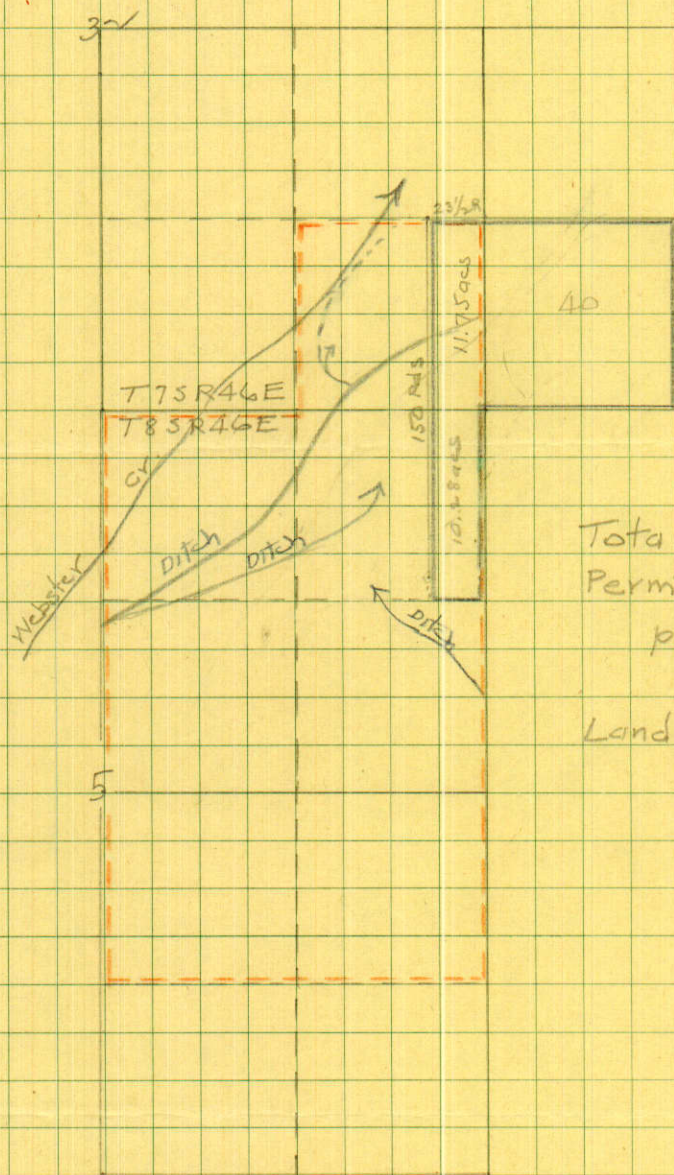




Total acres in area described - 62.03 —
 Permit shows 110 acres or 150 acres, de-
 pending on how wording is interpreted.

Land owned by G.W. Hepworth —

10960

34s

7/8/16

14605

23 ofs

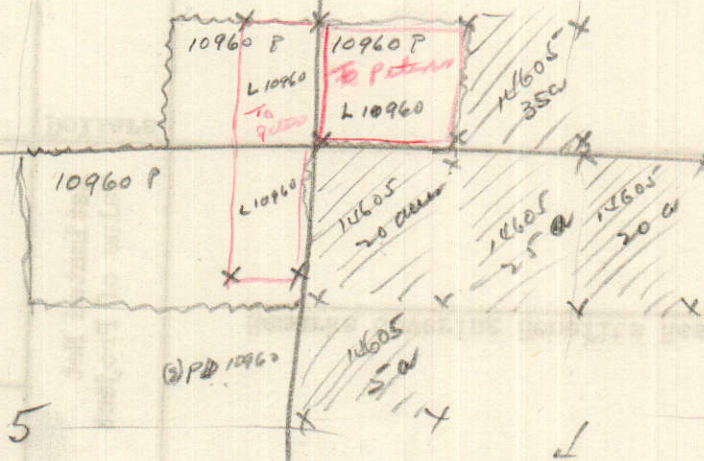
3/22/20

14606

7 Cancelled

32

33



② P.D. 10960

4/19/15

10960

32

33



5

4

REPORT OF ENGINEER

PERMIT NO. 10960

10960

NOTICE FOR PUBLICATION.

Notice of proof of application of Water to Beneficial Use.

Notice is hereby given that at 10 A. M., on the 12th day of September, 1923, at Tygee Valley, county of Caribou, State of Idaho, before Soren C. Peterson, U. S. Commissioner, proof will be submitted of the application to beneficial use of 3.0 cubic feet per second of the waters of Webster Creek, in accordance with the terms and conditions of Permit No. 10960, and 2.3 cubic feet per second of the waters of a spring and Fall Creek, tributaries of Webster Creek, in accordance with the terms and conditions of Permit No. 14605.

The name and postoffice of the person holding said permit is Andrew S. Peterson, Auburn, Wyoming.

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

The amount applied to beneficial use is 5.3 cubic feet per second.

The place where said water is used is a tract of land commencing at a point at the NW corner of the SW 1/4 of SW 1/4, Sec. 33, Twp. 7 S. R. 46 E., B. M., thence running West 23 1/2 rods, thence south 150 rods, thence east 23 1/2 rods, thence North 150 rods, to place of beginning; also, the SW 1/4 SW 1/4, Sec. 33, Twp. 7 S., R. 46 E., B. M.; the SE 1/4 SW 1/4, Sec. 33, Twp. 7 S., R. 46 E., B. M., and the NW 1/4 NE 1/4 NW 1/4, NW 1/4 NW 1/4, and SW 1/4 of NW 1/4, Sec. 4, Twp. 8 S., R. 46 E., B. M.

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

The right to take water from such works is based upon Permits Nos. 10960 and 14605.

The sources of supply from which such water is to be diverted are Webster Creek, and a spring and Fall creek, tributaries of Webster creek.

The dates of priority which said user is prepared to establish are July 8, 1916, and March 22, 1920, respectively.

W. G. SWENDSEN,
Commissioner of Reclamation
First Pub. July 19, 1923.
Last Pub. Aug. 9, 1923.

17.50

Affidavit of Publication

Soda Springs Chieftain

STATE OF IDAHO. }
COUNTY OF CARIBOU. } ss

Geo. F. Lee, being first duly sworn, deposes and says that he is the ~~publisher~~ ^{foreman} of THE SODA SPRINGS CHIEFTAIN, a newspaper published every week in Soda Springs, County of Caribou, State of Idaho; that said newspaper has a general circulation in Caribou County; and said newspaper has been so published continuously and uninterruptedly in said Caribou County, Idaho, during a period of seventy-eight (78) consecutive weeks next prior to the first publication of said notice.

That the annexed notice or advertisement was published once each week for *four* successive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the *19th* day of

July 1923, and the date of the last publication was on the *9th* day of

August 1923.

Geo. F. Lee
Subscribed and sworn to before me this *22nd* day of *August*, 1923.

Herbert H. Crosby
Notary Public.

10960

NAME OF APPLICANT

Andrew S. Peters

discuss
discuss
ditch
ditch
ditch

32

33

10960

NAME OF APPLICANT

Alvin J. Welchman

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC. 32

SEC.

SEC.

SEC. 33

SEC.

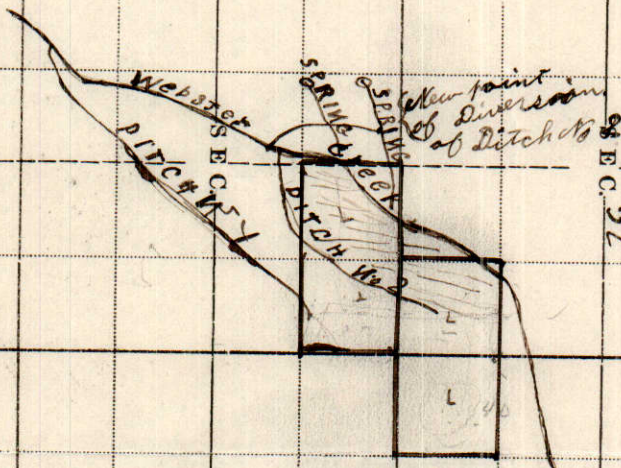
SEC.

SEC.

SEC.

SEC.

SEC.



10960

Name of Applicant

Abner J. Welchman

10960

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC. 32

SEC.

SEC.

SEC. 33

SEC.

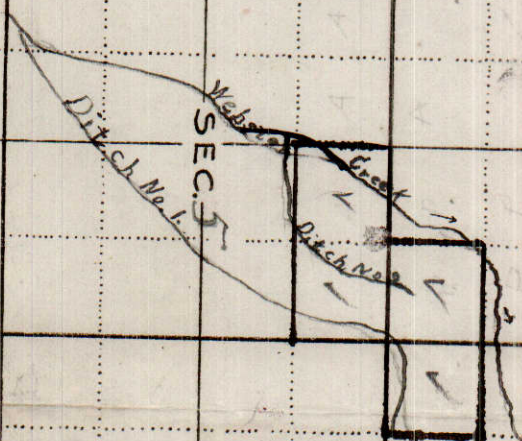
SEC.

SEC.

SEC.

SEC.

SEC.



75-461
85-461

State of Idaho

License and Certificate of Water Right

Water License No. 10960

Amount 3.0 sec. ft.

Water District No. 44

Priority 7-8-1916

THIS IS TO CERTIFY that Andrew S. Peterson of Auburn, Wyoming, made application for a permit to appropriate the public waters of the State of Idaho, dated November 14, 1914; that Permit No. 10960 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.0 second feet, was issued thereunder on April 17, 1920, showing that said works were completed on the 20th day of January, 1920; and that on the 12th day of September, 1923,

Andrew S. Peterson of Auburn, State of Wyoming, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Webster Creek, a tributary of Snake River, for the purpose of irrigation & domestic use, under Use Permit No. 10960 of the State Engineer 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 Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3090, on the 19th day of October, 1923;

The right hereby confirmed dates from July 8, 1916;

The Point of Diversion is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, Twp. 8 S., R. 46 E., B. M. County of Caribou.

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 3.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	46 E.	33	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40

Also, a tract of land commencing at a point at the Northwest Corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, Twp. 7 S., R. 46 E., B. M.; thence West 23 $\frac{1}{2}$ rods; thence South 150 rods; thence East 23 $\frac{1}{2}$ rods; thence North 150 rods, to place of beginning, approximating 110 acres.

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 Commissioner of Reclamation, affixed at Boise, Idaho, this 19th day of October, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation.

(SEAL)

24 2026

No. 15856.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Alvin J. Welchman.

Postoffice address: Auburn

County: Lincoln

State: Wyoming.

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is Three cubic feet per second.

3. Source of water supply: From Webster Creek.

4. Location of point of diversion: Ditch No. 1, SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Sec. 5, Ditch No. 2, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ Sec. 5, Twp. 8 S. R. 46 E. B. M.

County of Bannock.

5. To be used for: Irrigation for SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 33, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 32, Twp. 7 S. R. 46 E. B. M. NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 5 Twp. 8 S. R. 46 E. B. M.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 150 acres.

(b) In the following legal subdivisions:

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under

ft. head

(c) Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works: Ditch No. 1 \$150.00 Ditch No. 2 \$25.00

7. Description of works for diversion:

I. Kind of works: Dam, ditch and one flume.

II. Dimensions of works:

(a) Height of dam three feet, length of dam at top 14 feet,

length of dam at bottom 12 feet. Material used in construction: Stone and earth.

(b) Capacity of reservoir acre feet. (c) Size of headgate, width 3 feet,

Height 1 feet. (d) Conduit ditch width at bottom 3 feet,

width at water line 3 feet, depth of water 1 feet; diameter of pipe

inches; average grade per mile is 8 feet. Length of conduit is 2 miles,

and it crosses the following quarter sections: SE $\frac{1}{4}$ and SW $\frac{1}{4}$, NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Sec. 5, Twp. 8 S. SE $\frac{1}{4}$ Sec. 32 and SW $\frac{1}{4}$ Sec. 33 Twp. 7 S. R. 46 E. B. M.

8. The time required for the completion of the construction of such work is Three years.

9. Time required for the complete application of the water to the proposed use is Two additional years.

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

Alvin J. Welchman, Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 a.m. November 14, 1914.

Returned to applicant for correction November 19, 1914.

Corrected application received January 13, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 10960.

Recorded in Book 37 Page 10960 Approved January 18, 1915.

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 March 19, 1915 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 July 18, 1916.

The whole of said work to be completed on or before January 18, 1918.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 18, 1920.

Witness my hand this 18th day of January, 1915.

HERBERT WING,
Acting State Engineer.

Remarks:

EXTENSION OF TIME

Upon proper request of Alvin J. Welchman, holder of Permit No. 10960, I have this 30th day of November, 1917, extended the time for completion of works thereunder to the 18th day of January, 1920.

J. H. SMITH,

State Engineer.

STATE OF WYOMING,)
) SS:
COUNTY OF LINCOLN,)

Alvin J. Welchman, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 10960.

That he intends to change the point of diversion, as described in said permit, to the following point: to a point near the north edge of the Northeast Quarter of the Northwest quarter of Section 5, Twp. 8 S. Range 46 E. B. M., from two springs.

That such change will be made for the following reasons, to-wit: The source of supply that is Webster Creek, has not sufficient water to furnish that required to irrigate the said land, and in fact almost no water at all for a large part of the year. That the reason said source is insufficient is that one Soren C. Petersen, made application to the State Engineer, as I am informed, and secured change in his point of diversion for other water rights, at about the time my application was made thus leaving me without sufficient water as at first proposed, to supply the amount under said permit to me.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

Alvin J. Welchman.

Subscribed and sworn to before me this 1st day of April, 1920

Carl Cook

United States Commissioner.

(SEAL)

My commission expires June 22, 1921.

Received and filed for record in the Department of Reclamation, at Boise, Idaho, at 9:00 A. M. April 10, 1920.

W. G. Swendsen,
Commissioner of Reclamation.

Proof of Completion of Works made: January 20, 1920.
 Certificate issued: April 17, 1920.

Permit No. 10960

CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that Alvin J. Welchman, of Auburn, County of Lincoln, and State of Idaho, the holder of Permit No. 10960, issued upon Application No. 15856, bearing date of priority of November 14, 1914, authorizing the diversion of 3 second feet of the waters of Webster Creek, County of Lincoln, 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 3 second feet of the waters of Webster Creek; that the point of diversion of said waters is at a point near the north edge of the Northeast quarter of the Northwest quarter of Section 5, Twp, 8 S., Range 46 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$ 3E $\frac{1}{4}$ Sec. 32, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, T. 7 S., and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T. 8 S., R. 46 E., B. M.

Witness my hand this 17th day of April, A. D. 1920.

W. G. Swendsen,
 Commissioner of Reclamation

By: S. T. Baer.
 Deputy.

WARRANTY DEED

THIS DEED, Made this 21st day of November in the year of our Lord One Thousand Nine Hundred Sixteen, between Alvin J. Welchman and Ida Welchman of Auburn, Wyoming, parties of the first part, and Soren C. Peterson of Auburn, Wyoming, party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Six Hundred Fifty and No/100 Dollars, to them in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto said party of the second part, and unto his heirs and assigns, forever, all that piece, or parcel of land, situate, lying and being in the County of Caribou and State of Idaho, and more particularly known and described as follows, to-wit: The Southwest quarter of the Southwest quarter of Section Thirty-three (33) Township Seven South of Range Forty-six (46) East of the Boise Meridian, Idaho, also commencing at a point the northwest corner of the southwest quarter of the southwest quarter of Section Thirty-three (33), Township Seven (7) South of Range Forty-six (46) East of the Boise Meridian, Idaho, and running thence West 25 $\frac{1}{2}$ rods; thence South 150 rods; thence east 22 $\frac{1}{2}$ rods; thence North 150 rods to the place of beginning, containing in all sixty-two acres of land be there more or less.

And the said parties of the first part hereby expressly waives and releases any and all rights, benefits, privileges, advantages and exemptions under and by virtue of any and all statutes of the State of Idaho, providing for the exemption of homesteads from sale on execution or otherwise.

TO HAVE AND TO HOLD, The said above described premises unto the said party of the second part, his heirs and assigns, Forever; together with the privileges, hereditaments and appurtenances thereunto in anywise appertaining or belonging. And the said parties of the first part, for their heirs, executors and administrators, do covenant and agree to and with the said party of the second part, his heirs and assigns, that at the ensealing and delivery of these presents they were well seized in said premises, in and of a good and indefeasible estate in fee simple. And that they are free from all incumbrances whatsoever. And that they have good and lawful right to sell and convey the same. And the said parties of the first part will, and their heirs, executors and administrators shall warrant and defend the same against all lawful claims and demands whatsoever.

And the said parties of the first part for their heirs, executors and administrators, does covenant and agree to and with the said party of the second part, his heirs and assigns, that he the said party of the second part, shall and may lawfully at all times hereafter peaceably and quietly have, occupy, possess and enjoy the said premises hereby granted, or intended so to be, with the appurtenances, without the lawful molestation or hindrance of the parties of the first part, their heirs or assigns, or of any other

person or persons whatsoever, by or with his or their consent, privity or procurement. And the said Ida Welchman, wife of the said Alvin J. Welchman upon the consideration aforesaid, does hereby release and forever quitclaim unto said party of the second part, his heirs and assigns, all her rights of dower and homestead in and to the above granted premises.

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

Alvin J. Welchman (SEAL)

Ida Welchman (SEAL)

Signed, Sealed and Delivered in the
Presence of

D. D. Lynch

THE STATE OF WYOMING,)
) ss.
County of Lincoln,)

I, D. D. Lynch, a Notary Public in and for said County in the State aforesaid, do hereby certify that said Alvin J. Welchman and Ida Welchman, personally known to me as the persons whose names are subscribed to the annexed deed, appeared before me this day in person, and acknowledged that they signed, sealed and delivered said instrument of writing as their free and voluntary act, for the uses and purposes therein set forth, and expressly waived and released all right, title or benefit of exemption under any and all Homestead Exemption Laws, so called, of said State of Idaho.

And I further certify that Ida Welchman, wife of the said Alvin J. Welchman was by me first examined separate and apart from her said husband in reference to the signing and acknowledging such deed, the nature and effect of said deed being explained to her by me, and that she, being by me fully apprised of her right, and of the effect of signing and acknowledging such deed, did sign the same while so separate and apart from her said husband, and did then acknowledge that she freely and voluntarily signed and acknowledged the same for the uses and purposes therein set forth, and expressly waived and released all her rights and advantages under and by virtue of all laws of said State of Wyoming, relating to the Exemption of Homesteads.

GIVEN UNDER MY HAND and Notary seal, this 21st day of November, A. D. 1916.

(SEAL) D. D. Lynch
Notary Public
My commission expires on the 18th day of May, A. D. 1918.

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 9:00 A. M. March 20, 1923.

W. G. SWENDSEN
Commissioner of Reclamation
By C. B.

ASSIGNMENT

For value received, I hereby assign all my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 10960, to Andrew S. Peterson of Auburn, Wyoming.

Dated June 21, 1923.

Soren C. Peterson

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 9:00 A. M. June 28, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation
By C. B.

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 10960 124-2026
 Old No. New No.

Record

1. Original Owner: Alvin J. Melchman

Present Owner: Andrew J. Peterson

2. Address:

3. City: Auburn State: Wyo Zip: 83111

4. A. Source of Water: Webster Creek

B. Tributary of: Snake River

5. A. Stage (A,P,L,D,S,J): L

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

C. Priority Date: 7-8-1916

D. County: 29

E. Total Diversion Rate: 3

F. Total Diversion Volume:

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

H. Water District:

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

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

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>NE NW</u>	<u>5</u>	<u>82</u>	<u>46E</u>		

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

from _____ to _____ for A purposes. Amount 3
 (cfs or AC-FT/yr)

from _____ to _____ for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

October 3, 1958

Re: Permit No. 10960

Mr. J. P. Garner
Investigator
National Farm Loan Association
Preston, Idaho

Dear Mr. Garner:

In reply to your letter of September 30, 1958, the records of this department show the following: -

License No. 10960
Andrew S. Peterson - Auburn, Wyoming
For 3 second feet of water from Webster Creek with
Priority of July 8, 1916
Point of Diversion - NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, Township 8 South, Range
46 East, B. M.
For use on 40 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 7 South,
Range 36 East, B. M.; also a tract of land commencing at a point
in the NW corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 7 South, Range
46 East, B. M.; thence west 23 $\frac{1}{2}$ rods, thence south 150 rods;
thence East 23 $\frac{1}{2}$ rods; thence North 150 rods, to place of beginning,
approximating 110 acres.

The two prior permits on Webster Creek on record in this department are
as follows: -

License No. 4097
Sam Webster - Auburn, Wyoming
For 2.4 second feet from Webster and Taggee Creek with
Priority of October 5, 1908
Points of Diversion - In the SE $\frac{1}{4}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33;
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 7 South,
Range 46 East, B. M.; for use upon the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the N $\frac{1}{2}$ SW $\frac{1}{4}$
Section 34, Township 7 South, Range 46 East, B. M.

Mr. J. P. Garner

-2-

October 2, 1958

License No. 7070
Soren C. Peterson - Auburn Wyoming
For 2.1 Second feet from Webster Creek, with
Priority of December 12, 1910
Point of Diversion - In the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, Township
7 South, Range 46 East, for use on the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 27,
NE $\frac{1}{4}$ NW $\frac{1}{4}$; NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 7 South,
Range 46 East, B. M.

We trust that the above will give you the desired information.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Mrs. Edna P. Rutledge
Chief Clerk

EPR/A/lw

10960

IDAHO PIONEER
NATIONAL FARM LOAN ASSOCIATION

PRESTON, IDAHO

CLIFFORD WARR, SECRETARY-TREASURER

September 30, 1958

FEDERAL LAND BANK LOANS

RECEIVED
OCT 2 1958
Department of Reclamation

Idaho State Reclamation
Boise
Idaho

Gentlemen:

Mr. Charles O'Keefe of Auburn, Wyoming, has filed an application with us for a Federal Land Bank loan. Our old report indicates a water license appropriated to this land and numbered 10960 from Webster Creek and Terrace Creek. Our information indicates it is the third right on the creeks in order of priority. There is also some information that it is appropriated to lands not owned by him; specifically, the Southwest Quarter of Section 33, Township 7 South, Range 46 East of the Boise Meridian

The lands he owns on which this water is used is described as follows: Southeast Quarter of the Southeast Quarter of Section 32, Township 7 South Range 46 EBM; Northeast Quarter, and the North Half of the Southeast Quarter of Section 5, Township 8 South, Range 46 EBM.

Will you please check this license and the two prior licenses and send me what information you have. Thanking you in advance, we remain

Sincerely yours,

J. P. Garner

J. P. Garner
Investigator

JPG:bjg

10960

10960

April 20, 1945

Mr. J. Lee Peterson
No. 445 E. 8th N.
Logan, Utah

Dear Mr. Peterson:

We did not fully answer the questions of your letter of February 5th, in our replies of February 7th and February 9th, especially as to water rights acquired through use.

Use rights are recognized when confirmed by a court of competent jurisdiction. They may be initiated by actual diversion and beneficial use, but are not a matter of record until confirmed by the court.

We can find no filings by John Peterson. Andrew J. Peterson made proof of beneficial use on Permit No. 14606 and was issued a license, at the same time proof was made on Permit No. 10960, the original Welchman permit. Joseph Lee Peterson was issued a permit, No. 14606 on a spring on "The Falls" for 0.7 cubic foot per second, but the permit was later cancelled.

Assuming that your land is the balance of the land covered by the Welchman permit, No. 10960, that was not sold to Soren C. Peterson, you would be entitled to a license on proper proof and showing of beneficial use, but with a later priority date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:A

10960

10960 ✓

April 20, 1945

Mr. C. L. Tucker
Senior Engineer Appraiser
The Federal Land Bank
Spokane, 8, Washington

Dear Mr. Tucker:

We are sending you a copy of an opinion
from the office of the Attorney General.

In the second paragraph of the opinion
the question is raised as to the propor-
tionate share transferred to Petersen.
Our records of the deed show,

"Together with all the privileges, here-
ditaments and appurtenances thereunto in
any wise appertaining or belonging."

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K: A
Encl.

10960

CAPITOL BUILDING MAINTENANCE
STATE BUILDING CONSTRUCTION



HEYBURN STATE PARK
BUREAU OF AERONAUTICS
BUREAU OF HIGHWAYS

STATE OF IDAHO
DEPARTMENT OF PUBLIC WORKS
BOISE

April 18, 1945

Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Building

Dear Mr. Kulp:

This is in reply to your letter of February 15, 1945, concerning the water rights established under Permit No. 10960.

From your letter it is indicated that one, Alvin J. Welchman, received a permit for three cubic feet per second of water from Webster Creek, and that on November 21, 1916, Welchman and his wife deeded to one Soren C. Peterson, a portion of the land which was to be irrigated under said Permit No. 10960. Your letter does not indicate whether or not Peterson was to have received a proportionate share of water under the foregoing permit. The letter further indicates that Welchman never did make showing of beneficial use and a license was issued to Peterson for the total amount of water applied for under Permit No. 10960.

Your letter further indicates that Mr. Geo. H. Carter wrote to Mr. Soren Peterson indicating that he would only be allowed 62 inches of water on the land which he acquired from Welchman and would leave Welchman the remaining amount of water which was to be used under the permit. The significant paragraph of Carter's letter quoted by you is as follows:

"While Alvin J. Welchman has never made proof of beneficial use of water under the permit, if the water has been beneficially used upon the land by him, he could establish his right for the amount used, not exceeding, however, 1.76 second feet, his license taking a later date of priority inasmuch as the proof would be made subsequent to the time specified in the permit."

10960

Mark R. Kulp

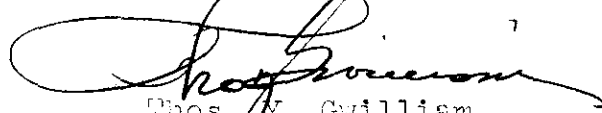
-2-

April 18, 1945

It seems to me therefore that successors in interest to Alvin J. Welchman, could by proper showing, indicate the beneficial use and follow statutes for making proof of beneficial use and have a license issued to him for the amount of water he has actually used.

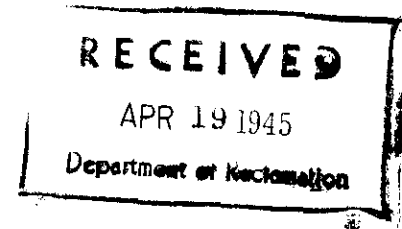
The foregoing of course would necessitate a correction of the license issued to Peterson or his successors. It can be done by the Department with proper affidavits on file indicating that Peterson or his successors have only actually used the amount which they were entitled to, as suggested in Carter's letter, that is 62 inches.

Very truly yours,



Thos. Y. Gwilliam
Assistant Attorney General

TYG/dh



10960

Charles C. Gossett

February 19, 1945

Mr. J. Lee Peterson
No. 445 East 8th North
Logan, Utah

Dear Mr. Peterson:

We enclose herewith the copy of the
letter from Mr. Geo. N. Carter, which
was inadvertently omitted from our
letter addressed you on February 9th.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

40860

Charles C. Gossett

February 19, 1945

✓
Mr. C. L. Tucker
Senior Engineer Appraiser
The Federal Land Bank
Spokane, 8, Washington

Dear Mr. Tucker:

We enclose herewith the copy of Mr.
George N. Carter 's letter, which was
inadvertantly omitted from our letter
addressed you under date of February 9th.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

A
Encl.

Chief Clerk

70960

THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION
TWELFTH FARM CREDIT DISTRICT
IDAHO, MONTANA, OREGON, AND WASHINGTON
AND
AGENT OF THE LAND BANK COMMISSIONER AND THE
FEDERAL FARM MORTGAGE CORPORATION

SPOKANE 8, WASHINGTON

610 MAIN AVENUE
PHONE RIV. 7141

February 17, 1945

Mr. Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
State House
Boise, Idaho

A76005 - G. W. Hepworth

Dear Mr. Kulp:

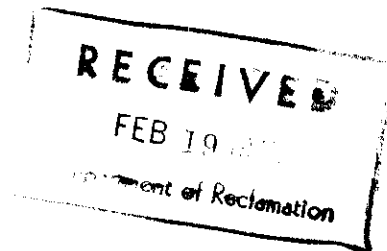
In your letter of February 9, 1945, relative to
Permit No. 10960, you state that you are enclosing letter
written by Mr. George N. Carter. This letter was not enclosed.

Very truly yours,



C. L. Tucker
Senior Engineer Appraiser

CLT:cc



10960

10960

February 13, 1945

Hon. Frank Langley,
Attorney General,
Building.

Dear Mr. Langley:

A question has arisen as to the water rights established under Permit No. 10960, as follows:

Permit No. 10960 is for three (3) cubic feet per second of water from Webster Creek, in the name of Alvin J. Welchman, for irrigation and domestic use on SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, Township 7 South, Range 46 East, B.M., and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 5, Township 8 South, Range 46 East, B. M., with priority of July 8, 1916; and with points of diversion (1) in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5, Twp. 8 S., Range 46 E., B.M., and (2) SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, Twp. 8 S. Range 46 E., B.M.

On November 21, 1916, Welchman and wife deeded to Soren C. Peterson a portion of this land described as follows :

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Twp. 7 S., Range 46 E., B.M.; also commencing etc point at the Northwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Twp. 7 S., Range 46 E., B.M., and running thence West 23 $\frac{1}{2}$ rods; thence South 150 rods; thence East 23 $\frac{1}{2}$ rods; thence North 150 rods, to place of beginning, containing 62 acres, more or less.

This deed was recorded in the Department files on March 20, 1923.

On Jan. 20, 1920, Welchman made proof of completion of works, with point of diversion changed from the two original points of diversion to the North edge of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, to take in two springs, for the reason "that Soren Peterson made application to the State Engineer and secured a change of point of diversion for other water rights".

On April 1, 1920, Welchman made application for change of point of diversion to "a point on the North edge of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, Twp. 8 S., Range 46 East, B.M.". This application was filed and recorded in the records of the department.

On June 21, 1923, Soren C. Peterson assigned to Andrew S. Peterson all his right, title and interest in and to Permit No. 10960.

10960

Hon. Frank Langley
Attorney General
Feb. 13, 1945
Page 2

Andrew S. Peterson made proof of beneficial use on the above described 62 acres on September 12, 1923, and on October 19, 1923, a license was issued to him for three (3) second feet for the following described land:

"SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 7 South, Range 46 East, B.M. Also a tract of land commencing at a point at the Northwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Twp. 7 S., Range 46 E., B.M.; thence West 23 $\frac{1}{2}$ rods; thence South 150 rods; thence East 23 $\frac{1}{2}$ rods; thence North 150 rods, to place of beginning, containing 110 acres."

In reply to an inquiry regarding this water right, Mr. Geo. N. Carter, then State Commissioner of Reclamation, wrote to Mr. Soren C. Peterson, as follows:

"The lands described in the permit issued to Alvin J. Welchman are as follows : SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, T. 7 S., R. 46 E.B.M., and N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 5, T. 8 S., R. 46 E., B.M., containing 150 acres.

" Out of this 62 acres were deeded to Soren C. Peterson, as follows: (Described as above) There would then remain 88 acres which were not deeded away by Alvin J. Welchman

"Andrew S. Peterson made proof of beneficial use of water under this permit and license was issued to him for three second feet of water on the land above described, that is, the 62 acres. This license, however, should not have been issued for more than 1.24 second feet, or 62 inches, as the statutes allow an inch of water per acre. This would leave 88 inches or 1.76 second feet remaining to Alvin J. Welchman for the irrigation of the lands not included in his deed to you.

"While Alvin J. Welchman has never made proof of beneficial use of water under the permit, if the water has been beneficially used upon the land by him, he could establish his right for the amount used, not exceeding, however, 1.76 second feet, his license taking a later date of priority inasmuch as the proof would be made subsequent to the time specified in the permit."

proof

No further beneficial use/has ever been made, since the original proof by Andrew S. Peterson, above referred to.

Apparently a division of the permit was contemplated, but due to the informality of the proceedings the license was issued to Peterson for all the water described in the original application, although the Engineer's report showed irrigation only on the land sold by Welchman to Peterson, and was clearly an error on the part of the Department of Reclamation.

Now the successors in interest to Welchman make inquiries as to their water rights.

Hon. Frank Langley
Attorney General
February 13, 1945
Page 3

We would appreciate an opinion from you as to the respective rights of the several parties concerned.

Very truly yours,

K:A

MARK R. KULP
State Reclamation Engineer

February 9, 1945

Re: Permit No. 10960

Mr. C. L. Tucker,
Senior Engineer Appraiser
Federal Land Bank of Spokane
Spokane, S. Washington

Dear Mr. Tucker:

Reference is made to your letter of February 7th, calling attention to a discrepancy in the acreage as given in License No. 10960, and the amount of acreage actually described in said license.

In mentioning 110 acres there was evidently an error made when the license was issued, as the proof of beneficial use made by Andrew S. Peterson was only on the 62 acres as described.

We enclose copy of a letter written by Mr. Geo. N. Carter, then Commissioner of Reclamation, which is self-explanatory.

We have taken up with the Attorney General the question of the rights of the several parties in interest, and will write you further upon receipt of his advice.

Very truly yours,

MARK R. KUIP
State Reclamation Engineer

A
Encl.

10960

February 9, 1945

✓
Re: Permit No. 10960

Mr. J. Lee Peterson
No. 445 East 8th North
Logan, Utah

Dear Mr. Peterson:

Reference is made to your letter of February 5th, and office letter addressed you in reply on February 7th, 1945.

A further check of the records in connection with License No. 10960 discloses that there was evidently an error made when this license was issued, as Andrew S. Peterson only made proof on the 62 acres of land deeded by Alvin J. Welchman out of the 150 acres originally included in the permit.

We enclose copy of a letter written to Mr. Soren C. Peterson on March 21, 1927, by Mr. Geo. N. Carter, who was then Commissioner of Reclamation, which is self-explanatory.

We have taken up, with the Attorney General the question of the rights of the several parties in interest, and will write you again upon receipt of his advice.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A
Encl.

10960

Charles C. Gossett

10960

February 7, 1945

Mr. J. Lee Peterson
No. 445 E. 8th N.
Logan, Utah

Dear Mr. Peterson:

We acknowledge receipt of your letter of February 5th, in regard to water right on certain lands in Townships 7 & 8 South, Range 46 East, Caribou County, formerly owned by Alvin J. Welchman.

The records in this department show License No. 10960 to have been issued on a permit originally in the name of Alvin J. Welchman, but transferred first to Soren Peterson, and later to Andrew Paterson.

This license is for three (3) cubic feet per second of the waters of Webster Creek, for irrigation and domestic use on the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 7 South, Range 46 East, B.M., and approximately 110 acres described as follows:

"Commencing at a point at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 7 South, Range 46 East, B.M., thence West 23 $\frac{1}{2}$ rods, thence South 150 rods, thence East 23 $\frac{1}{2}$ rods, thence North 150 rods to place of beginning".

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

10960

THE FEDERAL LAND BANK OF SPOKANE

UNIT OF
THE FARM CREDIT ADMINISTRATION
TWELFTH FARM CREDIT DISTRICT
IDAHO, MONTANA, OREGON, AND WASHINGTON
AND
AGENT OF THE LAND BANK COMMISSIONER AND THE
FEDERAL FARM MORTGAGE CORPORATION

SPOKANE 8, WASHINGTON

February 7, 1945

610 MAIN AVENUE
PHONE RIV. 7141

RECEIVED

FEB 8 1945

Department of Reclamation

Commissioner of Reclamation
State House
Boise, Idaho

A76005 - G.W. Hepworth

Dear Sir:

On December 11, 1944, a certified copy of Water License No. 10960 was secured from your office. This license is for 3 second feet of water from Webster Creek with priority of July 8, 1916.

Under "Description and Location of Use" appears the following:

Twp.	Range	Section	Forty Acre Tract	No. of Acs. Described in Permit	No. of Acs. Actually Irrigated
7 S.	46 E.	33	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40

Also a tract of land commencing at a point at the Northwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Twp. 7 S., R. 46 E., B.M; thence West $23\frac{1}{2}$ rods; thence South 150 rods; thence East $23\frac{1}{2}$ rods; thence North 150 rods, to place of beginning, approximating 110 acres. "

You will note that the metes and bounds description purports to show 110 acres but actually includes only 22.03 acres. By adding the 40 acres shown under the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Twp. 7 S. R. 46 East, the total would be 62.03 acres. The present owner, Mr. G. W. Hepworth, of the metes and bounds tract claims to have 70 acres of water right land.

It would appear that the $23\frac{1}{2}$ rod course is in error. Will you please check this description with your original license and advise as to the correct acreage having a water right?

Very truly yours,

10960

P.S. Sketch attached.

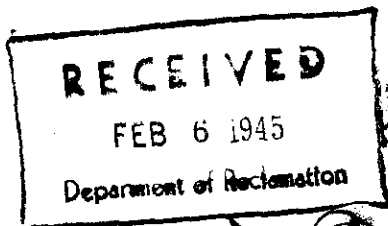
C. L. Tucker

C. L. Tucker

Senior Engineer Appraiser

CLT:cc

ADDRESS ALL COMMUNICATIONS TO THE FEDERAL LAND BANK OF SPOKANE



Logan Utah
Feb. 5 - 1945

State Engineer

Boise Idaho.

Dear Sir;

I am wondering if you could help me out with a matter of water rights for some property I bought from Union Central Life Ins. Co. of Cincinnati Ohio, in 1928.

This property is located at Tyger Idaho, in Carbon County, Idaho.

This land was homesteaded and proved upon by a Mr. Alvin J. Welchman, but was mortgaged, and foreclosed by Union Central Life Ins. Co. Prior to 1928 a Mr. John Petersen and myself bought this property, he taking part of the ranch and I the other part, but no specified water right was given us by Union Central, but John Petersen worked on water rights for some of his land, and I am wondering if he proved upon any water rights, and if so what parts?

Mr. Welchman homesteaded this land somewhere about 1912-13 or 14 and water has been used for domestic and irrigation purposes beneficially since it was taken up.

10960

I've understood that the laws of Idaho, regarding
irrigations are as follows.

If water ~~is~~ has been used by an individual for
irrigation purposes beneficially for a period of
5 years or more, he has acquired a water right
through use as long as he does so beneficially.
Am I correct?

This land joins that of Andrew S. Peterson
and Soren S. Peterson.

I would like very much to send you a full
description of this property, but am unable to
do so at present.

Some of the descriptions are as follows.

Sec. 32, and ~~the~~ Sec. 5. Town Ship ^{7 and 8} 14th South Range 46
E. B. M. Situated in Lygga, Caribou
County, Idaho.

Hoping you can straighten me out on this
matter, and thanking you for an early
reply.

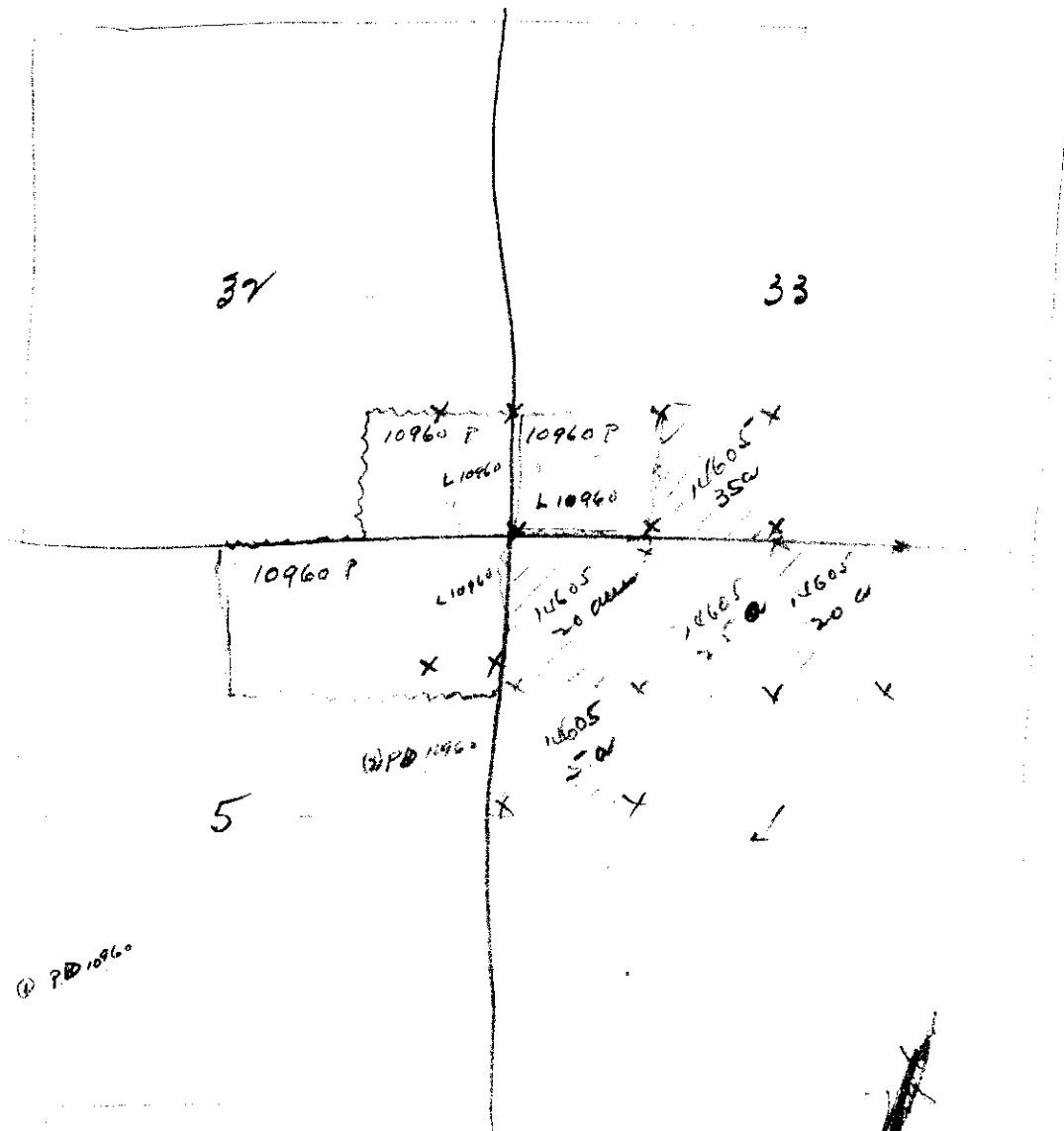
I remain

Yours Very Truly
add. J. S. Peterson
445 E. 8th N.

10960

Logan Utah.

10960 34 1/5/16
 14605 23 3/2/20
 14606 7 Cancelled



① P.D. 10960

4/19/15

10960

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MEMORANDUM

August 11, 1944

Subject WEBSTER CREEK INVESTIGATION

File No Water District- General

On July 26th the writer left Boise for Little Wood River; However, at Shoshone, by telephone conversation, he was instructed to proceed to Afton, Wyoming, where he was to get in touch with George Miller, a water user on Webster Creek, said creek being in Idaho and flowing East into Salt River, a tributary of South fork of Upper Snake River.

Mr. Miller was found at his home ranch, approximately two miles East of the town of Thayne, also in Wyoming, at which place I arrived at about 1:00 P. M. on July 27th. Together we went to Webster Creek, and upon arriving at Webster Creek, and looking over this part of the creek and water supply, the following facts of the controversy were explained to me.

The trouble over delivery of water, which I was to investigate, narrowed down to two water users, George Miller and Ray Peterson. Regardless of priority and amount of water filings, the fact is that there was approximately eight (8) second feet of water in Webster Creek at the point where Miller and Peterson divide their water. Peterson has approximately 60 acres of wild meadow hay land which he was watering, and Miller had about 120 acres.

Miller diverts above Peterson, and when Miller would put in his dam to divert his water Peterson would take it out. Peterson lives on his place, while Miller lives approximately eight miles away on another ranch, and only makes trips to change his water, about twice a week. Consequently the Miller place was burnt up and the Peterson place drowned out.

There being no shortage of water, the only trouble was that Peterson kept shutting off Miller's water.

After getting the two men together and explaining their rights, etc., the water was turned over for the use of Miller. The reason why Peterson was taking all the water was that he believed he had the first right on the stream to all the water he could use, and if he didn't keep using it he would lose his water right.

Both of the two above mentioned water users also have a right from Warm Spring Creek, a tributary of Webster Creek. The ditch diverting water from this creek had been partially destroyed by the County highway. I advised them to get said ditch repaired and in operation.

Both parties agreed to rotate said water, which is twice more than ample, and it is my opinion they will get along from now on.

14860
ROY A. THOMPSON
Supervisor of Water Distribution

March 31, 1927.

Re: Permit No. 10960.

Mr. Soren C. Peterson,
Auburn, Wyoming.

Dear Sir:

Referring to your letter of the 20th instant, would say that the transfer of the above numbered permit was not from Alvin J. Welchman to Andrew S. Peterson, but from Welchman to Soren C. Peterson, and from Soren C. Peterson to Andrew S. Peterson. This assignment reads as follows:

"For value received, I hereby assign all my right, title and interest in and to Permit to Appropriate the public waters of the State of Idaho No. 10960 to Andrew S. Peterson of Auburn, Wyoming.

"Dated June 21, 1923.

"(Signed) Soren C. Peterson."

The lands described in the permit issued to Alvin J. Welchman are as follows: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, T. 7 S., R. 46 E. B.M., and E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 5, T. 8 S., R. 46 E. B.M., containing 150 acres.

Out of this, 62 acres were deeded to Soren C. Peterson as follows: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Twp. 7 S., R. 46 E. B.M.; also commencing at a point at the Northwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, Twp. 7 S., R. 46 E. B.M., and running thence 23 $\frac{1}{2}$ rods; thence south 150 rods; thence east 23 $\frac{1}{2}$ rods; thence north 150 rods to place of beginning, containing 62 acres. There would then remain 88 acres which were not deeded away by Alvin J. Welchman.

Andrew S. Peterson made proof of beneficial use of water under this permit and license was issued to him for three second feet of water for the land above described, that is, the 62 acres. This license, however, should not have been issued for more than 1.24 second feet, or 62 inches, as the statutes allow only an inch of water per acre. This would leave 88 inches or 1.76 second feet remaining to Alvin J. Welchman for the irrigation of the lands not included in his deed to you.

Mr. S.C.Peterson, 3-31-27.

While Alvin J. Welchman has never made proof of beneficial use of water under the permit, if the water has been beneficially used upon the land by him, he could establish the right for the amount used, not exceeding, however, 1.76 second feet, his license taking a later date of priority inasmuch as the proof would be made subsequent to the time specified in the permit.

We are herewith returning you our letter of March 18 upon which you have drawn plat. We also enclose copy of the map filed with the report of our examining engineer on proof of beneficial use of water by Andrew S. Peterson.

Very truly yours,

GEO. N. CARTER,
Commissioner of Reclamation,

By

Chief Clerk.

B:P
Enc.

10960

March 18, 1927.

Re: Water Right.

Mr. Soren C. Peterson,
Auburn, Wyoming.

Dear Sir:-

Referring to your letter of the 6th inst., just received, would say that our records show Permit No. 10960 to have been issued to Alvin J. Welchman, for three second feet of the waters of Webster Creek. License, however, was issued under this permit to Andrew S. Peterson for three second feet of water.

Water that has once been made appurtenant to certain land cannot be legally taken off without a special Certificate of Transfer from this office.

Very truly yours,
WEO. H. CARNER,
Commissioner of Reclamation.

By _____
Chief Clerk.

10960 Apr 3
mem to
Andrew S. Peterson

Auburn Wyo March 6th 1929

State Engineers Boise Idaho
My Kind Sir

Would you please answer
this question

if a person makes
application for water
and puts the water to
Beneficial use and does
all the law requires
except make final proof
on the water — and
sells or mortgages the land
which — the water is used on
can he hold the water

I am referring to the 10960
Alvin J. Welchman's Permit
that is on your Records
Please let me know if he can

anburn Wyo march 25 1924
State engineer Dear sir

I wish to know if the transfer
from alvin J. Welchman
to andrew E. Peterson covers
the 3 tracts marked W and not
Painted ^{andrew} he did not intend to
secure any water certificate

at his expense for Welchman
all what is Painted is andrews Petersons
now does the transfer of the Welchman
Permit no 10960 which was transferred
to andrew E. Peterson of 3 second feet
belong to the Painted tracts or does
part of the Permit cover the 3 tracts
not covered with Paint only marked W
can the owner of the Welchman
Property hold any claim to the water
just because it was used out the
land year ago please note my letter
carefully and please let me know
how condations are

10960

Yours Respt Soren C. Peterson
anburn Wyo

hold the water with
out a certificate
yours Respt
Soren C Peterson
anburn wyo

June 24, 1926

Re: Permit No. 10960

Mr. Soren C. Peterson
Auburn, Wyoming

Dear Sir:-

Referring to your letter of the 19th inst., would say that the copy inclosed was issued to Andrew S. Peterson under the above numbered permit, the original permit having been granted to an Alvin J. Welchman and later transferred to Mr. Peterson.

When several parties are associated in one permit the proof of beneficial use of water should be made by all of them within the time specified in the permit. Should some fail to make proof of beneficial use within the time required, they would loose their priority under the original right.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____ Chief Clerk

CB:HH

10960

Auburn Wyoming.

June 19 - 1926

Commissioner of Reclamation, Boise Idaho.

My kind sir: I am thinking of buying a part of the Alvin J. Welchman place situated in townships 7 S. sec 32, also a tract situated in townships 8 S. sec 5. All in range 46 E - B. M. Would you kindly advise me if there is issued a water license or licenses to Alvin J. Welchman for these tracts. I would like to know at your earliest convenience.

For instance several parties make application for water in the same stream. Some parties making final proof on the water and others just use the water for several years after they should have made proof. Would the parties securing the license have the prior right to the water or not?

Yours Respectfully

Soren C. Peterson
Auburn Wyo.

October 22, 1923.

Re: Permit No. 10960.

Mr. Andrew S. Peterson,
Auburn, Wyoming.

Dear Sir:-

Enclosed you will find Water License issued
under the above numbered permit, with receipt for fee paid.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

WL10960-R2801
10.26.23

10960

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

Permit No. 10960This proof is for BEN. USE WATERIn Water District No. -44-

1. Name of applicant: Andrew S. Peterson
2. Source of water supply: Webster Creek
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5
T. 8 S. R. 46 E.B.M. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same:

*Ditch directly out of creek, 90 head gate, width at bottom 3 ft to 5 ft.
est capacity 10 sec ft. Community ditch.*

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes

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 for other than irrigation):

A tract of land commencing at a point at the N.W. Corner of
SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 33, Twp. 7 S., R. 46 E., B.M., thence West 23 $\frac{1}{2}$ rods,
thence South 150 rods, thence East 23 $\frac{1}{2}$ rods, thence North 150 rods,
to place of beginning; also, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Twp. 7 S., R. 46 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? Soft River, Snake R.

Remarks: *40 acre tract is all natural meadow, strip has about 10 acres cleared, balance sage. Pasture, custom is to water land, kill sage, and mow grass for hay, rolling side hill land, ground subs for long distances*

10960

This examination was made on the 21 day of September 19 23

(Signed)

R. E. Hutchings

Examiner.

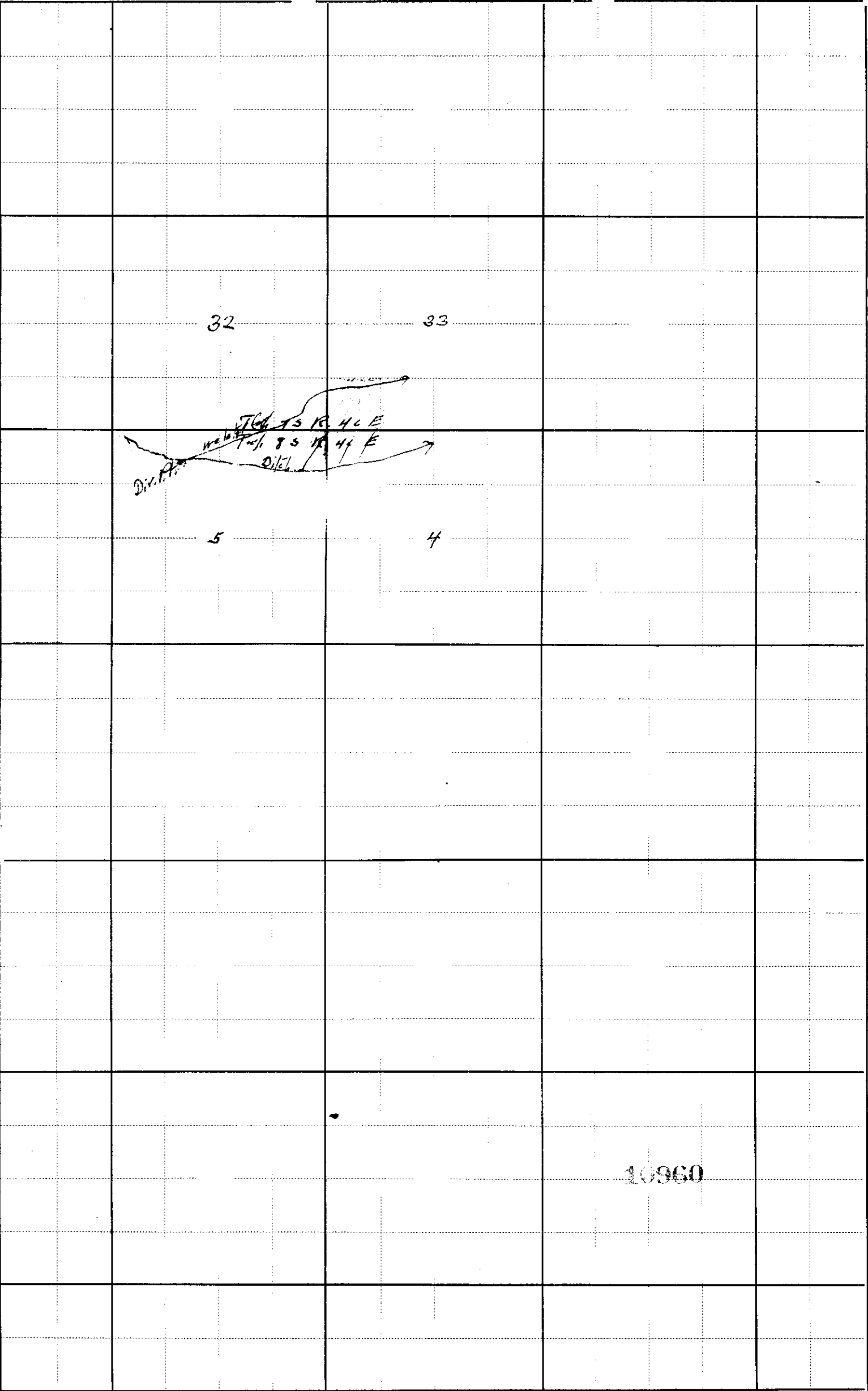
Permit No. **10960**.....

Examination for **BENEFICIAL USE**

County **CARIBOU**

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 a 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.
-



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 10960

REPORT ON PROOF OF BENEFICIAL USE

RECEIVED
OCT 9 1960

September 20, 1923.

Re: Permits Nos. 10960-14605.

Mr. Andrew S. Peterson,
Auburn, Wyoming.

Dear Sir:-

We are in receipt of depositions and affidavit of publication for proof of beneficial use of water under the above numbered permit. These are in acceptable form and will be placed on file, without further action, until the report of our examining engineer has been filed, at which time you will be advised further in the matter.

The money order for fees, in the sum of \$14.00, will be held until final action can be taken.

Very truly yours,
W. G. SWENDBSEN,
Commissioner of Reclamation.

By Chief Clerk.

10960

Affidavit of Publication

Soda Springs Chieftain

STATE OF IDAHO. }
COUNTY OF CARIBOU. } SS

Geo. F. Lee being first duly sworn, deposes and says that he is the ~~publisher~~ *foreman* of THE SODA SPRINGS CHIEFTAIN, a newspaper published every week in Soda Springs, County of Caribou, State of Idaho; that said newspaper has a general circulation in Caribou County; and said newspaper has been so published continuously and uninterruptedly in said Caribou County, Idaho, during a period of seventy-eight (78) consecutive weeks next prior to the first publication of said notice.

That the annexed notice or advertisement was published once each week for *four* successive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the *19th* day of *July*, 192*3*, and the date of the last publication was on the *9th* day of *August*, 192*3*.

Subscribed and sworn to before me this *22nd* day of

August, 192*3*

Herbert Hecroley
Notary Public.

17.50

10960

Suburn Wyoming Sept 13th 1923
Mr W. E. Swen-sen State engineer
my kind Sir inclosed find the
final Proofs of andrew E Peterson
I hope you will consider his Bad luck
I know he has done the Best he could
to get a Water Right for his land
The land Slide & location of in his final proof
is surely a Bad one to fix up
I think the drop in the land is about 12 or 14
feet deep into the ditch it seemed
as the water soaked the ground as the
land did not Slide any above the ditch
I think the length of the Slide is about
one hundred feet long and 12 or 14 feet deep
as he had to make final Proof I let
him use some of my Water Right on his land
he would get most of the Water from the
falls spring. it will cost about \$250.00

Before he can get any Water from that spring
I thought I would mention this to you
as I am familiar with the conditions.

I Remain yours Respectfully
Green E Peterson
Suburn Wyoming

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 10960

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Andrew S. Peterson age 30 residence Tyger Valley
occupation Rancher Auburn Wyoming

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. 10960, as the same is to me do not know date as during

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

Ans. Webster Creek as near as I can learn

The point of diversion is in the NE 1/4 of the SW 1/4 sec 33 T. 15 N. R. 46 E.

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. ditching and a small Rock dam about 100 feet
Welshman and Peterson ditch
and capable of conveying about
four cubic feet of water

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 cultivate or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. irrigation tract irrigated commencing at the
North West corner of Sec 33 T. 15 N. R. 46 E. and
north 150 Rods to Place of Beginning also the SW 1/4 of the SW 1/4 sec 33 T. 15 N. R. 46 E.
5 acres natural meadow cultivated to hay and grain 15 acres
Balance of land irrigated to improve pasture

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

Ans.

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

Ans. *about 1 1/2 inches to the acre would be required*

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. *I got the ownership by assignment*

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

Ans. *Since about 1914 for irrigation as to amount I cannot say to the full extent*

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 right claimed thereunder.

Ans. *as near as I can think water has been used on some of this land since about 1914 I don't know if any other water than that the permit was used on this the land described*

(Sign) *Andrew S. Peterson*

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 *Tygge valley* County of *Caribou* State of Idaho, on this *12th* day of *September* A. D. 19 *23*

Joren C Peterson
U S commissioner

10860

RECORDED
17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 10960

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. John Thompson age 29 occupation farmer
Andrew, Wyoming

Ques. 2. Are you acquainted with Andrew S. Peterson, the holder of Permit No. 10960? How long have you known him and where does he reside?

Ans. Six years.
he resides in Teton valley

Ques. 3. Have you read or heard read said Permit No. 10960 and are you familiar with its provisions and conditions? I am familiar with the conditions

Ans. as to the irrigated land in Permit No. 10960

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. Weber's creek as to my judgement
the diversion point is in the NE 1/4 of SW 1/4
Sec 5 Township 8 S. R. 46 E. B. 10
ditching only small rock dam to turn 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? I estimate about 4 cubic feet

Ans. I have seen about 3 cubic feet in the ditch

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

Ans. irrigation on tract described

thence West 23 1/2 Rods thence South 15 1/2 Rods thence East 23 1/2 Rods thence
north 15 1/2 Rods to Place of Beginning also the SW 1/4 SW 1/4 sec 33
natural meadow 5 acres, cultivated to hay and grain 15 acres
and also irrigated the land to improve feed

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. *Rolling hills dark brown*

one and one half inch. The area is ^{the land is} ~~needed~~ ^{subscribed} very much

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

Ans. *no interest*

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 irrigated some of this land in 1919 also*

in 1919 I have seen water used each year since 1919 except in 1922

(Sign)

Jahn Peterson

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 *Tyger Valley*, County of *Caribou*, State of Idaho.

on this *12th* day of *September* A. D. 19*23*

Soren C. Peterson
US Commissioner - Notary Public

My commission expires *1924*

10960

RECEIVED
SEP 17 1923

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT No. 10960

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. Ed Lee, 33, rancher,
Julien, Wyoming.

Ques. 2. Are you acquainted with Edward E. Peterson, the holder of Permit No. 10960? How long have you known him and where does he reside?

Ans. I have known him since I can remember
he resides in Teton Valley

Ques. 3. Have you read or heard read said Permit No. 10960, and are you familiar with its provisions and conditions? I have not read or heard the provisions or

Ans. conditions but I know the ditch is made and the land irrigated

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. Whitish creek as to my understanding the
diversion point is in the NE 1/4 of Sec 5
Township 8 S, R. 46 E, B. 1 M
ditching and a small Rock Dam

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? I do not understand meaning of 2nd feet

Ans. But I think the ditch will hold that is allowed

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. irrigation is not detailed
thence West 2 3/4 rods thence north 150 rods thence east 2 3/4 rods
thence north 150 rods to place of Beginning
also the SW 1/4 of SW 1/4 of Sec 33
5 acres natural meadow, cultivated to hay and grain
15 acres Balance of the Land irrigated
to improve Pasture

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. *Being with dark loam*

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

Ans. *not any interest*

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 water used on a part of this land since 1917 until present time, and the other section 1919 was watered and 1922 some parts were watered.*

(Sign)

Joseph Lee Peterson

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 *Tyger valley* County of *caribou* State of Idaho, on this *12th* day of *September* A. D. 19*23*

Joren C. Peterson
US Commissioner

My commission expires

in 1924

10960

RECEIVED
JUN 17 1923

July 12, 1923.

Re: Permits Nos. 10960-14605-
Andrew S. Peterson.

Mr. Soren C. Peterson,
Auburn, Wyoming.

Dear Sir:-

Referring to your letter relative to the above permits would say that notice of proof has been combined for the two permits and a copy for publication has today been mailed to the Chieftain at Soda Springs, Idaho.

Deposition blanks are herewith transmitted, one for the holder and one each for two witnesses, under each permit.

The depositions should be made separate and distinct under each permit and not a combined deposition for the two. Two sets of blanks have, therefore, been sent, to be filled out on the date set for proof, September 12th.

Very truly yours,
W. G. SWENDSEN,
Commissioner of "Reclamation."

By
Chief Clerk.

Encl.

10960

10960

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10 A.M., on the 12th day of September, 1923, at Tyger Valley, county of Caribou, State of Idaho, before Soren C. Peterson, U. S. Commissioner, proof will be submitted of the application to beneficial use of 3.0 cubic feet per second of the waters of Webster Creek, in accordance with the terms and conditions of Permit No. 10960, and 2.5 cubic feet per second of the waters of a spring and Fall Creek, tributaries of Webster Creek, in accordance with the terms and conditions of Permit No. 14605.

The name and postoffice of the person holding said permits is Andrew S. Peterson, Auburn, Wyoming.

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

The amount applied to beneficial use of 5.5 cubic feet per second.

The place where said water is used is a tract of land commencing at a point at the N.W. corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 33, Twp. 7 S., R. 46 E., B.M., thence running West 25 $\frac{1}{4}$ rods, thence south 150 rods, thence east 25 $\frac{1}{4}$ rods, thence north 150 rods, to place of beginning; also, the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, Twp. 7 S., R. 46 E., B.M.; the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, Twp. 7 S., R. 46 E., B.M., and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, Twp. 8 S., R. 46 E., B.M.

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

The right to take water from such works is based upon Permits Nos. 10960 and 14605.

The sources of supply from which such water is to be diverted are Webster Creek, and a spring and Fall Creek, tributaries of Webster creek.

The dates of priority which said user is prepared to establish are July 8, 1916, and March 22, 1920, respectively.

W. G. Swendsen,

Commissioner of Reclamation.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 5th 1923
(P. O.) auburn Wyoming

TO THE STATE ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Soda spring chieftain of caribou county, published in
the county in which the works are situated combined permit NOS. 10960
and 14605 and sent to Peterson
By Soren C Peterson

(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

10960

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 12th day of September, 1923,
at Tyges Valley, County of Caribou, State of Idaho,
before Soren C. Peterson, U.S. Commissioner, proof will be submitted
of the application to beneficial use of 3.0 cubic feet per second of the
waters of Webster Creek in accordance with the terms and conditions of
Permit No. 10960 heretofore issued by the State Engineer
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Andrew S. Peterson, Auburn, Wyoming.

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

The amount applied to beneficial use is 3.0 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) a tract of land commencing at a point at the N.W. corner
of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 33, Twp. 7 S., R. 46 E., B.M., thence running
west 23 $\frac{1}{2}$ rods, thence south 150 rods, thence east 23 $\frac{1}{2}$ rods, thence
north 150 rods, to place of beginning; also, the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, in
T. 7 S., R. 46 E., B.M.

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

The right to take water from such works is based upon Permit No. 10960.

The source of supply from which such water is diverted is Webster Creek.

The date of the priority which said user is prepared to establish is July 8, 1916.

NE NW - 5 - 85 - 46 E
44
Caribou

W. G. Swendsen,
Commissioner of Reclamation.

10960

July 1-11 1922

Mr. W. G. Swendsen Commissioner
of Reclamation:

My kind sir: inclosed please find
the notice of Andrew S. Peterson P.O.
address Auburn Wyoming as I did not
have the permit No 10760 I was un-
-able to complete the notice will you
please complete the part I left off as
I did not have the information I needed.

I will call your attention to the
fact of Edwin J. Waldman I looked
over the deed again and noticed where the
rescripency was in describing the land
the figure 22 had been put down
and was corrected by placing a figure
2 over the two (2) making the figure
22 1/2 Rods at each end of the strip
hoping all will be O.K.
1926 I will place my stamp
so you can see I am
U.S. Commissioner John C. Peterson
Residing at Engel Valley P.O. address Auburn Wyo.

NOTICE FOR PUBLICATION.

Department of the Interior, U. S.
Land Office at Blackfoot, Idaho, May
19, 1923.

Notice is hereby given that Lawrence Weber, of Freedom, Wyoming, who, on April 9, 1920, made Homestead entry, Serial No. 034658, for $E\frac{1}{2}$ of $NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$, Section 21, Township 5 South, Range 46 East, Boise Meridian, has filed notice of intention to make three year proof to establish claim to the land above described, before Soren C. Peterson, U. S. Commissioner, at Tygee, Idaho, on the 29th day of June, 1923.

Claimant names as witnesses:

Walter Weber, William E. Jenkins,
Charles Weber, Philip E. Jenkins, all
of Freedom, Wyoming.

P. G. JOHNSTON.

Register.

First Pub. May 24, 1923.

Last Pub. June 28, 1923.

June 29, 1923.

Re: Permit #10960.

Mr. Soren C. Peterson,
Auburn, Wyoming.

Dear Sir:-

The assignment of above permit to Andrew S. Peterson has been recorded under the permit in this office and the original is herewith returned to you.

The check for fees is also returned as in excess of the amount required. The recording fee for the assignment to you was seventy-five cents but of this assignment to Andrew S. Peterson only fifty cents, as it was short. The total fees due amounts to \$1.25. Please transmit fees due either in currency or P.O. Money Order, instead of personal check, in accordance with the enclosed order.

In notices sent in for proof under Permit #14772, by John Peterson, I note that the proof is made before you but the notice does not state that you are a notary public and, as I do not find your name among the list of notaries given in the report of the Secretary of State, I thought this might be an error. Please advise us in the matter, as all proofs are required to be taken before a notary public, U.S. Commissioner, Justice of the Peace, or some other officer authorized to administer oaths.

The two notices for proof under Permit No. 10960 and 14605 may be combined into one publication notice and proof made on the same date. Two sets of depositions, however, will be required to be filed and not a combined deposition for both permits. Blank notices are enclosed.

Very truly yours,
W. G. SWENDSEN,
Commissioner of
Reclamation.

By

Chief Clerk.

Enc.

10960

Auburn Wyoming 6-22-23

Mr W. G. Swendsen: Commissioner of Rectification

My kind sir: I would like to know, for instance if a person would make application for the same stream or springs and complied with the law. would he, or would he not gain the priority rite over the first permit holder that had not complied with the law, as to making final proof of beneficial use of water.

As to the discrepancy in regard the deed. in question. as to $22\frac{1}{2}$ and $23\frac{1}{2}$ Rods. both are correct. I looked carefully over the deed. the narrow strip is $23\frac{1}{2}$ Rods accrossed the north end. and $22\frac{1}{2}$ Rods accross the South end. 150 ^{rods} long on each ^{side.}

As publications are \$10.00 for final proofs. can Andrew S. Peterson have the two permits ^{No. 10960} ^{No. 14605} published in the same notice?

Please let me know so I can prepare the blanks you sent to me.

Yours. Respt.

Soren C Peterson

P.S. in closed find my check to you 75 cents which I for got to send you before and I suppose you want 75 cents for this transfer so I send you \$1.50

Yours Respt

Soren C Peterson

P.S. if this is not Right. Please let me Right.

June 18, 1923.

Re: Permit No. 10960.

Mr. Soren C. Peterson,
Auburn, Wyoming.

Dear Sir:-

Referring to your letter of the 15th inst. would say that the records could not be changed to include the name of Andrew S. Peterson without the transfer to him is recorded under the permit in this office. If the Warranty Deed now of record here should read Andrew S. Peterson instead of Soren C. Peterson, an affidavit to that effect should be filed, or you may make an assignment of your right to Andrew S. Peterson and send the said assignment to this office for record. He may then file notice of his intention to make proof of beneficial use of water under the permit for his lands.

In checking the land described in the deed from Alvin J. Welchman to you with the map filed with this permit I find that all the land was included in the original application and permit. The 22 acres described as "East 23 $\frac{1}{2}$ rods; thence South 150 rods; thence east 22 $\frac{1}{2}$ rods; thence North 150 rods, to the place of beginning. Is part of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 32, T. 7 S., R. 46 E., B.M. and the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 5, T. 8 S., R. 46 E., B.M.

I would call your attention to the discrepancy existing in the description as to the 22 $\frac{1}{2}$ and 23 $\frac{1}{2}$. These should be the same, either both 22 $\frac{1}{2}$ or both 23 $\frac{1}{2}$ rods. Please examine the original warranty deed and ascertain which is correct and advise us of the correction for our record.

The seventy-five cents for recording the deed was overlooked in mailing your letter as it was not enclosed in the envelope.

I am enclosing blank notices for proof of beneficial use of water. These should be filled out and returned to this office, setting the date for making proof far enough to allow for four full weeks publication of the notice.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.
By

F10-11

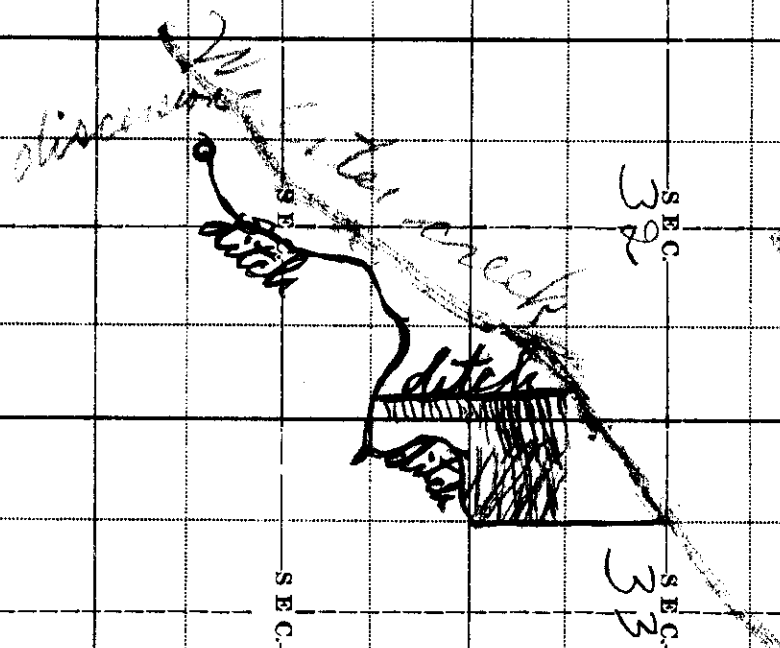
Chief Clerk.

10960

Culbun W'oming June 15 1923
State Engineer:

My dear sir: Some time ago I wrote
you and also sent you the deed signed by
Alvin Welchman and wife. in regard
water for 3 tracts of land shown on plat
in sec. 5 there are 9 and .84 acres. in sec 32
there are 11 and .75 acres. in sec 33 there are
40 acres. you stated in your letter that you had
put my name on file in regard to this water
business and charged me \$7.5. I would like
very much if you would take my name from
the record and put the name of Andrew S. Petersen
on the record. I would also be very grateful to
you if you would fill out the Blanks
as I don't know how to change the Permit
to take the ^{water} of alvin f. Welchman's Permit
and put it in a way that Andrew S. Petersen
can make final Proof on this water
When he makes final Proof on the other
application. Would Please do this for me
now? Supose you understand what I mean
Please inclosed find \$7.5 which you charged
me for placing my name on Record
Please let me hear from you soon
I Remain yours Respt Aaron C Petersen
Culbun Wyo

NAME OF APPLICANT animes films



1000

SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

March 23, 1923.

Re: Permit No. 10960.

Mr. Soren C. Peterson,
Auburn, Wyoming.

Dear Sir:-

The warranty deed for water right under the above permit has been placed on record in this office and the original is herewith returned to you. Please remit seventy-five cents recording fee.

I am also enclosing blank notice for proof of use of water, per your request.

of water

As to making proof/on the land described in your deed would say that the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, of Sec. 33, is included in the permit but the land described in the second paragraph of the typewritten portion of the deed is not included in the lands described in the permit. Hence, in order to include this tract of land in your proof of beneficial use of the water, it will be necessary for you to amend the permit to include said lands. Application blank for such amendment is herewith enclosed. Duplicate maps should accompany the application. This amendment and maps should show only the land belonging to you.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

By

Chief Clerk.

Encl. Deed-F10-11-12

10960

Auburn Wyoming March 12th 1923.
State engineer Boise Idaho
my kind sir I would be gratefull to you
for a little of your best advise
inclosed please find my deed signed
By alvin G Welchman and his wife Mrs Welchman
this deed will show ~~you~~ that the Permit
got out by Welchman covers this land
that he sold to me as well as what he kept.
the part he kept is mortgaged for more than
he could get out of it. him and his family
has left the place and he has left the country
I have heard he went to California last fall
I am of the opinion he will not make proof
on the water. I have been waiting since 1916
for him to make final proof on the water
the water has been applied to beneficial use
on all the land under the ditch I am a
share holder in the ditch and my son Andrew E.
Peterson is also a share holder in the ditch
on the ditch that covers the south east part of his place
and including the part he sold to me
is there ~~any~~ way I or my son Andrew E Peterson
could make final proof on the water that is
under alvin's Permit for the land he deed to me
with out going through the whole ~~process~~ seeding
of getting out a new Permit. please let me know
at your earliest convenience will you please
register my deed back to me so it will not get lost
I hope you will size my letter up carefull and
get the idea I am trying to explain to you
alvin Welchman
Permit as
10960
Remain yours Respt 10960
Goren C Peterson
Auburn Wyoming

State en vincer
Would you please forward
to me or John Peterson Blanks
to make final proof on water
yours Respt

Soren C Peterson PS
John Peterson adress is Auburn Wyo
the same as mine

S C Peterson

March 10, 1923.

Re: Permit No. 10960. Alvin Welchman.

Mr. Soren C. Petersen,
Auburn, Wyoming.

Dear Sir:

Replying to yours received today would say that proof of beneficial use of water has not yet been made under the above permit. Proof of completion of works was made and certificate issued.

Very truly yours,

W. H. SWENDSEN,

Commissioner of Reclamation.

By
Chief Clerk.

10960

- State - mines
my kind Sir Would
Please advise me
Whether or not
Alvin J. Welchman
of Auburn Wyoming
has made Proof of Beneficial
use of water for land
in Township 7 S and Town 8 S
in Sections 5 32. and 33
I thank you for the information
yours Respt

Doren C Peterson
Auburn Wyoming
10560

10960 - no bill

copy

July 5, 1921.

Re: Permit 10960.

Mr. A. J. Welchman,
Auburn, Wyoming.

Dear Sir:

Replying to yours of June 28th will state that our records fail to show any letter from you asking for blanks upon which to make final proof prior to this one. We are enclosing herewith blank notices to be filled out and returned to us, also blank letter authorizing us to have this notice published in a newspaper in the county in which your lands are situated. Kindly fill out these blanks and return to this office as soon as possible.

Your proof of beneficial use of water was due January 18, 1920. therefore your date of priority will be brought down a period of time equal to that which your proof is late.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

By

MB
Encl.

Chief Clerk.

10960

Auburn to Idaho to Wyo
June 28th 1921

State Engineer Boise Idaho.

Dear Sir, about a year ago I
wrote you stating that I wished to make
final proof on the beneficial use of
water, but have not heard from you
so now I again write and ask that
you kindly arrange for same.

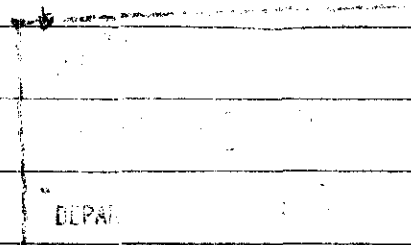
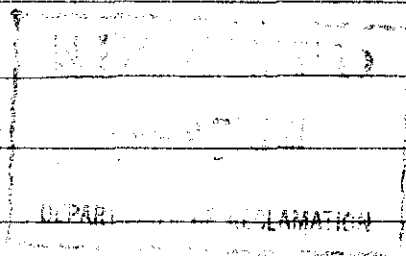
And oblige.

A. J. Welchman

Auburn

Wyo.

10960



10960

May 1, 1920.

Re: Permit No. 10960

A. J. Welchman,
Auburn, Idaho.

Dear Sir;

Enclosing herewith Certificate of Completion
of Works, with receipt of fees paid.

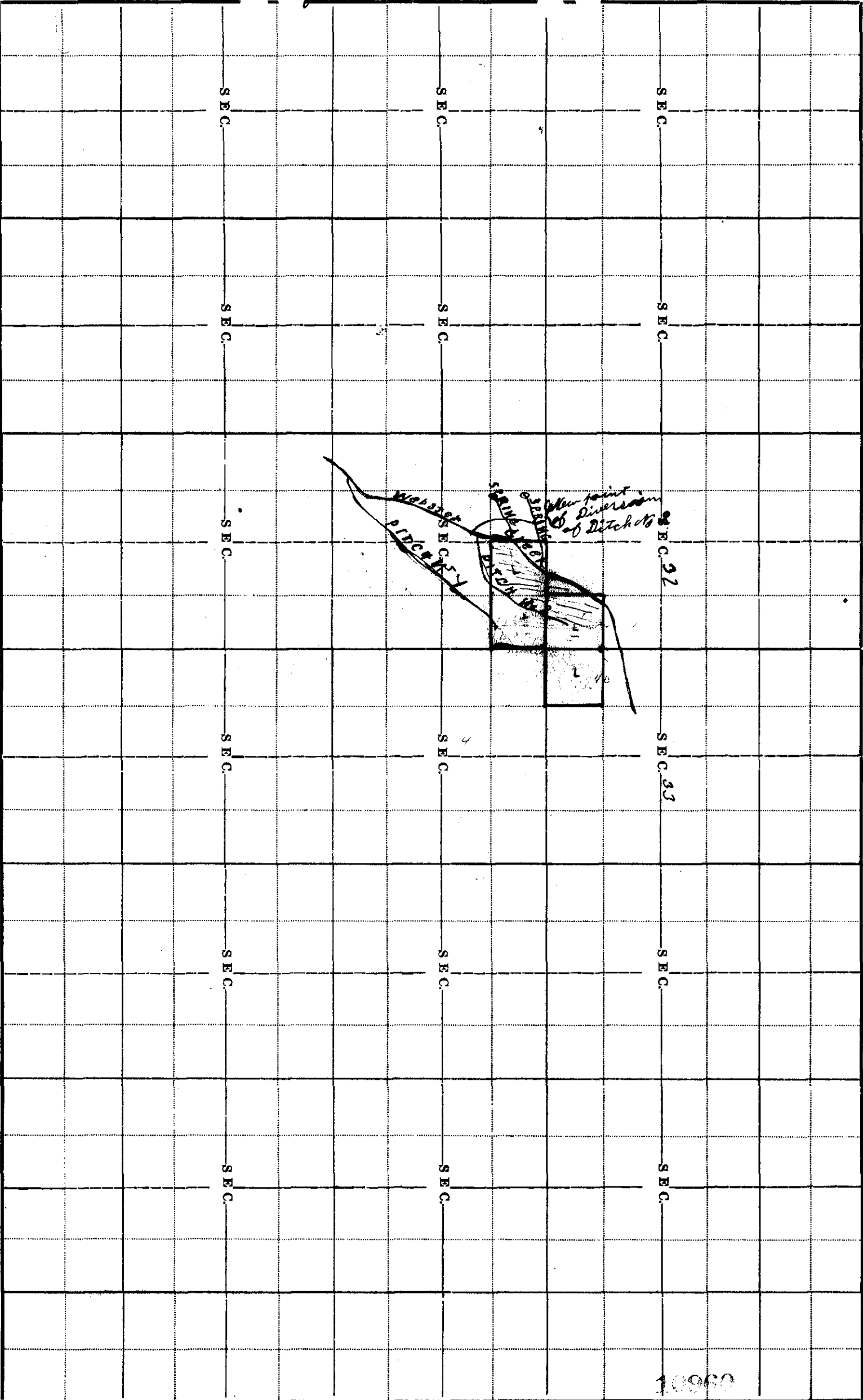
Very truly yours,
W. G. Swendsen,
Commissioner of Reclamation.

By _____

P. S. Am also returning Affidavit for Change of Point
of Diversion with one map, the same having been
placed on record in this Department.

10960

NAME OF APPLICANT Alvin J. Welchman



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

February 18, 1920.

Mr. Alvin Welchman,
Auburn, Wyoming.

Dear Sir:

We are in receipt of your affidavit for proof of completion of works, together with money order for fees in the sum of \$5, in order to correct the records as to the location of the point of diversion, ditch No. 2, you should file an affidavit for such change upon the enclosed form, said affidavit to be accompanied by duplicate maps. The certificate of completion of works will be withheld pending receipt of this affidavit. I am returning, herewith, your original map sent in with your affidavit.

I would say, however, that the water could not be appropriated from the springs shown on the map without an application for same. I take it from the map that you divert the water from the springs into Webster Creek. Kindly advise us if this is not the case.

Yours very truly,

W. C. Swendsen,

Commissioner of Reclamation,

By

B/B.
Enc.

10960

February 16, 1920.

Re: Permit 10960.

Mr. Soren C. Peterson,
Auburn, Wyoming.

Dear Sir:

Replying to yours of the 12th instant, would state that the above numbered permit, held by Alvin Welchman, claims three second feet of the waters of Webster Creek; Ditch No. 1 is taken out in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 5 and Ditch No. 2 in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 6, T. 8 S., R. 46 E. The description of the works given in the permit is as follows: 3 feet on bottom, 3 feet at water line, 1 foot deep, grade 6 feet per mile and ditch 2 miles long.

Under the statutes, an inch of water to the acre is allowed for irrigation. I am enclosing, herewith, Manual of Instructions for filing upon water; also a few application blanks.

Yours very truly,

W. G. Swendsen,

Commissioner of
Reclamation,

By

B/B.
Enc.

10960

10960

10960

Auburn Nyo ~~Feb~~ 12 1920
state engineer Boise Idaho
Dear sir I would be gratefull
to you if you would please
look up the water plat of
Alvin Melchman^{of} Auburn nyo
and send me a discription
of his ditches and what spring
or creeks he gets his water from
I am US commissioner over here
and some parties want to make
a placation for water that is
the reason I ask this information
there is one point I don't ~~understand~~
understand what amount of
water is allowed to the acre of land
would please explain this to me
so I will under stand how
to fill the blanks properly

if you ~~have~~ any instructions
to give me on the water
business I shall be pleased
to receive them from you
as I expect to do some water
business in this little valley
yours respt

Soren C Peterson
Auburn

P.S.

Wyoming

you might send me about
2 or three ~~all~~ application
blanks as I no of some
parties that want to arrange
for ~~represent~~

Soren C Peterson

FEB 16 1920

DEPARTMENT OF RECLAMATION

10960

January 26, 1920.

Re: Permit 10960.

Alvin J. Welchman,
Auburn, Wyoming.

Dear Sir:

In checking your affidavit for completion of works, under the above permit, I find the following discrepancy: Ditch No. 2 is given in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, instead of SE $\frac{1}{4}$ NW $\frac{1}{4}$ said section, as shown in the permit. Your affidavit, together with money order for fees in the sum of \$5, is herewith returned for correction in this particular.

Yours very truly,

W. G. Swenson,

Commissioner of
Reclamation,

By

B/B.
Enc.

10960

Permit No. 10960

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

WYOMING

STATE OF ~~Idaho~~County of Lincoln } ss.Alvin J. Welchman

, 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. 10960, and that his postoffice address is Auburn, Wyoming
State of Wyoming

Second: That the name of the stream from which said water is to be diverted is

Webster Creek

Third: That the point of diversion of said water is in No. 1 Ditch in SW-4 SW-4 Sec. 5 and of No. 2 in SW-4 SW-4 Sec. 5, T. 8 S. 46 E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Jan. 18, 1920

Fifth: That the use for which said water is intended is irrigation

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

I. Kind of works: Two Ditches and dams. Ditches consisting of dirt excavations and dams of rock and brush.

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

II. Dimensions of work: No. 1 Ditch over a mile long, 5 ft wide, 1-1/2 ft deep. No 2 Ditch about 1/4 mile long. 3 ft wide 1-1/2 ft deep.

(a) Height of dam 2-1/2 feet, length of dam at top 10 feet, length of dam at bottom 10 feet. Material used in construction rock and brush

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width 2-1/2 feet, height 2 ft feet.

(d) Conduit _____ width at bottom _____ feet, width at water

(State whether ditch, flume or pipe)

line _____ feet, depth of water _____ feet; diameter of pipe _____ inches;

average grade per mile is _____ feet. Length of conduit is _____ miles.

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

Eighth: That water appropriated under said permit is available for 150 acres of land described as follows: SE-4 SE-4 Sec. 32, and SW-4 SW-4 Sec. 33 Twp. 7 and N-2 NE-4 Sec. 5, Twp 8 S., R. 46 E. B. M.

Ninth: Remarks: That both ditches are completed and carry successfully sufficient water to irrigate all the land described in the permit. The above figures are given from memory and are approximate, they may not be exact, but are as near as I can remember them.

Alvin J. Welchman
(Sign here)

Subscribed and sworn to before me this 20th day of January, 1920

Carl Cook

My commission expires June 22, 1921. United States Commissioner Notary Public

10960

November 12, 1919.

In re: Permit 10960.

Alvin J. Telshman,
Auburn, Wyoming.

Dear Sir: '

Replying to your letter, received at this department under date of November 12, you are advised that you cannot amend your permit No. 10960 to include the waters of the spring described. This for the reason that the spring is a tributary of Webster Creek and therefore belongs to the waters of Webster Creek, and therefore is subject to all appropriations below the junction of the spring and the creek.

If you are claiming the waters of this spring and desire to appropriate the same, you should file an application for a permit to do so, but any permit that might issue to you on the waters of the spring would be subject to all prior claims.

I am returning to you, herewith, blank affidavit for completion of works. This blank should be used in making proof of completion of works under permit 10960.

Also find enclosed, herewith, blank application for permit to appropriate the public waters of the State of Idaho.

Yours very truly,

W. G. SWENDSEN,

Commissioner of
Reclamation,

By

Chief Clerk.

10960

L/B.
Enc.

Gentlemen.

I claim that I am justly entitled to the amendment applied for on Nov 12 for the following reasons.

- (1) When I made applications for water Mr Peter-
son used all of his water below where
I take mine out of the creek but afterwards
changed taking his water out of creek through
ditch No. 1. and thereby relinquishing his claim
below and at the same time leaving me short
of water for ditch No. 2.
- (2) Also the water that I use through ditch
No. 2 will nearly all sub into creek again
above any other prior right.
I am sending the map showing this amend-
~~ment~~ ment marked in red ink.
Please give this your consideration and
advise me of your decision.

Yours Res.

A. J. Welchman.

Auburn

Wyo.

10960



D. W. DAVIS, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER

BOISE

BUREAU OF WATER RESOURCES
WATER APPROPRIATIONS
CAREY ACT DEVELOPMENT

November 12, 1919.

In re: Permit 10960.

Alvin J. Welchman,
Auburn, Wyoming.

Dear Sir:

Replying to your letter, received at this department under date of November 12, you are advised that you cannot amend your permit No. 10960 to include the waters of the spring described. This for the reason that the spring is a tributary of Webster Creek and therefore belongs to the waters of Webster Creek, and therefore is subject to all appropriations below the junction of the spring and the creek.

If you are claiming the waters of this spring and desire to appropriate the same, you should file an application for a permit to do so, but any permit that might issue to you on the waters of the spring would be subject to all prior claims.

I am returning to you, herewith, blank affidavit for completion of works. This blank should be used in making proof of completion of works under permit 10960.

Also find enclosed, herewith, blank application for permit to appropriate the public waters of the State of Idaho.

Yours very truly,

W. G. SWENDSEN,

Commissioner of
Reclamation,

By

Chief Clerk.

L/B.

Enc.

W. J. Cresson

Commissioner of Reclamation.

Sir, I wish to make a little ammendment
to my water Application as follows, to run
water from a spring (a tributary of Webster creek)
beginning at a point about 15 rods S and
7 rods West of N.E. corner of the N.W. $\frac{1}{4}$ of
Sec 5 T 8 S. R 46 E B.M. and running in a
south easterly direction to the beginning
of ditch No. 2 of my application, the purpose
of the ammendment is to secure water
for ditch No 2 as Soren E. Peterson
and I in dry seasons like this drain
Webster creek with ditch No 1. leaving
no water ^{for} ditch No. 2. With Permission
from forest ranger I made this new ditch
and used the water this season, will
further state that I have my ditches all made
and have made use of water for the past
two seasons, so I am ready to make proof on
both works and Water please give me infer

Over

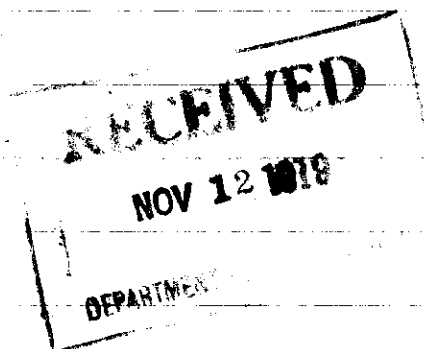
10960

mation on both Proofs, can they both
be made at once and save expenses.

I am drawing new amendment on
map ^{in red ink} and sending with this letter
please advise me in regard to same

Yours Truly

H. J. Weikman



State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho, **October 1, 1919.**

Alvin J. Welchman,
Arnheim, Wyo.

Dear Sir:—

Under the terms of your permit No. **10960** you are required to complete your diversion works on or before **January 18, 1920**. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

W. G. Swendsen,

Commissioner of Reclamation.

10960

December 7, 1917.

Re: Permit 10960.

Mr. Alvin J. Welchman,
Auburn, Wyoming.

Dear Sir:

Your application for extension of time
for completion of works under above permit
has been granted, and we enclose duplicate
approval of same.

Very truly yours,

J. H. SMITH,

State Engineer.

By

Enc: Aspr.

NB

10960

Permit No. 10960

Application for Extension of Time

FOR COMPLETION OF WORKS

Alvin J. Welchman, of Auburn, KENTUCKY,
State of Wyoming, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 10960

Under the terms and conditions of said permit, construction work thereunder was required to be completed by January 18th, 1918

That he has heretofore performed the following work described under said permit: Thirty
Four Days Work valued at about \$102.00

costing \$ 102.00

THAT he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

principally sickness in the family

WHEREFORE, He asks that the State Engineer extend the time for the completion of construction work under said permit, to January 18th, 1918

And further, deponent saith not.

Subscribed and sworn to before me this 10th day of November, 1917

My commission expires May 18th 1918 Notary Public.

Date of receipt at office of State Engineer NOV 20-1917

APPROVAL OF STATE ENGINEER

I, J. H. Smith, State Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 10960, to January 18th, 1918.

Witness my hand this 30th day of November, 1917.

10960

State Engineer.

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Oct. 19, 1917.

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Alvin J. Welchman,

Auburn, Idaho.

Boise, Idaho,

Dear Sir:—

Under the terms of your Permit No. ~~10960~~-----, you are required to complete your diversion works on or before ~~Jan. 18, 1918~~----- I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

J. H. SMITH,

State Engineer.

10960

Oct. 11, 1917.

Re: Permit No. 10960.

Mr. A. J. Welchman,
Auburn, Wyoming.

Dear Sir:

Replying to yours of the 7th inst,
would say that application for extension
of time should be made upon the enclosed
form. Two years additional can be granted.
This would give you the full five year's
limit allowed for completion of works.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____.

Enc.: F. #4.

CB:FM

10960

8/10 - 7/11

10960

Oct 5th, 17.

Hi to Engineer.

Type - Lake

Gentleman, sometimes ago, I made application for water and you set the date for final proof of construction works for Jan 18, 1918 I believe and gave me two years longer for proof on the water, but I have nearly all of the ^{land} watered now and the balance will be in a couple of weeks or so would it be so that you could examine same this fall so I could make both proofs together so as to save expence as it is a long waste to go and therefor costs quite a little for witnesses, if you can please let me know as soon as possible and oblige
A. J. Weikman. Auburn
Lincoln Co. Wyo. 10960

State of Idaho
ENGINEERING DEPARTMENT
BOISE

STATE ENGINEER

Permit 10960.

Boise, Idaho, January 22, 1915.

**Mr. Alvin M. Watchman,
Auburn, Wyoming.**

I enclose herewith above numbered permit. BE SURE TO NOTE
LIMITATIONS AND CONDITIONS OF SAME as given under approval of
State Engineer on the third page.

HERBERT WING,

Acting State Engineer.

10960

Boise, Idaho, November 19, 1914.

Application 15855.

Mr. Alvin J. Welchman,
Auburn, Idaho.

Sir:--

The above application received and filed.
Same is herewith returned for completion in the
following particulars:

There is a discrepancy between the appli-
cation and the maps as to point of diversion No. 2.

There is also a discrepancy between the
application and maps as to route of ditch. The maps
do not show the ditch to touch the NW of Sec. 5.

Very truly yours,

HERBERT WING,

Acting State Engineer.

By _____

Enc. A. 15856-FRR.9844.

GB.

10960

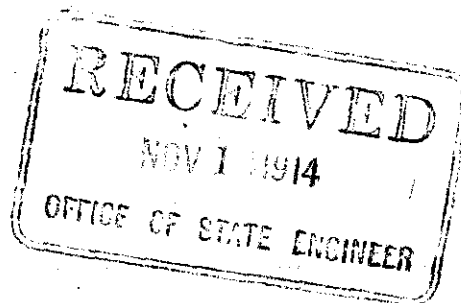
Auburn, Lincoln Co. Wyo.
Oct. 10th 1914

State Engineer,

Sir, if it is possible I should
like to make proof on construction work
on June 27th 1916, and on beneficial
use on June 27th 1919 as these are the
dates set for Mr Andrew S. Petersen
on same ditch, Please consider and
oblige.

Alvin J. Welchman.
Auburn
Wyo.

10960



15850

Name of Applicant Abie J. Welchman

