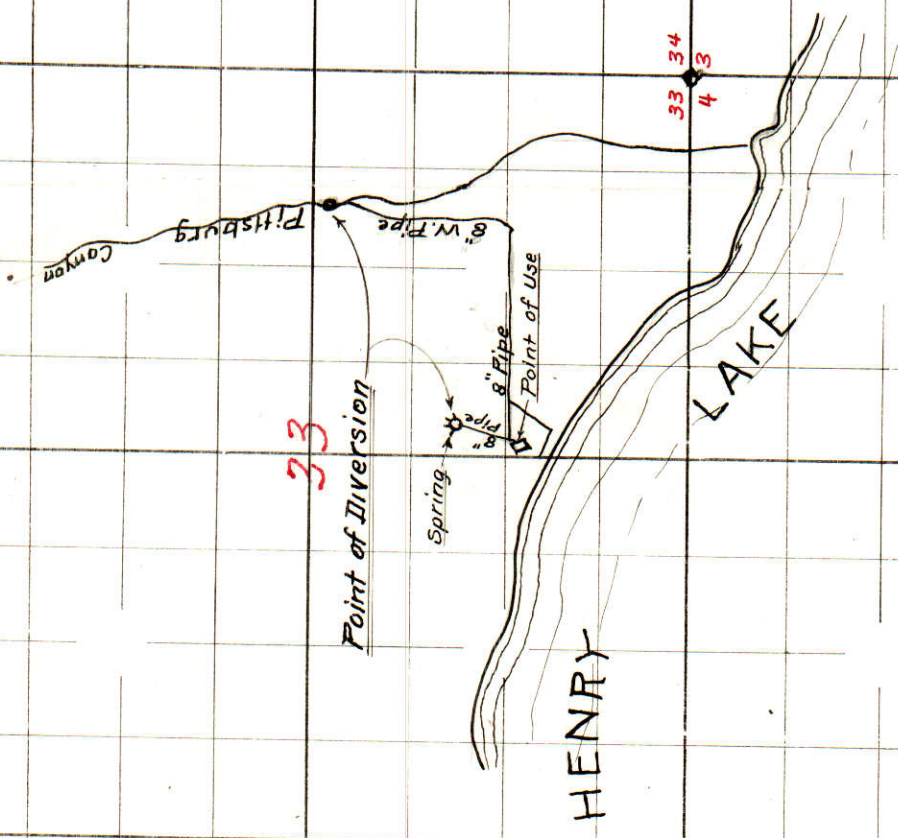




AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

ss.

County of Fremont

Ruth Hannan
being first duly sworn, upon his oath,
deposes and says:

That he is the publisher of The Fremont County 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 St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication

of *Proof of Application*

Permit No. 20294

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for *4* consecutive issues thereof;

first publication having been made

on the *15* day of *April*

19*48*, and last publication on the

6 day of *May*

19*48*

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.

Ruth Hannan
Subscribed in my presence and

sworn to before me this *14th*

day of *June* 19*48*

(Seal) Notary public for the
State of Idaho, residence
and post office address:
St. Anthony, Idaho.

NOTICE OF PROOF
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 14th day of May, 1948 at Boise, County of Ada, State of Idaho, before Anna Mastro, Notary Public, proof will be submitted of the application to beneficial use of 6 cubic feet per second of the waters of No Name Creek and Sherwood Spring in accordance with the terms and conditions of Permit No. 20294 heretofore issued by the State Reclamation Department of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are, State Fish and Game Dept.,

Boise, Idaho.

The use to which said water has been applied is Fish Cultural purposes.

The amount applied to beneficial use is 4 sec. ft.—No Name Creek. 2 sec. ft.—Sherwood Spring.

The place where said water is used Henry Lake - State Fish Hatchery.

The name of the canal or ditch or other works by which said water is conducted to such place of use is 8" pipe lines from No Name Creek and Sherwood Spring.

The right to take water from such works is based upon Permit No. 20294.

The source of supply from which such water is diverted is No Name Creek and Sherwood Spring.

The date of priority which said user is prepared to establish is February 3, 1948.

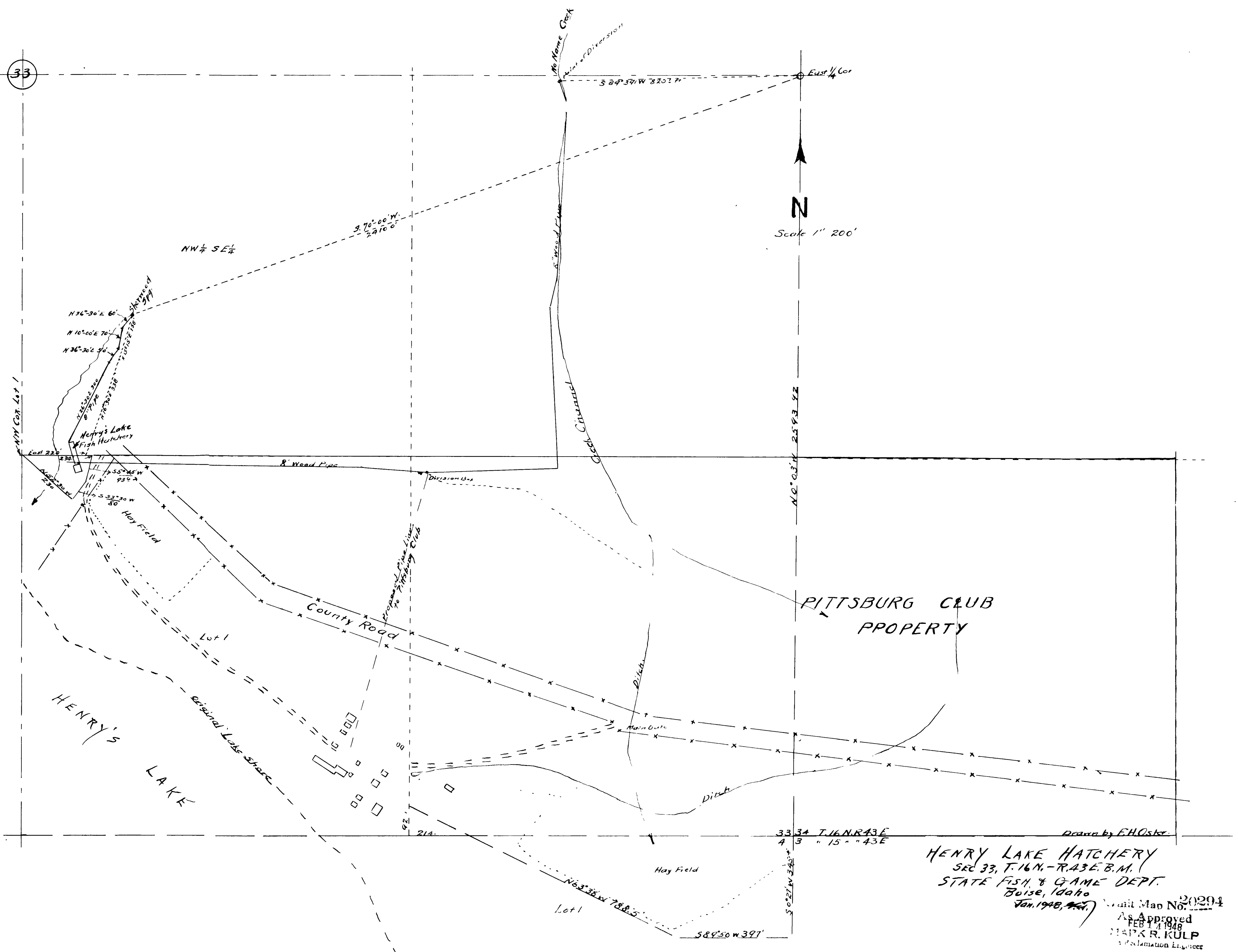
MARK R. KULP
State Reclamation Engineer.
Publish April 15, to May 6 Inc.

20294

6/15
[Signature]

20294
RECEIVED
JUN 15 1948
STATE FISH & GAME COMMISSION
BOISE, IDAHO

33



Henry's Lake Hatchery
SEC 33, T.16N., R.43E., B.M.
STATE FISH & GAME DEPT.
Boise, Idaho
Jan. 1948, ~~1947~~
Map No. 20294
As Approved
FEB 17 1948
MARK R. KULP
Information Engineer

State of Idaho
License and Certificate of Water Right

Water License No. 20294 Amount Six second feet
Water District No. Priority February 3, 1948

THIS IS TO CERTIFY that IDAHO STATE FISH AND GAME DEPARTMENT
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 3, 1948; that Permit No. 20294
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
six second feet, was issued thereunder on February 25, 1948, showing that said works
were completed on the 25th day of February, 1948; and that on the 14th
day of May, 1948,

IDAHO STATE FISH AND GAME DEPARTMENT
of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of No Name Creek and
Sherwood Spring, ~~auxiliary~~ of, for the purpose of Fish hatchery,
under Use Permit No. 20294 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 4453, on the 3rd day of March, 1949;

The right hereby confirmed dates from February 3, 1948;
from No Name Creek
The Point of Diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, and from Sherwood Spring
in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, Tp. 16 N., R. 43 E., B. M. Fremont 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 Four (4) cubic feet per second. from No Name Creek and Two (2) cubic feet per sec.
from Sherwood Spring.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Place of use is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, Township 16 North, Range 43 East, B.M.		

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
3rd day of March, 1949.

MARK R. KULP
State Reclamation Engineer

(SEAL)

21-2100

4354

State of Idaho
License and Certificate of Water Right

Water License No. 20271

Amount 20 second feet

Water District No.

Priority January 26, 1948

THIS IS TO CERTIFY that STATE OF IDAHO DEPARTMENT OF FISH AND GAME
of Boise, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 26, 1948; that Permit No. 20271
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
20 second feet, was issued thereunder on March 3, 1949, showing that said works
were completed on the 5th day of May, 1948; and that on the 5th
day of May, 1948,

STATE OF IDAHO DEPARTMENT OF FISH AND GAME
of Boise, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a spring
, a tributary of Whiskey Creek, for the purpose of Fish culture
, under Use Permit No. 20271 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 4454, on the 3rd day of March, 1949;
The right hereby confirmed dates from January 26, 1948;
The Point of Diversion is located
in the SW 1/4 SE 1/4, Sec. 7, Tp. 11 S., R. 41 E., B. M. Bennock 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 20 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Whiskey Creek Hatchery, in the NW 1/4 NE 1/4 Section 18, Township 11 South, Range 41 East, B.M.		

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
3rd day of March, 1949.

MARK R. KULP

State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

21-2100

Application No. 27900

Permit No. 20294

District No.

1. Name of Applicant: IDAHO STATE FISH AND GAME DEPARTMENT

Postoffice address: Boise

County: Ada

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:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

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

3. Source of water supply: No Name Creek (4 c.f.s.) Spring 2 c.f.s., Sherwood / which is a tributary of Henry's Lake

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

corner of Section , T. , R. , B.M., and is in the

of Section , T16 N. , R. 43 E. , B.M., County of Fremont

5. Water is to be used for Fish Hatchery purposes

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 NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33 , T.16 N. , R. 43 E. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to Henry's Lake at a point feet

distant from the corner of Section , T. , R. , B.M., in the Lot 1

of Section 33 , T. 16 N. , R. 43 E. , B.M.

7. Estimated cost of works: \$ 10,000.00

8. Kind of works: 8" pipe from creek- 8" pipe from spring. Fish hatchery, ponds, buildings, pipelines, etc,

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

feet; material used in dam:

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

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

dimensions of flume:

Diameter of pipe 8" from creek-8" from spring / inches; length of conduit 300 ft. from creek-480 ft. from spring miles.

Average grade per mile 50 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 No 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:

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

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

IDAHO STATE FISH AND GAME DEPARTMENT

Applicant.

By

T. B. Murray, Director Agent.

Date of first receipt at Department of Reclamation: 1:30 P. M. February 3, 1948

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20294

Recorded in Book 73

Page 20294

Approved February 14, 1948

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
1. Review of the project plan	10/15/2023
2. Development of the project plan	11/15/2023
3. Review of the project plan	12/15/2023
4. Development of the project plan	1/15/2024
5. Review of the project plan	2/15/2024
6. Development of the project plan	3/15/2024
7. Review of the project plan	4/15/2024
8. Development of the project plan	5/15/2024
9. Review of the project plan	6/15/2024
10. Development of the project plan	7/15/2024
11. Review of the project plan	8/15/2024
12. Development of the project plan	9/15/2024
13. Review of the project plan	10/15/2024
14. Development of the project plan	11/15/2024
15. Review of the project plan	12/15/2024
16. Development of the project plan	1/15/2025
17. Review of the project plan	2/15/2025
18. Development of the project plan	3/15/2025
19. Review of the project plan	4/15/2025
20. Development of the project plan	5/15/2025
21. Review of the project plan	6/15/2025
22. Development of the project plan	7/15/2025
23. Review of the project plan	8/15/2025
24. Development of the project plan	9/15/2025
25. Review of the project plan	10/15/2025
26. Development of the project plan	11/15/2025
27. Review of the project plan	12/15/2025
28. Development of the project plan	1/15/2026
29. Review of the project plan	2/15/2026
30. Development of the project plan	3/15/2026
31. Review of the project plan	4/15/2026
32. Development of the project plan	5/15/2026
33. Review of the project plan	6/15/2026
34. Development of the project plan	7/15/2026
35. Review of the project plan	8/15/2026
36. Development of the project plan	9/15/2026
37. Review of the project plan	10/15/2026
38. Development of the project plan	11/15/2026
39. Review of the project plan	12/15/2026
40. Development of the project plan	1/15/2027
41. Review of the project plan	2/15/2027
42. Development of the project plan	3/15/2027
43. Review of the project plan	4/15/2027
44. Development of the project plan	5/15/2027
45. Review of the project plan	6/15/2027
46. Development of the project plan	7/15/2027
47. Review of the project plan	8/15/2027
48. Development of the project plan	9/15/2027
49. Review of the project plan	10/15/2027
50. Development of the project plan	11/15/2027
51. Review of the project plan	12/15/2027
52. Development of the project plan	1/15/2028
53. Review of the project plan	2/15/2028
54. Development of the project plan	3/15/2028
55. Review of the project plan	4/15/2028
56. Development of the project plan	5/15/2028
57. Review of the project plan	6/15/2028
58. Development of the project plan	7/15/2028
59. Review of the project plan	8/15/2028
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61. Review of the project plan	10/15/2028
62. Development of the project plan	11/15/2028
63. Review of the project plan	12/15/2028
64. Development of the project plan	1/15/2029
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75. Review of the project plan	12/15/2029
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79. Review of the project plan	4/15/2030
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81. Review of the project plan	6/15/2030
82. Development of the project plan	7/15/2030
83. Review of the project plan	8/15/2030
84. Development of the project plan	9/15/2030
85. Review of the project plan	10/15/2030
86. Development of the project plan	11/15/2030
87. Review of the project plan	12/15/2030
88. Development of the project plan	1/15/2031
89. Review of the project plan	2/15/2031
90. Development of the project plan	3/15/2031
91. Review of the project plan	4/15/2031
92. Development of the project plan	5/15/2031
93. Review of the project plan	6/15/2031
94. Development of the project plan	7/15/2031
95. Review of the project plan	8/15/2031
96. Development of the project plan	9/15/2031
97. Review of the project plan	10/15/2031
98. Development of the project plan	11/15/2031
99. Review of the project plan	12/15/2031
100. Development of the project plan	1/15/2032

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 May 14, 1948

Beneficial use of water appropriated in accordance herewith, to be made on or before May 14, 1948

Witness my hand this 14th day of February, 1948

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 14th.....

day of February, 1948.

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

Remarks: Diversion from No Name Creek is S. 89° 39' W/ 520 feet from the E $\frac{1}{4}$ corner Section 33, Twp. 16 N., Range 43 E., B.M. and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33, Twp. 16 N., Range 43 E., B.M. From Sherwood Spring- S. 70° 00' W. 2410 feet from E $\frac{1}{4}$ corner Section 33, Twp. 16 N., Range 43 E., B.M., and in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, Twp. 16 N., Range 43 E., B.M.

14.

(Continued below)

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	
REMARKS (Continued)			Attached are two copies of agreement between Alton R. Howell and Harold Harvey, parties of the first part, and T. B. Murray, Director of the State Fish and Game Department, regarding joint use of waters of No Name Creek. Further reference is made to application of Alton R. Howell for water permit. Attached are also two copies of agreement by Sherwood heirs for use of waters of Sherwood Spring.																
			PERMIT NO. 20294 Certificate of Completion of Works																
To All Whom it May Concern:			This is to certify that IDAHO STATE FISH AND GAME DEPARTMENT of Boise, County of Ada, and State of Idaho, the holder of Permit No. 20294, issued upon Application No. 27900 bearing date of priority of February 3, 1948, authorizing the diversion of Six (6) second feet of the waters of No Name Creek (4 second feet) and Sherwood Spring (2 second feet), a tributary of Henry's Lake, County of Fremont, State of Idaho, for Fish hatchery 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 (Six) (6) second feet of the waters of No Name Creek and Sherwood Spring that the point of diversion of said waters in the NE ¹ / ₄ SE ¹ / ₄ Section 33, from No Name Creek; and in the NW ¹ / ₄ SE ¹ / ₄ Section 33, from Sherwood Spring; all in Township 16 North, Range 43 East, B.M., and that the point of use of said water is in the NW ¹ / ₄ SE ¹ / ₄ Section 33, Township 16 North, Range 43 East, B.M. Witness my hand this 25th day of February, A.D. 1948.																
Proof of completion of works made February 25, 1948																			
Certificate of completion of works issued February 25, 1948																			
PERMITS ISSUED FOR 6 SEC. FT. P. 4453																			

March 5, 1949

Re: Permit No. 20294

State Fish and Game Department
Building

Gentlemen:

We enclose License and Certificate of Water Right issued under your Permit No. 20294, confirming your right to the use of Four (4) second feet of water from No Name Creek and Two (2) second feet of water from Sherwood Spring, with priority of February 3, 1948, for fish hatchery use in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, Township 16 North, Range 43 East, B.M.

Very truly yours,

MARK B. KULP
State Reclamation Engineer
By

Chief Clerk

A:bb
Enc.

20294

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20294

This proof is for Beneficial use

In Water District No.

1. Name of applicant Fish & Game Department, Boise, Idaho

2. Source of water supply: No Name Creek and Sherwood Spring
From No Name Creek- NE $\frac{1}{4}$ SE $\frac{1}{4}$ 3. Location of point of diversion: Is in the From Sherwood Spring in NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33

T. 16 N. R. 43 E. County of Fremont

4. Describe works as they exist, giving dimensions and capacities of same: Diversion from Creek (Pittsburg Canyon) is by a small concrete dam with stoplog control, a concrete headbox 4'x 5'x 4 feet deep, and an 8 inch pipe line 5/8 mile long leading to hatchery, which is equipped with 12 hatching troughs. The Spring diversion consists of a concrete control wall 2 feet high, x 10 feet long, with a building 10'x 12' over the spring; An 8" wire wound wood stave pipe leads thence to the hatchery. Also a 2" galvanized pipe supplies domestic water to the hatchery buildings

5. Water is used for: Fish hatchery

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):

Place of use- NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, Township 16 North, Range 43 East, B. M.

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

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

Remarks: Two lines of 1 inch pipe lead from the "spring" for use upon the adjacent Sherwood Property

"Output of the hatchery consists of 11,000,000 eggs per year."

This examination was made on the 27th day of July 1948

(Signed)

F. A. Johnson

Examiner.

20294

Fish & Game Department
Boise, Idaho

99

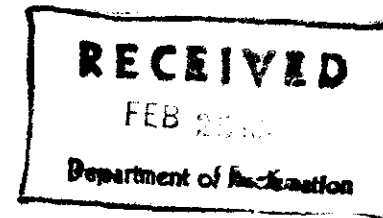
Permit No. 20294

Examination for beneficial use

County Fremont

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

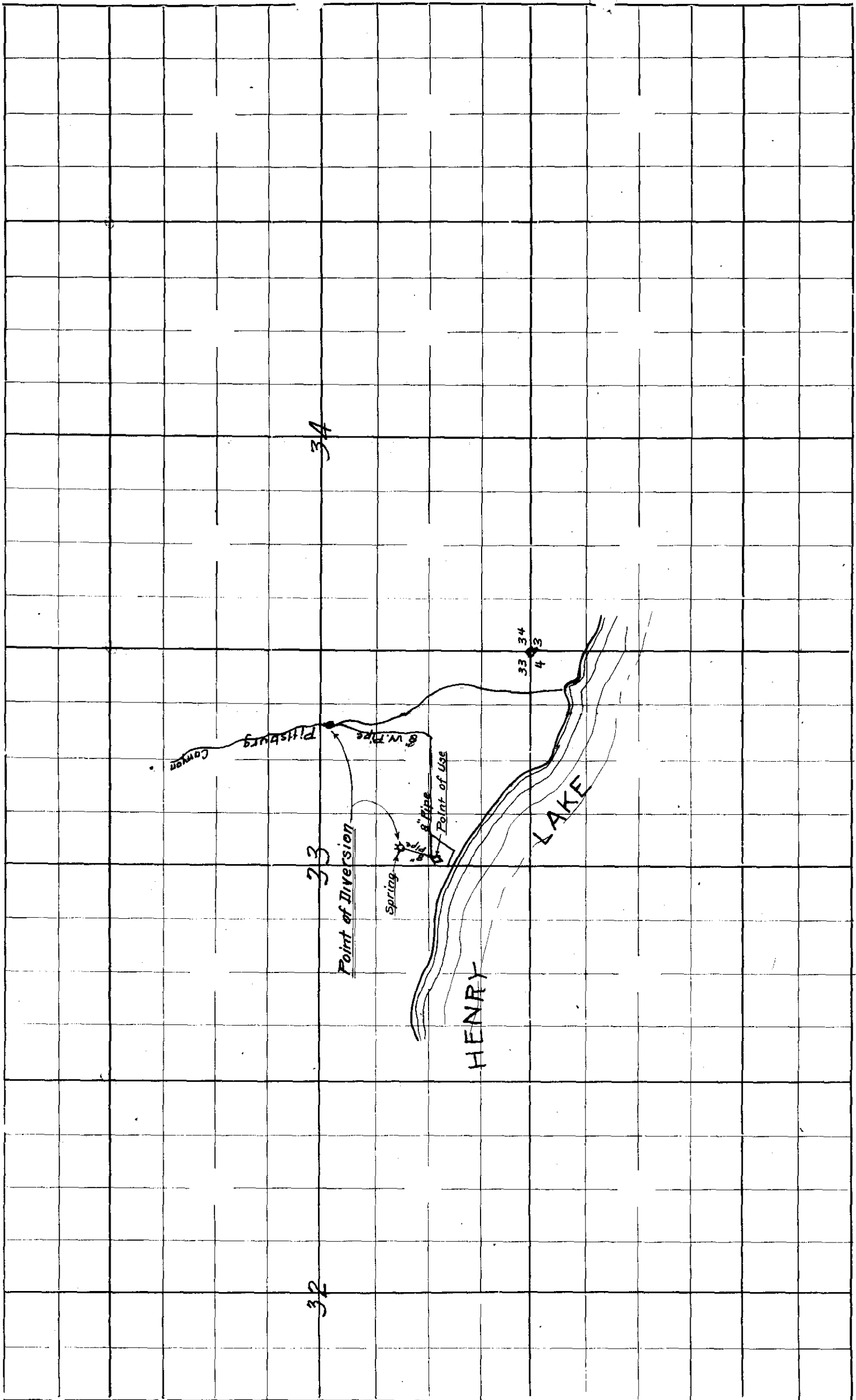
REPORT OF ENGINEER

PERMIT NO. 20294

REPORT ON PROOF OF Beneficial use

4. cfs in 2000
2. Shallow stream
Super

app. 6 cfs



FREMONT THE COUNTY NEWS



Fremont County's Leading Newspaper

ST. ANTHONY, IDAHO

Published Every Thursday

April, 9th, 1948

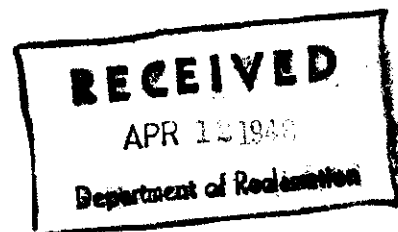
T. E. - R. M. HANAWALT
E. F. BOTTERBUSCH
Publishers

20294
Mark Kulp;
Department of Reclamation;

This is to acknowledge receipt of notice,
Notice of Proof of Application of Water To Beneficial Use, which will
start in the issues of April 15 and run until May 6 inclusive.

Yours Truly

T.E. Hanawalt



20294

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 20294

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. T. B. Murray, Director, State Fish and Game Dept., Boise, 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.

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

Ans. 20294 - Feb. 3, 1948; February 3, 1948

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

Ans. No Name Creek, S. 89° - 39' W. 520' from E $\frac{1}{4}$ cor. Sec. 33, T. 16 N. R. 43 E.B.M., 3000' - 8" pipe - conveying 4 sec. ft. Sherwood Spg. S. 70° - 00' W. 2410' from E $\frac{1}{4}$ cor. Sec. 33, T. 16 N. R. 43 E.B.M., 480' - 8" pipe conveying 2 sec. ft.

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. 4 sec. ft. from No Name Creek; 2 sec. ft. from Sherwood Spg.

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. Fish Cultural purposes in N.W $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33 T. 16 N. R. 43 E.B.M.

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

Ans. None

20294

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 6 sec. ft. total

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. 6 sec. ft. since 1928

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) J. H. Murray

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 14th day of May, A. D. 1948.

Anna Hunter

My commission expires 4/3/50

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20294

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. George E. Tucker - 57 - Civil Engineer - 1912 State St., Boise, Idaho

~~T. B. Murray, Director - State Fish and Game Department~~

Ques. 2. Are you acquainted with T. B. Murray, Director, State Fish & Game Dept. the holder of Permit No. 20294? How long have you known him and where does he reside?

Ans. Since 1935 - Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 20294, 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. No Name Creek, S. 89° - 39' W. 520' from E $\frac{1}{4}$ cor. Sec. 33, T. 16 N. R. 43 E.B.M.,
3000' - 8" pipe - conveying 4 sec. ft., Sherwood Spg. S. 70° - 00' W. 2410' from E $\frac{1}{4}$
cor. Sec. 33, T. 16 N. R. 43 E.B.M., - 480' - 8" pipe conveying 2 sec. ft.

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. 4 sec. ft. from No Name Creek; 2 sec. ft. from Sherwood Spg.

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. Fish Cultural purposes in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33 T. 16 N. R. 43 E.B.M.

20294

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

Ans. 6 sec. ft. for fish cultural purposes.

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. None

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. 6 sec. ft. since 1945

(Signed) George E. Tucker

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 14th day of May, A. D. 19 48

My commission expires

4/3/50

Anna Masters

Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20294

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. Frank H. Oster - 56 - Surveyor - 116 E. Idaho St. - Boise, Idaho

Ques. 2. Are you acquainted with T. B. Murray, Director, State Fish & Game Dept, the holder of Permit No. 20294? How long have you known him and where does he reside?

Ans. About one year - Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. 20294, 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. No Name Creek, S. 89° - 39' W. 520' from E $\frac{1}{4}$ cor. Sec. 33, T. 16 N. R. 43 E.B.M., 3000' - 8" pipe - conveying 4 sec. ft.; Sherwood Spg. S. 70° - 00' W. 2410' from E $\frac{1}{4}$ cor. Sec. 33, T. 16 N. R. 43 E.B.M., - 480' - 8" pipe conveying 2 sec. ft.

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. 4 sec. ft. from No Name Creek; 2 sec. ft. from Sherwood Spg.

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. Fish Cultural purposes in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 33 T. 16 N. R. 43 EBM

20294

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

Ans. 6 sec. ft. for fish cultural purposes.

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. None

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. 6 Sec. ft. since 1948

(Signed)

Frank A. Oster

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 14th day of May, A. D. 19 48.

Anna M. Mester

Notary Public.

My commission expires

6/3/50

20294

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO

County of Fremont

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

That he is the publisher of The Fremont County 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 St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication

of *Proof of Application*

Permit No. 20294

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for *4* consecutive issues thereof; first publication having been made

on the *15* day of *April*

19*48*, and last publication on the

6 day of *May*

19*48*

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.

Subscribed in my presence and

sworn to before me this *14th*

day of *June* 19*48*

Notary public for the State of Idaho, residence and post office address: St. Anthony, Idaho.

70294
RECEIVED
JUN 15 1948
STATE OF IDAHO
BOISE, IDAHO

NOTICE OF PROOF
APPLICATION OF WATER TO
BENEFICIAL USE

Notice is hereby given that at 10 A. M. on the 15th day of May, 1948 at Boise, County of Ada, State of Idaho, before Anna H. H. Notary Public, proof will be submitted of the application to beneficial use of *4* cubic feet per second of the waters of No Name Creek and Sherwood Spring in accordance with the terms and conditions of Permit No. 20294 heretofore issued by the State Reclamation Department of the State of Idaho. The name and position of driver of the person or corporation holding said permit are, State Fish and Game Dept.,

Boise, Idaho.

The use to which said water has been applied is Fish Cultural purposes.

The amount applied to beneficial use is 4 sec. ft. — No Name Creek 2 sec. ft. — Sherwood Spring.

The place where said water is used Henry Lake - State Fish Hatchery.

The name of the canal or ditch or other works by which said water is conducted to such place of use is 6" pipe from No Name Creek and Sherwood Spring.

The right to take water from such works is based upon Permit No. 20294.

The source of supply from which such water is diverted is No Name Creek and Sherwood Spring.

The date of priority which said user is prepared to establish is February 3, 1948.

MARK R. KULP
State Reclamation Engineer
Publish April 15, to May 6 inc.

20294

6/15
MURPHY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date: April 8, 1948

Re: Permit No. 20294

Fremont County News

St. Anthony, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 14, 1948**. the date set for proof, the expense of the publication to be paid by the applicant, **State Fish & Game Department** of **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 of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

20294

February 26, 1948

Re: Permit No. 20294

State Fish and Game Department
State House
Boise, Idaho

Attn: Mr. George E. Tucker

Dear Mr. Tucker:

We enclose Certificate of Completion of Works issued under Permit No. 20294 for 6 second feet of water from No Name Creek and Sherwood Spring, with priority of February 3, 1948, for fish hatchery purposes.

Notice of beneficial use proof to be made under this permit on May 14, 1948, will be sent to the Fremont County News, with instructions to publish it once a week for four consecutive weeks prior to that date and to send you the affidavit of publication together with statement of costs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

20294

State of Idaho

DEPARTMENT OF
FISH AND GAME

Boise, Idaho
February 20, 1948

State Reclamation Department
State House
Boise, Idaho

Gentlemen:

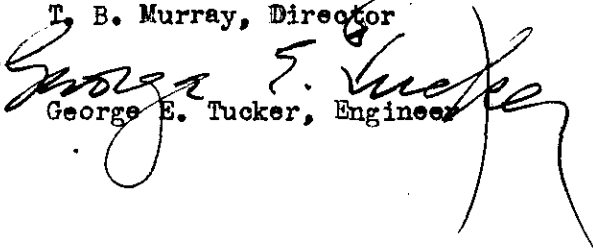
Enclosed please find Proof of Completion of Works
on Application Number 20294. Also, Proof of Application
for Beneficial Use of Permit Number 20189.

Please notice the publication of Permit Numbers,
20270, 20271, 20272 and 20294.

Very truly yours,

IDAHO FISH AND GAME DEPT.

T. B. Murray, Director


George E. Tucker, Engineer

GET/jr
Encl.

20294

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 19, 1948

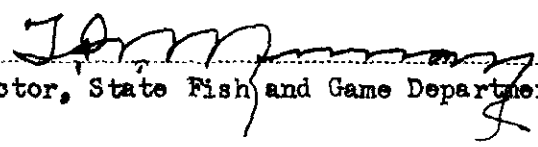
(P. O.) Boise, Idaho

STATE RECLAMATION ENGINEER :
TO THE ~~COMMISSIONER OF RECLAMATION~~:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Freemont County News of St. Anthony, Idaho, published in
the county in which the works are situated.


Director, State Fish and Game Department

(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.

20294

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

Notice is hereby given that at 10 A. M. on the 14th day of May, 1948,
 at Boise, County of Ada, State of Idaho, before
Anna Mastro, Notary Public, proof will be submitted of the
 application to beneficial use of .6 cubic feet per second of the waters of No Name Creek
and Sherwood Spring in accordance with the terms and conditions of Permit No. 20294
 heretofore issued by the State Reclamation Department of the State of Idaho.
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

The name and postoffice address of the person or corporation holding said permit are.....
T. B. Murray, Director, State Fish and Game Dept., Boise, Idaho

The use to which said water has been applied is Fish Cultural purposes

~~XXXXXX 4 sec. flow No Name Creek XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
 The amount applied to beneficial use is 2 sec. ft. - Sherwood Spring

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) Henry Lake - State Fish Hatchery

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is 8" pipe lines from No Name Creek and Sherwood Spring

The right to take water from such works is based upon Permit No. 20294

The source of supply from which such water is diverted is No Name Creek
and Sherwood Spring

The date of priority which said user is prepared to establish is February 14, 1948

MARK R. KULP

Commissioner of Reclamation.

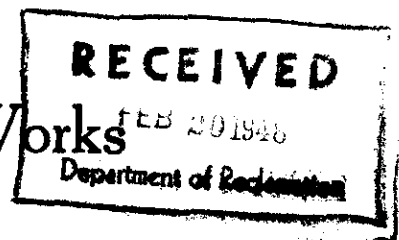
20294

Permit No. 20294

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER



STATE OF IDAHO

County of Ada

SS.

T. B. Murray

, 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. 20294 and that his postoffice address is Boise

State of Idaho

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

No Name Creek and Sherwood Spring

Third: That the point of diversion of said water is From No Name Creek S. 89° 39' W. 520' from E. 1/4 Cor. Sec. 33 T. 16 N. R. 43 E. B. M. - From Sherwood Spg. S. 70° 00' 2410' from E. 1/4 Cor. Sec. 33 T. 16 N. R. 43 E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was ~~required to be completed by~~ No Name Creek - 1944 Sherwood Spg. - 1946, 19

Fifth: That the use for which said water is intended is Fish Hatchery Purposes

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: 1- 8" pipe line - No Name Creek
1- 8" pipe line - Sherwood Spring
(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 width at bottom feet, width at water line
(State whether ditch, flume or pipe)

feet, depth of water feet; diameter of pipe 8 inches, average grade per mile is 50 feet. Length of conduit is miles. 3000' from Creek 480' from Spring

Seventh: That said works are capable of conducting to the place of intended use
6 second feet of water. 4 Sec. Ft. from No Name Creek 2 Sec. Ft. from Sherwood Spring

Eighth: That water appropriated under said permit is available for acres of land described as follows:

Ninth: Remarks: That Agreement with Sherwood heirs for use of Sherwood Spring Agreement with Alton R. Howell and Harold Harvey for joint use of pipe line from No Name Creek.

Director, State Fish and Game Department (Sign Here)

Subscribed and sworn to before me this 25 day of Feb, 1946

My commission expires 6/3/1950

Notary Public.

20294

February 17, 1948

Re: Permit No. 20294

Attn: Mr. George E. Tucker

Idaho State Fish and Game Department
State House
Boise, Idaho

Dear Mr. Tucker:

We enclose Permit No. 20294 together with copy of the map and of the two agreements submitted in connection therewith.

Since your application states that the works are already completed we have allowed until May 14, 1948 within which to make the necessary proofs.

Enclosed is Form 6 for making the proof of completion of works and Forms 10 and 11 in connection with beneficial use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm
Enc.

20294

STATE OF IDAHO)
COUNTY OF Ada) ss.

On this 19 day of June, 1947 before me, a Notary Public in and for said County and State, personally appeared Alton R. Howell, known to me to be the person who signed the foregoing agreement and acknowledged to me that he executed the same

SEAL

/s/ Anna Mastro

Notary Public
Residing at Boise, Idaho

My commission expires on the 3rd day of June 1950

STATE OF IDAHO)
COUNTY OF Ada) ss.

On this 19 day of June, 1947, before me, a Notary Public in and for said County and State, personally appeared Harold Harvey, known to me to be the person who signed the foregoing agreement and acknowledged to me that he executed the same.

SEAL

/s/ Anna Mastro

Notary Public
Residing at Boise, Idaho

My commission expires on the 3rd day of June, 1950.

STATE OF IDAHO)
COUNTY OF ADA) ss.

On this 15th day of July, 1947, before me, a Notary Public in and for the County of Ada, State of Idaho, personally appeared T. B. Murray and made known to me that he is the Director of the Fish and Game Department of the State of Idaho and acknowledged to me that he as such Director for said Department executed the foregoing agreement.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal this 15th day of July, 1947.

SEAL

/s/ Anna Mastro

Notary Public
Residing at Boise, Idaho

My commission expires on the 3rd day of June, 1950.

A G R E E M E N T

THIS MEMORANDUM OF AGREEMENT made and entered into this 19 day of June, 1947, by and between Alton R. Howell and Harold Harvey of Macks Inn, Fremont County, Idaho, parties of the first part, and the State of Idaho acting by and through T. B. Murray, Director of the Fish and Game Department of the State of Idaho, the party of the second part, WITNESSETH: that;

WHEREAS, the parties of the first part are the prior appropriators of all waters of No Name Creek in Pittsburg Canyon in Fremont County, Idaho, and,

WHEREAS, the party of the second part has a Fish Hatchery located on Lot One, Section 33, Township 16, North of Range 43 East of Boise Meridian, in Fremont County, Idaho, and near said No Name Creek in Pittsburg Canyon, and,

WHEREAS, during certain periods of the year said party of the second part does not have sufficient water to properly operate said Fish Hatchery, and,

WHEREAS, said parties of the first part desire to permit the party of the second part to use water from said No Name Creek during certain seasons of the year under the terms and conditions herein set out.

NOW THEREFORE, in consideration of the use of the pipe line of the party of the second part by the parties of the first part, as hereinafter set forth, and the mutual agreements and covenants herein contained, it is mutually agreed as follows:

I. Party of the second part agrees to construct and eight inch pipeline which shall be used to carry the water from said No Name Creek to its Fish Hatchery, a distance of approximately 4,000 feet, said eight inch pipeline to be built and maintained at the sole cost and expense of said party of the second part.

II. The party of the second part agrees to place an eight inch valve in said pipeline at a point about 1,000 feet east of its Hatchery through which the parties of the first part may divert such water as may be necessary for domestic use and use in case of fire during the period of time herein

granted to said second party to use said water, but in no case shall parties of the first part use said water for a period of time or to an extent which would impair the operation of the Fish Hatchery of party of the second part.

III. The parties of the first part hereby grant unto the party of the second part the right to divert the water of No Name Creek through the wood pipeline herein described for use in its Fish Hatchery during the months of March, April and May, and until June 15th of each year, after which time the parties of the first part shall have the full right to the use of all of the water flowing through said pipeline for their own use and benefit.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands
this 19 day of June, 1947

/s/ Alton R. Howell

Party of the First Part

/s/ Harold R. Harvey

Party of the First Part

/s/ Thomas B. Murray

Director, Fish and Game Department
State of Idaho

Party of the Second Part

THIS INDENTURE, Made this 6th day of August, in the year
of our Lord one thousand nine hundred and twenty-eight, between

Mary Ann Sherwood

J. Sherwood

Charles Sherwood

Rosetta Sherwood

Clarence Sherwood

Geneva Sherwood and

Walter Sherwood

the parties of the first part, and Department of Fish and Game
of the State of Idaho, party of the second part:

WITNESSETH, That the said parties of the first part, for
and in consideration of the sum of One Hundred (\$100.00) Dollars,
lawful money of the United States of America, to them in hand
paid by the said party of the second part, the receipt whereof
is hereby acknowledged, have granted, bargained and sold, and by
these presents do grant, bargain, sell, convey and confirm unto
the said party of the second part, and to its successors and
assigns forever, all the following described real estate, situated
in the county of Fremont, State of Idaho to-wit:

Beginning at the Northwest (NW) corner of Lot One (1)
Section Thirty-Three (33), Township Sixteen (16) North,
Range Forty-Three (43) East, B.M.; thence North $56^{\circ} 30'$
West 110 feet; thence North $31^{\circ} 30'$ East 94.5 feet;
thence South 60° East 216 feet; thence North 35° East
65 feet; thence South $30^{\circ} 55'$ East 101 feet; thence
West 234 feet to the point of beginning, containing
.58 acres together with all the waters and water rights
of that certain spring upon the lands now owned by the
grantors, the location of said spring being as follows:

Beginning at the Northwest (NW) corner of Lot One (1), Section Thirty-Three (33), Township Sixteen (16) North, Range Forty-Three (43) East, B.M.; thence East 220 feet; thence North 16° 30' East 338 feet; thence North 15° 15' East 158 feet, more or less, to said spring, excepting therefrom the water that will flow thru two one-inch pipes that is hereby reserved for the use and benefit of the Grantors. The Grantees shall construct a suitable basin and make the necessary provisions for the two one-inch outlets and the outlets shall be not less than one inch below the surface of the water.

For the purpose of constructing and maintaining pipe lines and ditches, an easement is hereby conveyed to a strip of land five (5) feet on each side of the pipe line, the center line of said ten (10) foot strip of land being described as follows, to-wit:

Beginning at a point 220 feet East of the Northwest (NW) corner of Lot One (1) Section Thirty-Three (33), Township Sixteen (16) North, Range Forty-Three (43) East B.M. and running thence North 16° 30' East 338 feet; thence North 15° 15' East 158 feet, more or less, to said spring,

and the Grantee, its agents or representatives, shall at all times have the unrestricted right of entry upon said ten (10) foot strip of land and may at its own election construct pipe lines and ditches and make such repairs or otherwise maintain said pipe lines or ditches as it may deem necessary, also an easement to all lands within a radius of twenty (20) feet from said spring or so much thereof as may be deemed necessary to construct, maintain and keep in repair, basins, cisterns or pools in which to gather the waters from said spring and distribute the same.

The within grant is made with the understanding that the premises are to be used by the State of Idaho in connection with Fish Cultural operations and related activities only. Should the

purposes for which this grant is made be abandoned by the state of Idaho, the property shall then revert to the Grantors, their heirs or assigns.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, and to its successors and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will Warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and
Delivered in the
Presence of the

/s/ Mary Ann Sherwood (SEAL)
/s/ J. Sherwood (SEAL)
/s/ Charles Sherwood (SEAL)
/s/ Rosetta Sherwood (SEAL)
/s/ Clarence Sherwood (SEAL)
/s/ Geneva Sherwood (SEAL)
/s/ Walter Sherwood (Seal)

STATE OF IDAHO)
COUNTY OF FREMONT) ss

On this 6th day of August in the year 1928, before me Hiram G. Fuller, a Notary Public for said State, personally appeared Mary Ann Sherwood, J. Sherwood, Charles Sherwood, Rosetta Sherwood, Clarence Sherwood, Geneva Sherwood and Walter Sherwood known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

SEAL

/s/ Hiram G. Fuller
Notary Public in and for the State
of Idaho, Residing at Ashton