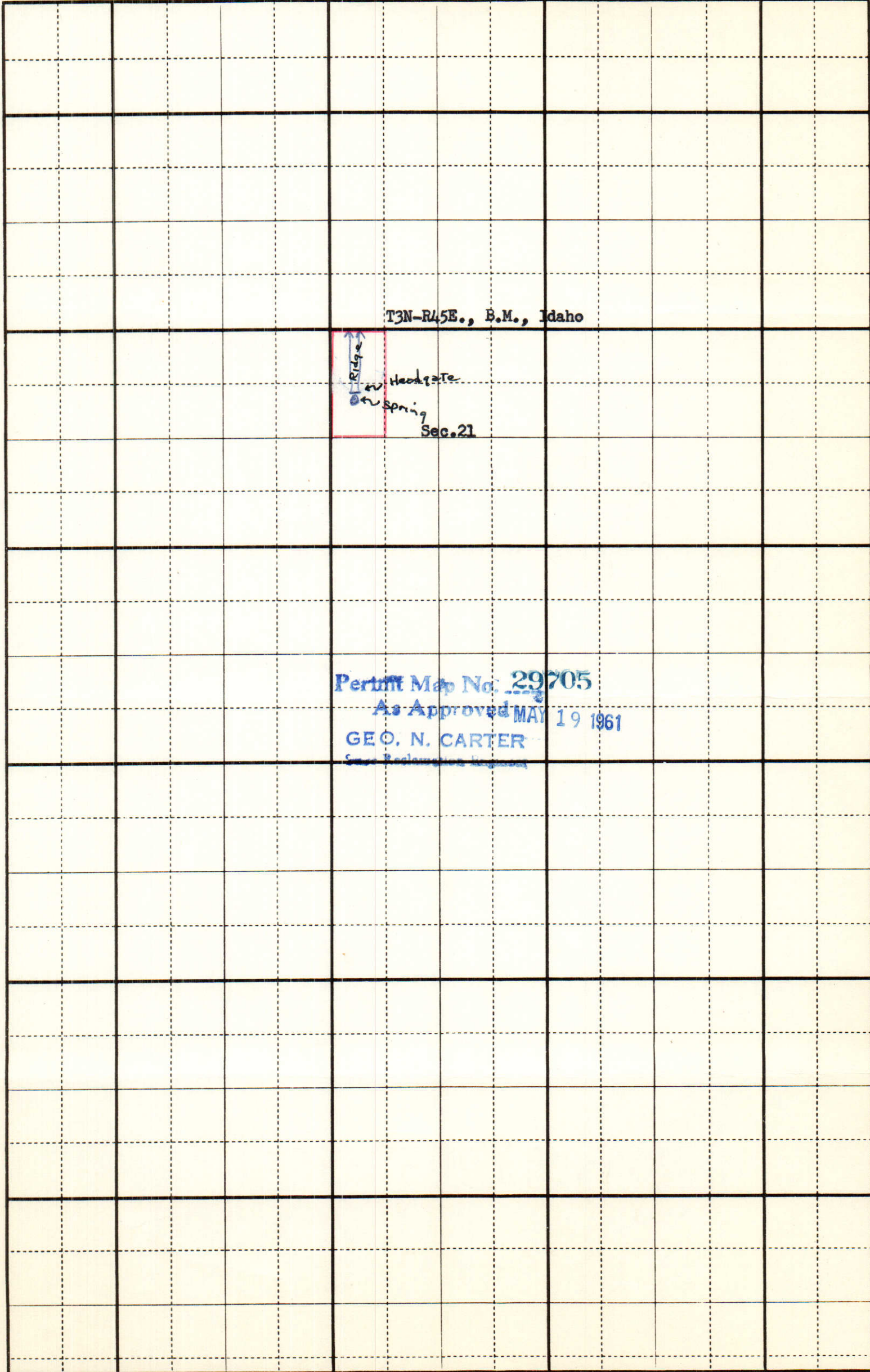
GEO. N. CARTER
State Reclamation Engineer
Pub Apr 26, May 3-10-17, 1962

29705

Grand
May 5, 62

NAME OF APPLICANT Heath R. Fowler

Form No. 0



29705

70084

State of Idaho
License and Certificate of Water Right

Water License No. 29705 Amount 0.24 c.f.s.
Water District No. Priority May 12, 1961

THIS IS TO CERTIFY that HEATH B. FOWLER
of Pocatello, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 12, 1961; that Permit No. 29705
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.24 second feet, was issued thereunder on September 18, 1962, showing that said works
were completed on the 25th day of May, 1962; and that on the 25th
day of May, 1962,

HEATH B. FOWLER

of Pocatello, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed
spring, a tributary of, for the purpose of irrigation
, under Use Permit No. 29705 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
12 of Licenses at page 7448, on the 18 day of September, 1962;

The right hereby confirmed dates from May 12, 1961;

The Point of Diversion is located

in the SW 1/4 NW 1/4, Sec. 21, Tp. 3 N., R. 45 E., B. M. Teton 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 0.24 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	45 E.	21	NW 1/4 NW 1/4	40	40
			Total number of acres to be irrigated:		40

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
18th day of September, 1962.

CARL E. TAPPAN
Assistant State Reclamation Engineer.

(SEAL)

+ 78007
Trans. # 1058

State of Idaho
License and Certificate of Water Right

Water License No. 20905

Amount 2.24 c.f.s.

Water District No.

Priority January 17, 1949

THIS IS TO CERTIFY that R. E. BALLEY - Assignee THE BARLOW COMPANY, Inc.
of Nampa, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 17, 1949; that Permit No. 20905
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.24 second feet, was issued thereunder on January 14, 1954, showing that said works
were completed on the 13th day of January, 1954; and that on the 27th
day of February, 1957,
R. E. BALLEY - Assignee - THE BARLOW COMPANY, Inc.
of Nampa, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow, for the purpose of irrigation & domestic
use, under Use Permit No. 20905 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
12 of Licenses at page 7447, on the 18 day of September, 1962;

The right hereby confirmed dates from January 17, 1949;

The Point of Diversion is located
in the SE 1/4 NW 1/4, Sec. 22, Tp. 2 N., R. 3 W., B. M. Canyon 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 2.24 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	3 W.	22	SW 1/4 NE 1/4	40	40
			NE 1/4 NW 1/4	40	40
			SE 1/4 NW 1/4	40	40
			NE 1/4 SW 1/4	40	40
			Total number of acres to be irrigated:		140

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
19th day of September, 1962.

CARL E. TAPPAN
Assistant State Reclamation Engineer.

(SEAL)

Idaho Land & Appraisal
Service,
Box 2161
Boise, Idaho

22-2266

Application For Permit
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 37711
PERMIT No. 29705
DISTRICT No.

1. Name of Applicant: **Heath B. Fowler**
Postoffice address: **Johnny Ck. Road** County: **Bannock** State: **Idaho**
Pocatello

- 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) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: **.24** cubic feet per second.

3. Source of water supply: **Unnamed spring** which is a tributary of **none**

4. Location of point of diversion: **1000' north & 600'** **east** feet distant from the **W $\frac{1}{4}$**
corner of Section **21**, T. **3 N**, R. **45 E**, B.M., and is in the **SW $\frac{1}{4}$ NW $\frac{1}{4}$**
of section **21**, T. **3N**, R. **45 E**, B. M., County of **Teton**

5. Water is to be used for **Irrigation**

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

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ **500**

8. Kind of works: **Headgate and ditches**

9. Height of dam **none** feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width **1 $\frac{1}{2}$** feet; height **1 $\frac{1}{2}$** feet.

11. Ditch: Width at bottom **1** fee; width at water line **1 $\frac{1}{2}$** feet; depth of water **1** feet;
dimensions of flume:

Diameter of pipe inches; length of conduit **1 $\frac{1}{2}$** miles.

Average grade per mile **5** feet.

12. The time required for the completion of such work is **5** years.

13. The time required for the complete application of the water to the proposed use is **5** additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

none

16. (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 water of the State of Idaho as herein set forth.

Heath B. Fowler Applicant.

By s/ Harley M. McDowell Agent.
B

Date of first receipt at Department of Reclamation: 8:00 A.M. May 12, 1961

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 29705

Recorded in Book **104** Page **29705** Approved **May 19, 1961**

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 July 19, 1961 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: **November 19, 1963**

The whole of said work to be completed on or before **May 19, 1966**

Beneficial use of water appropriated in accordance herewith, to be made on or before **May 19, 1971**

WITNESS My hand this 19th day of May, 1961

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho.

and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 19th

day of May, 19 61.

STATE OF IDAHO

Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLIE
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	
3 N	45 E	21		40	40		80
			Permit No. 29705 CERTIFICATE OF COMPLETION OF WORKS				
TO ALL WHOM IT MAY CONCERN:							
This is to certify that HEATH B. FOWLER of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. 29705, issued upon Application No. 37711, bearing date of priority of May 12, 1961, authorizing the diversion of .24 second feet of waters of unnamed spring, County of Teton, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.24 second feet of the waters of an unnamed spring; that the point of diversion of said waters SW ¹ / ₄ NW ¹ / ₄ , Sec. 21, T. 3 N., R. 45 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:							
40 acres in NW ¹ / ₄ NW ¹ / ₄ , Sec. 21, T. 3 N., R. 45 E., B. M.							
Witness my hand this 18th day of September A. D. 1962.							
Proof of Completion of Works Made: May 25, 1962			s/ CARL E. TAPPAN, Assistant State Reclamation Engineer				
			LICENSE ISSUED FOR 0.24 SEC. FT. <i>page 7448</i>				

WATER RIGHT NUMBER 22-2206

OWNER LAST NAME - FOWLER FIRST NAME - HEATH B. ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - POCATELLO STATE - ID ZIP CODE - 83201
SOURCE - SPRING TRIBUTARY OF -
STAGE - LICENSE STATUS - PRIORITY - 05-12-1961 COUNTY - TETON TOTAL DIV. RATE - .2400 -CFS
TOTAL DIV. VOLUME - .00 AFA TRER/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWNW 21 03N 45E LOT 00 REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
FROM - TO - USE - IRRIGATION USE DIV. RATE - .2400 CFS USE DIV. VOLUME - .00 AFA
USE - IRRIGATION PLACE OF USE - TWN 03N R4G 45E SEC 21 TRACT NWNW LOT AC 40
DECREE NAME - DATE - TOTAL ACRES 40
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 29705
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

September 18, 1962

Re: Permit No. 29705

Heath B. Fowler
Johnny Creek Road
Pocatello, Idaho

Dear Mr. Fowler:

Enclosed are Certificate of Completion of
Works and License and Certificate of Water Right issued on
Permit No. 29705.

Also enclosed is departmental receipt No.
31239 in the amount of \$7.00 covering fees.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:ew

Enc. certificates
receipt

29705

HEATH B. FOWLER
JOHNNY CREEK ROAD
POCATELLO, IDAHO

RECEIVED
SEP 18 1962
Department of Reclamation

September 17, 1962

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho

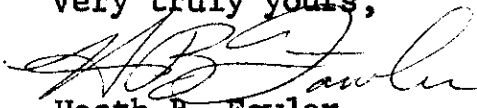
Attention: (Mrs.) Edna P. Rule, Chief Clerk

Gentlemen:

Re: Permit No. 29705

Attached is my check for \$7.00 to cover fees on
Water Right Permit No. 29705.

Very truly yours,


Heath B. Fowler

rl
Attachment

29705

August 29, 1962

RE: Permit No. 29705

Heath B. Fowler
Johnny Creek Road
Pocatello, Idaho

Dear Mr. Fowler:

Our field engineer's report on his inspection of the completion of works and application of water to beneficial use under the terms of Permit No. 29705 shows the dam and ditches are capable of conveying 12 miner's inches, or 0.24 c.f.s. of water for irrigation of 40 acres.

Upon receipt of the statutory fees of \$7.00, which consist of a Completion of Works fee of \$5.00 and License and Certificate of Water Right fee of \$2.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the Certificate of Completion of Works and the License and Certificate of Water Right confirming the right, with priority of May 12, 1961 to the use of 0.24 second feet of surface water with the point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21 from unnamed spring for irrigation of 40 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T. 3 N., R. 45 E., B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

EPR:mr

P. S. Enclosed is order dismissing protest of Victor and Erma F. Kunz.

29705



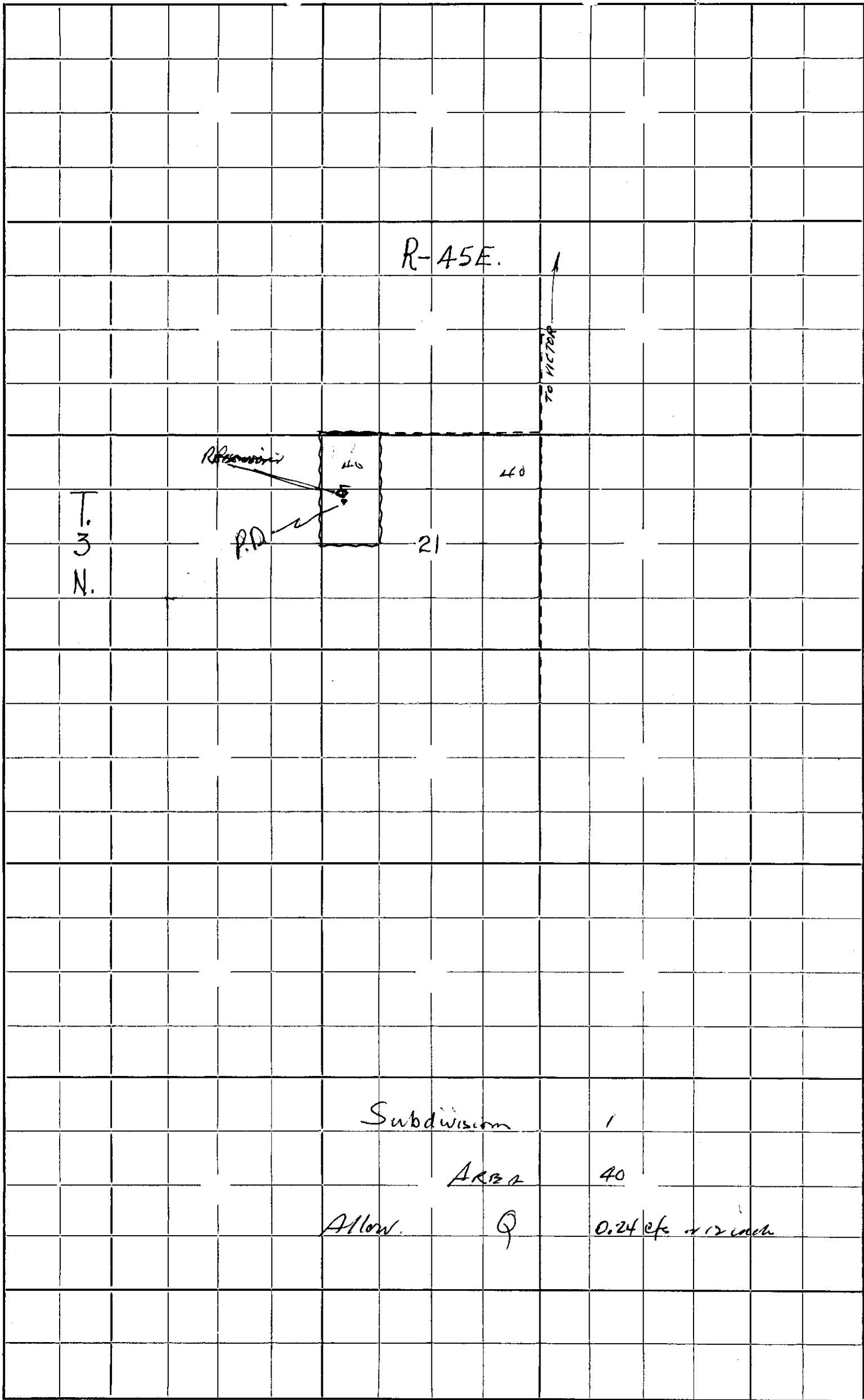
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 29705

REPORT ON PROOF OF Completion of Works and Beneficial Use

Heath B. Fowler
Johnny Ck. Road,
Pocatello, Idaho



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

29705

R-45E

N



I don't see where this filing will hurt Kuntz in any way. Their Pond Reservoir has a capacity of approximately 1000 acre feet. Any excess water will go over the spillway and follow the natural water course. The view of the area is flat and sandy. This water would flow into the Seton River.

Protesters

Permit
29705

29705

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

Permit No. 29705This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Heath B. Fowler2. Source of water supply: Unnamed Spring3. Location of point of diversion: Is in the SW 1/4 of Section 21T. 3 N R. 45 E County of Teton

4. Describe works as they exist, giving dimensions and capacities of same: Spring flow through channel to small Reservoir that has a crest of 7' high 300' long and 6' wide - "dog leg shape". 40' x 12" concrete conduit with 12" screen gate, no rip rap. Spillway 12" deep 2' bottom 5' top width 20' long on east side. Also has a 12" x 16" culvert as spillway with a dirt dam across dug spillway raising water level 1' giving a 1' freeboard - dirt dam is removed in early spring. Slope 3:1 up & 2:1 down. Else Reservoir contents full as 1/2 acre foot.

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

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

SW 1/4, Section 21, Twp. 3 N., Rge. 45 E.B.M.

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

8. What large stream would the water here appropriated finally reach? Teton RiverRemarks: Mr. Fowler a boy

This permit will not interfere with Kung in any way.

Measured over 1' cippalatti weir. 10' over 1' cippalatti weir = 10.7 cfs @ 5' incl.
Allow amount of permit 0.24 cfs

This examination was made on the 15th day of August, 19 62

(Signed)

Larry Johnson

Examiner.

29705

Heath B. Foster
Johnny Ck. Road
Pocatello, Idaho
Permit No. 29705

Examination for ~~Completion of Works and~~
Beneficial Use Proofs

County Teton

Quantity: 0.24 c.f.s. Sec. 21 T. 3N R. 45 E

Source: Unnamed spring

P. D.: SW. NW, Sec. 21, T. 3N. - R. 45 E BM

Use: Irrigation

Filed: May 12, 1961

Due: May 19, 1971

Extension:

Protest:

Completion of Works:

Other Rights: none stated

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
AUG 22 1962

Department of Reclamation

Quel let gut 12' 1/2' 1/2' 1/2'
40' 12' 1/2' 1/2' 1/2' 1/2'
12' 1/2' 1/2' 1/2' 1/2' 1/2'
town spec
7' 307' L shore 6'
h. ed can 1/2 AK

29705

August 31, 1962

Re: Permit No. 29705
Heath B. Fowler

Victor Kunz
532 W. Sycamore
El Segundo, Calif.

Dear Mr. Kunz:

Enclosed is an order of this office which
is self-explanatory.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. order

29705

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

Department of Reclamation

IN RE PERMIT NO. 29705

Heath B. Fowler, Holder

) ORDER Dismissing Protest and
) Allowing Certificate of Completion
) of Works and License and Certificate
) of Water Right
)

Heath B. Fowler of Pocatello, Idaho made proof of completion of works and beneficial use of water under Permit No. 29705 on May 25, 1962.

Victor & Erma F. Kunz of El Segundo, California, protested issuance of certificate of water right, pending determination as to extent of affect there would be to the decreed water rights appurtenant to their lands, said protest being received May 23, 1962.

Examination on the ground discloses that in the opinion of the examiner, the use of the water under Permit No. 29705 will have no effect on the decreed water rights of the protestants.

The State Reclamation Engineer, by granting subsequent water license, cannot interfere in any manner with vested rights of prior appropriators.

The protest of Victor and Erma F. Kunz is hereby dismissed and the Certificate of Completion of Works and License and Certificate of Water Right will be issued to Heath B. Fowler in the amount found by the field examiner to be warranted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the State Department of Reclamation at Boise, Idaho, this 31st day of August, 1962.



Deputy State Reclamation Engineer

29705

June 7, 1962

Re: Permit No. 29705

Mr. Heath B. Fowler,
Johnny Ck. Road,
Pocatello, Idaho.

Dear Mr. Fowler:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Teton Valley News Driggs, Idaho, all submitted in proof of completion of works and beneficial use on Permit No. 29705.

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

We cannot tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR: pak

cc; Harley M. McDowell
Box 2161
Boise, Idaho

29705

RECEIVED

JUN 4 1962

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

Permit No. 29705

Proof of Application of Water to Beneficial Use

and Comply

Deposition of Holder

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

Ans. Heath B. Fowler; residence, Pocatello, Idaho; occupation, geologist;
postoffice address, Johnny Ck. Road, Pocatello, 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. None.

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

Ans. Permit 29705; date of permit 5/19/61; date of priority 5/12/61.

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

Ans. The source of water is an unnamed spring; point of diversion 1000' north & 600' east from the W $\frac{1}{2}$ corner of Section 21 and is in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T3N-R45E, B.M., Ida.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. There are two main ditches about 1320' in length each. Lateral ditches go at an angle from that. The main ditches will each carry 20" of water. These are private ditches for surface irrigation. The spring discharges 15". I have not had this measured but it is my best estimate from having seen water measured.

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. Purpose of the water is for domestic use, livestock and irrigation of 20 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21. I have spent on pipe, ditching and irrigation development \$2,000.00. This is all cultivated land and all improvements have been made as a direct result of said use.

29705

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

Ans. Used for domestic and livestock water in addition to irrigation.

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

Ans. I need the full 15" here for the irrigation and domestic use.

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. Original holder.

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

Ans. I started on this immediately when the permit was issued and have continued to develop this at all times. There is no other water appurtenant to it.

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. None.

(Sign) *Harold B. ...*

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 Boise, County of Ada,

State of Idaho, on this 25 day of May, A. D. 19 62.

Hailey W. ...
Notary Public for the State of Idaho

My commission expires 10/11/63

29705

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
Department of Reclamation

PERMIT NO. 29705

Proof of Application of Water to Beneficial Use

Deposition of Witness Completion of Works

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. O. A. Power; age, 49; residence, 578 Hyland, Pocatello, Idaho; occupation
engineering and farming, post office address, same as above.

Ques. 2. Are you acquainted with Heath B. Fowler, the
holder of Permit No. 29705? How long have you known him and where does
he reside?

Ans. I have known him 16 years and know that he resides on Johnny Ck. Road,
Pocatello, Idaho.

Ques. 3. Have you read or heard read said Permit No. 29705, and are you
familiar with its provisions and conditions?

Ans. Yes.

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

Ans. The source of water is an unnamed spring in SW¹/₄ NW¹/₄, Sec. 21, T3N-R45E, B.M., Ida.
Works consist of 2 ditches about 1320' each, capable of carrying 20" of water.

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. 15".

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

Ans. Water is used for livestock, domestic and irrigation purposes in NW¹/₄ NW¹/₄,
Sec. 21, T3N-R45E, B.M., Ida. 20 acrs irrigated.

No natural meadow land. All the improvements were made as a direct result of said
use.

29705

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

Ans. Water is also used for livestock watering and domestic use.

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. This is a heavy, black loam soil. All this water being produced is necessary.

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

Ans. No.

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

Ans. I have seen this development many times each year and go there often.

(Signed)

O. A. Power

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 Boise, County of Ada, State of Idaho, on this 25 day of May, A. D. 1962.

Harley C. McDonald

Notary Public.

My commission expires 10/11/63.

29205

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. 29705

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. Ridd J. Solomon; age, 41; residence, Pocatello, Idaho; occupation, pilot;
postoffice address, 1640 E. Center, Pocatello, Idaho.

Ques. 2. Are you acquainted with Heath B. Fowler, the holder of Permit No. 29705? How long have you known him and where does he reside?

Ans. I have known him 16 years and know that he resides on Johnny Ck.
Road, Pocatello, Idaho.

Ques. 3. Have you read or heard read said Permit No. 29705, 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. Water comes from an unnamed spring and the point of diversion is SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21.
Works consist of two main ditches 1/4 mile in length each to convey the water to the place of use.

T. 2 N. R. 45 E.

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. 20". I have seen 15" so conveyed.

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

Ans. Water is used for irrigation, livestock watering and domestic use in
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T3N-R45E., B.M., Ida. 20 acres is irrigated in this subdivision.
This is all cultivated land and all the improvements were made as a direct
result of said use.

29705

Ans. Water has been applied for irrigation, livestock watering and domestic use.

Ans. This is a heavy loam soil and he needs all the water now being produced.

Ans. _____ No. _____

Ans. I have seen this water used frequently since development was started.

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 Boise, County of Ada, State of Idaho, on this 25 day of May, A. D. 1962.

Henday Co., Co. E. 90th

My commission expires 10/11/63

29705

Department of Reclamation

March 7 1966

~~1 - 10/11/62~~

May 23, 1962

Re: Permit No. 29705
Heath B. Fowler

Victor Kunz
532 W. Sycamore
El Segundo, Calif.

Dear Mr. Kunz:

We have received your letter of May 20, 1962, protesting the use of a water permit to divert water from an unnamed spring in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 21, T. 3 N., R. 45 E., B. M.

Your letter will be placed in the file until after an examination of the works by our field engineer. A determination will then be made whether a hearing will be called in regard to the water right.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

29705

MAY 23 1962

Department of Reclamation

El Segundo, Calif.
532 W. Sycamore
May 20, 1962

George N. Carter
State Reclamation Engineer,
Boise, Idaho.

Dear Mr. Carter;

We are protesting the use of water permit as issued in the Teton Valley News, May 17, 1962 by Heath B. Fowler, Johnny Ck. Road, Pocatello, Idaho. — Until it can be determined just what waters are affected, and if this in any way will affect the water decrees on our land.

The description of our land is as follows:

The south half of the Southwest Quarter (S1/2 SW1/4), Section Five (5); South half of the Southeast Quarter (S1/2 SE1/4) Section Six (6); North half of the North half of the Northeast Quarter (N1/2 N1/2 NE1/4), Section Seven (7); North half of the North half of the Northwest Quarter (N1/2 N1/2 NW1/4), Section Eight (8), all in Township Three (3) North, Range Forty-five (45) East of the Boise Meridian.

Our water, 230 inches, comes from Grove Creek, Paul's Spring Creek, Deep Creek, and Little Spring Creek. The water rights on this property were established in 1890. We don't know of any unnamed springs in that county.

Thank you very much.

Sincerely,

Victor G. & Erma F. Kunz

Victor and Erma F. Kunz

29705

12-00
10

29705

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

April 20, 1962

Re: Permit No. 29705
Heath B. Fowler

Mr. Harley M. McDowell,
Idaho Land & Appraisal Service,
Box 2161
Boise, Idaho.

Dear Mr. McDowell:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 29705, in the name of Heath B. Fowler. Final Proof is to be made before you, as Notary on the 25th day of May, 1962, ~~at 1:30~~ at 1:30 o'clock A.M., at 329 Idaho Bldg., Boise, Idaho.

As of this date we have mailed the Notice to the Teton Valley News, Driggs, Idaho with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date and before you, as Notary, as stated in the publication notice. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, that your Notary's seal has been placed on each and that all depositions, (Holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. ~~Watkins~~ ^{Rule}
Chief Clerk

Encl.
EPR:Pk
cc: Applicant

29705

RECEIVED

APR 20 1961

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

Department of Reclamation

NOTICE is hereby given that at 1:30 M., on the 25 day of May
19 62 at Boise, County of Ada, State of Idaho, before
Harley M. McDowell, Notary Public, at (address) 329 Idaho Bldg., Boise, Ida.
proof will be submitted of the completion of works for the diversion of
.24 cubic feet per second of the waters of an unnamed spring
and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 29705, heretofore issued by the Department of
Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit
is: Heath B. Fowler, Johnny Ck. Road, Pocatello, Idaho.

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

3. The use to which said water has been applied is irrigation.
purposes, and the amount applied to beneficial use is .24 cubic
feet per second.

4. The point of diversion of said water is SW 1/4, Sec. 21, T3N-R4S E., B.M., Ida.

5. The place where said water is used is W 1/4, Sec. 21, T3N-R4S E., B.M., Ida.

Total 80 acres.

6. The date of priority which said user is prepared to establish is 5/12/61

Geo. H. Carter

State Reclamation Engineer

29705

1200
6-28-61

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Re: Permit No. 29705
Heath B. Fowler

Date: April 20, 1962

Teton Valley News,
Driggs, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **May 25, 1962** the date set for proof;

the expense of the publication is to be paid by the ~~applicant~~

Idaho Land and Appraisal Service of **Box 2161, Boise, 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 or tear sheet of the first publication.**

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.

29705

Form No. 11
2M - 10/60

RECEIVED

APR 20 1962

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 19, 1962

(P. O.) Pocatello, 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

Teton Valley News of Driggs, Idaho published in

the county in which the works are situated.

Idaho LAND & APPRAISAL SERVICE WILL GUARANTEE PAYMENT OF CHARGES. PLEASE SEND AFFIDAVIT AND STATEMENT TO US AT PO BOX 2161, Boise, Idaho.

Teton Co.

(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.

29705

May 23, 1961

Re: Permit No. 29705
Heath B. Fowler

Mr. Harley M. McDowell,
Idaho Land & Appraisal Service,
Box 2161,
Boise, Idaho.

Dear Mr. McDowell:

We enclose Permit No. 29705 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 30565 which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pmk

cc: Heath B. Fowler
Johnny Ck. Road
Pocatello, Idaho

29705

NAME OF APPLICANT.....Heath E. Fowler.....

Form No. 0

T3N-R45E., B.M., Idaho

Handgate
Spring
Sec. 21

Permit Map No. 29705

As Approved MAY 19 1961

GEO. N. CARTER

State Geologist - Idaho

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

29705