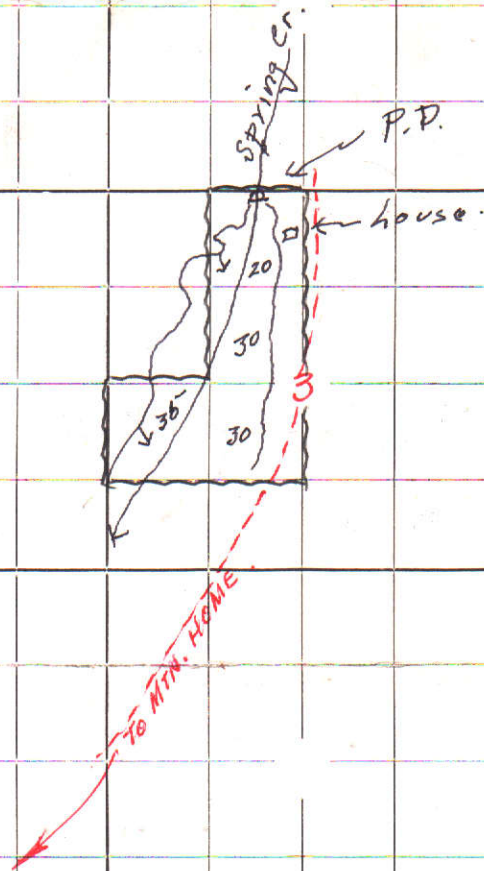


R-7E.

T.
2
N.



Subdivisions = four
Area = 115 acres
Q = 2 cfs.

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
OCT 6 1958
Department of Irrigation

3

Thomas F. Rieger
% Prairie Stage, Mtn. Home, Idaho

Permit No. 23279

Examination for Beneficial Use

County Elmore

3-2 N. - 7 E.

Q = 2.0 c.f.s.

S = Spring Creek

P.D. = Lot 3 (NE, NW) Sec. 3, T. 2 N. - R. 7 E.

Gravity

120 acres - irrig.

Use = Irrigation & Stock water

Filed = Nov. 28, 1952

Due = Nov. 29, 1957

C/W = 10-16-57

4 culvert pipes 12" x 15"
then down into 3 ditches
and main creek.

Dam approx. 120' x 6' w x 8' h
small pond 100' x 50' area

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

Permit No. 23279This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Thomas F. Rieger2. Source of water supply: Spring Creek3. Location of point of diversion: Is in the ^{Lot 3} NE 1/4 NW 1/4 of Section 3T. 2 N R. 7 E., B.M. County of Elmore4. Describe works as they exist, giving dimensions and capacities of same: RWS

Dam = 120' x 6' w. on top by 8' h. There are 4 short lengths of metal culvert pipe for outlets, each with a gate. Hitches have been made with bull dozer. Plenty capacity. Source is Spring Cr. Tributary of Smith Cr. to So. Fork Boise R. - PD on N side of NE 1/4 of NW 1/4 Sec 3 T2N R7E Boise Mer.

5. Water is used for: Irrigation and stockwater6. State whether or not water has been turned into works of diversion: Yes

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

30 60 in application
50 acres in E 1/2 NW 1/4 and 70 acres in N 1/2 SW 1/4 of Sec. 3, Twp. 2 N., Rge. 7 E., B.M. RWS

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

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

Remarks: _____

This system laid out by S.C.S. Takes in more ground than anticipated. Also probably uses more than 2 cfs of water. Whole place is summer pasture for about 200 head of cattle for 5 months. 5 wire fence around place. Well improved.

This examination was made on the 20 day of August, 19 58(Signed) E. N. Humphrey Examiner.

*Filed 11/28/52
Due 11/29/59
C/W made 10/14/51*

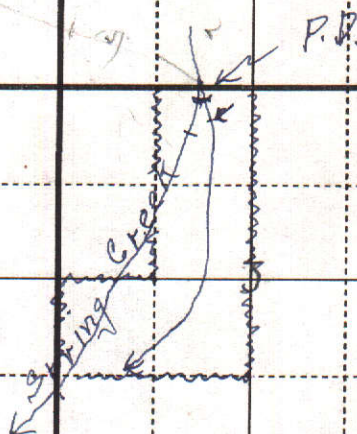
NAME OF APPLICANT

Thomas F. Rieger

Form No. 0

2N 7E S. 3

N
↑



Permit Map No. 23279

As Approved

NOV 29 1952

MARK R. KULP

State Reclamation Engineer

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

23279

State of Idaho
License and Certificate of Water Right

Water License No. 23279

Amount 2 c.f.s.

Water District No.

Priority November 28, 1952

THIS IS TO CERTIFY that THOMAS F. RIEGER
of Prairie, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 28, 1952; that Permit No. 23279
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on October 16, 1957, showing that said works
were completed on the 14th day of October, 1957; and that on the 25th
day of November, 1957, THOMAS F. RIEGER

of Prairie, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Spring Creek
Boise River
a tributary of Smith Creek to So. Fk., for the purpose of Irrigation and stock
water, under Use Permit No. 23279 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
10 of Licenses at page 6473, on the 23rd day of October, 1958;
The right hereby confirmed dates from November 28, 1952;

The Point of Diversion is located
in the NE 1/4 NW 1/4, Sec. 3, Tp. 2 N., R. 7 E., B. M. County Elmore
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	7 E.	3	NE 1/4 NW 1/4	10	20
			SE 1/4 NW 1/4	20	30
			NE 1/4 SW 1/4	30	30
			NW 1/4 SW 1/4	30	35
Total number of acres irrigated				- - -	115

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
23rd day of October, 1958.

/s/ Geo. H. Carter
State Reclamation Engineer.

(SEAL)

63 2916

63-2916

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 31052
PERMIT No. 23279
DISTRICT No.

1. Name of Applicant: THOMAS F. RIEGER
Postoffice address: Prairie County: Elmore State: Idaho
I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:
(a) Cash on hand:
(b) Treasury stock:
(c) Bonds to be issued:
(d) Other resources:
2. Quantity of water claimed: Two (2) cubic feet per second.
3. Source of water supply: Spring Creek which is a tributary of Smith Creek to South fork Boise Ri
4. Location of point of diversion: Two points of diversion feet distant from the
corner of Section , T. , R. , B. M., and is in the Lot 3
of Section 3 , T. 2 N. , R. 7 E. , B.M., County of Elmore
5. Water is to be used for Irrigation and stock water.
6. If for mining, milling, power or manufacturing purposes, give:
(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section , T. , R. , B.M.
(b) Amount of power generated: H.P., under feet head.
(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.
7. Estimated cost of works: \$
8. Kind of works: Two small diversion dams and ditches
9. Height of dam 12 feet; length of dam at top 150 feet; length of dam at bottom 50
feet; material used in dam: Earth and stone
10. Size of headgate: Width 14" culvert pipe three feet high dams (three outlets) feet.
11. Ditch: Width at bottom 2 feet; width at water line 3 feet; depth of water 1½ feet;
dimensions of flume:
Diameter of pipe inches; length of conduit One and ¾ miles.
Average grade per mile feet.
12. The time required for the completion of such work is Five (5) years.
13. The time required for the complete application of the water to the proposed use is No additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

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

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

THOMAS F. RIEGER *Applicant.*

By _____ *Agent.*

Date of first receipt at Department of Reclamation: 10:30 A. M. November 28, 1952

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 23279

Recorded in Book 83 Page 23279 Approved November 29, 1952

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 January 29, 1953 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 May 29, 1955

The whole of said work to be completed on or before November 29, 1957

Beneficial use of water appropriated in accordance herewith, to be made on or before November 29, 1957

WITNESS My hand this 29th day of November, 1952

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho,
and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 29th day of November, 1952.

STATE OF IDAHO

Countersigned:

(SEAL) By _____ IRA H. MASTERS

By

LEN JORDAN

Governor,

Secretary of State.

REMARKS: There will be two small storage reservoirs built under direction of S. C. S. in order to fill some washed spots. Approx. 10' wide and 12' deep by 200 yards long, and another one smaller.

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals	
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$		
2 N.	7 E.	3					10				20				30	30				90
Permit No. 23279 Certificate of Completion of Works																				
↓																				
TO ALL WHOM IT MAY CONCERN:																				
This is to certify that THOMAS F. RIEGER of Prairie, County of Elmore, and State of Idaho, the holder of Permit No. 23279, issued upon Application No. 31052 bearing date of priority of November 28, 1952, authorizing the diversion of 2.0 second feet of the waters of Spring Creek, tributary to Smith Creek to South Fork Boise River, County of Elmore, State of Idaho, for Irrigation and stock water 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 2.0 second feet of the waters of Spring Creek that the point of diversion of said waters 2 points in Lot 3, Section 3, Township 2 North, Range 7 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE$\frac{1}{4}$NW$\frac{1}{4}$, SE$\frac{1}{4}$NW$\frac{1}{4}$ and N$\frac{1}{2}$SW$\frac{1}{4}$ of Section 3, Township 2 North, Range 7 East, B.M. Proof of Completion of Works made October 14, 1957.																				
Witness my hand this 16th day of October, A.D. 1957																				
/s/ Mark R. Kulp State Reclamation Engineer																				
Proof of Completion of Works made: October 14, 1957 Certificate of Completion of Works issued: October 16, 1957.																				
Page 6473 2.0																				

3/79

IDENT. NO. 103-29110

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

October 23, 1958

Re: Permit No. 23279

Mr. Thomas F. Rieger
c/o Prairie Stage
Mountain Home, Idaho

Dear Mr. Rieger:

Enclosed is the License and Certificate of Water Right issued under Permit No. 23279 confirming the right with priority of November 28, 1952, to the use of 2 second feet of water from Spring Creek, with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, for irrigation of 115 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, Township 2 North, Range 7 East, B.M.

Enclosed also is departmental receipt #29331 for \$8.00, issued as receipt of the license fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls

23229

R7

October 7, 1958

Re: Permit No. 23279

Mr. Thomas F. Rieger
c/o Prairie Stage
Mountain Home, Idaho

Dear Mr. Rieger:

Our field engineer's report on his inspection of the beneficial use of the water under the terms of Permit No. 23279 shows the works are capable of conveying 100 miners inches (2. c.f.s.) of water for irrigation of 115 acres.

Upon receipt of the statutory fee of \$8.00 (fee based at the rate of two dollars for each 40-acre subdivision) we will issue the License and Certificate of Water Right confirming the right with priority of November 28, 1952, to the use of 2 second feet of water from Spring Creek, with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, for irrigation of 115 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, Township 2 North, Range 7 East, B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

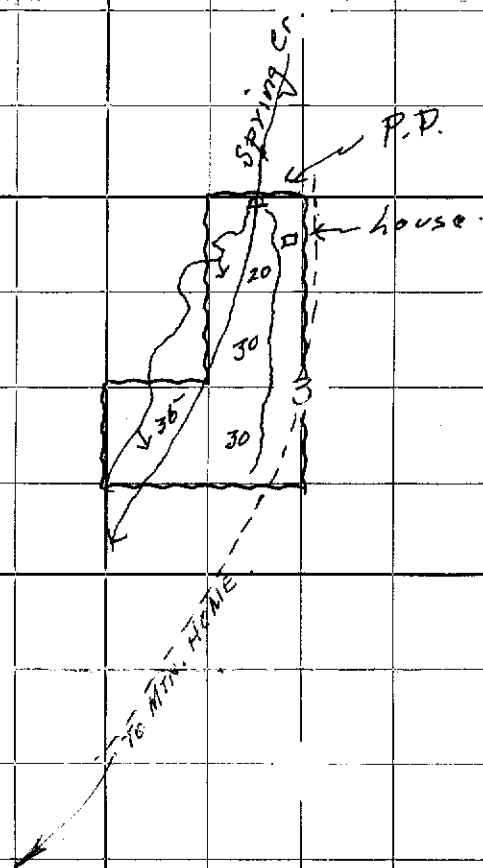
Chief Clerk

EPR:nls

23279

R-7E

T.
2
N



Sub divisions = four

Area = 115 acres

Q = 2 cfs.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 23279

REPORT ON PROOF OF Beneficial Use

Thomas F. Rieger, % Prairie Stage, Mtn. Home, Idaho

INSTRUCTIONS TO EXAMINERS

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

RECEIVED
OCT 6 1958
Department of Agriculture

3

Thomas F. Rieger
% Prairie Stage, Mtn. Home, Idaho

Permit No. 23279

Examination for Beneficial Use

County Elmore

3-2N.-7E.

Qz 2.0 a.s.

Se Spring Creek

P.D. = Lot 3 (NE. NW.) Sec. 3, T. 2N. - R. 7E.

gravity

120 acres = irrig.

Use = Irrigation & Stock water

Filed = Nov. 28, 1952

Due = Nov. 29, 1957

FW = 10-16-57

4 culvert pipes 12"x16"
then ran into 3 ditches
and main creek.

Dam approx. 120' x 6' W x 8'
small pond 100' x 50' area

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

Permit No. 23279This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Thomas F. Rieger2. Source of water supply: Spring Creek3. Location of point of diversion: Is in the ^{Lot 3} NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3T. 2 N R. 7 E, B.M. County of Elmore4. Describe works as they exist, giving dimensions and capacities of same: 1200

Dam = 120' x 6' W. on top by 8' h. There are 4 short lengths of metal culvert pipe for outlets, each with a gate. Ditches have been made with bull dozer. Plenty capacity. Source is Spring Cr. Tributary of Smith Cr. to S. Fork Boise R. - PD on N. $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 3 T2N R7E Boise Har

5. Water is used for: Irrigation and stockwater6. State whether or not water has been turned into works of diversion: yes

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

30 in application
50 acres in E $\frac{1}{2}$ NW $\frac{1}{4}$ and 70 acres in N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 3., Twp. 2 N., Rge. 7 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? _____

Remarks: _____

This system laid out by S. C. S. Takes in more ground than anticipated. Also probably uses more than 2 cfs of water. Whole place is summer pasture for about 300 head of cattle for 5 months. 5 wire fence around place. Well improved

This examination was made on the 20 day of August, 19 58(Signed) E. N. Humphrey Examiner.

*Filed 11/28/58
Due 11/29/59
Clerk made 10/14/59*

GEO. N. CARTER

July 11, 1958

Re: Permit # 23279

Mr. Thomas F. Rieger
1/2 Prairie Stage
Mountain Home, Idaho

Dear Mr. Rieger:

Statutes requires a field inspection in connection with the proofs on Permit # 23279 before license and certificate of water right can be issued.

Such inspection and report on same is required for any and all permits being brought to license within this State.

An inspecting Engineer from this Department requests that you or someone familiar with the terms of the permit and representing you be prepared to accompany him on the inspection, on Friday

August 8, 1958

If he cannot get in touch with you by phone or otherwise he will drive to the well location or point of diversion given in the permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
E. N. Humphrey
Deputy

ENH:lw

23279

December 3, 1957

RE: Permit No. 23279

Mr. Thomas F. Rieger
% Prairie Stage
Mountain Home, Idaho

Dear Mr. Rieger:

We acknowledge receipt of the Deposition of the Holder and two witnesses, also affidavit of publication in the Mountain Home News, all submitted in proof of beneficial use on Permit No. 23279.

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR
cc: Mr. Perce Hall
Attorney at Law
Mountain Home, Idaho

23279

December 3, 1957

RE: Permit No. 23279

Mr. Thomas F. Rieger
% Prairie Stage
Mountain Home, Idaho

Dear Mr. Rieger:

We acknowledge receipt of the Deposition of the Holder and two witnesses, also affidavit of publication in the Mountain Home News, all submitted in proof of beneficial use on Permit No. 23279.

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR

cc: Mr. Perce Hall
Attorney at Law
Mountain Home, Idaho

23279

July 19, 1957

RE: Permit No. G-23046

Mr. E. J. Dullea, Jr.,
1236 Broadway
Farge, North Dakota

Dear Mr. Dullea:

In answer to your letter of July 14, 1957, in regard to the above captioned permit, we note what you have to say in regard to said permit, that you are one-half (1/2) owner of the said permit along with Mr. Leo Anderson, who owns the other one-half (1/2).

Since the permit is in the name of Leo Anderson on the records in this department, it will be necessary, before we can issue the license of water right in connection with said permit, in the name of Leo Anderson and yourself, that you get an assignment from Mr. Anderson, fully acknowledged, signing one-half interest of said permit to yourself.

We are enclosing herewith a form for that purpose. However, you may act as agent for Mr. Anderson, supported by an affidavit that you are one-half owner of said permit, to make proofs on completion of works and beneficial use.

We are wondering whether you are going to be in Idaho in person when the time is set for taking deposition of proofs, or if you intend to give power of attorney to some one in Idaho to sign said depositions for you, as it is necessary that you and two disinterested witnesses sign the depositions before a Notary in Idaho, giving the factual information.

You also state in your letter that you did not receive the forms that were supposed to be enclosed in our letter of July 1, 1957. We are enclosing Form No. 10 in duplicate which is a notice of publication which must be filled out and published in a county newspaper within which county the land is located, for four (4) consecutive weeks prior to the time for making proofs.

Please attend to this immediately.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

Encl.
RWT:vhh

J. 2 3046

PHONE 12

PERCE HALL

ATTORNEY AT LAW

MOUNTAIN HOME, IDAHO

November 26, 1957

RECEIVED
NOV 29 1957

Department of Reclamation

Idaho Department of Reclamation
State House
Boise, Idaho

Gentlemen:

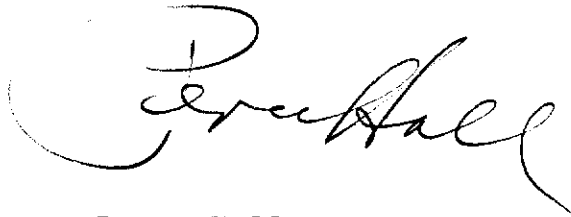
Re: Thomas F. Rieger
Permit No. 23279

In behalf of Thomas F. Rieger of Prairie, Idaho, I am enclosing evidence of application of water to beneficial use. The enclosures are as follows:

1. Affidavit of publication of notice.
2. Deposition of holder of permit.
3. Deposition of witness George Ascuena.
4. Deposition of witness Neil J. Day

Please acknowledge receipt of these instruments.

Very truly yours,



Perce Hall

Enclosures

PH:sm

23279

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2:00 P.M. on the 25th day of November, 1957, at Mountain Home, County of Elmore, State of Idaho, before Percy Hall, Mountain Home, Idaho, Notary Public, proof will be submitted of the application to beneficial use of 2.0 cubic feet per second of the waters of Spring Creek in Lot 3, Sec. 3, Twp. 2 N. Rge. 7 E., B.M., in accordance with the terms and conditions of Permit No. 23279 heretofore issued by the State Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Thomas F. Rieger, 4 Prairie Stage, Mountain Home, Idaho.

The use to which said water has been applied is Irrigation and Stock water.

The amount applied to beneficial use is 2.0 c.f.s.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) E $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 3, Twp. 2 N., Rge. 7 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 Private.

The right to take water from such works is based up on Permit No. 23279.

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

The date of priority which said user is prepared to establish is November 28, 1952.

Mark R. Kulp
State Reclamation Engineer.

First publication Oct. 24, 1957.
Last publication Nov. 21, 1957.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Lloyd S. Waters do solemnly swear that I am the foreman, the publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of the proof of publication thereof, was published in

said newspaper for 5 consecutive weeks, the

first publication having been made on the 24th

day of October, 1957, and the

last publication having been made on the 21st day

of November, 1957; every number of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 25th day

of December, 1957.

Laurel M. Huey
Notary Public

23279

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 29 1952
Department of Reclamation

Permit No. 23279

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Thomas F. Rieger, Prairie, Idaho, c/o Prairie Stage, Mt. Home,
Idaho. Farmer.

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. Permit No. 23279, dated Nov. 29, 1952. Date of Priority ^{Nov. 28} April 29, 1952.

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

Ans. Source is Spring Creek, tributary of Smith Creek, to South Fork
Boise River. Point of diversion located on north side of the northeast
quarter of the northwest quarter of Section Three, Township Two North,
Range Seven East, Boise Meridian.

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

Ans. Diversion consists of earthen dam on Spring Creek approx. 12 feet
high, from which two ditches can carry approximately 4 cfs of water to
place of use.

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

Ans. Water is used for irrigation and stock water. Irrigation consists
of approximately 20 acres in the northeast quarter of the northwest quarter
30 acres in the southeast quarter of the northwest quarter
35 acres in the southeast quarter of the southwest quarter
35 acres in the northwest quarter of the southwest quarter
lands are fenced and cross-fenced. A house and barn and stock corrals
have been constructed. Water is piped to the house and barn for domestic
use.

23279

Ques. 7. If for other than 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. Average need for land is 1 inch per acre

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. -----

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

Ans. Each year since April 20, 1952, the water has been used and put to beneficial use on the lands above described. I have used entire flow of Spring Creek, except for heavy Spring flood water. Water averages 100 inches or more until June, then tapers off in July and August to practically no flow, then starts to increase in September.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. I use about 50 inches of waste water from Lava Creek each year up until about July 15th on the southeast quarter of the northwest quarter and the northeast quarter of the southwest quarter. There is no waste water from Lava Creek after July.

(Sign)

Thomas F. Biggs

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 Mountain Home, County of Blaine

State of Idaho, on this 25th day of November, A. D. 1957.

Frank Hall
Notary Public for Idaho,
Residing at Mountain Home, Idaho.

My commission expires June 19, 1959.

23279

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 2 1915
Department of Reclamation

PERMIT NO. 23279

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. Neil J. Day, age 42, RFD 1, Box 94, Mountain Home, Idaho, Farmer.

Ques. 2. Are you acquainted with Thomas F. Rieger, the holder of Permit No. 23279? How long have you known him and where does he reside?

Ans. I have known Rieger four years. He resides at Prairie, Idaho

Ques. 3. Have you read or heard read said Permit No. 23279, and are you familiar with its provisions and conditions?

Ans. Yes. Yes

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

Ans. Source is Spring Creek; Place of diversion is at reservoir on north side of Rieger place. Reservoir is about 12 feet high from Creek bottom. A ditch on each side (east and west) of reservoir conveys water to land.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The works will safely conduct 4 cubic feet per second to place of use. I have seen at least 4 cubic feet being conveyed.

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

Ans. It is used for irrigation and stock water. It is used approximately as follows:

<u>20 acres on northeast quarter of the northwest quarter</u>
<u>30 acres on southeast quarter of the northwest quarter</u>
<u>35 acres on the northeast quarter of the southwest quarter</u>
<u>35 acres on the northwest quarter of the southwest quarter</u>

All of it is cultivated and planted with permanent pasture. All is fenced and cross-fenced. A residence house and barn stands on the property. Water has been piped to the house and to barn for stock purpose. Stock corral has been constructed.

23279

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. Sandy loam soil -- requires about 1 inch per acre for profitable cultivation.

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

Ans. No.

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

Ans. I have rented the pasture for last three years. I am there during the summer season about every two weeks. I've been over all the land many times and have had an opportunity to see the irrigation each visit.

(Signed) Phil J. Ray

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 Mountain Home, County of Elmore, State of Idaho, on this 25 day of November, A. D. 19 57.

Eric Hall
Notary Public.

My commission expires June 19, 1959.

23279

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 29 1957
Department of Reclamation

PERMIT NO. 23279

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. George Ascuena, age 39, RFD 1, Box 92, Mountain Home, Idaho, Farmer.

Ques. 2. Are you acquainted with Thomas F. Rieger, the holder of Permit No. 23279? How long have you known him and where does he reside?

Ans. Yes, I have known Rieger four years. He resides at Prairie, Idaho.

Ques. 3. Have you read or heard read said Permit No. 23279, and are you familiar with its provisions and conditions?

Ans. Yes. Yes.

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

Ans. Source is Spring Creek; Place of diversion is at reservoir on north side of Rieger place. Reservoir is about 12 feet high from creek bottom. A ditch on each side (east and west) of reservoir conveys water to land.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. The works will safely conduct 4 cubic feet per second to place of use. I have seen at least 4 cubic feet being conveyed.

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

Ans. It is used for irrigation and stock water. It is used approximately as follows:

<u>20 acres on northeast quarter of the northwest quarter</u>
<u>30 acres on southeast quarter of the northwest quarter</u>
<u>35 acres on the northeast quarter of the southwest quarter</u>
<u>35 acres on the northwest quarter of the southwest quarter</u>

All of it is cultivated and planted with permanent pasture. All is fenced and cross-fenced. A residence house and barn stands on the property. Water has been piped to the house and to barn for stock purpose. Stock corral has been constructed.

23279

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. Sandy loam soil -- requires about 1 in ch per acre for profitable cultivation.

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

Ans. No.

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

Ans. I have rented the pasture with Neil J. Day the last three years. I also rented it four years ago. I am there during the summer season about every two weeks. I've been over all the land many times and have had an opportunity to see the irrigation each visit.

(Signed)

George Ascuena

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 Mountain Home,

County of Elmore, State of Idaho, on this 25 day of November,
A. D. 1957.

Frank Hall
Notary Public

My commission expires June 19, 1959.

23279

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL
USE

Notice is hereby given that at 2:00 P.M. on the 25th day of November, 1957, at Mountain Home, County of Elmore, State of Idaho, before Perce Hall, Mountain Home, Idaho, Notary Public, proof will be submitted of the application to beneficial use of 2.0 cubic feet per second of the waters of Spring Creek in Lot 3, Sec. 3., Twp. 2 N. Rge. 7 E., B.M., in accordance with the terms and conditions of Permit No. 23279 heretofore issued by the State Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Thomas E. Rieger, % Prairie Stage, Mountain Home, Idaho.

The use to which said water has been applied is Irrigation and Stock water.

The amount applied to beneficial use is 2.0 c.f.s.

The place where said water is used (if for irrigation, give full and

accurate description of the lands irrigated) E $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 3., Twp. 2 N., Rge. 7 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 Private.

The right to take water from such works is based up on Permit No. 23279.

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

The date of priority which said user is prepared to establish is November 28, 1952.

Mark R. Kulp
State Reclamation Engineer.

First publication Oct. 24, 1957.

Last publication Nov. 21, 1957.

November 6, 1957

RE: Permit No. 23279
Thomas F. Rieger

Mountain Home News
Mountain Home, Idaho

Gentlemen:

Please mail us a copy of the Legal Publication mailed you October 17th on Permit No. 23279 in the name of Thomas F. Rieger.

Publications were to be made prior to November 25th, 1957.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:vm

23279

October 17, 1957

RE: Permit No. 23279

Mr. Thomas P. Rieger
% Prairie Stage
Mountain Home, Idaho

Dear Mr. Rieger:

This acknowledges receipt of the Notice of proofs of application of water to beneficial use under Permit No. 23279, to be made at Mountain Home, at 2:00 P.M. on the 25th day of November, before Perce Hall, Notary Public.

As of this date, we have mailed the Notice to the Mountain Home News with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and to then mail the affidavit of publication and statement of costs to you.

In completing the enclosed depositions, it is very important that they be executed by you and two disinterested witnesses, who are familiar with the terms and the work done thereunder, at the time, date, place and before the Notary as advertised in the publication Notice, as well as all other necessary information. The signatures and the Notary's seal are essential.

When returning the depositions to this office, please be sure to include the affidavit of publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:vm
Encl.
cc. Perce Hall

23279

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit NO.23279
Thomas F. Rieger

Date: October 17, 1957

Mountain Home News
Mountain Home, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **November 25, 1957** the date set for proof; the expense of the publication is to be paid by the applicant, **Thomas F. Rieger, % Prairie^{Stage} Mountain Home, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

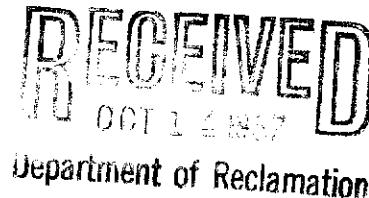
MARK R. KULP

State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:vm
Encl.

23279



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 14, 1957

% Prairie Stage
Address

Mountain, Home, Idaho
City State

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the The Mountain Home News of Mountain Home, Idaho published in the county in which the works are situated.

By Thos. F. Rieger

(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

23279

RECEIVED
OCT. 14 1957

Department of Reclamation

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

Line 11-29-57

Notice is hereby given that at 2:00 P.M. on the 25th day of November, 1957,
at Mountain Home, County of Elmore, State of Idaho, before
Perce Hall, Mountain Home, Idaho, Notary Public, proof will be submitted of the
application to beneficial use of 2.0 cubic feet per second of the waters of Spring Creek in
Rge. 7 E., B.M.
Lot 3., Sec. 3., Twp. 2 N., accordance with the terms and conditions of Permit No. 23279
heretofore issued by the State Department of Reclamation of the State of Idaho.

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

Thomas F. Rieger, % Prairie Stage, Mountain Home, Idaho

The use to which said water has been applied is Irrigation and Stock water

The amount applied to beneficial use is 2.0 c.f.s.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

E $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 3., Twp. 2 N., Rge. 7 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

Private

The right to take water from such works is based upon Permit No. 23279

The source of supply from which such water is diverted is Spring Creek

The date of priority which said user is prepared to establish is November 28, 1952

Mark R. Kulp

State Reclamation Engineer.

23279

October 16, 1957

Re: Permit No. 23279

Mr. Thomas F. Rieger
Prairie
Idaho

Dear Mr. Rieger:

Enclosed is the Certificate of Completion of Works issued under Permit No. 23279 for the diversion of 2.0 second feet of water from Spring Creek with the points of diversion in Lot 3, for irrigation of 90 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 3, all in Township 2 North, Range 7 East, S.M.

Enclosed also is departmental receipt #28819 for \$5.00 issued as receipt of the fee for the Certificate of Completion of Works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

23279

Permit No. 23279

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Elmore

ss.

Thomas F. Rieger, 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. 23279, and that his postoffice address is Prairie State of Idaho.

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

Third: That the points of diversion of said water are: There are 2 points of diversion in Lot 3, Sec. 3, Twp. 2 N., Rge. 7 E., B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by November 29, 1957.

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

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 work: one diversion dam and ditches
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 12 feet, length of dam at top 150 feet, length of dam at bottom 50 feet. Material used in construction Earth and stone

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width (4) 12" culvert pipe thru dam height feet.

(d) Conduit 12" width at bottom 2 feet, width at water line 3 feet.
(State whether ditch, flume or pipe)

feet, depth of water 1 1/2 feet; diameter of pipe 12" inches, average grade per mile is approx 50 feet. Length of conduit is 1 3/4 miles.

Seventh: That said works are capable of conducting to the place of intended use 2 second feet of water.

Eighth: That water appropriated under said permit is available for 20 acres of land described as follows:

NE 1/4 NW 1/4, SE 1/4 NW 1/4 and N 1/2 SW 1/4 of Sec. 3, T. 2 N., Rge. 7 E., B.M.

Ninth: Remarks: That The Permit calls for 2 small diversion dams but only one small diversion dam was needed and four (4) 12" conduits replace the three (3) 14" conduits as was called for in the Permit.

Thomas F. Rieger
(Sign Here)

Subscribed and sworn to before me this 11th day of October, 1957.

My commission expires 3-25-1961

Huel Edison
Notary Public.

23279

October 14, 1957

RE: Permit No. 23279

Mr. Thomas F. Rieger
% Prairie Stage
Mountain Home, Idaho

Dear Mr. Rieger:

Enclosed your Permit, we found on the desk after you left the
office this morning.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EPR:vm
Encl.

23279

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

RE: Permit No. 23279

BOISE

September 1, 1957

Mr. Thomas F. Rieger
Prairie, Idaho

Dear Sir:

Under the terms of your permit No. 23279 you are required to complete your diversion works and make proof of beneficial use on or before November 29, 1957.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or 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 of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is November 29, 1957, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

23279

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 23279

Date December 5, 1952

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SALE as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. Thomas F. Rieger
Prairie
Idaho

MARK R. KULP
State Reclamation Engineer

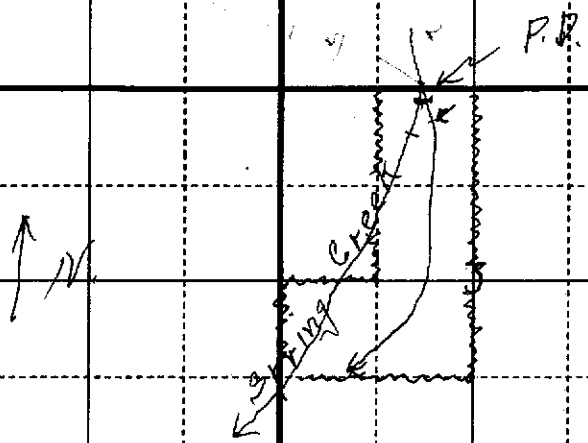
Enc. Departmental receipt No. 25178 for \$5.25 filing fee.

23279

NAME OF APPLICANT Thomas F. Rieger

Form No. 0

2N 7E S. 3



Permit Map No. 23279
As Approved
NOV 29 1952
MARK R. KULP
State Reclamation Engineer