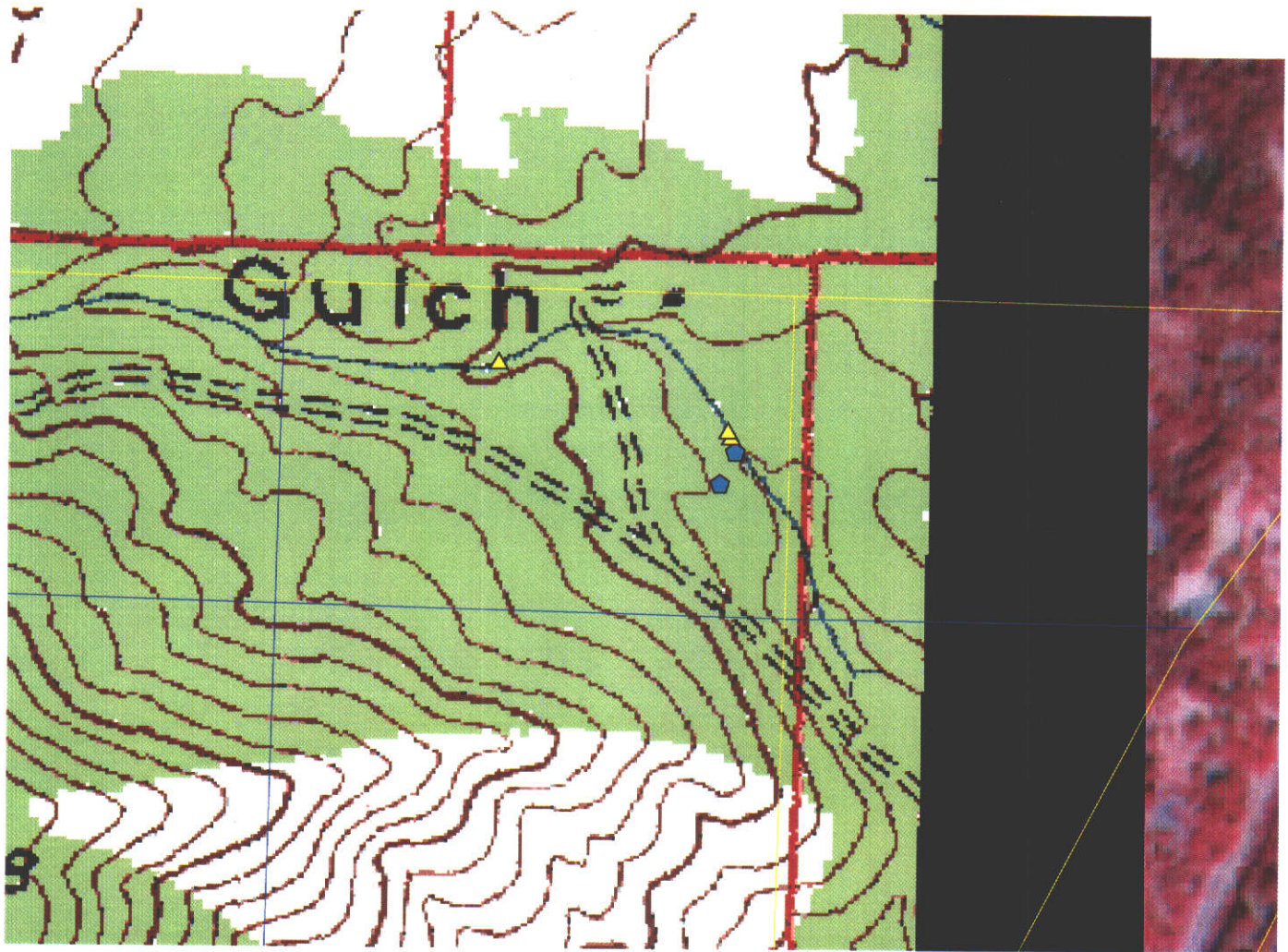


● 63-2625 ●  
5N 5E S5  
Gov It 1 NENE

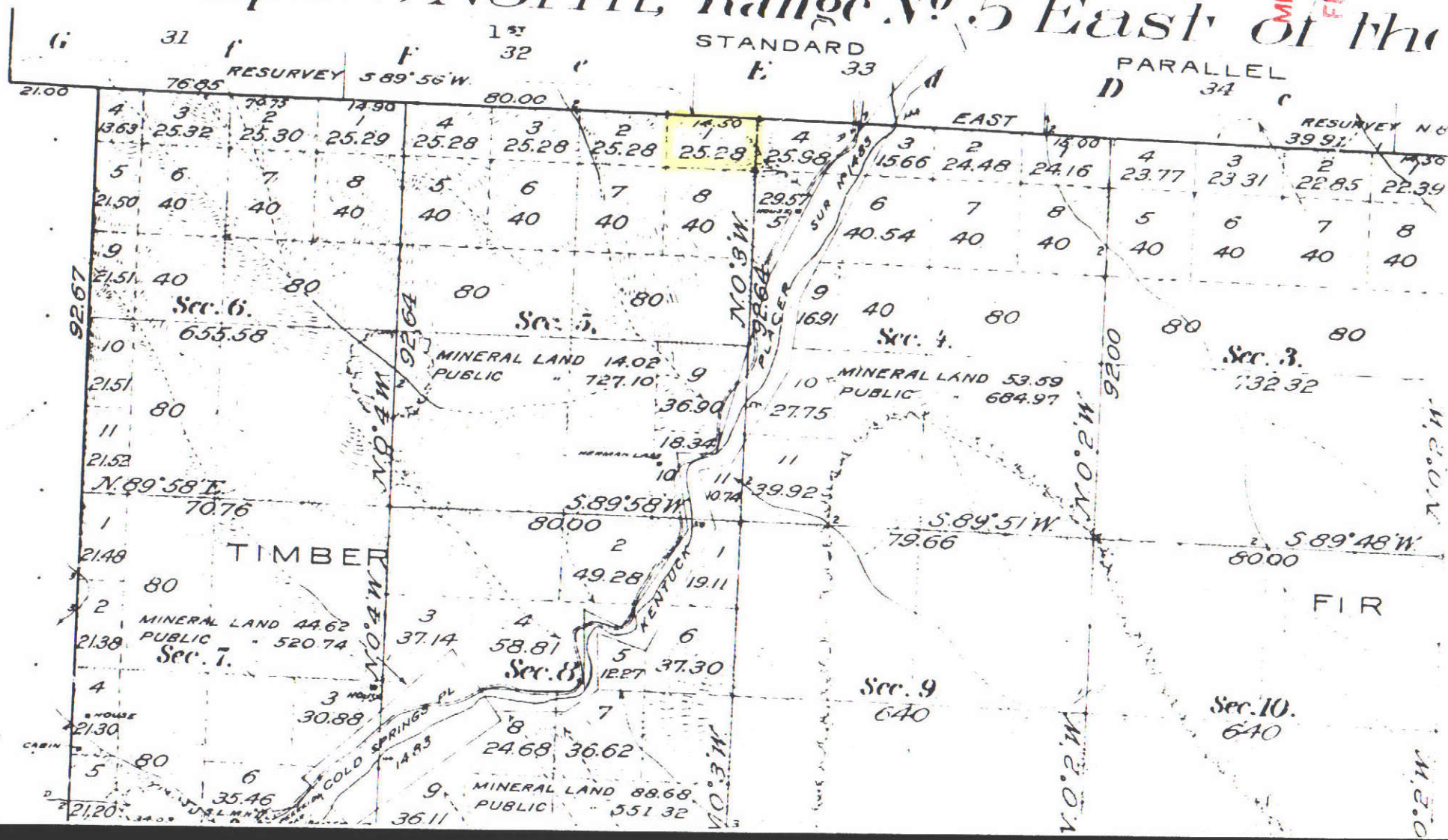


- ▲ Diversions
- ◆ Domestic use
- Section Line
- 1/41/4 Line



MICROFILMED  
FEB 04 2002

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FEB 04 2002





small dam  
for 1" PVC  
pipe used  
for garden

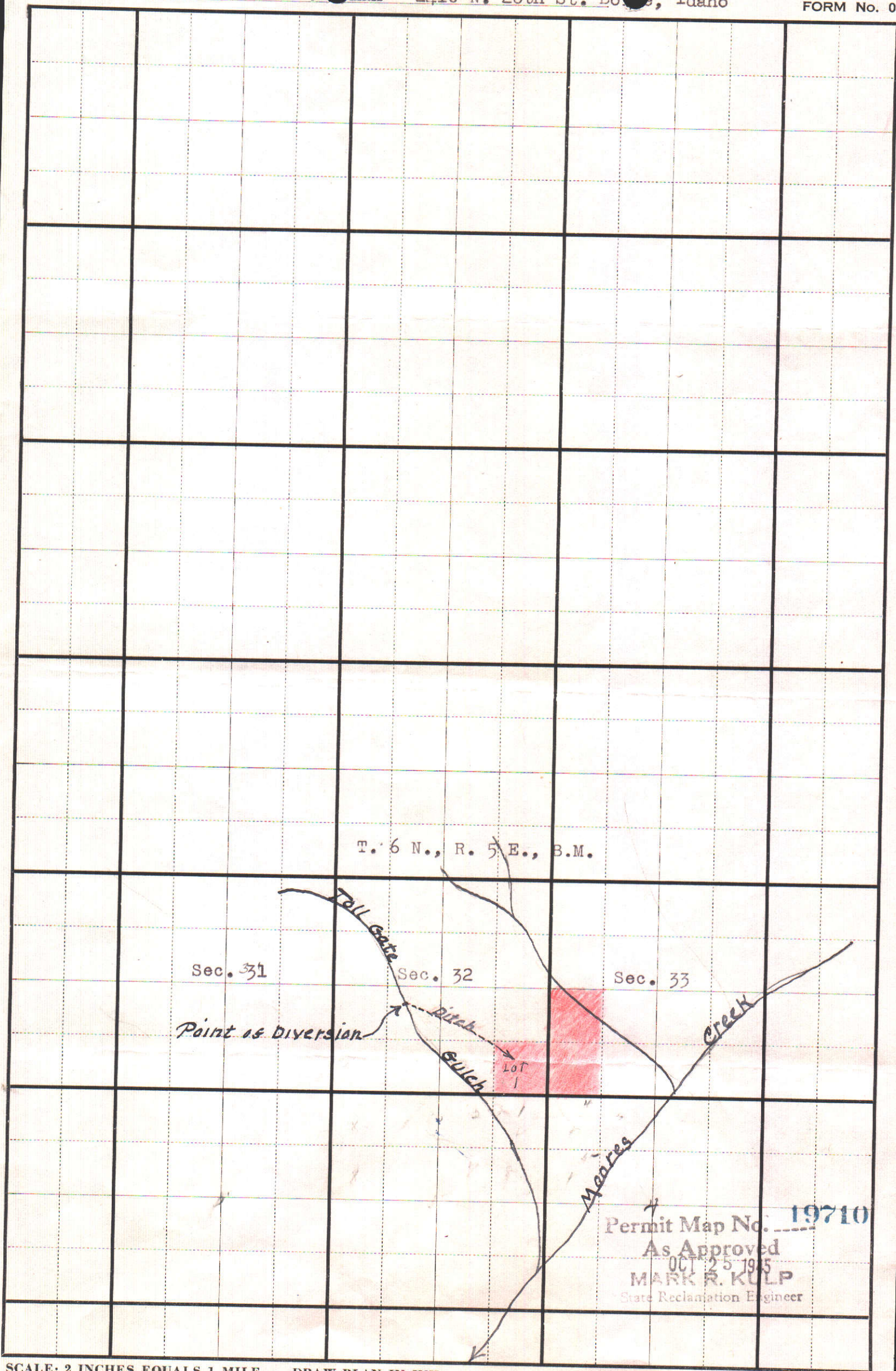


Grate in  
creek bed  
used to  
filter  
water flowing  
into 2"  
buried PVC  
for internal  
domestic  
use.

MICROFILMED

(same <sup>diversion</sup> set-up for other home - photo didn't turn out)

FEB 04 2008



63-2625

No. 19710

APPLICATION FOR PERMIT  
To Appropriate the Public Waters of the State of Idaho

Application No. 27242  
Permit No. 19710  
District No.

Assigned to

*James M. Manning*  
*Boise Idaho*

1. Name of Applicant: ARTHUR C. WYMAN

Postoffice address: 2410 N. 26th, Boise

County: Ada

State: Idaho

I. If applicant is a corporation, give:

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

II. The financial resources of the applicant are:

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

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: One (1)

cubic feet per second.

3. Source of water supply: Toll Gate Creek

which is a tributary of Moore's Creek

4. Location of point of diversion: S. 85° E. 1500

feet distant from the 1/4

corner of Sections 31 & 32, T. 6 N., R. 5 E., B. M., and is in the NE 1/4 SW 1/4

of Section 32, T. 6 N., R. 5 E., B. M., County of Boise

5. Water is to be used for Irrigation

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

(a) Point of use of water: feet distant from corner of Section

T., R., B. M., in the of Section, 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: \$ 300.00

8. Kind of works: Ditch and headgate

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

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width 2 feet; height 2 feet;

11. Ditch: Width at bottom 2 feet; width at water line 3 feet; depth of water 1 feet;

dimensions of flume:

Diameter of pipe inches; length of conduit 1 miles.

Average grade per mile 10 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 Six (6) additional years.

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

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

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

ARTHUR C. WYMAN *Applicant.*

By Mrs. Arthur C. Wyman Agent.

Date of first receipt at Department of Reclamation: 2:45 P. M. October 24, 1945

Returned to applicant for correction:

**Corrected application received:**

### Approval of State Reclamation Engineer

The number of this permit is 19710

Recorded in Book 71 Page 19710 Approved October 25, 1945

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 **December 25, 1945**

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 **April 25, 1948**

The whole of said work to be completed on or before **October 25, 1950**

Beneficial use of water appropriated in accordance herewith, to be made on or before October 25, 1956

Witness my hand this 25th day of October, 1945

**MARK R. KULP**  
*State Reclamation Engineer.*

IN TESTIMONY WHEREOF, We, CHARLES C. COSSETT, 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 25th

day of October, 1945

STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

By CHARLES C. GOSSETT

*Governor*

*Secretary of State.*

Remarks:

14.

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Range                                                                                          | Sec. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                            | Totals   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------------------|----------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub>             |          |
| 6 N.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 5 E.                                                                                           | 32   |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                            |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                | 33   |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | Lot 1<br>40                                | 40<br>80 |
| Total Number of Acres to be Irrigated - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 120                                        |          |
| 14-A-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Existing water rights and/or valid permits appurtenant to the lands to be irrigated are - None |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                            |          |
| APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO<br>No. 19710                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                            |          |
| Arthur C. Wyman, of Boise, Idaho, the owner and holder of Permit No. 19710, hereby applies for the following amendment to said permit:<br>Permit No. 19710 claims one cubic foot of water per second from Toll Gate Gulch, or Toll Gate Creek. Signs have recently been placed indicating that the name of said stream is Gregory Creek.<br>He, therefore, requests that said Permit No. 19710 be amended to show that the water claimed under said permit is diverted from Toll Gate Creek (or Toll Gate Gulch), sometimes otherwise known as Gregory Creek, with point of diversion in the NE <sup>1</sup> / <sub>4</sub> SW <sup>1</sup> / <sub>4</sub> Section 32, Township 6 North, Range 5 East, as stated in said Permit No. 19710. |                                                                                                |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                            |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | Arthur C. Wyman                            |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | By Mrs. Arthur C. Wyman                    |          |
| APPROVAL OF STATE RECLAMATION ENGINEER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                            |          |
| I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 19710. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.                                                                                                                                                                                                                                                            |                                                                                                |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                            |          |
| June 12, 1948                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                            |          |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                |      |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | MARK R. KULP<br>State Reclamation Engineer |          |

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement        )  
of Permit No. 19710 Under the                )  
Provisions of Section 42-311, Idaho Code    )

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 19710 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: October 25, 1950; and,

WHEREAS, On the 12th day of February, 1951, notice to show cause why said permit should not be canceled, under the provisions of Section 5594 Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 19th day of February, 1951, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 22nd day of February, 1951, depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the State Reclamation Engineer of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 19710, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 19710 be, and the same is hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 23rd day of February, 1951.

MARK R. KULP  
State Reclamation Engineer

(SEAL)

Permit No. 19710

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that ARTHUR C. WYMAN of Boise, County of Ada, and State of Idaho, the holder of Permit No. 19710, issued upon Application No. 27242 bearing date of priority of October 24, 1945, authorizing the diversion of One second foot of the waters of Toll Gate Creek (sometimes known as Gregory Creek), a tributary of Moore's Creek, County of Boise, 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 one second foot of the waters of said stream; that the point of diversion of said waters is in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 32, Twp. 6 North, Range 5 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lot 1 Section 32, and W $\frac{1}{2}$  SW $\frac{1}{4}$  Section 33, Township 6 North, Range 5 East, B.M.

Witness my hand this 23rd day of February, A. D. 1951.

MARK R. KULP  
State Reclamation Engineer

Proof of Completion of Works made February 21, 1951.  
Certificate of Completion of Works issued February 23, 1951.

A S S I G N M E N T

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. 19710 to James H. Manning of Boise, Idaho

/s/ ARTHUR C. WYMAN  
Permit holder.

/s/ MADELINE WYMAN  
Wife of Permit holder.

State of Idaho)  
                  ) ss  
County of Gem )

On this 27th day of February, 1952, before me, a Notary Public for the State of Idaho, residing at Emmett, Idaho, personally appeared A. C. Wyman; Madeline Wyman, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

/s/ LOUIE GORRANO  
Notary Public, residing at  
Emmett, Idaho

My commission expires 22 July, 1953.  
(SEAL)

Received and filed for record in the Department  
of Reclamation at Boise, Idaho, September 18, 1954.  
MARK R. KULP, State Reclamation Engineer

State of Idaho  
Department of Water Resources  
**Water Right License**

WATER RIGHT NO. 63-02625

Priority: October 24, 1945

Maximum Diversion Rate: 0.06 CFS  
Maximum Diversion Volume: 2.4 AF

It is hereby certified that JAMES H MANNING  
PO BOX 67  
IDAHO CITY ID 83631 has complied with the terms and  
conditions of the permit, issued pursuant to Application for Permit dated October 24, 1945; and has  
submitted Proof of Beneficial Use on November 02, 1956. An examination indicates that the works have  
a diversion capacity of 0.06 cfs of water from:

**SOURCE**

GREGORY GULCH CREEK Tributary: MORES CREEK

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|----------------------|-----------------------|------------------------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.06 CFS              | 2.4 AF                             |

**LOCATION OF POINT(S) OF DIVERSION:**

GREGORY GULCH CREEK L1 NE 1/4 Sec. 5, Twp 05N, Rge 05E, B.M., BOISE County  
GREGORY GULCH CREEK L1 NE 1/4 Sec. 5, Twp 05N, Rge 05E, B.M., BOISE County  
GREGORY GULCH CREEK L1 NE 1/4 Sec. 5, Twp 05N, Rge 05E, B.M., BOISE County

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE  |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05N 05E 5   | X   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             | L 1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**CONDITIONS OF APPROVAL**

1. Domestic use is for 2 homes.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 10<sup>TH</sup> day of JANUARY, 2002.

Acting for

KARL J. DRÉHER  
Director

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**

(For Licensing Purposes)  
**WATER RIGHT NO. 63-02625**

RECEIVED

JAN -2 2002

Department of Water Resources

**Date of Priority:** October 24, 1945

**Maximum Diversion Rate:** 0.06 CFS

**Maximum Diversion Volume:** 2.4 AF

Comes now JAMES H MANNING  
PO BOX 67

IDAHO CITY ID 83631 and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 63-02625, and requests that the permit be changed as follows:

**Source:** UNNAMED STREAM

**Tributary:** MORES CREEK

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u> | <u>RATE OF DIVERSION</u> | <u>ANNUAL VOLUME</u> |
|-----------------------|----------------------|--------------------------|----------------------|
| DOMESTIC              | 01/01 to 12/31       | 0.06 CFS                 | 2.4 AF               |

**LOCATION OF POINT(S) OF DIVERSION:**

UNNAMED STREAM L1 NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 5, Twp 05N, Rge 05E, B.M., BOISE County

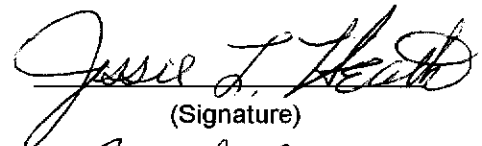
UNNAMED STREAM L1 NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 5, Twp 05N, Rge 05E, B.M., BOISE County

UNNAMED STREAM L1 NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 5, Twp 05N, Rge 05E, B.M., BOISE County

**PLACE OF USE:** DOMESTIC

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05N 05E 5   | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|             | L1 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 18 day of December, 2001.

  
(Signature)  
Personal Rep.

MICROFILMED

State of Idaho  
Department of Water Resources  
**APPLICATION FOR AMENDMENT**  
(For Licensing Purposes)  
WATER RIGHT NO. 63-02625

\*\*\*\*\*  
FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$50.00 Received by J. M. # 0058806 Date 1-2-02

**ACTION OF THE DEPARTMENT OF WATER RESOURCES**

I, Karl J. Dreher, of the Department of Water Resources hereby approve the  
above Application for Amendment for Permit No. 63-02625 with the following:

**CONDITIONS OF APPROVAL**

1. Domestic use is for 2 homes.

Witness my hand this 10<sup>TH</sup> day of January, 2002  
2001.

Acting for

  
KARL J. DREHER  
Director

MICROFILMED



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 11, 2002

JAMES H MANNING  
PO BOX 67  
IDAHO CITY ID 83631

RE: License No. 63-2625 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Enclosed is a copy of the approved Application for Amendment.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen  
Water Rights Supervisor

SWK:klt

Enclosure(s)

MICROFILMED

## **CERTIFICATE OF MAILING**

I hereby certify that on January 11, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

**RE: WATER RIGHT NO. 63-2625**

**JAMES H MANNING  
PO BOX 67  
IDAHO CITY ID 83631**

  
**Kari Lynn Townsend  
Secretary**

**EXPLANATORY INFORMATION  
TO ACCOMPANY A  
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

**PETITION FOR RECONSIDERATION**

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

**EXCEPTIONS AND BRIEFS**

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

**REQUEST FOR HEARING**

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

**ORAL ARGUMENT**

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

**CERTIFICATE OF SERVICE**

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

### FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

### APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

## **MEMORANDUM**

**TO:** File 63-02625

**FROM:** KAY WALKER

**RE:** License Recommendations

**Date:** January 9, 2002  
.....

In review of the proposed license for this permit, concerns were raised regarding all the changes made to this water right since the permit was issued. I contacted the examiner and she responded with a follow-up memo to the field examination. See Maria's mail message of 1/7/2002 in file that discusses the source of water being diverted and the domestic uses found.

**MICROFILMED**

## Walker, Kay

---

**From:** Minicucci, Maria  
**Sent:** Monday, January 07, 2002 9:19 AM  
**To:** Walker, Kay  
**Cc:** Shurte, Jan  
**Subject:** RE: Permit No. 63-02625

Hi Kay. I don't know if I can think this early in the morning, but here goes...

3. The source should be Gregory Gulch (per USGS quad.) I don't know why the recommendation indicates unnamed stream - something must have gotten lost in the translation between me and Lori when she wrote it up. I reviewed her recommendation, but apparently not closely enough. During my time in the area, I found others in the area who weren't always accurate with the Gregory Gulch/Tollgate Gulch distinction. I think part of the problem may be that the tributaries to Mores Creek have moved over the years due to mining activity. Lots of tailing piles moving back and forth, with the streams jumping around as well.

2. These are older homes. Ms. Manning's home is an older singlewide trailer that definitely is not new. She told me that she moved to the property when she got married (1963). Her husband's family was already living there, although I don't know if her trailer was also her in-laws' home. Ms. Heath's home is a cabin that has also been there many years. She has another, older cabin on the property that was the first one she and her husband built. That cabin is no longer used.

Ms. Manning told me that her husband's family irrigated a large areas of pasture and hay before she moved onto the property, but that the uses now are pretty much the same as they were in 1963.

1. There are no other homes in the immediate area - the Mannings own quite a bit of land. There are a multitude of users downstream, as you know.

-----Original Message-----

**From:** Walker, Kay  
**Sent:** Friday, January 04, 2002 3:48 PM  
**To:** Minicucci, Maria  
**Cc:** Walker, Kay  
**Subject:** Permit No. 63-02625

Maria: Norm has concerns about issuing this license since the upper Boise is over appropriated and this permit has had so many changes from original. Could you please write a supplemental memo regarding your exam and address the following issues for our file?

1. Are there other users in the area and does this right impact them?
  2. What are the homes you have recommended like? Are they older homes? or newer than other homes in the area? If there are older homes in the area, and we issue a license for homes that are not as old, can we allow this old right to be senior in priority?
  3. Source of water. You recommended that we license this permit for use of an unnamed stream. The original source listed on the permit was Toll Gate Creek/Gulch otherwise known as Gregory Creek. Gregory Gulch is in the location where you identified the points of diversion. Should we be licensing this right for Gregory Gulch? We are considering advertising the licensing amendment but would like your input before we go any further.
- Thanks! Kay

*topo W61*



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

December 5, 2001

JAMES H MANNING  
PO BOX 67  
IDAHO CITY ID 83631

RE: Water Right Permit 63-02625

Dear Permit Holder(s):

I previously forwarded to you an Application for Amendment so that you could amend your permit to depict your water right as it has been actually developed. I have not yet received the amendment. If I do not receive it within ~~14~~<sup>30</sup> days, I will assume you no longer have any interest in the permit and cancellation proceedings will begin.

Enclosed for your convenience is another amendment form. Please note that the \$50.00 filing fee for this amendment has been paid. If you have any questions regarding this matter, please call me at 208-327-7944.

Sincerely,

KAY WALKER  
Sr. Water Resource Agent

KW:klt

Enclosure

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State of Idaho

## DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

November 13, 2001

JAMES H MANNING  
PO BOX 67  
IDAHO CITY ID 83631

RE: Water Right Permit No. 63-02625

Dear Permit Holder:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

- ☒ Point(s) of Diversion
- ☒ Place(s) of Use
- ☒ Other - Nature of Use

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$50.00 filing fee within 14 days. If you have any questions, please call me at 208-327-7944.

Sincerely,

KAY WALKER

Sr. Water Resource Agent MICROFILMED

Enclosure

11-20-01  
Mks. Manning  
called - just got our  
letter today. Has to  
send amendment to  
Las Vegas to get signed.  
allow 3 extra weeks  
for call up. KW

LICENSE REVIEW CHECKLIST

Permit No. 63-2625 Date: 11-13-01 Reviewer: Kay Walker

Change/OK

Name/Address

*change per exam*

Source

*clarify*

Does change clarify original intended source? If no, void permit.

Point of Diversion:

*change*

Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)

W36 (overlap)

W59 (subdivision description)

Place of Use

*change*

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): none at pld or plu-

File reviewed \_\_\_\_\_ Profile reports printed \_\_\_\_\_

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion:

Permitted rate 1.0 cfs

Fee Limit N/A cfs

Measured \_\_\_\_\_ cfs

Theoretical \_\_\_\_\_ cfs

Recommended Total Diversion Rate 0.062

Water Uses

*change* Change (P46)

Season of Use per new Standards

Irrigation \_\_\_\_\_ cfs \_\_\_\_\_ af

Stockwater \_\_\_\_\_ cfs \_\_\_\_\_ af

Domestic 0.062 cfs 2.4 af

\_\_\_\_\_ cfs \_\_\_\_\_ af

\_\_\_\_\_ cfs \_\_\_\_\_ af

Total 0.062 cfs 2.4 af

~~Irrigation~~ - overlap(R58-R61, R62-R65, R66-R69)

~~supp Gw~~ (WB7/065/104)

~~overlap spec combined rts~~ (W35)

~~1 acre~~ (W31)

~~Domestic~~ (W01/wb5/070/071/075)

~~Power~~ (W42 or W43/025/027/R22 or R23)

~~Fish~~ (042)

~~Fire~~ (077)

~~Water Quality~~ (081/R07)

~~Payette~~ - (W22/047/27A)

~~Stockwater for US~~ (R37)

*2 homes internal & external use*

Volume Determination

\_\_\_\_\_ cfs x 1.9835 x \_\_\_\_\_ days = \_\_\_\_\_ af (vs) \_\_\_\_\_ acres x \_\_\_\_\_ (FHR) = \_\_\_\_\_ af

Remarks:

W01

Additional Conditions

\_\_\_\_\_ Watermaster Control  
\_\_\_\_\_ GW Measurement/Measuring Device  
\_\_\_\_\_ Other  
~~Trust R55 - remove 051)~~  
~~Non-trust (048/049)~~

GW Dist? \_\_\_\_\_  
Water Msmt. Dist? \_\_\_\_\_  
Crit. GWMA? \_\_\_\_\_  
GWMA? \_\_\_\_\_  
Government Lots? yes -

Advance Priority? yes If yes, explain why below.  
no

SRBA Claim? yes - pending

Adjust memo \_\_\_\_\_

Amend Letters

P37 P87, S06

Second Amendment Notice

P49 S06

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2625

WATER RIGHT NUMBER: 63-2625

| <u>Owner Type</u> | <u>Name and Address</u>                                               |
|-------------------|-----------------------------------------------------------------------|
| Original Owner    | ARTHUR C WYMAN                                                        |
|                   | , ZZ                                                                  |
| Current Owner     | FLORENCE E MANNING<br>BOX 67<br>IDAHO CITY, ID 83631<br>(208)392-4464 |
| Current Owner     | JAMES H MANNING<br>PO BOX 67<br>IDAHO CITY, ID 83631<br>(208)392-4464 |

Priority Date: 10/24/1945

Basis: Permit

Status: Active

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| TOLLGATE CREEK | MORES CREEK      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| DOMESTIC              | 1/01 to 12/31           | 0.080 CFS             |                      |
| IRRIGATION            | 5/01 to 10/01           | 0.200 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.280 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |         |          |               |
|----------------|-----------------|---------|----------|---------------|
| TOLLGATE CREEK | NE1/4NE1/4NE1/4 | Sec. 5, | Twp 05N, | Rge 05E, B.M. |
| BOISE County   |                 |         |          |               |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE  |    |    |    | NW |    |    |    | SW |    |     |    | SE |    |    |    | Totals |
|-----|-----|-----|-----|----|----|----|----|----|----|----|----|----|-----|----|----|----|----|----|--------|
|     |     |     | NE  | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW  | SE | NE | NW | SW | SE |        |
| 05N | 05E | 5   | 5.0 |    |    |    |    |    |    |    |    |    |     |    |    |    |    |    | 5.0    |
| 06N | 05E | 33  |     |    |    |    |    |    |    |    |    |    | 5.0 |    |    |    |    |    | 5.0    |

Total Acres: 10

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2625

1. General REINSTATED 2/23/1951.

Comments:

Dates and Other Information:

Claim Received Date: 3/16/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**BENEFICIAL USE FIELD REPORT**

**A. GENERAL INFORMATION**

Permit No. 63-2625

1. Owner: Florence and James Manning Phone No.

Current Address: Box 67, Idaho City 83631

2. Accompanied by: Jeannie Manning EXAM DATE : 9/25/01

Address: Daughter-in-Law Phone No.

Relationship to Permit Holder: Part Owner

3. Source: Unnamed Stream tributary to Mores Creek

**B. OVERLAP REVIEW**

1. Other water rights with the same place of use: None

2. Other water rights with the same point of diversion: None

**C. DIVERSION AND DELIVERY SYSTEM**

**1. Point(s) of Diversion:**

| Ident No. | Govt. Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Method of Determination/Remarks |
|-----------|-----------|-----|-----|-----|------|------|------|--------|---------------------------------|
|           |           |     | NE  | NE  | 5    | 5N   | 5E   | Boise  | GPS Reading, Topo, Exam         |
|           |           |     |     |     |      |      |      |        | (3 points)                      |
|           |           |     |     |     |      |      |      |        |                                 |
|           |           |     |     |     |      |      |      |        |                                 |

**2. Place(s) of Use:**

Indicate Method of Determination same as above

| TWP | RGE | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 5N  | 5E  | 5   | D  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

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SEP 14 2001

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Y Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Y Aerial Photo Attached (required for irrigation of 10+ acres).

Y Photo of Diversion and System Attached

4.

| Well or Diversion Identification No.* | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge Size |
|---------------------------------------|------------|----|------------------|-----------|-----------------------------------|
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |
|                                       |            |    |                  |           |                                   |

\*Code to correspond with No. on map and aerial photo

#### D. FLOW MEASUREMENTS

1.

| Measurement Equipment | Type | Make | Model No. | Serial No. | Size | Calib. Date |
|-----------------------|------|------|-----------|------------|------|-------------|
|                       |      |      |           |            |      |             |
|                       |      |      |           |            |      |             |

2.

#### Measurements:

1" PVC, gravity flow to small garden area

2" PVC, gravity flow to sistern for home

2" PVC, gravity flow to sistern for cabin

Total PVC capacity capable of .06 cfs, buried system, no measurement made.

#### E. NARRATIVE/REMARKS/COMMENTS

A small dam and 1" pvc buried pipe is used to divert stream water to a small garden area (less than 1/2 acre). Two other diversions downstream are used to divert stream water for in-home domestic use for 1 home, owned by applicants daughter-in-law, Jeannie Manning, and 1 cabin, owned by applicant's daughter Jessie Heath. These diversions consist of 2" buried pvc leading to sisterns serving the homes. All three P/D's described above are within the NENE S5. The original permit listed 120 acres of irrigation from Tollgate Creek. The SRBA claim listed 10 acres of irrigation. Actual irrigation found consisted of a garden. Tollgate Creek must be a local name since it is not listed on the topo. No other rights are used.

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The applicants have died. The daughters stated that the property is now in the name of a Trust.  
A change of Ownership form was sent to Jessie Heath in California 9/25/01.

Have conditions of permit approval been met? ☒ yes ☐ no

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DEC 1 1999

**F. FLOW CALCULATIONS**

\_\_\_\_\_ Additional Computation Sheets Attached

Measured Method:

1" PVC to garden area

2" PVS to sistern for a home

2" PVC to sistern for a cabin

(Gravity flow buried system)

Allow .06 cfs due to system capability.

**G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$  $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$  $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ 

2. Volume Calculations for Other Uses:

Internal/External domestic use for two homes: 2.4 afa

**H. RECOMMENDATIONS****1. Recommended Amounts**

| Beneficial Use | Period Of Use |       | Rate Of Diversion<br>Q (CFS) | Annual Volume<br>V (AFA) |
|----------------|---------------|-------|------------------------------|--------------------------|
|                | From          | To    |                              |                          |
| Domestic       | 1/1           | 12/31 | .06                          | 2.4                      |
|                |               |       |                              |                          |
|                |               |       |                              |                          |
| <b>TOTAL</b>   |               |       | <b>.06 cfs</b>               | <b>2.4 afa</b>           |

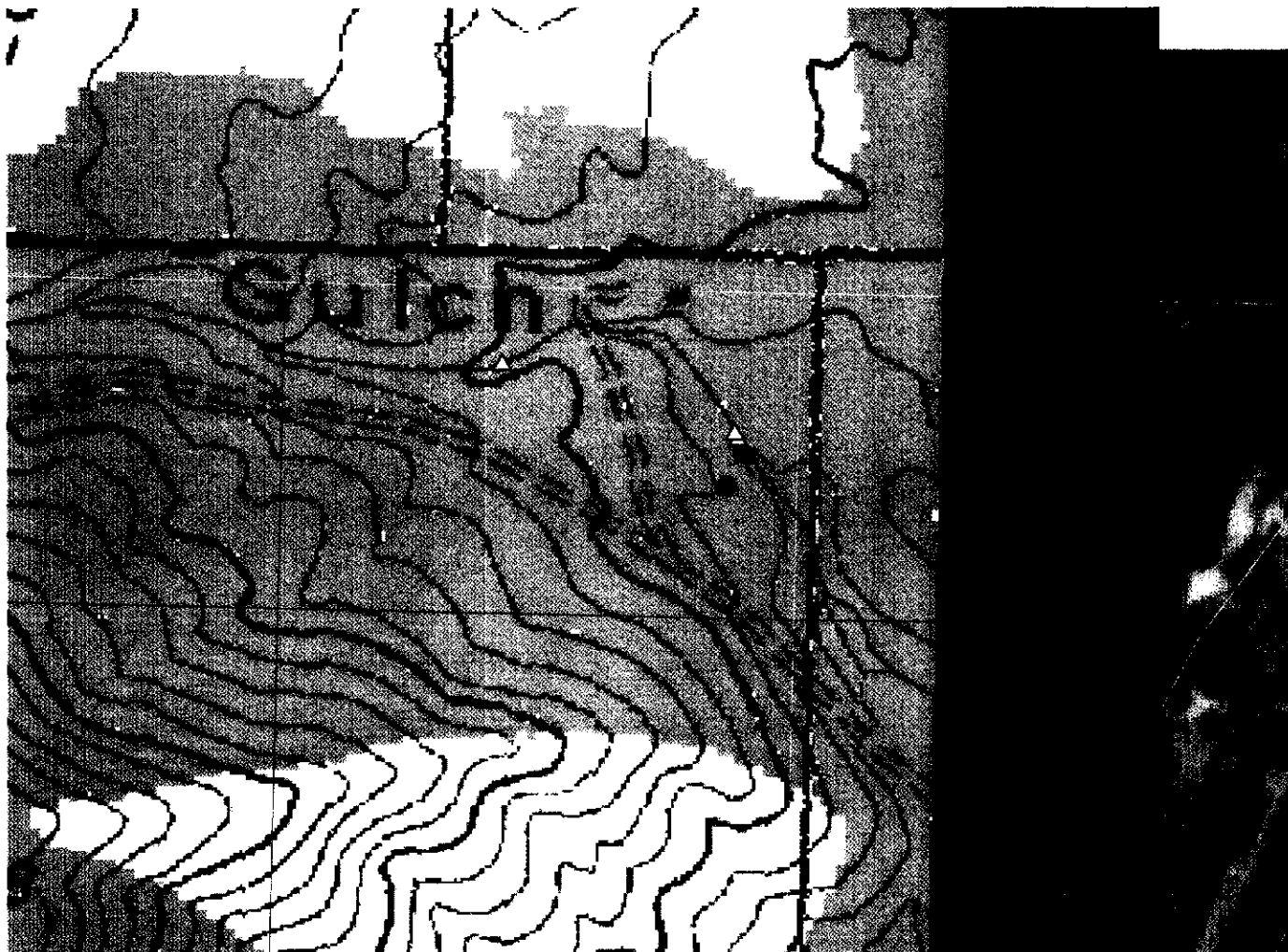
**2. Recommended Amendments**☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other**I. AUTHENTICATION**Field Examiner's Name Ken B. ... Date 10/10/2001

Reviewer \_\_\_\_\_ Date \_\_\_\_\_

SEAL

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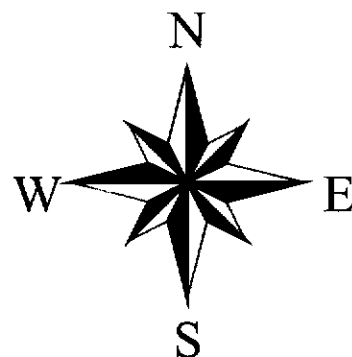
● 63-2625 ●  
5N 5E S5  
Gov It 1 NENE



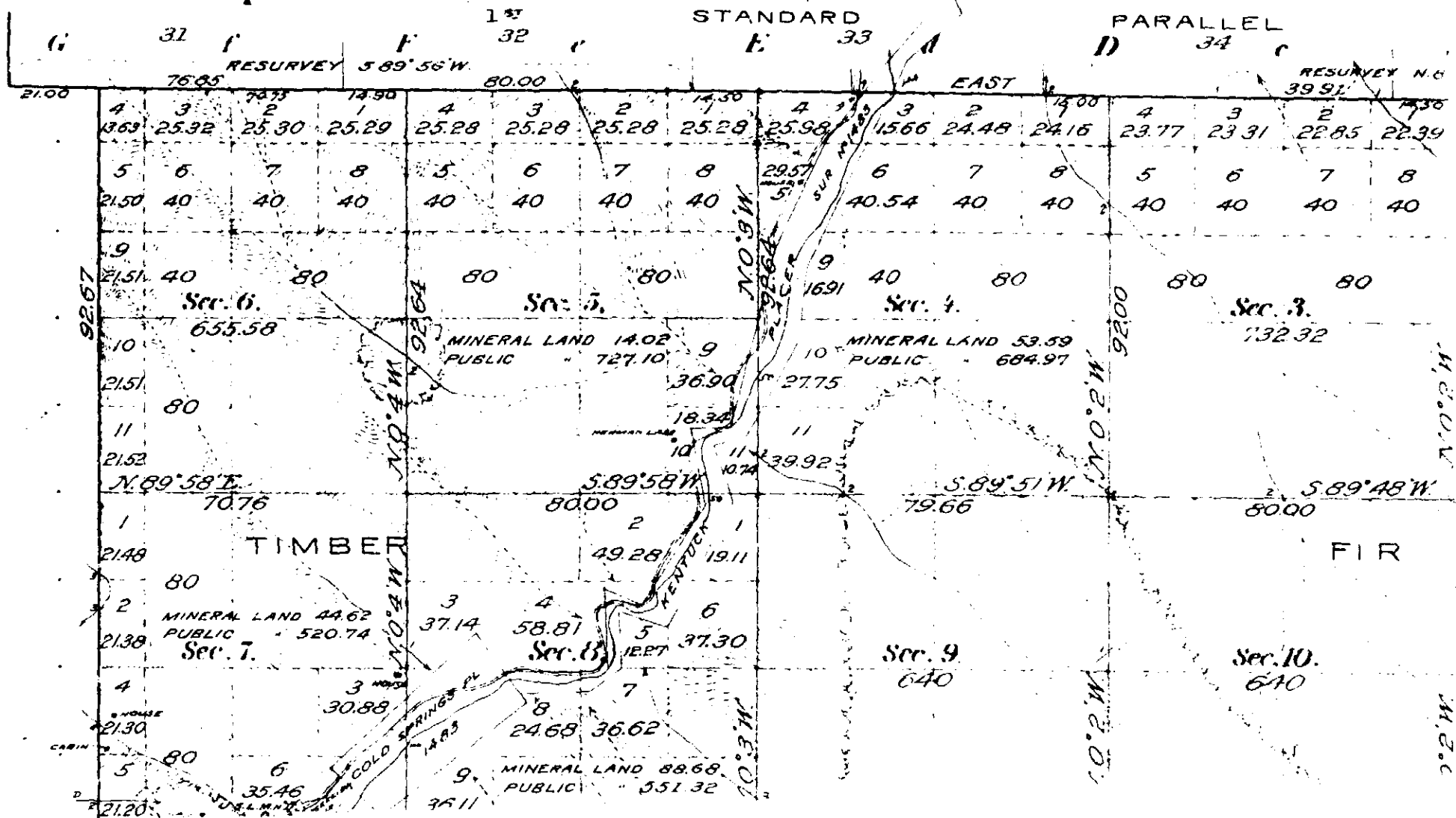
0.2 0 0.2

- △ Diversions
- Domestic use
- Section Line
- 1/41/4 Line

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11-2-2002



Microfilm





small dam  
for 1" PVC  
pipe used  
for garden



Grate in  
creek bed  
used to  
filter  
water flowing  
into 2"  
buried PVC  
for internal  
domestic  
use.

MICRO

(same <sup>diversion</sup> set-up for other home - photo didn't turn out)

From: DWR03::SKEEN 29-OCT-1997 12:03:27.33  
To: DWR80::SLESTER  
CC: SKEEN  
Subj: 63-03611 and 63-02625

Steve,

As we discussed earlier, we are trying to clean up some of the "old dog" files we have here at the S. O. Both 63-03611 and 63-02625 have Exam to S. O. dates of 9/2/88. Both field reports are incomplete, however. 63-02625 simply says that the examiner found a locked gate and did not pursue the matter further. 63-03611 has a 10/1/1958 letter from the Dept. to the permit holder asking if he wants a partial license or a re-exam. No response is in the file. Both of these permits have been claimed in the SRBA.

Do you have any ideas for addressing these? In neither case do I have enough information to issue a license. Ditto for voiding the permits. The SRBA examiners will probably look to us to complete our process. Perhaps it would be worthwhile to discuss it with Jan.

Please let me know what you think.

Shelley Keen

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

Permit No. 12710

This proof is for Beneficial Use In Water District No.                     

1. Name of applicant James H. Manning
2. Source of water supply: Toll Gate Creek (sometimes known as Gregory Creek)
3. Location of point of diversion: Is in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 32  
T. 6 N. R. 5 E., R. M. County of Deia
4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for:..... Domestic Use & also irrigation.....
6. State whether or not water has been turned into works of diversion:.....

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):

17 acres in the NE  $\frac{1}{4}$ SW  $\frac{1}{4}$  of Sec. 32 and W  $\frac{1}{4}$ SW  $\frac{1}{4}$  of Sec. 33, Twp. 6 N., Rge. 5 E., P.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 : \_\_\_\_\_

I called Mr. Manning by phone in fall of 1957 and asked him to accompany me on an inspection. He advised that I could make inspection alone. Also said that ~~he~~ had brought out the party that was troubling him and questioned the necessity of the license. When I drove toward the farm I found a heavy log chain padlocked across the road a short distance from Mores Creek.

This examination was made on the Jan 21 day of 1958

(Signed) E. N. Humphrey Examiner

19710

James H. Manning  
1515 N. 16th St., Boise, Idaho

39447 Boise Hyde Pharmacy  
Permit No. 19710

Examination for Beneficial Use

County Boise

NE 3W, 532, T 6N, R 5E

1 cfs. Fall Gate Creek  
Irrig. on Gregory Cr.

C/w Feb. 23-51

B/u due 6 yrs later

7/16<sup>th</sup> gate chained

36 in. diameter

1/2 in. thick

red 3/4 in.

1/2 in.

1/2 in.

1/2 in.

1/2 in.

### INSTRUCTIONS TO EXAMINERS

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

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 19710

REPORT ON PROOF OF Beneficial Use

James H. Manning, 1515 No. 16th St., Boise, Idaho



July 17, 1957

Re: Permit No. 19710

Mr. James H. Manning  
1515 N. 16th St.,  
Boise, Idaho

Dear Mr. Manning:

If you will advise me on a date that is convenient on which you can accompany me on an inspection in connection with Permit No. 19710 some time the latter part of September or early in October, I will be glad to make inspection in connection with the above permit so that license may be issued.

Very truly yours,

MARK R. RULF  
State Reclamation Engineer  
By

E. N. Humphrey  
Deputy  
State Reclamation Engineer

ENH:lw

19707

19710

November 9, 1956

Re: Permit No. 19710

Mr. James H. Manning  
1515 North 16th Street  
Boise, Idaho

Dear Mr. Manning:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in The Idaho Mountaineer, all submitted in proof of beneficial use on Permit No. 19710.

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

19710

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
OCT 20 1971  
Department of Reclamation

PERMIT NO. 19710

## 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. Charles Green, 41, R 1, Boise, Idaho

Service Station Operator

Ques. 2. Are you acquainted with J. Manning, the holder of Permit No. 19710? How long have you known him and where does he reside?

Ans. Four years, Boise, Idaho

Ques. 3. Have you read or heard read said Permit No. Yes 19710, and are you familiar with its provisions and conditions?

Ans. yes

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

Ans. Toll Gate Creek, small diversion dam and ditches

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. One second foot Part

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, domestic and mining

For irrigating (subbing) about 17 acres of cultivated alfalfa in

Lat 1 in Section 32

NE 1/4 SW 1/4 Section 32  
W 1/2 " 33

T 6 N R 5 E

19710

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. Probably all can get from creek

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. for domestic and mining several times in last two year s

For irrigation only once to water some apple trees

(Signed)

Charles M. Jones

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 Baino,  
County of Ada, State of Idaho, on this 25<sup>th</sup> day of October,  
A. D. 1956.

Franklin Jones  
Notary Public.

My commission expires

June 30, 1958



STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
OCT 26 1956  
Department of Reclamation

RECEIVED  
NOV 2 1956  
Department of Reclamation

Permit No. 19710

## Proof of Application of Water to Beneficial Use

### Deposition of Holder

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

Ans. James H. Manning, 1515 N. 16 Boise, Druggist

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. 19710 Oct 24, 1945 - Oct. 25, 1945

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

Ans. Fall Gate Creek (Sometimes known as Gregory Creek) a tributary of  
Tricor Creek. Point of diversion NE 1/4 SW 1/4 Sec. 32, Twp. 6 North R5E BM.

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. Two small diversion dams and ditches large enough  
to carry at least 2 acre feet

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. Domestic use - 1 dam and 20 feet pipe for control.  
Mining - 1 dam and 120 yards ditch capable of  
carrying two acre feet  
Irrigation - 1 dam & about a mile of ditch  
for subbing alfalfa, 17 acres in cultivation now.  
in ~~the~~ section NE 1/4 SW 1/4 Section 32  
W 1/2 SW 1/4 " 33 T. 6 N, R 5 E

19710

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

Ans. Domestic & running as stated above

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

Ans. at least 1 second foot

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. By purchase from previous owner

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

Ans. For one or the other purposes the last ten years -

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

Ans.

(Sign)

James H Manning

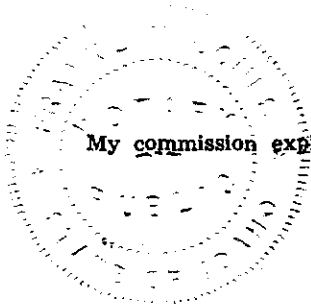
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Boise, County of Ada

State of Idaho, on this 25<sup>th</sup> day of October, A. D. 1956

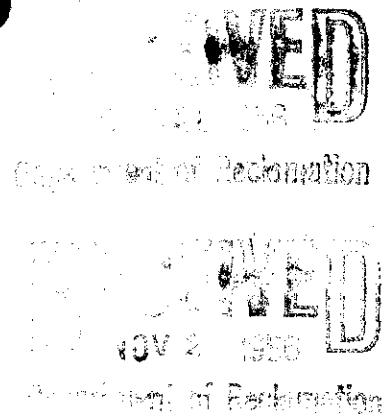
Franklin Jones  
Notary

My commission expires

June 30 1958



STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO



PERMIT NO. 19710

## 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. Perle Dillner, 47, 1421 Loveland Base, Auto Mechanic

Ques. 2. Are you acquainted with J. H. Manning, the holder of Permit No. 19710? How long have you known him and where does he reside?

Ans. 3 years, Boise

Ques. 3. Have you read or heard read said Permit No. 19710, and are you familiar with its provisions and conditions?

Ans. Yes

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

Ans. Fall Gate Creek  
Small Dam, 2 separate ditches in NE 1/4  
SW 1/4, Sect 32, T6N, R5E

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. altogether 1 second foot, Part of that.

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 Domestic & Mining  
Irrigating about 17 acres alfalfa cutthroats  
in Lot 1 Section 32  
(NE 1/4 SW 1/4 Sect 32)  
W 1/2 Sect 33 } T6N, R5E

19710

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. about 15 acres of alfalfa, whatever water can get from creek is needed

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. Have been on place to visit a few times

(Signed) Peck Dillner

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise

County of Ada, State of Idaho, on this 25<sup>th</sup> day of October, A. D. 1956.



My commission expires June 30 1958

Franklin Jones  
Notary Public.

October 31, 1956

RE: Permit No. 19710

Mr. James H. Manning  
1515 N.- 16th Street  
Boise, Idaho

Dear Mr. Manning:

We wish to acknowledge receipt of proofs of Application of Water to Beneficial Use in connection with your above stated Permit. Your proof seems to be in order except the answer to Number 6, which question states as follows, "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." In your answer to this question you did not state the number of acres irrigated in each 40 acre subdivision as asked for. It will be necessary before we can approve said proofs that you show this information on said proofs.

We are returning same for the addition of said information. It will be necessary to show this on the Holder's Deposition as well as the two witnesses. Please correct and return to this department.

Very truly yours,

MARK R. KILP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

T:hll  
Enc.

19710

**AFFIDAVIT  
OF  
PUBLICATION**

STATE OF IDAHO, }  
COUNTY OF BOISE, } ss.

**m. a. Adams**....., being duly sworn, deposes and says: That he is the manager and principal clerk of **THE IDAHO MOUNTAINEER** a weekly news paper published at Idaho City, in the County of Boise and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for **four** consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issues beginning with **Aug. 23** , 1956 and ending with the issue of **Sept. 13** , 1956

Fees \$..... *J. K. Adams*.....

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 1956

*Richard M. Long*  
Notary Public Residing at Idaho City, Idaho  
My Commission Expires \_\_\_\_\_, 1956

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

Notice is hereby given that at 10:00 A. M. on the 25th day of October, 1956, at Boise, County of Ada, State of Idaho, before Frank Jones, Notary, proof will be submitted of the application to beneficial use of 1 (one) cubic foot per second of the waters of Toll Gate Creek with diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 32, Township 6 North, Range 5 East, B. M. in accordance with the terms and conditions of Permit No. 19710 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are James H. Manning, 1515 N. 26th, Boise, Idaho.

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

The amount applied to beneficial use is one second foot.

The place where said water is used, Lot 1, Section 32; W $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 33, Township 6 North Range 5 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is, No name.

The right to take water from such works is based upon Permit No. 19710.

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

The date of priority which said user is prepared to establish is October 24th, 1945.

MARK R. KULP  
State Reclamation Engineer  
Pub. August 23 - Sept. 13, 1956

*Call 41541*

*19710*

August 29, 1956

RE: Permit No. 19710

The Idaho Mountaineer  
Idaho City  
Idaho

Gentlemen:

We acknowledge your paper dated August 23, 1956, of the first publication of Water to Beneficial Use, in the name of James H. Manning.

Note typographical error in line twelve (12), the second letter should read M and not B. In other words the line should read - B. M. in accordance with the. Please make this correction.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

R:vm

19710

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RE: Permit No. 19710

The Idaho Mountaineer  
Idaho City  
Idaho

Date:  
August 17, 1956.

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to October 25, 1956, the date set for proof, the expense of the publication to be paid by the applicant, James H. Manning of 1515 N. 26th, Boise, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KUMP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

19710

August 17, 1956

RE: Permit No. 19710

Mr. James H. Manning  
1515 North 26th  
Boise, Idaho

Dear Mr. Manning:

We have sent to the Idaho Mountaineer Notice of Beneficial Use proof to be made on Permit No. 19710 on October 25, 1956, with instructions to publish it once a week for four weeks prior to that date and to send you the Affidavit of Publication, together with statement of costs.

At the time set, you should appear before Mr. Frank Jones, Notary Public, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Roy W. Thompson  
Office Manager

T:cu

Enc.

CC: Mr. Frank Jones  
522 South 12th  
Boise, Idaho

19710

RECEIVED  
AUG 17 1956  
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Aug. 16, 1956  
(P. O.) Boise, Idaho 1515 N 26

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 Idaho Mountaineer of Idaho City published in  
the county in which the works are situated.

James H. Manning

James H Manning

(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.

19710

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

**RECEIVED**  
AUG 1 1956  
Department of Reclamation

Notice is hereby given that at 10 A. M. on the 25th day of October, 1956,  
at Boise, County of Ada, State of Idaho, before  
Frank Jones, Notary, proof will be submitted of the  
application to beneficial use of 1 (one) cubic foot per second of the waters of Toll Gate Creek  
with diversion in the NE 1/4, Section 32, Township 6 North, Range 5 East,  
in accordance with the terms and conditions of Permit No. 19710  
heretofore issued by the Department of Reclamation of the State of Idaho.

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

James H. Manning 1515 N 26th Boise, Idaho

The use to which said water has been applied is Irrigation, Domestic and Mining

The amount applied to beneficial use is One second foot

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

Lot 1, T. 6N., R. 5E., B.M.

Lot 1, Section 32; W 1/2 SW 1/4, Section 33; Township 6 North, Range 5 East, B. M.

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

No name

The right to take water from such works is based upon Permit No. 19710

The source of supply from which such water is diverted is Toll Gate Creek (Gregory Creek)

The date of priority which said user is prepared to establish is October 25, 1956  
224, 1945

MARK R. KULP

State Reclamation Engineer.

19710

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

D E P A R T M E N T O F R E C L A M A T I O N

Boise, Idaho

August 1, 1956

Mr. James H. Manning  
1515 North 26th  
Boise, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 19710. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than October 25, 1956, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

**MARK R. KULP**  
State Reclamation Engineer

19710

September 20, 1934

RE: Permit No. 19710

Mr. James H. Manning  
1515 North 26th Street  
Boise, Idaho

Dear Mr. Manning:

We return the assignment of Permit No. 19710 from Arthur C.  
Wyman and wife to you, which has been recorded in this Department.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

W:br  
enc.

19710

August 31, 1954

RE: Permit No. 21230  
Permit No. 19710 ✓

Mr. James Manning  
1601 N. 13th St.  
Boise, Idaho

Dear Mr. Manning:

In response to your telephone request, the records in this Department show the following:

Permit No. 21230 in the name of James H. Manning for one second foot of water from Toll Gate Creek with point of diversion in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  (Lot 7) Sec. 5, Twp. 5 North, Range 5 East, B.M. for use on lots 4 and 5, Sec. 4 and lots 1 and 8 Sec. 5, Twp. 5 North, Rge. 5 East, B.M.

Proof of Completion of Works is due on this permit on or before September 13, 1954.

Permit No. 19710 in the name of Arthur C. Wyman for one second foot of water from Toll Creek with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 32, Twp. 6 North, Rge. 5 East, B.M. for use on lot 1, Sec. 32 and the SW $\frac{1}{4}$  Sec. 33, Twp. 6 North, Rge. 5 East, B.M.

Proof of Completion of works was made and Certificate of Completion of works issued February 23, 1951. Beneficial Use proof is due on or before October 25, 1956.

There is no record in this Department of a transfer of this permit from Arthur C. Wyman and if this is the land you have purchased from him together with the water filing an assignment from him should be recorded in this Department and we enclose a form of such assignment herewith.

You may then proceed to make final proof and obtain a license for what ever amount is finally proved to have been Beneficially used under this permit.

Very truly yours,

MARK R. KUPP  
State Reclamation Engineer  
By

Chief Clerk

:br  
Enc.

19710

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

February 12

1951

Re: Permit No. 19710

To: Arthur C. Wyman  
2410 N. 26th St.  
Boise, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 19710  
to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works October 25, 1950

42-311  
you are hereby notified in compliance with Sec. 42-311, Idaho Code ~~that~~ that said Permit No. 19710  
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from  
date of this notice why said Permit should not be cancelled.

Said Permit No. 19710 claims the use of One cubic feet per second of the  
waters of Toll Gate Creek (or Gregory Creek) with point of diversion located  
in the NE 1/4 SW 1/4 Section 32, Township 6 North, Range 5 East, B. M.  
and  
was approved October 25, 1945

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the  
12th day of February 1951

Mark R. Kulp.

State Reclamation Engineer.

By Assistant.

Mrs. Wyman called 2/15/51 - Said first  
notice not received - Works completed -  
will make proof -

19710

PERMIT NO. 19710

RECEIVED  
FEB 22 1951  
Department of Reclamation

# Proof of Completion of Works

## DEPOSITION OF HOLDER

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

Ans. Arthur L. Wyman Route #2 Boise, Ida. Farming and Truck Driving

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. application no. 27242 permit no. 19710 recorded in Book 71

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. application no. 27242 Permit No. 19710 Recorded in Book 71

Oct. 25, 1945 one cubic foot per second S. 85° E. 1500 ft. from the one fourth corner of section 31 & 32 Township 6 north Range 5 East

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. irrigation 80 acres pasture + some timber mostly all cleared for Farming Lot 1 Section 32 west 1/2 southwest Section 33. Township 6 north Range 5 East

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. yes June 15, 1946 all the water in creek about 15 in.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. yes works were fully completed prior to Oct 25, 1950

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. \_\_\_\_\_

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Headgate Width 2 ft. height 2 ft. Ditch 1 mile long Width 2 ft. height 2 ft. cost \$350.00

(Sign here.)

Arthur L. Wyman

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 \_\_\_\_\_

County of Ada, State of Idaho, on this 21st day of February A. D. 19 51

My Commission expires 8-30-53

W. James Savage  
Notary Public.

19710

Permit No. 19710**Proof of Completion of Works****DEPOSITION OF WITNESS**

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

Ans. Ralph C Moser. Sheetmetal.  
Route #2 Boise Idaho.Ques. 2. Are you acquainted with Arthur C Myman, the holder of Permit No. 19710, authorizing the diversion of 1 cubic second-feet of the waters of Fall Gate Creek., at S. 85° E - 1500 for irrigation purposes? How long have you known him, and where does he reside?Ans. 3 years. Route #2 Boise Idaho.Ques. 3. Have you read or heard read said Permit No. 19710, and are you familiar with its terms and conditions?Ans. yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. 80 A mostly cleared for farming  
land - would require  
full flow in dry months.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. yes. works were fully completed before Oct. 25, 1950

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Ditch - approx. 1 mile from  
Headgate to point of diversion and  
extends across remainder of property  
NE 1/4, SW 1/4, D.F. 32. township 6 N - 5, E capacity of ditch 1 second foot

(Sign here.)

Ralph C Moser

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, at my office in Boise County of Ada, State of Idaho, on this 21st day of February, A. D. 19 51.

James Savage

19710

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. ....

## Proof of Completion of Works

### DEPOSITION OF WITNESS

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

Ans. MARION J. SYMONDS - RT #8, BOISE, IDAHO - RESIDENT  
OF ADA COUNTY, IDAHO - CONSTRUCTION LABORER

Ques. 2. Are you acquainted with ARTHUR C WYMAN, the holder of Permit No. 19710, authorizing the diversion of 1 second-feet of the waters of TOLL GATE CREEK - A TRIB. OF MORES CREEK, at WEST OF IDAHO CITY for IRRIGATION purposes? How long have you known him, and where does he reside?

Ans. 12 YRS. - RT #2, BOISE, HOME ACRES SUB.

Ques. 3. Have you read or heard read said Permit No. 19710, and are you familiar with its terms and conditions?

Ans. YES

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. EST. 80 ACRES CLEARED AND IRRIGABLE. NOW MT. PASTURE -  
CAPABLE OF RAISING ALFALFA & GRAINS, OTHER MT. CROPS - WOULD REQUIRE  
ENTIRE WATER FLOW, NORMAL

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. YES - IT WAS COMPLETED PRIOR TO OCT 25, 1950

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. ONE HEAD GATE ON CREEK - GOOD DITCH FROM CREEK ONTO  
PROPERTY - CAPABLE OF CARRYING ENTIRE NORMAL FLOW OF CREEK  
LOCATION IS  $0^{\circ}$  N.E.  $\frac{1}{4}$ , SW  $\frac{1}{4}$  OF SEC. 32, TOWN 6 N - RANGE 5 E  
Capacity of ditch 1 second foot

(Sign here.) Marion J. Symonds

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, at my office in Boise County of Ada, State of Idaho, on this 21st day of February, A. D. 1951.

James Savage

19710

February 26, 1951

Re: Permit No. 19710

Mr. Arthur C. Wyman  
Route 2  
Boise, Idaho

Dear Mr. Wyman:

We enclose Certificate of Completion of Works issued under Permit No. 19710 for the diversion of one (1) second foot of water from Toll Gate Creek, with point of diversion in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 32, Township 6 North, Range 5 East, B.M. for irrigation of land in Lot 1, Section 32 and the W $\frac{1}{2}$  SW $\frac{1}{4}$  Section 33, Township 6 North, Range 5 East, B.M.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:bh  
Enc.

19710

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

In the Matter of the Reinstatement )  
of Permit No. 197-10 Under the )  
Provisions of Section ~~5594, Idaho~~ )  
~~Compiled Statutes~~ 42-311, Idaho Code )  
\_\_\_\_\_ )

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 19710 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the Permit, to-wit: October 25, 1950; and,

WHEREAS, On the 12th day of February, 1951 notice to show cause why said permit should not be canceled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 19th day of February, 1951 the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 22nd day of February, 1951 depositions of the holder and two witnesses were received at the Department of Reclamation showing that the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the ~~Commissioner of~~ <sup>State Reclamation</sup> ~~Reclamation~~ <sup>Engineer</sup> of the State of Idaho, is fully satisfied that the works of diversion were completed as required under the terms of said Permit No. 19710, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby Ordered that said Permit No. 19710 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 23rd day of February, 1951.

Joseph R. Kulp  
\_\_\_\_\_  
Commissioner of Reclamation  
State Reclamation Engineer  
By \_\_\_\_\_ Assistant

19710

## RETURN RECEIPT

*Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.*

1 *Mr Arthur C Weyman*  
(Signature or name of addressee)

2 *Mr Arthur C Weyman*  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery \_\_\_\_\_, 19\_\_\_\_

19710

**Post Office Department**  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE. \$300

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

(GPO)

POSTMARK OF DELIVERING  
OFFICE

BOISE

SEP 19 1970

Return to

(NAME OF SENDER)

Street and Number,  
or Post Office Box,

*Rm 107, State House*

REGISTERED ARTICLE

No.

*87036*

INSURED PARCEL

No.

**BOISE,**

**IDAHO.**

*19710*

**State of Idaho**  
**DEPARTMENT OF RECLAMATION**  
**BOISE**

**INSTRUCTIONS**

PROOF OF COMPLETION OF WORKS

Mr. Arthur C. Wyman  
2410 N. 26th St.  
Boise, Idaho

Boise, Idaho      August 1, 1950

Dear Sir:-

Under the terms of your permit No. ~~19710~~ you are required to complete your diversion works on or before ~~October 25, 1950~~ 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,

MARK R. KULP

State Reclamation Engineer

19710

Permit No.....

STATE OF IDAHO  
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO }  
County of..... } ss.

....., 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....., and that his postoffice address is .....  
State of.....

Second: That the name of the stream which said water is to be directed is.....  
.....

Third: That the point of diversion of said water is.....  
.....

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by....., 19.....

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

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

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

(State whether wood, earth, stone or concrete)  
(b) Capacity of reservoir.....acre feet.  
(c) Size of headgate: Width.....feet, height.....feet.  
(d) Conduit.....width at bottom.....feet, width at water line.....  
(State whether ditch, flume or pipe)  
feet, depth of water.....feet; diameter of pipe.....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.....  
.....second feet of water.

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

Ninth: Remarks: That.....  
.....  
.....  
.....

.....  
(Sign Here)  
Subscribed and sworn to before me this.....day of....., 19.....

My commission expires ..... Notary Public.

19710

June 12, 1948

Re: Permit No. 19710

Mr. Arthur C. Wyman  
2410 N. 26th St.,  
Boise, Idaho

Dear Mr. Wyman:

We enclose the approval of the State Reclamation Engineer of amendment to your Permit No. 19710, which should be attached to your original permit of which it now forms a part.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A/dm  
Enc.

19710

APPLICATION FOR AMENDMENT TO PERMIT  
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO  
No. 19710

Arthur C. Wyman, of Boise, Idaho, the owner and holder of Permit No. 19710, hereby applies for the following amendment to said Permit:

Permit No. 19710 claims One cubic foot of water per second from Toll Gate Gulch, or Toll Gate Creek.

Signs have recently been placed indicating that the name of said stream is Gregory Creek.

He, therefore, requests that said Permit No. 19710 be amended to show that the water claimed under said permit is diverted from Toll Gate Creek (or Toll Gate Gulch), sometimes otherwise known as Gregory Creek, with point of diversion in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 32, Township 6 North, Range 5 East, as stated in said Permit No. 19710

Arthur C. Wyman  
by Mrs Arthur C. Wyman

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 19710. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

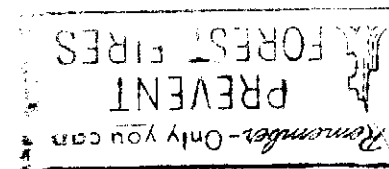
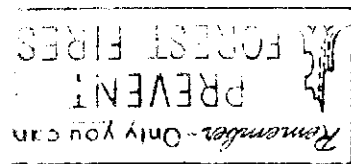
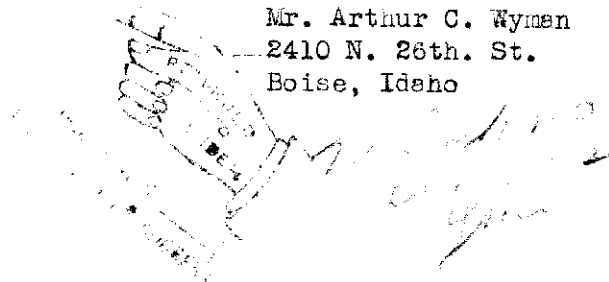
Mark R Kulp  
State Reclamation Engineer

19710

AFTER 5 DAYS, RETURN TO  
DEPARTMENT OF RECLAMATION,  
STATE HOUSE  
BOISE, IDAHO.

19710

Mr. Arthur C. Wymen  
2410 N. 26th. St.  
Boise, Idaho



S T A T E   O F   I D A H O

D E P A R T M E N T   O F   R E C L A M A T I O N

B O I S E

Permit No. 19710

Date October 27, 1945

Dear Sir:

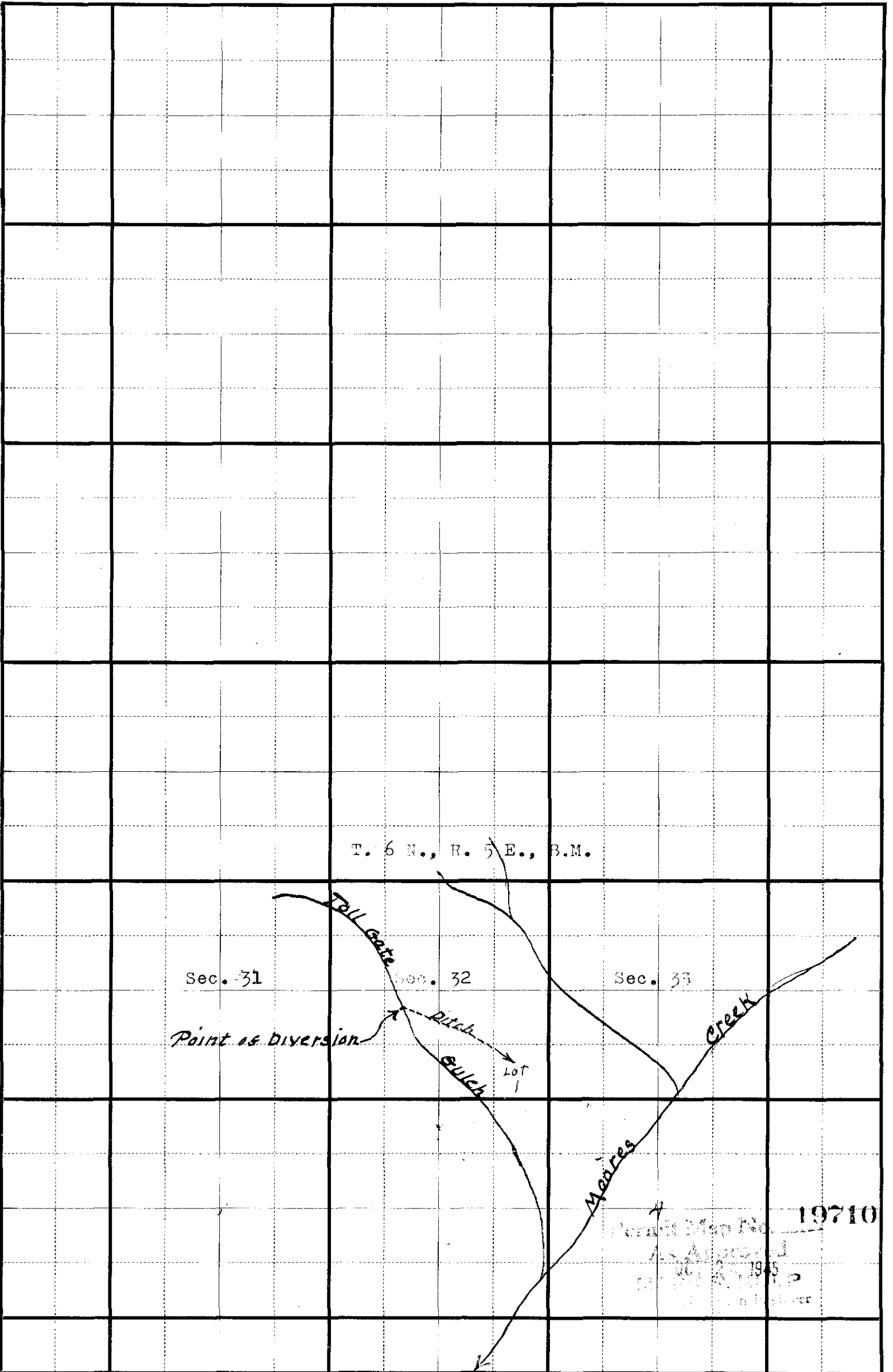
We enclose herewith the above numbered permit. BE SURE AND  
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the  
State Reclamation Engineer, on the fourth page.

Arthur c. wyman  
2410 N. 26th Street  
Boise, Idaho

MARK R. KULP

State Reclamation Engineer

19710



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

Notice is hereby given that :  
10:00 A. M. on the 25th day of  
October, 1956, at Boise, County  
of Ada, State of Idaho, before  
Frank Jones, Notary, proof will  
be submitted of the application  
to beneficial use of 1 (one) cubic  
foot per second of the waters of  
Toll Gate Creek with diversion  
in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 32,  
Township 6 North, Range 5 East,  
B. M. in accordance with the  
terms and conditions of Permit  
No. 19710 heretofore issued by  
the Department of Reclamation  
of the State of Idaho.

The name and postoffice ad-  
dress of the person or corporat-  
ion holding said permit are  
James H. Manning, 1515 N. 26th,  
Boise, Idaho.

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

The amount applied to bene-  
ficial use is one second foot.

The place where said water is  
used, Lot 1, Section 32; W $\frac{1}{2}$ SW  
 $\frac{1}{4}$ , Section 33, Township 6 North  
Range 5 East, B. M.

The name of the canal or ditch  
or other works by which said  
water is conducted to such place  
of use is, No name.

The right to take water from  
such works is based upon Per-  
mit No. 19710.

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

The date of priority which  
said user is prepared to estab-  
lish is October 24th, 1945.

MARK R. KULP

State Reclamation Engineer

Pub. August 23 - Sept. 13, 1956

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

Notice is hereby given that at 10:00 A. M. on the 25th day of October, 1956, at Boise, County of Ada, State of Idaho, before Frank Jones, Notary, proof will be submitted of the application to beneficial use of 1 (one) cubic foot per second of the waters of Toll Gate Creek with diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 32, Township 6 North, Range 5 East, B. M. in accordance with the terms and conditions of Permit No. 19710 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are James H. Manning, 1515 N. 26th, Boise, Idaho.

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

The amount applied to beneficial use is one second foot.

The place where said water is used, Lot 1, Section 32; W $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 33, Township 6 North Range 5 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is, No name.

The right to take water from such works is based upon Permit No. 19710.

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

The date of priority which said user is prepared to establish is October 24th, 1945.

MARK R. KULP  
State Reclamation Engineer  
Pub. August 23 - Sept. 13, 1956

4-20-52

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

Notice is hereby given that at 10:00 A. M. on the 25th day of October, 1956, at Boise, County of Ada, State of Idaho, before Frank Jones, Notary, proof will be submitted of the application to beneficial use of 1 (one) cubic foot per second of the waters of Toll Gate Creek with diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 32, Township 6 North, Range 5 East, B. M. in accordance with the terms and conditions of Permit No. 19710 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are James H. Manning, 1515 N. 26th, Boise, Idaho.

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

The amount applied to beneficial use is one second foot.

The place where said water is used, Lot 1, Section 32; W $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 33, Township 6 North Range 5 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is, No name.

The right to take water from such works is based upon Permit No. 19710.

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

The date of priority which said user is prepared to establish is October 24th, 1945.

MARK R. KULP

State Reclamation Engineer  
Pub. ~~August 23~~ - Sept. 13, 1956

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

Notice is hereby given that at 10:00 A. M. on the 25th day of October, 1956, at Boise, County of Ada, State of Idaho, before Frank Jones, Notary, proof will be submitted of the application to beneficial use of 1 (one) cubic foot per second of the waters of Toll Gate Creek with diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 32, Township 6 North, Range 5 East, B. B. in accordance with the terms and conditions of Permit No. 19710 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are James H. Manning, 1515 N. 26th, Boise, Idaho.

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

The amount applied to beneficial use is one second foot.

The place where said water is used, Lot 1, Section 32; W $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 33, Township 6 North Range 5 East, B. M.

The name of the canal or ditch or other works by which said water is conducted to such place of use is, No name.

The right to take water from

such works is based upon Permit No. 19710.

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

The date of priority which said user is prepared to establish is October 24th, 1945.

MARK R. KULP  
State Reclamation Engineer  
Pub. August 23 - ~~Sept. 13~~, 1956

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