

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SESW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
→ Rec	63 4881	L G DAVISON & SONS INC.	LAVA CREEK	02N07E3					3				34	38	10						85
→ Claim	63 4881	L G DAVISON & SONS INC.	LAVA CREEK	02N07E3					10				40	40	30						120
→ Right	63 4881	L G DAVISON & SONS INC.	LAVA CREEK	02N07E3					10				40	40	30						120
→ Claim	63 2916	L G DAVISON & SONS INC.	SPRING CREEK	02N07E3					20				30	30	35						115
→ Right	63 2916	THOMAS F RIEGER,	SPRING CREEK	02N07E3					20				30	30	35						115
→ Rec	63 2916	L G DAVISON & SONS INC.	SPRING CREEK	02N07E3					21				35	38	21						115
→ Right	63 2598	ELZA JOHNSON,	SPRING CREEK	02N07E3					21				35	38	21						115
→ Claim	63 2598	L G DAVISON & SONS INC.	SPRING CREEK	02N07E3					30				30	20	20						100
→ Permit	63 2598	ELZA JOHNSON,	SPRING CREEK	02N07E3					30				30	20	20						100
→ Rec	63 2598	L G DAVISON & SONS INC.	SPRING CREEK	02N07E3					30				30	20	20						100
→ Right	63 4870	RICKEY LEE RUSSELL, ELLEN M RUSSELL,	LAVA CREEK	02N07E3												18	22				40
→ Right	63 4870	LORENE RUSSELL, GEORGE RUSSELL,	LAVA CREEK	02N07E3												33	34				67
→ Claim	63 4870	RICKEY LEE RUSSELL, ELLEN M RUSSELL,	LAVA CREEK, UNNAMED SPRINGS	02N07E3												34	33				67

OK w/ 63-4881 - diff source
63-2916

See Ron's overlap
analysis & map.
OK w/ 63-2916 - same source,
pld & plu -

Complete

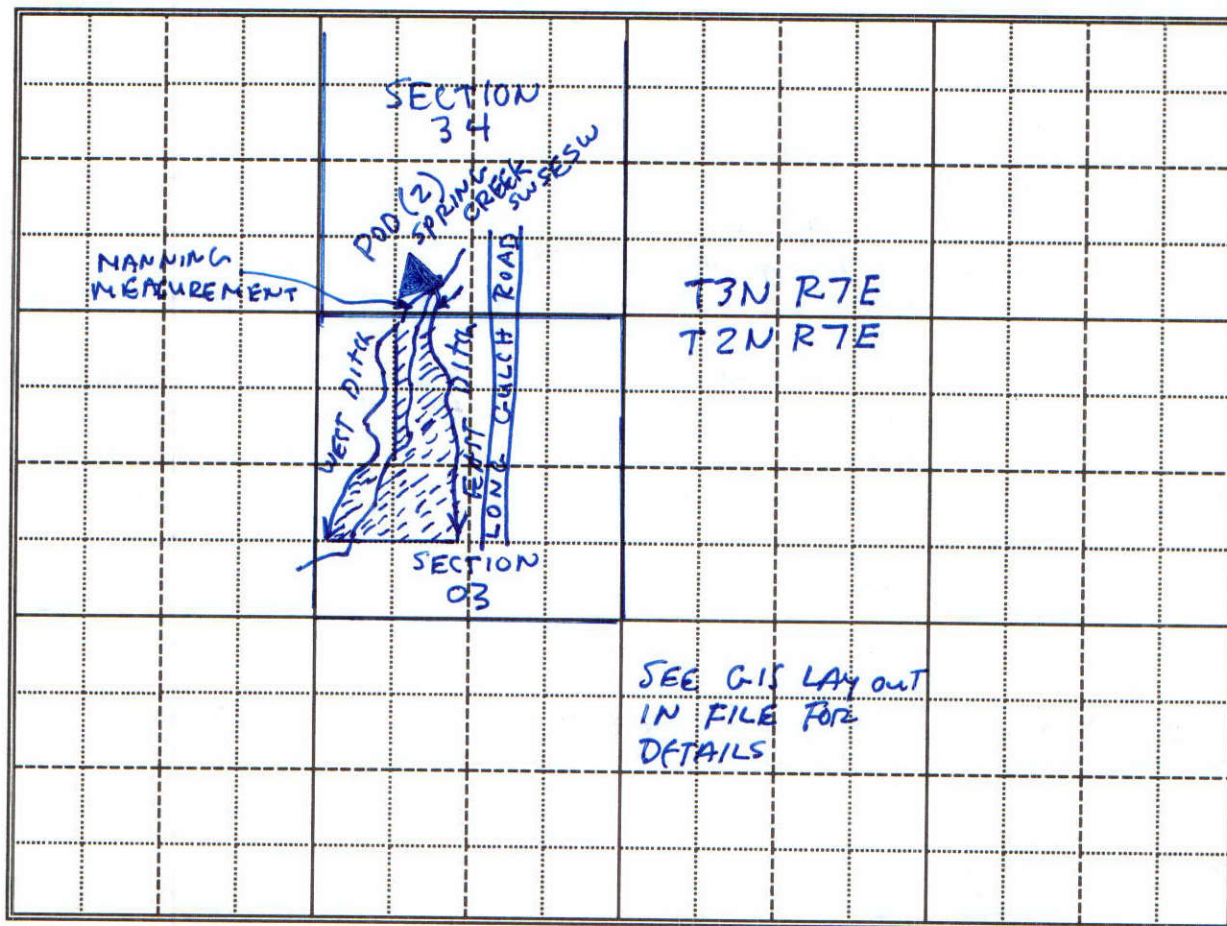
$$63-2916 = 2.0 \text{ cfs} / 115 \text{ ac} = 0.017 \text{ cfs/ac}$$

$$115 \times 0.02 = 2.3 \text{ cfs needed}$$

allow ~~2.3~~ 2.0 cfs under 63-2598
due to earlier priority - see attached

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



Scale: 1" = NA

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

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

☒ Photo of Diversion and System Attached

4. 1987 NAPP

1987 NAPP

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<u>NA</u>					

*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

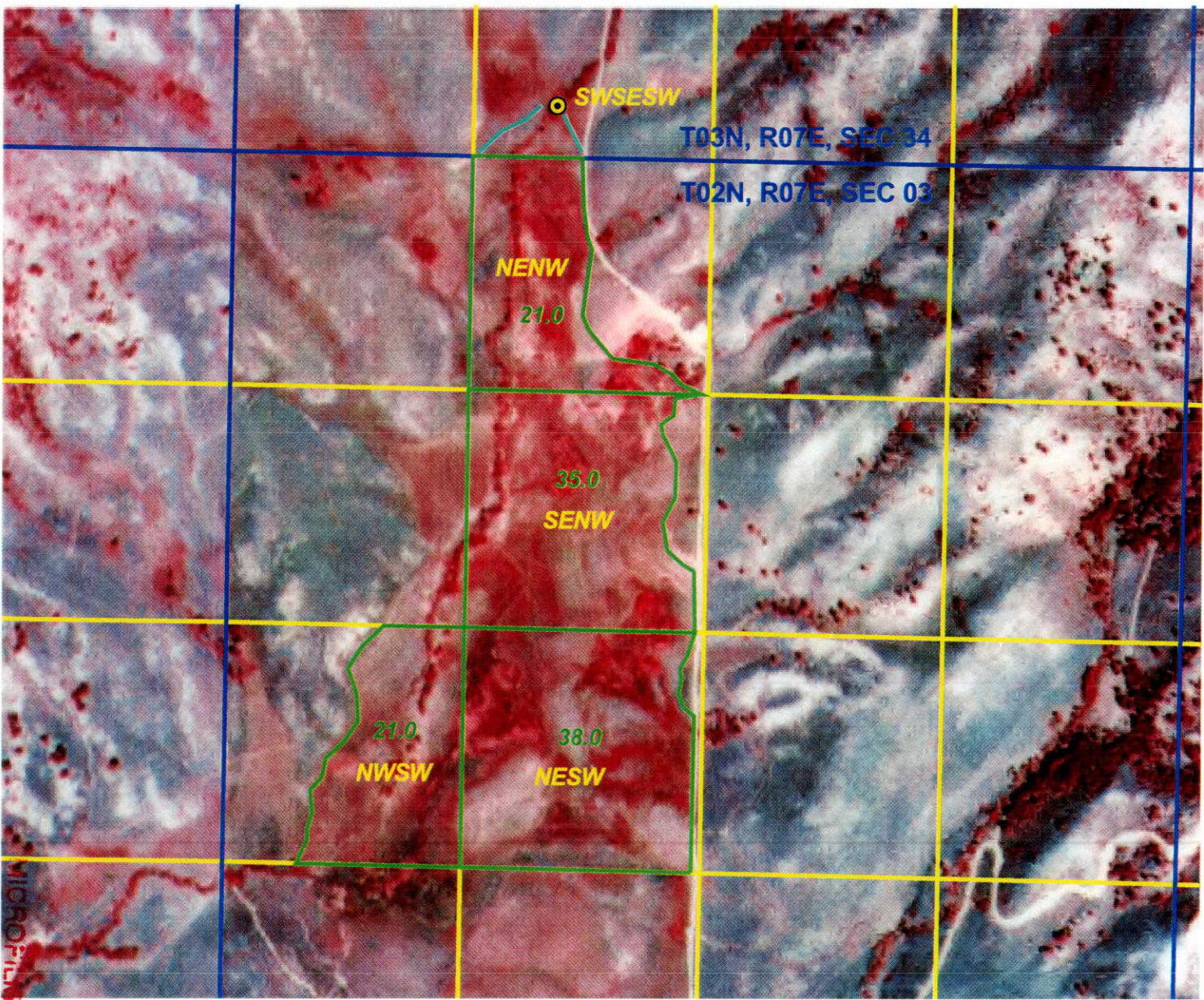
2. Measurements: MANNING MEASURED AT BEGINNING OF WEST AND EAST DITCH - SEE ATTACHED EQUATION CHANNEL RESULTS AND DATA COLLECTION SHEETS

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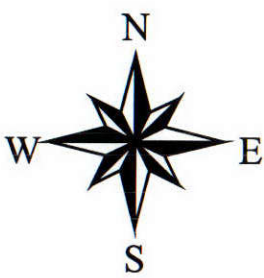
JUL 10 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-2598
Date Prepared: 01-20-02
Prepared By: Ron Howerton



T02N, R07E
S03



- Point of Diversion
- Place of use
- Section
- Quarter/Quarter
- Ditch

115 Acres

1987 NAPP



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MAR 4 1999

SWSESW POD

T03N, R07E, SEC 34

T02N, R07E, SEC 03

X64 TOPO

Birds Spring

Lava

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JUN 10 2002

4722

4775

4800

4790

4795

5400

5287

5000

4800

4800

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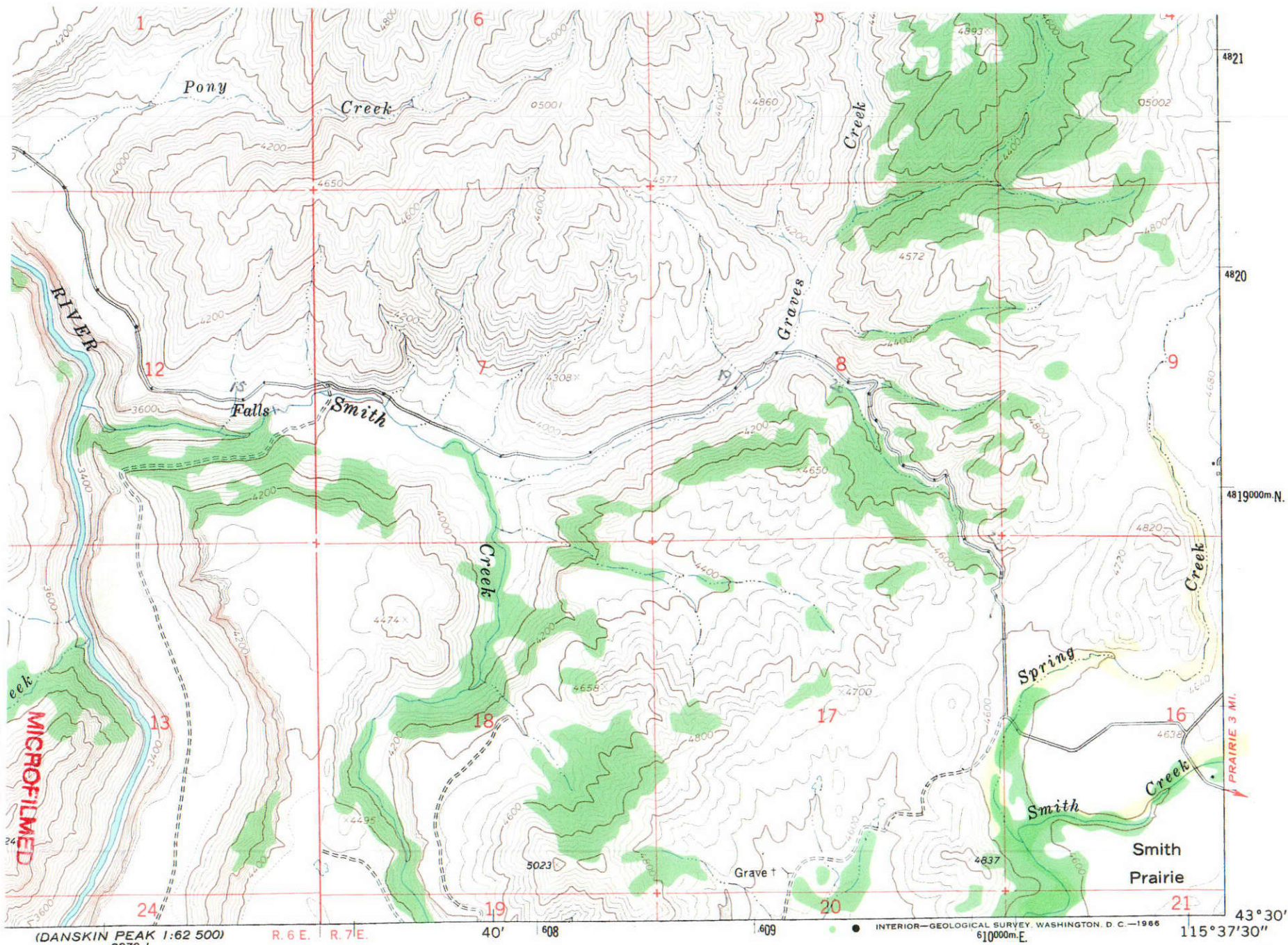
5400

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JUL 10 2002
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(DANSKIN PEAK 1:62 500)
2870'

R. 6 E. R. 7 E.

40' 608

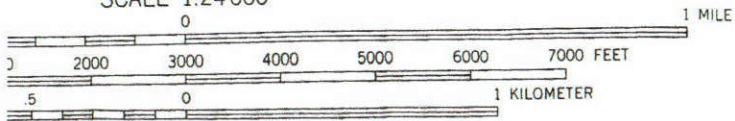
609

INTERIOR—GEOLOGICAL SURVEY, WASHINGTON, D. C.—1966
610000m.E.

43°30'
115°37'30"

(DANSKIN PEAK 1:62 500)
2870'

SCALE 1:24 000



CONTOUR INTERVAL 40 FEET

X63 TOPO

ROAD CLASSIFICATION

Light-duty ————— Unimproved dirt =====

2/1/2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Rec	63 4870	RICKEY LEE RUSSELL, ELLEN M RUSSELL,	LAVA CREEK	02N07E3											18	22					40
Rec	63 4881	L G DAVISON & SONS INC.	LAVA CREEK	02N07E3					9				34	38	10						85
Rec	63 2916	L G DAVISON & SONS INC.	SPRING CREEK	02N07E3					21				35	38	21						115

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2/1/2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	63 2598	ELZA JOHNSON,	SPRING CREEK	02N07E3					30			30	20	20							100

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IDAHO DEPARTMENT OF WATER RESOURCES

JUL 10 2012
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OVERLAP MAP

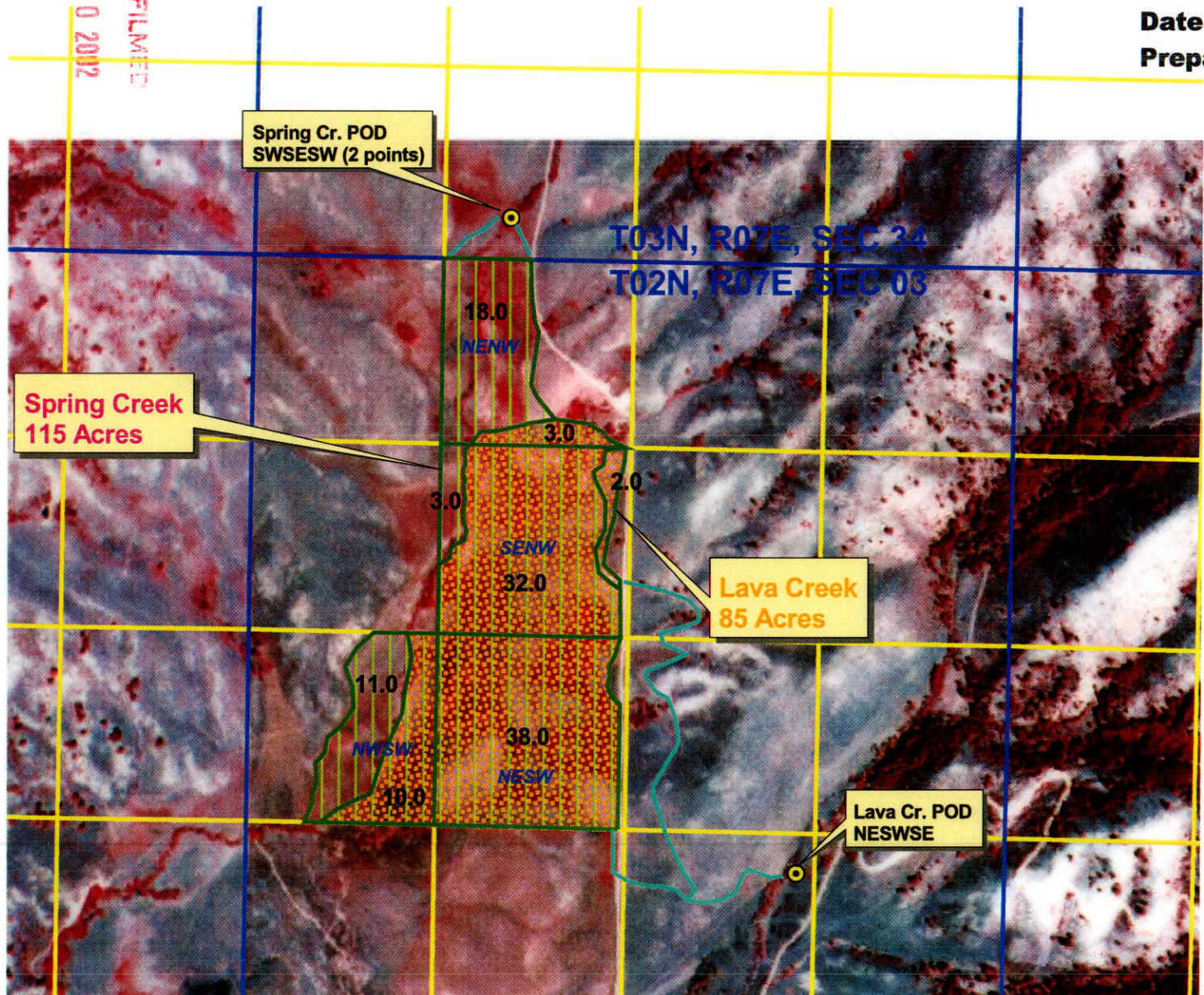
63-2916 Licence (Spring Cr.)

63-2598 Permit (Spring Cr.)

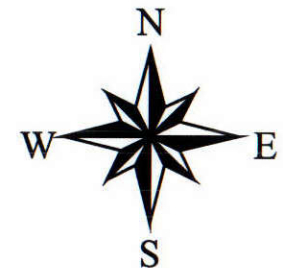
63-4881 Statutory Claim (Lava Cr.)

Date Prepared: 01-31-02

Prepared By: Ron Howerton



T03N, R07E
S03



● Point of Diversion

▨ Spring Creek POU

▨ Lava Creek POU

▭ Section

▭ 1/4 1/4

— Ditch

117 acres TOTAL

1987 NAPP



Photo 1: FX Oct. 24, 2001. Photos by RDH. West Ditch, Spring Creek POD 2598 & 2916. T03N, R07E, S34, SWSESW.



Photo 2: East Ditch, Spring Creek POD 2598 & 2916, T03N, R07E, S34, SWSESW.

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Photo 3: POU view to south west from T03N, R07E, S34, SESW.



Photo 4: Shows parts of POU of 4881 from Lava Creek and 2916 & 2598 Spring Creek. View to north photo from T02N, R07E, S03, SENW.

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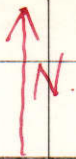
JUL 10 2002



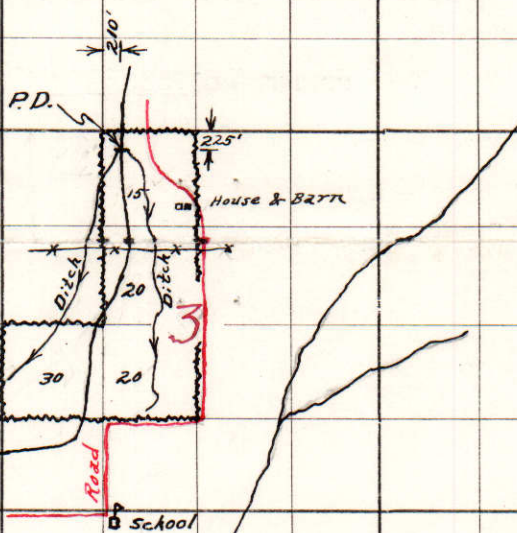
Photo 5: Shows parts of POU of 4881 from Lava Creek and 2916 & 2598 Spring Creek.
View to south photo from T02N, R07E, S03, SENW.

MICROFILMED

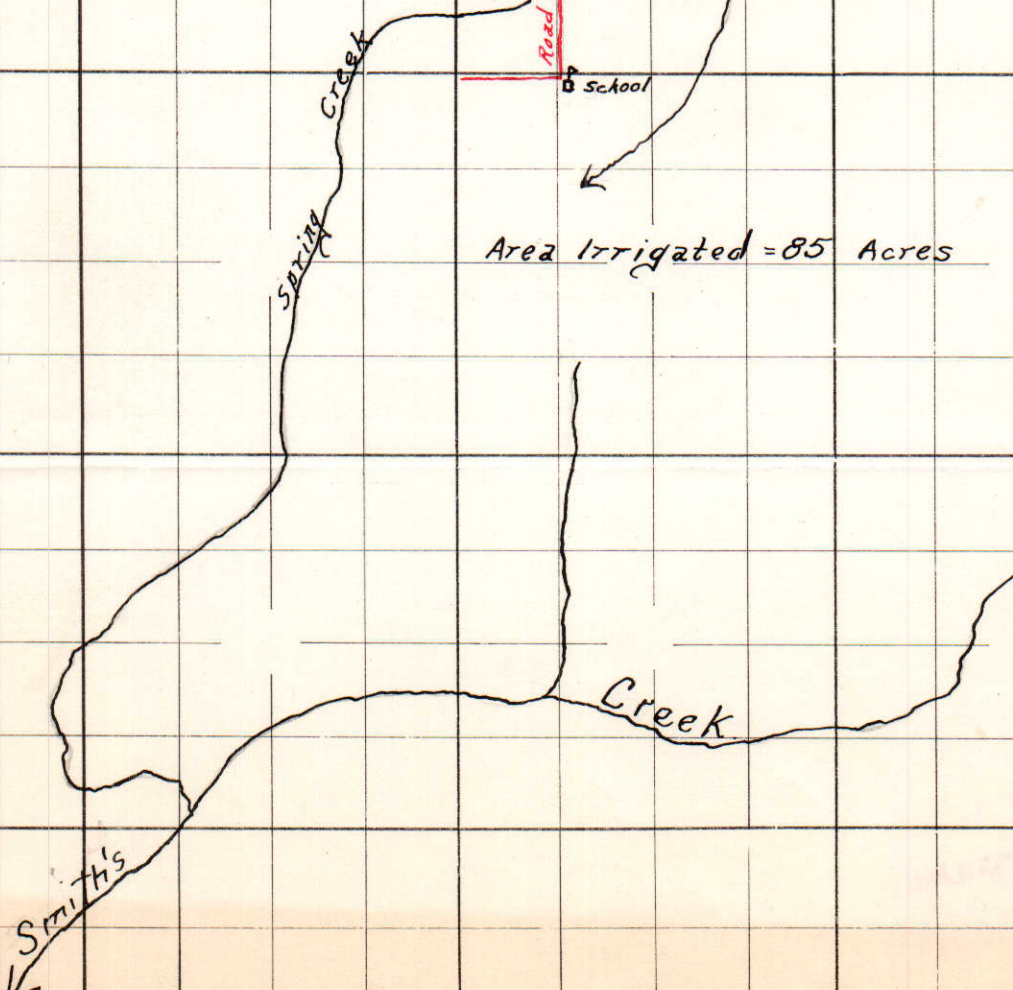
JUL 10 2002



Twp 2N. R 7 E.



Area Irrigated = 85 Acres



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JUL 10 2002

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

Notice is hereby given that at 11:00 A. M. on the 29th day of May, 1948, at Kuna, County of Ada, State of Idaho, before P. S. Pride, Notary Public, proof will be submitted of the application to beneficial use of two (2) cubic feet per second of the waters of Spring Creek, a tributary of Smith Creek in accordance with the terms and conditions of Permit No. 19338 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 M. Elza Johnson, Nampa, Idaho.

The use to which said water has been applied is irrigation;

The amount applied to beneficial use is two (2) cubic feet per second

The place where said water is used E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, Township 2 North, Range 7 East, B. M.

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. 19338

The source of supply from which such water is diverted is two (2) cubic feet per second

The date of priority which said user is prepared to establish is May 27, 1947

MARK R. KULP

State Reclamation Engineer

First publication May 6, 1948

Last publication May 29, 1948

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Robert M. Cooley do solemnly swear that I am the foreman, the publisher of the

MOUNTAIN HOME NEWS

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

4 consecutive weeks, the first publication having been made on the 6 day

of May, 1948, and the

last publication having been made on the 27

day of May, 1948; every number of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

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

Robert M. Cooley

Subscribed and sworn to me this 4

day of June, 1948

Frank Hall
Notary Public

19338



Name of Applicant Elza Johnson

575

SEC.

51-11

Diagram

SEC.

SEC.

Spring Creek

317.375

19338

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 63-02598

Priority: July 27, 1942

Maximum Diversion Rate: 2.00 CFS

It is hereby certified that L G DAVISON & SONS INC
1969 PRAIRIE RD

PRAIRIE ID 83647-9803 have complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 27, 1942; and have submitted Proof of Beneficial Use on June 02, 1948. An examination indicates that the works have a diversion capacity of 12.49 cfs of water from:

SOURCE

SPRING CREEK

Tributary: SMITH CREEK

and a water right has been established as follows:

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

04/01 to 10/31

DIVERSION RATE

2.00 CFS

LOCATION OF POINTS OF DIVERSION:

SPRING CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, Twp 03N, Rge 07E, B.M., ELMORE County

SPRING CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, Twp 03N, Rge 07E, B.M., ELMORE 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	
02N	07E	3					21.0			35.0	38.0	21.0							115.0
							13												

Total Acres: 115

CONDITIONS OF APPROVAL

1. Right 63-02916 is also diverted through the points of diversion described above.
2. Rights 63-02916 and 63-02598 when combined shall not exceed a total diversion rate of 2.30 cfs.
3. Rights 63-02916, 63-04881 and 63-02598 when combined shall not exceed a total annual maximum diversion volume of 468.0 af at the field headgate, and the irrigation of 117 acres.
4. This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63B.

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JUL 10 2002

State of Idaho
Department of Water Resources
Water Right License

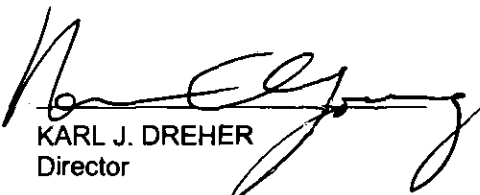
WATER RIGHT NO. 63-02598

6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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 9th day of July, 2002.

Acting for


KARL J. DREHER
Director

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JUL 10 2002

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JUL - 5 2002

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JUL 03 2002

WATER RESOURCES
WESTERN REGION

Page 1

State of Idaho Department of Water Resources
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-02598

Date of Priority: July 27, 1942

Maximum Diversion Rate: 2.00 CFS

Comes now ELZA JOHNSON
C/O L G DAVISON & SONS INC
1969 PRAIRIE RD

PRAIRIE ID 83647-9803 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. 63-02598, and requests that the permit be changed as follows:

Source: SPRING CREEK

Tributary: SMITH CREEK

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/01 to 10/31

2.00 CFS

LOCATION OF POINTS OF DIVERSION:

SPRING CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, Twp 03N, Rge 07E, B.M., ELMORE County

SPRING CREEK SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, Twp 03N, Rge 07E, B.M., ELMORE 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	
02N	07E	3					21.0			35.0	38.0	21.0							115.0
							L 3												

Total Acres: 115

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 3 day of July, 2002

R. E. Davison, Pres.
(Signature)

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JUL 10 2002

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-02598

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$50 Received by SL # W029406 Date 7/3/02

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. 63-02598 with the following:

CONDITIONS OF APPROVAL

1. Right 63-02916 is also diverted through the points of diversion described above.
2. Rights 63-02916 and 63-02598 when combined shall not exceed a total diversion rate of 2.30 cfs.
3. Rights 63-02916, 63-04881 and 63-02598 when combined shall not exceed a total annual maximum diversion volume of 468.0 af at the field headgate, and the irrigation of 117 acres.
4. This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 63B.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this 9TH day of July, 2002.

Acting for


KARL J. DREHER
Director

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JUL 10 2002

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JUL 03 2002

WATER RESOURCES
WESTERN REGION

RECEIVED

JUL - 5

Department of Water

THIS INDENTURE, Made this 15th day of August
in the year of our Lord one thousand nine hundred and sixty-one

THOMAS F. RIEGER and ANN RIEGER, husband and wife,
of the County of Elmore, State of Idaho
the parties of the first part, and

LAWRENCE G. DAVISON and HELEN M. DAVISON, husband and wife
of the County of Elmore, State of Idaho
the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
Ten and no/100 - - - - - DOLLARS,

lawful money of the United States of America, and other valuable consideration
to them in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
of the second part, and to their heirs and assigns forever, all of the following described real estate,
situated in the County of Elmore, State of Idaho, to-wit:

Lots Three and Four, the south half of the
northwest quarter and the north half of
the southwest quarter, all in Section Three,
Township Two North, Range Seven East, Boise
Meridian, together with all water, water rights,
ditches and ditch rights and rights to the
use of water appurtenant to the above described real
property.



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JUL 10 2002

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

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

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

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Thomas F. Rieger [Seal]
Ann Rieger [Seal]
[Seal]
[Seal]

STATE OF IDAHO
County of Elmore

ss.

On this 17th day of August in the year 1961, before me
the undersigned, a Notary Public

In and for said State, personally appeared

Thomas F. Rieger and Ann Rieger, husband and wife

known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Sam McNeely
Notary Public for the State of Idaho
Residing at Mtn. Home, Idaho

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JUL 10 2002

No. 1309226

WARRANTY DEED

-70-

Dated _____, 19

STATE OF IDAHO

County of Elmore

I hereby certify that this instrument was filed

for record at request of

W. H. McNeely

at 3:55 in rules pas. 10

o'clock A. M., this 16 day

of Sept. A. D. 1964

in my office, and duly recorded in Book

of _____ at page

W. H. McNeely Ex-Officio Recorder.

By *W. H. McNeely* Deputy.

Fees, \$ 1.50

Mail to _____

BY THE NOTARY COMPANY, 1010 E.

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 26832
Permit No. 19338
District No.

Address all Communications
to: Stanton Park, Mt. Home,
Idaho

1. Name of Applicant: ELZA JOHNSON
Postoffice address: Prairie County: Elmore State: Idaho
 - I. If applicant is a corporation, give:
 - (a) Date and place of incorporation:
 - (b) Amount of capital stock:
 - (c) Amount paid in:
 - (d) Names and addresses of directors:
 - II. The financial resources of the applicant are:
 - (a) Cash on hand:
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:
2. Quantity of water claimed: TWO (2) cubic feet per second.
3. Source of water supply: SPRING CREEK which is a tributary of SMITH CREEK
4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is the LOT 3
of Section 3 , T. 2 N. , R. 7 E. , B. M., County of ELMORE
5. Water is to be used for: Irrigation
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: \$ 200.00
8. Kind of works: Ditch
9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom 2 feet; width at water line 4 feet; depth of water 8"
feet; dimensions of flume:
Diameter of pipe inches; length of conduit 3/4 miles.
Average grade per mile 15 feet.
12. The time required for the completion of such work is 1 years.
13. The time required for the complete application of the water to the proposed use is NO additional years.
14. The land to be irrigated is described in the following tabulation: See remarks. Township 2 North, Range 7 East, Sec. 3

15. (a) Is reservoir to be used? NO If so, fill in (b) and (c) below.
- (b) Name of Reservoir and number of Storage Permit:
- (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

ELZA JOHNSON

Applicant.

By STANTON PARK

Agent.

Date of first receipt at Department of Reclamation: July 27, 1942 - 9:00 A. M.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19338
Recorded in Book 70 Page 19338 Approved July 28, 1942.
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 September 28, 1942 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 January 28, 1943.
The whole of said work to be completed on or before July 28, 1943.
Beneficial use of water appropriated in accordance herewith, to be made on or before July 28, 1943.

Witness my hand this 28th day of July, 1942.

E. V. BERG
Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We CHASE A. CLARK Governor of the State of Idaho, and GEORGE H. CURTIS Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and have caused the Great Seal of the State of Idaho to be hereunto affixed, this 4th day of August 19 42

Countersigned: STATE OF IDAHO

(SEAL By GEORGE H. CURTIS /s/ Secretary of State. By CHASE A. CLARK /s/ Governor.

Remarks:

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	7E	3					30			30	20	20							100
PERMIT NO. 19338																			
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that ELZA JOHNSON, of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 19338, issued upon Application No. 26832 bearing date of priority of July 27, 1942, authorizing the diversion of Two (2) second feet of the waters of Spring Creek, a tributary of Smith Creek, County of Elmore, 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 Two (2) second feet of the waters of Spring Creek; that the point of diversion of said waters is in Lot 3, Section 3, Township 2 North, Range 7 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE1/4 NW1/4, SE1/4 NW1/4, NE1/4 SW1/4, NW1/4 SW1/4 Section 3, Township 2 North, Range 7 East, B.M.																			
Witness my hand this 20th day of April, A.D. 1948.																			
Proof of Completion of Works made July 23, 1943 Certificate of Completion of Works issued April 20, 1948															/s/ MARK R. KULP State Reclamation Engineer				



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 11, 2002

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803

RE: License No. 63-2598 - 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.

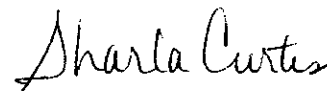
The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date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

for 
Shelley W. Keen
Water Rights Supervisor

Enclosure(s)

MICROFILMED
JUL 10 2002

CERTIFICATE OF SERVICE

I hereby certify that on July 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. 63-2598

**L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803**

A handwritten signature in black ink, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

**MICROFILMED
JUL 10 2002**

**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.

MICROFILMED
JUL 9 0 2002



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 17, 2002

L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803

RE: Water Right Permit Nos. 63-02598 and 63-03611

Dear Permit Holders:

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

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

 Points of Diversion

The enclosed Application for Amendment forms depicts the elements of the water rights as they will appear on the licenses when issued. Please review the amendment forms carefully. If you concur with the information presented, please sign the forms and return them with a \$50.00 filing fee (per amendment form) within 14 days.

Please note that Permit No. 63-02598 is still in the name of Elza Johnson. Since Ms. Johnson is now deceased, we realize that you will not be able to obtain an assignment of this permit. Please submit a copy of your warranty deed showing that you now own the property under the permit and we will change the ownership to you.

If you have any questions, please call me at 208-327-7944.



Sincerely,
KAY WALKER
Sr. Water Resource Agent

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JUL 10 2002

Enclosure(s)

6-25-02
Ron Davison called -
just got back from
Alaska - needs
additional 2 weeks
to submit amendments
& warranty deed.
KW

LICENSE REVIEW CHECKLIST

Permit No 63-2598 Date: 6-13-02 Reviewer: Kay Walker

Change/OK

Name/Address

change * request warranty deed w/ amendment request

Source

Point of Diversion:

OK
change

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

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

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

W36 (overlap)

W59 (subdivision description)

Place of Use

OK

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

W60 (subdivision description)

W27 (ppu acre limit)

Overlaps: Right(s): 103-2916, 103-4881

File reviewed _____ Profile reports printed _____

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

Rate of Diversion:

Permitted rate 2.0 cfs

Fee Limit N/A cfs

Measured 12.49 cfs

Theoretical _____ cfs

Recommended Total Diversion Rate

2.0
2.0

Water Uses

2.0
2.0

OK Change (P46)

Season of Use per new Standards

4/1 10/31

Irrigation 2.0 cfs OK af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
_____ cfs _____ af
Total 2.0 cfs OK 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 (106/R07)
Payette - (W22/047/27A)
Stockwater for US (R37)

Volume Determination

$$2.0 \times 1.9835 \times 214 = 848.9$$

$$0.3 \text{ cfs} \times 1.9835 \times 214 \text{ days} = 127.3 \text{ af}$$

$$(vs) 100 \text{ acres} \times 4.0 \text{ (FHR)} = 400.0 \text{ af}$$

Remarks:

$$115 \times 4.0 = 460.0 \text{ af} \quad \text{ppu } 3.0 \text{ (con)} \quad 117 \times 4.0 = 468.0 \text{ af}$$

Additional Conditions

63B Watermaster Control ☒

_____ GW Measurement/Measuring Device

_____ Other

Trust R35 = remove 051)

Non-trust (048)

GW Dist? _____

Water Msmt. Dist? _____

Crit. GWMA? _____

GWMA? _____

Government Lots? _____

Advance Priority? ☒ yes

☐ no

If yes, explain why below.

SRBA Claim?

yes - pending @ 2002

Adjust memo _____

Amend Letters

P87, S06

Second Amendment Notice

P49

S06

Type	WR #	Owner	Source	TRB	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
													35	10							85
													40	30							120
													40	30							120
													30	35							115
													30	35							115
													35	21							116
													35	21							116
													20	20							100
													20	20							100
													20	20							100
															18	22					40
															33	34					67
															34	33					67

OK w/ 63-4881 - diff source
63-2916

See Ron's overlap
analysis & map.

Complete OK w/ 63-2916 - same source,
pld & plu -

$$63-2916 = 2.0 \text{ cfs} / 115 \text{ ac} = 0.017 \text{ cfs/ac}$$

$$115 \times 0.02 = 2.3 \text{ cfs needed}$$

allow ~~2.3~~ 2.0 cfs under 63-2598
due to earlier priority - ~~see~~ attached

111 10 2002
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MEMORANDUM

TO: File 63-02598

FROM: KAY WALKER *KW*

RE: License Recommendations

Date: June 13, 2002

.....

In reviewing this permit for licensing, I found we had issued another license from this source for the same lands (License 63-02916). Permit 63-02598 has a 10-year senior priority date. I ran a query of all rights on Spring Creek tributary to Smith Creek (see attached) and found that L.G. Davison and Sons have claims/rights on almost all the senior rights on Spring Creek. There is one license, 63-02126, with an earlier priority date that does not appear to have been claimed in the SRBA.

In case all rights in the Boise River Drainage are regulated at some point in the future, it would be beneficial for Permit 63-02598 to have all the water that can be allowed under the earlier priority date. We are recommending that this permit be licensed at the full amount with a condition limiting this license and 63-02916 to 2.3 cfs for the 115 acres found.

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JUL 10 2002

<u>Basin</u>	<u>Sequence</u>	<u>Priority Date</u>	<u>Rate</u>	<u>Source List</u>	<u>Water Use List</u>	<u>Owner List</u>	<u>Source Table</u>
63	2126	2/14/1910	1.20	SPRING CREEK	DOMESTIC, IRRIGATION	RUSSELL, JOSEPHINE (Current)	wrWaterRight
63	2598	7/27/1942	2.00	SPRING CREEK	IRRIGATION	L G DAVISON & SONS INC (Current)	wrAdjudicationClaim
63	2598	7/27/1942	2.00	SPRING CREEK	IRRIGATION	L G DAVISON & SONS INC (Current)	wrAdjudicationRecommendation
63	2598	7/27/1942	0.30	SPRING CREEK	IRRIGATION	JOHNSON, ELZA (Current)	wrWaterRight
63	2598	7/27/1942	2.00	SPRING CREEK	IRRIGATION	JOHNSON, ELZA (Current)	wrWaterPermit
63	2916	11/28/1952	2.00	SPRING CREEK	IRRIGATION, STOCKWATER	L G DAVISON & SONS INC (Current)	wrAdjudicationClaim
63	2916	11/28/1952	2.00	SPRING CREEK	IRRIGATION, STOCKWATER	L G DAVISON & SONS INC (Current)	wrAdjudicationRecommendation
63	2916	11/28/1952	2.00	SPRING CREEK	IRRIGATION, STOCKWATER	RIEGER, THOMAS F (Current)	wrWaterRight
63	3611	3/3/1953	0.80	SPRING CREEK, SPRINGS	DOMESTIC, IRRIGATION	L G DAVISON & SONS INC (Current)	wrAdjudicationRecommendation
63	3611	3/3/1953	0.80	SPRING CREEK, SPRINGS	DOMESTIC, IRRIGATION	L G DAVISON & SONS INC (Current)	wrWaterPermit
63	7059	2/19/1968	2.00	SPRING CREEK	IRRIGATION	L G DAVISON & SONS INC (Current)	wrAdjudicationClaim
63	7059	2/19/1968	2.00	SPRING CREEK	IRRIGATION	L G DAVISON & SONS INC (Current)	wrAdjudicationRecommendation
63	7059	2/19/1968	2.00	SPRING CREEK	IRRIGATION	LG DAVISON & SONS (Current)	wrWaterRight
63	9122	5/3/1978	0.07	SPRING CREEK	IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE, STOCKWATER FROM STORAGE, STOCKWATER STORAGE	BELKNAP, BARBRA J (Current); BELKNAP, H WILLIAM (Current)	wrWaterRight
63	19785	1893-07-01	0.03	SPRING CREEK	STOCKWATER	THOMPSON, DEANE L (Current); THOMPSON, DOROTHY M (Current)	wrAdjudicationClaim
63	19785	1893-07-01	0.02	SPRING CREEK	STOCKWATER	THOMPSON, DEANE L (Current); THOMPSON, DOROTHY M (Current)	wrAdjudicationRecommendation
63	24281	1865-01-01	0.02	SPRING CREEK	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)	wrAdjudicationClaim
63	24281	1880-06-01	0.02	SPRING CREEK	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH (Current)	wrAdjudicationRecommendation

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JUL 10 2002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
JUN 11 2002.
DEPARTMENT OF WATER RESOURCES

A. GENERAL INFORMATION PERMIT OWNER: ELZA JOHNSON
CURRENT
 1. Owner: L.G. DAVISON & SONS INC Permit No. 63-2598
 Phone No. 868-3243
 Current Address: 1969 PRAIRIE RD., PRAIRIE, ID, 83647-9803
 2. Accompanied by: RON DAVISON EXAM DATE: 10/24/01
 Address: SAME AS ABOVE Phone No. _____
 Relationship to Permit Holder: CURRENT OWNER
 3. Source: SPRING CREEK tributary to SMITH CR

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 63-2916 & 63-4881
 2. Other water rights with the same point of diversion: 63-2916

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

(TWO POINTS OF DIVERSION)

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	SE	SW	34	03N	07E	ELMORE	GPS & 1987 NAPP/2-POINTS

2. Place(s) of Use:

NOTE: Lot 3

Indicate Method of Determination G15-ARC VIEW

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	07E	03					21			35	38	21						115	

(PERMISTABOE PLACE OF USE)

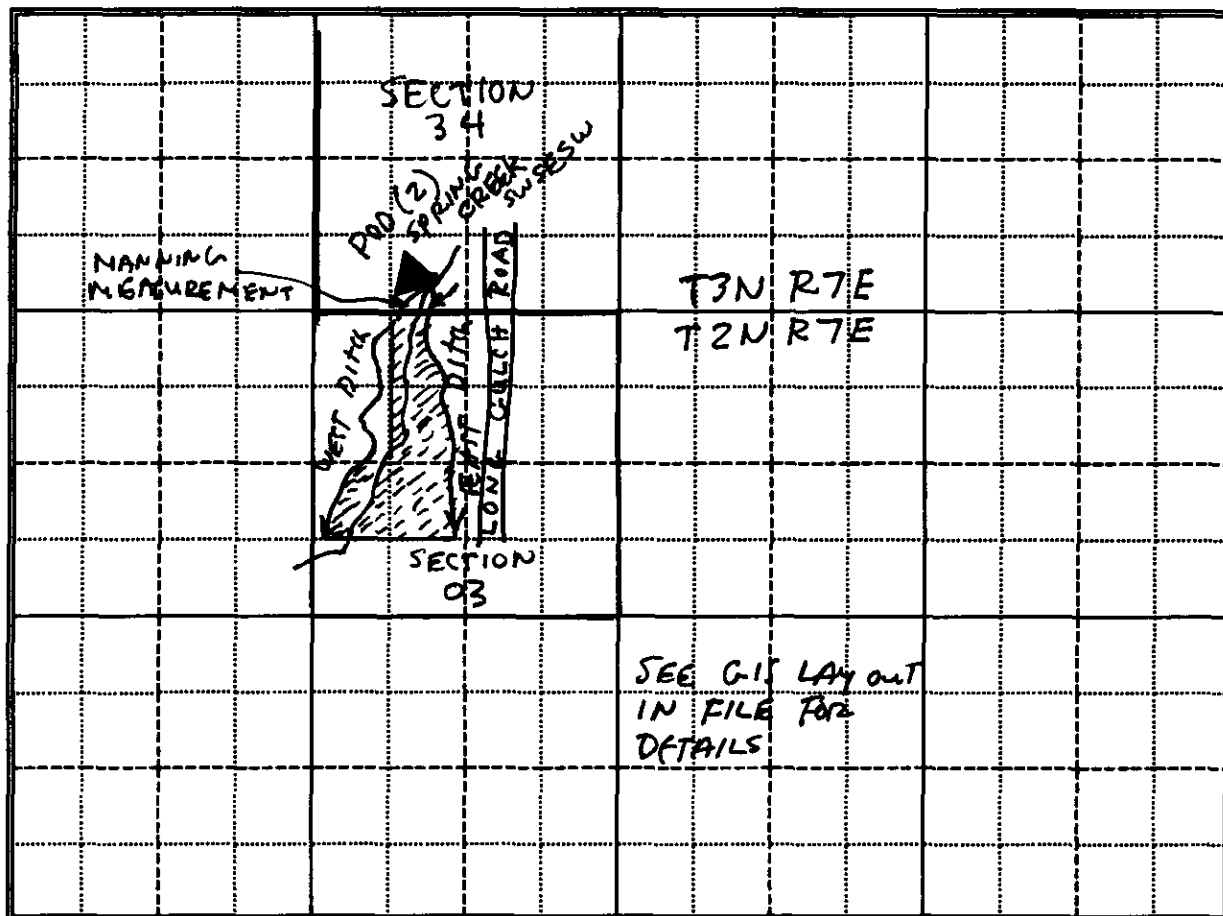
TO BE LIMITED
TO 100 ACRES
WITH IN THE

115

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LICENSE 63-2916 HAS SAME SOURCE, POINT OF DIVERSION AND PLACE OF USE. NO ADDITIONAL ACRES FOUND ONLY CFS WILL BE INCREASED TO AN INCH PER ACRE FOR THIS PERMIT.

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



Scale: 1" = NA

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

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

☒ Photo of Diversion and System Attached

4. 1987 NAPP

1987 NAPP

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<u>NA</u>					

*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: MANNING MEASURED AT BEGINNING OF WEST AND EAST DITCH - SEE ATTACHED EQUATION CHANNEL RESULTS AND DATA COLLECTION SHEETS

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JUL 10 2002

E. NARRATIVE/REMARKS/COMMENTS

SEE ATTACHED NARRATIVE SHEET

PARCEL ID = RP02N07E032410

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

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JUL 10 2002

F. FLOW CALCULATIONS

Measured Method:

MANNING

X Additional Computation Sheets Attached

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (100)(4 \text{ AFA}) = 400 \text{ AFA}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (2.0)(214)(1.9835) = 849$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} = 400 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>4-1</u>	<u>10-31</u>	<u>2.028</u>	
Totals:			<u>2.028</u>	

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

Ron Howerton Sr. Water Agent
Date 10/24/01

Reviewer

Date

MICROFILMED

SEAL

JUL 10 2002

**Idaho Department of Water Resources
NARRATIVE SHEET**

Updated: February 5, 2002

Date of Exam: 10/24/01

Field examiner:

**Ron Howerton
Senior Water Right Agent
Adjudication Bureau Western Region**

Water Right Nos.: 63-2598 Permit

Contacts: Ron Davison the current owner & president of (L. G. Davison & Sons Inc.) The Permit holder is Elza Johnson, whom is diseased according to Ron Davison.

Narrative:

*↑
deceased ... so assignment not feasible
-JR*

Met with Ron Davison 10/24/01:

A Manning measurement of the west & east ditches was done 10/24/01, way more than permit amount of 2.0 CFS was found.

I used IDWR's GPS Garmin III plus to correctly locate the points of diversion.

DIVERTING WORKS & POD:

The POD(s) overlaps with license 63-2916. The ambiguous license did not list two points of diversion in POD. Two ditches are shown in the files field map. The license also may have error in the location of the POD because of poor maps available at that time. The SRBA recommendation recommends the POD as an accomplished POD transfers. Ok per 1987 NAPP photo. No injury found.

Earth rock dam(s) diverts into two ditches. West and east ditches. See photos 1 & 2 in file. The earth dams are within a few feet of each other. The 1987 NAPP photo layout shows system diagram. Gravity flow ditches for irrigation.

SOURCE:

Spring Creek tributary to: Smith Creek. See X63 TOPO map in file.

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JUL 10 2002

PERMIT 63-2598

SEASON OF USE:

I'm recommending the standard season the uses. IDWR has established the season of use geographically in Arc View for irrigation. (4/1-10/31) The ambiguous overlapping license did not list the season of use for irrigation uses.

PLACE OF USE:

The place of use is shown on 1987 NAPP photo layout in file.
Tax lot information in Arc View indicates it belongs to L. G. Davison & Sons Inc.

OVERLAP REVIEW:

Spring Creek license 63-2916 overlaps the same point of diversion and place of use. Total acre overlap, no additional acres. Recommending that permit is to be considered a permissible place of use with the license, with same POD & POU.

Overlapping other source is Lava Creek right 63-4881, all have a combined total acres of 117.

See Overlap map and review sheet in file.

COMBINED RIGHTS CONDITIONS:

The ambiguous license 63-2916 did not list volume. The licensed right 63-2916 CFS is 2.0 at 115 acres - no volume required in SRBA recommendation. (See copy of SRBA recommendation in file).

- The old licenses irrigation requirement could have been 460 AF.

The old permit right 63-2598 allowed 2.0 CFS at 100 acres.

- The permits irrigation requirement could be 400 AF. (See Volume calculations on Field report form.)

The statutory claim right 63- 4881 is being recommended for 1.7 CFS with no volume in the SRBA.

Because this right now is being considered as a combined right the volume could be recognized as 340 AF. It has an 85-acre total in which 83 acres overlap. (117 acres) (4 AF irrigation requirement) = 468 overall volume total

Total combined volume = (4 AF irrigation requirement) = 468 overall volume total
(See copy of SRBA recommendation in file).

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JUN 18 2002

I'm recommending a 115-acre permissible place of use for with these conditions:

- **This right is limited to the irrigation of 100 acres within the place of use described above in a single irrigation season.**
- **Use of this right with right Nos. 63-2916 and 63-4881 is limited to the irrigation of a combined total of 117 acres in a single irrigation season.**
- **This right when combined with right Nos. 63-2916 and 63-4881 shall provide no more than 0.02 CFS per acre.**
- **Use of this right with right Nos. 63-2916 and 63-4881 is limited to a total combined annual diversion volume of 468 AF.**

Claimed as a permit in the SNAKE RIVER BASIN ADJUDICATION, the license will amend the claim when the license is issued.

MICROFILMED
MAY 10 2002

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-2598
Date Received: 12/4/1989
Receipt No: C013184
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

L G DAVISON & SONS INC Phone: (208) 868-3243
1969 PRAIRIE RD
PRAIRIE ID USA 83647-9803

2. Date of Priority: 07/27/1942

3. Source: SPRING CREEK Trib. to: SMITH CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	07E	34	SW SE SW	ELMORE	

5. Description of diverting works:

DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2	

7. Total Quantity Appropriated is:
2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

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JUL 2 2002

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	07E	3	NE	NW	IRRIGATION	30
			SE	NW	IRRIGATION	30
			NE	SW	IRRIGATION	20
			NW	SW	IRRIGATION	20
					Section Acres	100
					Total Acres	100

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

ADDRESS CHANGED BY RDH ON 12/14/01.

THIS CLAIM REFLECTS A CHANGE IN THE POINT OF DIVERSION FROM PREVIOUS RECORDS.

15. Basis of Claim: Permit

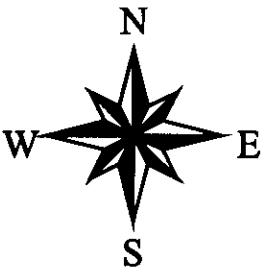
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JUL 10 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Claim: 63-2598
Date Prepared: 01-20-02
Prepared By: Ron Howerton



T02N, R07E
S03



- ⊙ Point of Diversion
- Place of use
- Section
- Quarter/Quarter
- Ditch

115 Acres

1987 NAPP



11-1-02 2002

SWSESW POD

T03N, R07E, SEC 34

~~T02N, R07E, SEC 03~~

NEN

Birds

SENW

NWSN

NESW

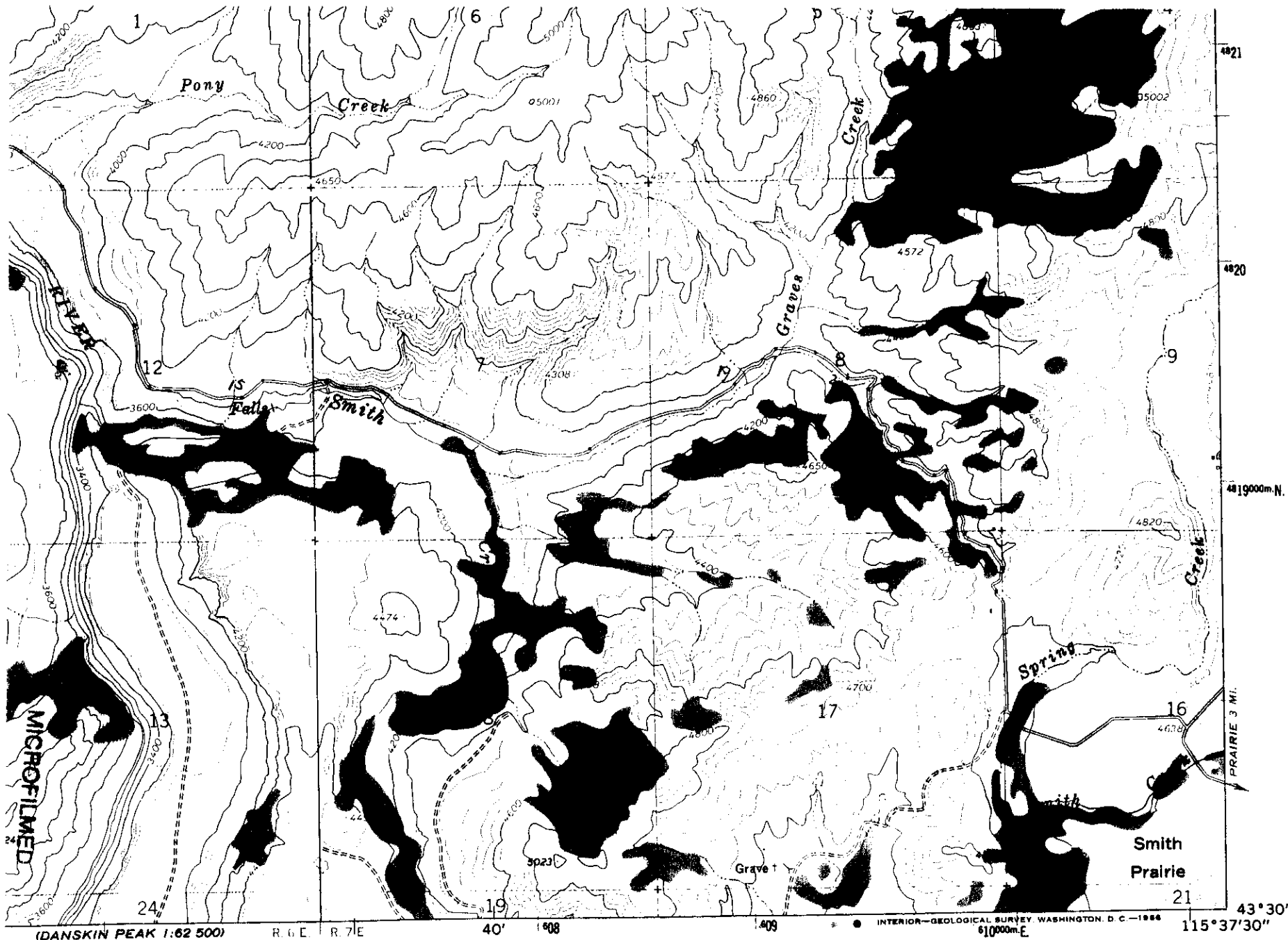
X64 TOPO

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10 2002

4722

4775



X63 TOPO

ROAD CLASSIFICATION

Light-duty ————— Unimproved dirt =====

MANNING EQUATION CHANNEL CAPACITY RESULTS

10-03-2001

File Number: 63-02598
Claimant: L G DAVISON (RON)
Channel measured: SPRING CREEK WEST DITCH
Date of measurement: 092401
Measurement location:

AT POD BEGINNING

Calculation prepared by: RDH
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 197 feet.
The upstream and downstream rod readings are 3.60 and 4.99 feet.
The channel cross section is 2.48 ft-sq.
The wetted perimeter is 5.26 feet.
The hydraulic radius is 0.47 feet.
The slope is 0.0071
The roughness coefficient is 0.0250
The flow velocity is 3.038 ft/sec.
The rate of flow is 7.55 cfs.

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CROSS SECTION NUMBER 1

For File Number 63-02598 for the SPRING CREEK WEST DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.60	0.60	1.00
3	0.90	0.90	2.00
4	0.70	0.70	3.00
5	0.30	0.30	4.00
6	0.00	0.00	4.90

The area for this cross section is 2.48 square feet
and the wetted perimeter is 5.26 feet.

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MANNING EQUATION CHANNEL CAPACITY RESULTS

10-03-2001

File Number: 63-02598
Claimant: L G DAVISON (RON)
Channel measured: SPRING CREEK EAST DITCH
Date of measurement: 092401
Measurement location:

AT POD BEGINNING

Calculation prepared by: RDH
Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 133 feet.
The upstream and downstream rod readings are 4.88 and 6.81 feet.
The channel cross section is 1.38 ft-sq.
The wetted perimeter is 3.89 feet.
The hydraulic radius is 0.35 feet.
The slope is 0.0145
The roughness coefficient is 0.0250
The flow velocity is 3.591 ft/sec.
The rate of flow is 4.94 cfs.

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CROSS SECTION NUMBER 1

For File Number 63-02598 for the SPRING CREEK EAST DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.20	0.20	0.50
3	0.40	0.40	1.00
4	0.50	0.50	1.50
5	0.50	0.50	2.00
6	0.60	0.60	2.50
7	0.50	0.50	3.00
8	0.00	0.00	3.60

The area for this cross section is 1.38 square feet
and the wetted perimeter is 3.89 feet.

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JUL 10 2002

Claim Number(s): 4-2598 & 63-2916
 Name of Claimant(s): DAVISON LG & SONS ^{COMPANIED BY} RON DAVISON
 Name of Ditch, Canal, or Stream: SPRING CREEK WEST & EAST Ditch
 Date of Measurement: 9/24/01 Data Collected By: RON
 Measurement Location: 1/4 1/4 Section 34 T3N R

Cross Section Data AT POD BEGINNING
FOR BOTH DITCHES

Basis: high water mark(☒) maximum capacity()

Note: minimum of five depth or rod readings; first and last must be equal or zero

WEST-Ditch		East-Ditch	
depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. <u>0</u>	<u>0</u>	7. <u>0</u>	<u>0</u>
2. <u>.6</u>	<u>1</u>	8. <u>.2</u>	<u>0.5</u>
3. <u>.9</u>	<u>2</u>	9. <u>.4</u>	<u>1.0</u>
4. <u>.7</u>	<u>3</u>	10. <u>.5</u>	<u>1.5</u>
5. <u>.3</u>	<u>4</u>	11. <u>.5</u>	<u>2.0</u>
6. <u>0</u>	<u>4.9</u>	12. <u>.6</u>	<u>2.5</u>
		<u>.5</u>	<u>3.0</u>
		<u>0</u>	<u>3.6</u>

Slope Data

Basis: high water mark(☒) channel bottom() land surface()

Level Readings:	WEST Ditch		East Ditch	
	upstream	downstream	upstream	Downstream
upper stadia	<u>4.16</u>	<u>5.42</u>	<u>5.01</u>	<u>7.35</u>
center	<u>3.60</u>	<u>4.99</u>	<u>4.88</u>	<u>6.81</u>
lower stadia	<u>3.07</u>	<u>4.54</u>	<u>4.74</u>	<u>6.29</u>
stadia difference	<u>(109 + 88) x 100 =</u>		<u>27</u>	<u>channel length 106 = 133</u>
	<u>197</u>			

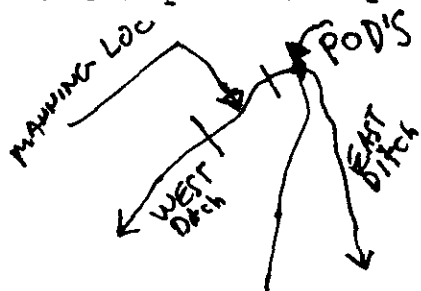
Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

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Are maps and/or photos attached? ☒ yes



Both Ditches have separate flows together. Flow from WEST Ditch X-SEC plus EAST Ditch X-SECTION

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020	X	(1)	negligible	.000	X	(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000	X	(1)	low	.005	X	(1)
minor	.005		(2)		.010		(2)
moderate	.010		(3)	medium	.015		(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000	X	(1)	minor	1.00	X	(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

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NOV 10 2002

OVERLAP REVIEW SHEET FOR 1

FOLLOWING WR #'s:

LAVA CR (STAT. CLAIM)

SPRING CR (LICENSE)

63 - 48

63 - 2916

AGENT Ron H

DATE 1/31/02

63 - 2598

SPRING CR (PERMIT)

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
LAVA CR	4881	2N	7E	3					21				34	38	10						85	
SPRING CR	2916	2N	7E	3					21				35	38	21						115	
OVERLAP																						
ACRES TOTALS									21				37	38	21							117

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
* RECOMMENDATION SPRING CR	2598								21				35	38	21						115	
OVERLAP																						
ACRES TOTALS																						117

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

USE/SOURCE	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		

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JUL 10 2002

* SAME ACRE AMOUNT AS SPRING CR LIC, 2916 (NO NEW ACRES) ONLY ADDITIONAL CFS ADDED BRINGING UP TO 0.02 CFS/ACRE STANDARDS.

2/1/2002

Idaho Dept. of Water Resources
Place of Use Comparison Report

Page1

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total

Idaho Dept. of Water Resources

Idaho Dept. of Water Resources
Place of Use Comparison Report

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Permit	63 2296	ELZA JOHNSON,	SPRING CREEK	02/07/02					30			30	25	25							100

02/07/02

IDAHO DEPARTMENT OF WATER RESOURCES

OVERLAP MAP

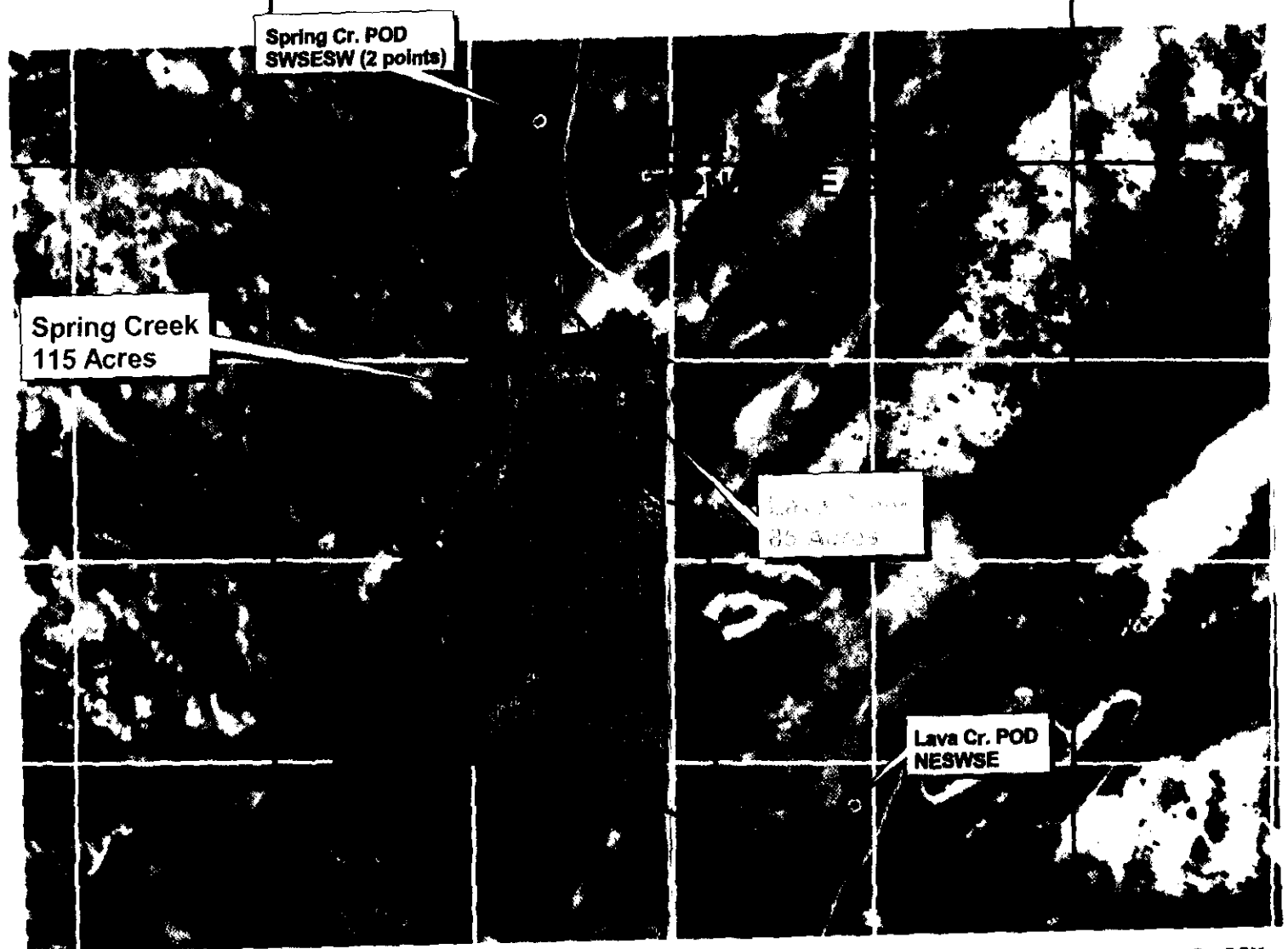
63-2916 Licence (Spring Cr.)

63-2598 Permit (Spring Cr.)

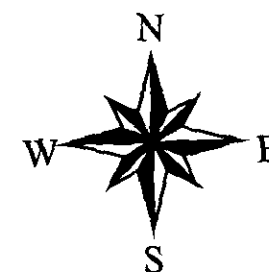
63-4881 Statutory Claim (Lava Cr.)

Date Prepared: 01-31-02

Prepared By: Ron Howerton



T03N, R07E
S03



⊙ Point of Diversion

 Spring Creek POU

 Lava Creek POU

 Section

1/4 1/4

 Ditch

117 acres TOTAL

1987 NAPP

01/31/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-2916
NAME AND ADDRESS: L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803
SOURCE: SPRING CREEK TRIBUTARY: SMITH CREEK
QUANTITY: 2.00 CFS
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 63-4881 SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE.
PRIORITY DATE: 11/28/1952
POINT OF DIVERSION:

T03N R07E S34 SWSESW Within ELMORE County
TWO POINTS OF DIVERSION LOCATED IN T03N, R07E, S34, SWSESW.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.000 CFS
STOCKWATER	01/01 12/31	0.140 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T02N R07E S03 Lot 3 NENW	21.0	T02N R07E S03	SESW	35.0	
T02N R07E S03	NESW	38.0	T02N R07E S03	NWSW	21.0

STOCKWATER same as IRRIGATION

115 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-4881 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 117.0 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

STOCKWATER, 600 RANGE CATTLE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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10 2002

Water Right 63-2916

01/31/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-4881
NAME AND ADDRESS: L G DAVISON & SONS INC
1969 PRAIRIE RD
PRAIRIE ID 83647-9803
SOURCE: LAVA CREEK TRIBUTARY: SPRING CREEK
QUANTITY: 1.70 CFS
THIS RIGHT WHEN COMBINED WITH RIGHT NO. 63-2916 SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE.

PRIORITY DATE: 01/05/1904

POINT OF DIVERSION:

T02N R07E S3 NESWSE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.700 CFS

PLACE OF USE: IRRIGATION Within ELMORE County

T02N R07E S03 Lot 3 NENW	3.0	T02N R07E S03 SENW	34.0
T02N R07E S03 NESW	38.0	T02N R07E S03 NWSW	10.0

85 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 63-2916 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 117.0 ACRES IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

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Water Right 63-4881

JUL 10 2002



Photo 1: FX Oct. 24, 2001. Photos by RDH. West Ditch, Spring Creek POD 2598 & 2916. T03N, R07E, S34, SWSESW.



Photo 2: East Ditch, Spring Creek POD 2598 & 2916, T03N, R07E, S34, SWSESW.

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JUL 10 2002



Photo 3: POU view to south west from T03N, R07E, S34, SESW.

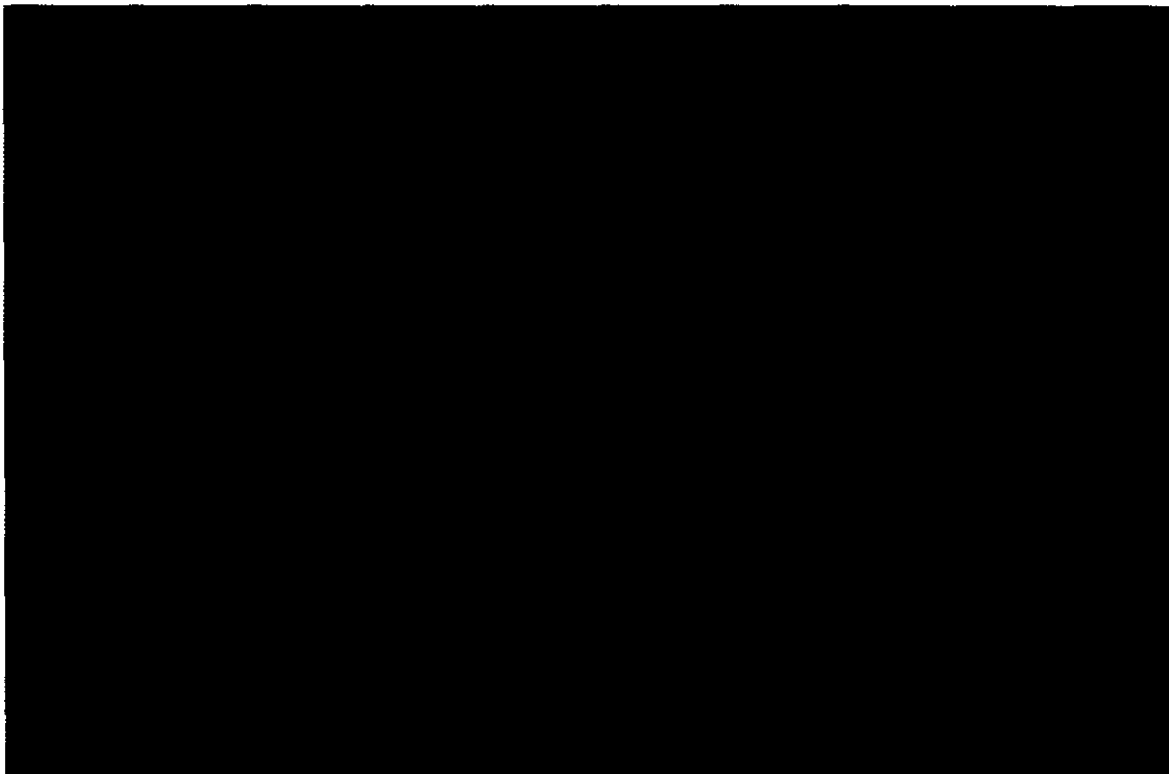


Photo 4: Shows parts of POU of 4881 from Lava Creek and 2916 & 2598 Spring Creek.
View to north photo from T02N, R07E, S03, SENW.

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MAR 10 2002

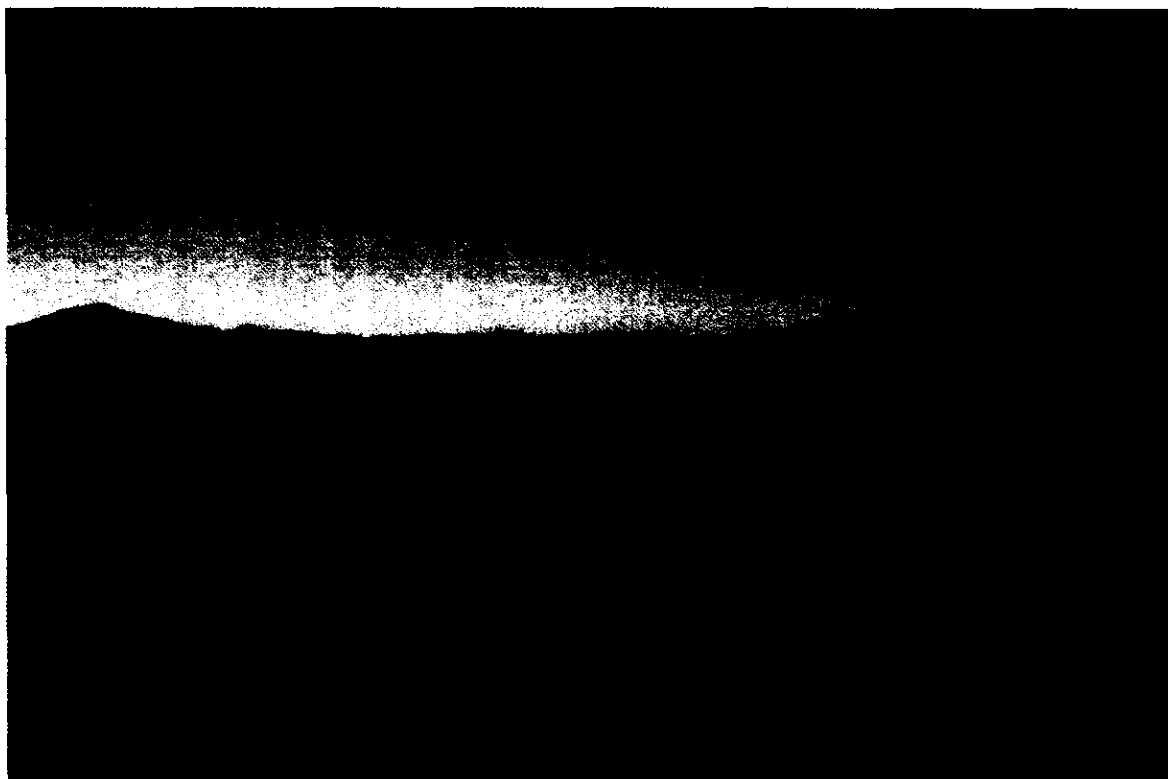


Photo 5: Shows parts of POU of 4881 from Lava Creek and 2916 & 2598 Spring Creek.
View to south photo from T02N, R07E, S03, SENW.

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JUL 10 2002

MEMORANDUM

TO: File No. 63-2598
FROM: Gary Spackman *Gary*
DATE: February 21, 1990

RE: Field Examination

During adjudication claims taking, L.G. Davison & Sons, Inc., c/o of Prairie Stage, Mountain Home, ID 83647, claim to be the current owners of the place of use listed under permit no. 63-2598. The permit was examined in 1952. At the time of the examination, the engineer found that a dam constructed to hold water as proposed had washed away. Reports state that the permit holder planned to rebuild the dam. Apparently the examination was never finished.

I suggest a license not be issued for this particular permit, but that it be resolved in the adjudication.

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JUL 10 2002

MEMORANDUM

TO: FILE

FROM: ROXANNE MCCARTHY

RE: REVIEW OF OLD FILES

DATE: 18-APR-1989

This file was reviewed during an examination of the current licensing backlog. It was determined that the Permit should be set aside pending the Swan Falls adjudication. The rolodex card for this file has been flagged with a red dot and can be found on the "Exams to License" rolodex.

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JUL 10 2002

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19338

This proof is for Beneficial use

In Water District No.

1. Name of applicant Mrs. Elza Johnson, Vale, Oregon (Prairie, Idaho, formerly)

2. Source of water supply: Spring Creek, a tributary of Smith Creek

3. Location of point of diversion: Is in the Lot 3 of Section 3

T. 2 N. R. 7 E. County of Elmore

4. Describe works as they exist, giving dimensions and capacities of same: The dam was an earth fill dam but is now completely washed away. No means were provided to by pass the dam. When spring floods began cutting the ditches away, the dam was allowed to wash out.

Cross section of the creek at the head of the ditches is 8 to 9 feet deep and fifteen feet wide with nearly vertical sides. Evidence shows that the ditches were approximately one foot deep and two and one half feet wide with sloping sides. The west side ditch has washed and cut away for a length of nearly 500' to a cross section of 8 feet deep and 10 feet wide maximum with vertical sides. The east and west ditches are both approximately three fourths of a mile long. These ditches also collect water from springs and small creeks that they cross.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

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

304-30 404-20
E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, Township 2 North, Range 7 East, B. M. = 160 A.

See Map

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

8. What large stream would the water here appropriated finally reach? Boise River via Smith Creek

Remarks: T. F. Rieger of Prairie, Idaho is present owner of this land. He intends to rebuild the dam for irrigation purposes.

Principal crop is hay and pasture.

This examination was made on the 1st day of July, 1952

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(Signed)

Alfred C. Larson
Examiner.

JUL 10 2002

Mrs. Eliza Johnson
Vale, Oregon
Permit No. 19338

70

Examination for Beneficial use

County Elmore

3 days 48

2 N - 7 E

7-10 Miles E. of bridge

CH. 12 sec
Blacks Cr. Rd.

Q = 2 cfs

Source = Spring Cr.

P.O. = Lot 3 of Sec 5-24-78

Irving

T.F. Rieger (present owner)
Panic, Idaho

INSTRUCTIONS TO EXAMINERS

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

Diversion dam was
earth fill with no outlet pipe.
ditched (one on each side) (or)
approx 2 1/2 ft wide by 1' deep
High water in spring 1900
and cut west ditch 8' deep x
10' wide in places. Present owner
cut out dam to save washing
away any more meadow down
ditch (No trace of diversion line
left)

Point of diversion:

75 yds S of N Section Line
70 yds E of W line of NE 1/4

Cross section of creek at R.O.D.
Depth 8'-9' Width: 15'
vertical sides.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

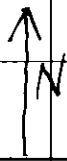
REPORT OF ENGINEER

PERMIT NO 19338

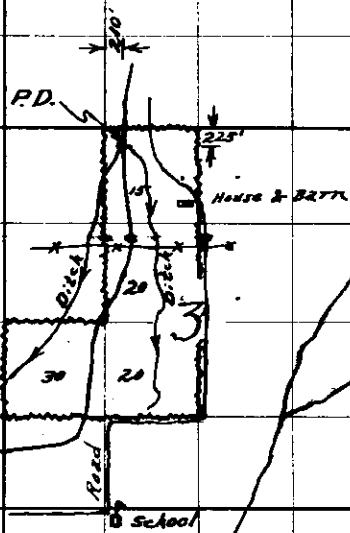
REPORT ON PROOF OF Beneficial use

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JUL 10 2002



Twp 2N. R 7 E.



Area Irrigated = 85 Acres

Smith's

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JUL 10 2002

Oct. 20-1951

Department of Reclamation, State
House, Boise, Idaho.

Mark R. Hulp Reclamation Engineer.

Dear Sir -

I am leaving soon for N. Dakota
to live with my daughter & her family.
As I am a cripple & cannot walk & will
not be living in Idaho any more. will
not need a water permit to be
brought to license.

I own no property in Idaho or any
other State.

I hope this explanation will be
satisfactory & will just drop the
permit to license.

Sincerely,

Mrs. Elza Johnson.

19338



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

October 15, 1951

RE: Permit No. 19338

Mrs. Elsa Johnson
Vale
Oregon

Dear Mrs. Johnson:

Inspection is required by law in the State of Idaho before water permits can be brought to license.

Your permit No. 19338 awaits only an inspection to be brought to license. This should have been done earlier, but due to the extremely heavy load of inspections, has not been. If possible, we would like to make inspection yet this fall.

We will need someone who is acquainted with this irrigation system to accompany us on this inspection. Will you please let us know when and where we can meet you or your representative to make this inspection. If someone has to come from Vale through Boise, they may as well plan to go with the inspector from here and return to Boise.

We hope it will be possible to make this inspection sometime this month. Please let us hear from you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By *E. N. Humphrey*
E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

19338

October 15, 1951

RE: Permit No. 19338

Mrs. Elsa Johnson
Vale
Oregon

Dear Mrs. Johnson:

Inspection is required by law in the State of Idaho before water permits can be brought to license.

Your permit No. 19338 awaits only an inspection to be brought to license. This should have been done earlier, but due to the extremely heavy load of inspections, has not been. If possible, we would like to make inspection yet this fall.

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We hope it will be possible to make this inspection sometime this month. Please let us hear from you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

Hifg

19338

✓
19338

June 10, 1948

Mrs. Elza Johnson
c/o Mr. George Johnson
Vale, Oregon

Dear Mrs. Johnson:

In writing you this morning in regard to your proofs on your Permit No. 19338, we copied from a form letter when we stated that the Field Engineer would try and contact Mr. Grove.

, What we meant to say was at the time he makes the examination Mr. Tolman will try and contact whoever is living on the place in order that he may be shown over the place.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

cc: Mrs. Cleo Johnson

19338

June 10, 1948

Re: Permit No. 19338

Mrs. Elsa Johnson
c/o Mr. George Johnson
Vale, Oregon

Dear Mr. Johnson:

We have received from the Mountain Home News the affidavit of publication in connection with your proof of beneficial use under Permit No. 19338.

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

We are unable to say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this Department, will try and contact Mr. Grove at the time he makes the examination in order that he may arrange to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

cc: Mrs. Cleo Johnson

19338

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Robert M. Cooley do
solemnly swear that I am the foreman, the
publisher of the

MOUNTAIN HOME NEWS

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

4 consecutive weeks, the first pub-
lication having been made on the 6 day
of May, 1948, and the
last publication having been made on the 27

day of May, 1948;
every number of the paper during the period
and time of publication and that the notice
was published in the newspaper proper and
not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS (formerly Mountain Home
Republican) has been continuously and unin-
terruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

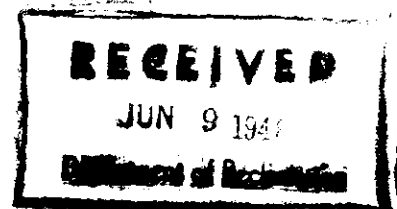
Robert M. Cooley

Subscribed and sworn to me this 4

day of June, 1948

Frank Hall
Notary Public

19338



✓

June 2, 1948

Re: Permit No. 19338

Mrs. Cleo Johnson
Route #1
Kuna, Idaho

Dear Mrs. Johnson:

We acknowledge receipt of the depositions of yourself and two witnesses in proof of beneficial use under Permit No. 19338, in the name of Mrs. Elsie Johnson. However, the affidavit of publication is a necessary part of this proof and if you have not received it from the Mountain Home Republican, we suggest that you contact them at once in order to obtain same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

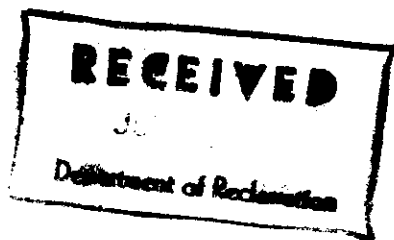
Chief Clerk

A/dm

19338

Miss Elza Johnson
has moved to Vale
Oregon,

add. would be in care
of George Johnson
Vale Ore



19338

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 19338

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Edgar Johnson
Vale, Ore

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. 19338 July 27, 1948

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

Ans. Spring Creek, Tributary of Smith Creek Elmore Co
Lot 3, Section 3 Township 2 North Range 7 East 3M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Ditch 2 ft bottom, 4 ft Water level, 8 in deep
3/4 mile long

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. Meadow Land Irrigation
NE NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4 Section 3
Township 2 North Range 7 East, 3M.
110 acres

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

Ans. _____

19338

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

Ans.

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

Ans.

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

Ans.

For Irrigation on above described property

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) *Mrs. Elsie Johnson*
Agent for E. J. Johnson

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 *Kenai*, County of *Ada*, State of Idaho, on this *29* day of *May*, A. D. 19 *48*.

My commission expires *11/23/50*

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19338

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. R. W. Staats. 55 years of age.
Kuna P. #2 Idaho.

Ques. 2. Are you acquainted with Edgar Johnson, the holder of Permit No. 19338? How long have you known him and where does he reside?

Ans. Yes 55 years

Ques. 3. Have you read or heard read said Permit No. 19338, 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. Spring Creek, Tributary of Smith Creek Elmore
Lot 3, Section 3, Section 3, Township 2 North, Range 7 East,
Ditch 2 ft at bottom with at water level 4 ft
depth of water 8" 3/4 mile long

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. _____

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. NE 1/4 NW 1/4, SE 1/4 NW 1/4,
NE 1/4 SW 1/4 Range 7 East, B. m.

19338

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. Meadow Land

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. Been on Ranch

(Signed) R. W. Staats

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 Kimberly, County of Ada,

State of Idaho, on this 29 day of May, A. D. 19 48.

My commission expires 11/23/50

P. S. Priddy
Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19338

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. Amos A. Grigg age 47
Kuna Idaho

Ques. 2. Are you acquainted with Mrs. Elizabeth
holder of Permit No. 19338? How long have you known him and where does he reside?

Ans. 25 years

Ques. 3. Have you read or heard read said Permit No. 19338, 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. Spring creek, Tributary of Smith creek, Elmore Co.
Is in Lot 3, Section 3, Township 2 North,
Range 7 East, B.M. Ditch 2 ft bottom 4 ft water level
depth of water 8" 3/4 mile long

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. 2 second feet

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. NE 1/4, NW 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4
NW 1/4 SW 1/4 Section 3, Township 2 North, Range 7
East, B.M.

19338

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. Meadow Land

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. Helped maintain ditch

(Signed) Amos A. Grigg

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 Suma, County of Ada,

State of Idaho, on this 29 day of May, A. D. 19 48.

A. B. Priddy
Notary Public.
My commission expires 11/23/50

✓

May 27, 1948

Re: Permit No. 19338

Mr. P. S. Pride,
Notary Public
Kuna, Idaho

Dear Mr. Pride:

We acknowledge receipt of your memorandum of May 24, 1948, returning the forms for making proof of beneficial use under Permit No. 19338, in the name of Mrs. Elza Johnson.

These papers were sent to you at the request of Mrs. Cleo Johnson of Route #1, Kuna, Idaho, who is to bring two witnesses before you to make these proofs on a water filing in the name of her mother-in-law, Mrs. Elza Johnson of Nampa. Mrs. Elza Johnson is confined to a wheel chair and her daughter-in-law is making this proof as her agent.

Notice has been published for four consecutive weeks in the Mountain Home paper, as the land is located in Elmore County, stating that the proof would be made before you as Notary Public, and we had assumed that Mrs. Johnson had made the proper arrangements with you.

We hope that with the above explanation you will see your way clear to take these proofs.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

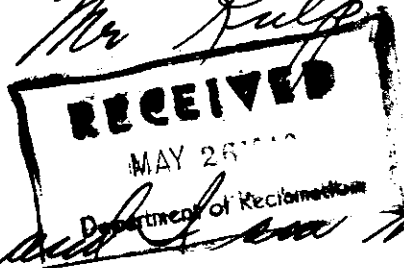
A/dm
Enc.

cc: Mrs. Cleo Johnson

19338

Kuma Shako
May 24 - 1948

Mr Kulp -



I do not know Elza Johnson
and I am not qualified to fill in the
papers. - I would be glad to acknowledge
the man's signatures if the will bring
them to me thanking you

19338

P. S. Pride

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, May 19, 1948

Re: Permit No. 19338
Elza Johnson

Mr. P. S. Pride
Notary Public
Parna, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 19338

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On May 29, 1948, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Parna, Idaho before P. S. Pride, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

..... MARK R. KULP
~~Commissioner of Reclamation~~
State Reclamation Engineer

19338

✓
April 29, 1948

Re: Permit No. 19338

Mrs. Cleo Johnson
Route #1
Kuna, Idaho

Dear Mrs. Johnson:

We have sent to the Mountain Home Republican copy of notice of beneficial use proof to be made under Permit No. 19388, at 11: A.M., May 29, 1948, at Kuna, Idaho, before P. S. Pride, Notary Public,

The Mountain Home Republican has been instructed to publish this notice prior to May 29, 1948, and to send you the affidavit of publication together with statement of publication costs.

About ten days prior to the date set for proof we shall send Mr. Pride the necessary forms of deposition, consisting of one for yourself and one for each of two witnesses, so that he may have them in ample time for the proof.

At the time set you may appear for Mrs. Elsie Johnson with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

cc: Mrs. Elsie Johnson

19338

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date: April 28, 1948

Re: Permit No. 19338

Mountain Home Republican

Mountain Home, Idaho

Gentlemen:

Enclosed you will find notice for publication
once a week for four consecutive weeks prior to May 29,
1948. the date set for proof, the expense of the
publication to be paid by the applicant, / Mrs. Cleo Johnson
of Route 1, Kuna, Idaho, to whom you should
furnish proof of publication on or prior to the date set
for proof.

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

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

19338

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

Notice is hereby given that at 11:00 A. M. on the 29th day of May, 1948,
at Kuna, County of Ada, State of Idaho, before
P. S. Pride, Notary Public, proof will be submitted of the
application to beneficial use of two(2) cubic feet per second of the waters of Spring Creek, a
tributary of Smith Creek in accordance with the terms and conditions of Permit No. 19338
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 _____

M. Elza Johnson, Nampa, Idaho

The use to which said water has been applied is irrigation;

The amount applied to beneficial use is two (2) cubic feet per second

The place where said water is used (~~if for irrigation, give full and accurate description of the~~
~~lands irrigated~~) Elm 1/4, N 37 1/4, Section 3, Township 2 North, Range 7 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. 19338

The source of supply from which such water is diverted is two(2) cubic feet per second

The date of priority which said user is prepared to establish is May 27, 1947

MARK R. KULP

State Reclamation Engineer.

19338

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 27, 1948

(P. O.) Boise, Idaho

STATE RECLAMATION ENGINEER:

TO THE ~~COMMISSIONER OF RECLAMATION~~

Boise, Idaho.

Dear Sir:

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

Mrs E. G. Johnson
by Mrs E. G. Johnson

(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.

19338

April 22, 1948

Re: Permit No. 19338

Mrs. M. Elza Johnson
1303 11th Ave. Se.
Nampa, Idaho

Dear Mrs. Johnson:

We enclose Certificate of Completion of Works issued under your Permit No. 19338, for the appropriation of 2 second feet of water from Spring Creek, for the irrigation of land in Section 3, Township 2 N., Range 7 E. B.M.; and also enclose a copy of Permit No. 19338 as per your request.

Departmental Receipt No. 20531 for the \$5.00 fee in connection with completion of works proof and Receipt No. 20552 for \$1.00, the cost of the copy of Permit No. 19338 are also enclosed.

We note that you wish to proceed with final or beneficial use proof under this permit in order to obtain a license, thus completing the water right. You are correct in assuming that it must be advertised in an Elmore County paper, and we enclose a form of authorization for us to have the notice published in the designated newspaper at your expense. Upon return of this authorization we shall make out the proper form of notice and send to the newspaper with instructions in regard to publishing.

The proof is made by depositions of the permit holder and two witnesses taken before a Notary Public named in the notice. The proof may be made at Nampa or any place convenient to you and your two witnesses; or your daughter-in-law may execute the deposition for the permit holder instead of you if that will be more convenient.

In returning the authorization for publication, please state where you wish the proof to be made and name the Notary Public.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

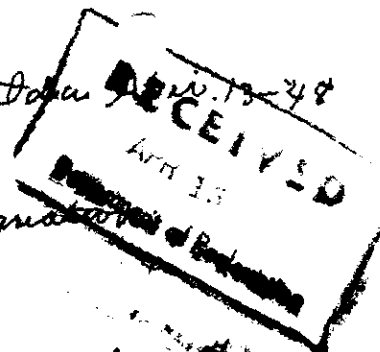
Chief Clerk

A/dm
Encls.

19338

Mr. Mark R. Kulp.
Department of Reclamation
Boise, Idaho.

Nampa, Idaho



Dear Sir:-

I am sending a check for \$1.00 for
a copy of the Permit, No. 19338.

Also please send me the necessary
forms for making proof of beneficial
use of the water.

I suppose it should be advertised
in the Elmore Co. paper at Mountain
Home, wouldn't it?

I know that the water has been
beneficial^{used} on the land. as my
daughter-in-law wrote me, when
I wrote & asked her about the Spring
creek water, that they watered,
all the meadow land, & made
the main hay crop, that that
place was the only one that
benefited by it & used it on
about 120 Acres of land. 19338
That wouldn't take in the whole
place as there's much of it that

can't - watered & there is some
water that comes in at the south
end of the place from a different
source.

My daughter-in-law, Mable Johnson,
my son's widow. he died in 1939.

Said she gave the Co. Surveyor
\$20 & that that covered all the
charges on it, so evidently had
never been recorded.

So she has not had a Permit. but
trusted the Co. Surveyor to have
recorded the fact that the Spring
Creek water belonged to that ranch.

I can get about only in a wheel-
chair. so am not able to go there
to see about the place.

Sincerely.

M. Elza Johnson

1303-11th Ave. So.

Nampa, Idaho.

April 12, 1948

Re: Permit No. 19338

Mrs. Elza Johnson
No. 1303 11th Ave., South,
Nampa, Idaho

Dear Mrs. Johnson:

We acknowledge receipt of your letter of April 8th, enclosing your check for the \$5.00 fee in connection with completion of works proof under Permit No. 19338. Certificate of completion of works will be issued and sent you shortly.

Meanwhile, in order to perfect your water right, and obtain a license, proof of beneficial use is required. Under the terms of your permit, this was due July 28, 1943, but can still be made, if the water has been so beneficially applied on the land; that is, on the E $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, Township 2 North, Range 7 East, E.M. The priority date, however, will be as much later than the original priority of July 27, 1942, as this proof is past due.

The former correspondence in regard to this permit was sent to the address given in the application, that is, Prairie, Idaho.

We shall be glad to furnish you with a copy of this permit, the cost of which is \$1.00.

Very truly yours,

MARK H. KJLP
State Reclamation Engineer
By

Chief Clerk

The necessary forms for making proof of beneficial use will be sent you, upon request. This proof has to be advertised once a week for four consecutive weeks, in a county newspaper, at your expense.

19338

RECEIVED

APR 10 1948

Department of Reclamation

Nampa, Ida. April 8-48

State of Idaho Department of Reclamation,

Mark R. Kulp, State Reclamation Engineer, Boise

Dear Sir -

I received your commutation in regard to the Permit No. 19338 just a few days ago.

I didn't even know there was a permit for the water from Spring Creek. I knew that water came from Spring Creek, point of diversion in Lot 3.

I have not lived in Idaho since in 1932, the time we bought the ranch, until July, 1945. You may have notified me in July + Aug. 24-1943, but I never received it. Where did you mail it too.

I am sending you a check for the fee of \$5.00 now, & would have on July 24, 1943 if had received the notice.

I'm glad you got my right address this time, & notified me.

Please send me a copy of the Permit No. 19338, which claims the use of 2 cubic feet per second of water from Spring Creek, with point of diversion in Lot 3, - of Section 3, Township 2 N., Range 7 E. B. M. I certainly would not want that Permit cancelled.

Sincerely

Mr. Elza Johnson.

19338

Nampa, Idaho.

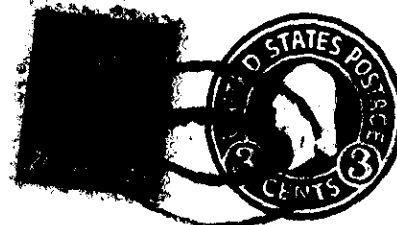
1303-11th Ave. So.

After 5 days, return to
DEPARTMENT OF RECLAMATION,
State House,
BOISE, IDAHO.

Mr. Elza Johnson

Prairie, Idaho

19338



Registered

Return receipt requested

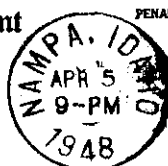
87657

REASON FOR
NON-DELIVERY
CHECKED

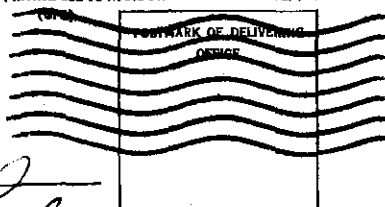


UNCLAIMED ☒ UNKNOWN ☒
FOR BETTER ADDRESS _____
MOVED LEFT NO ADDRESS _____ REFUSED _____
NO SUCH POST OFFICE IN STATE NAMED _____

Post Office Department
OFFICIAL BUSINESS



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



Return to

Street and Number,
or Post Office Box,

(NAME OF SENDER)

REGISTERED ARTICLE

No.

INSUR^{ED} PARCEL

BOISE

IDAHO.

RETURN RECEIPT

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

1 Mrs. Eliza Johnson

(Signature of name of addressee)

2 Mrs. Geo. F. Thomas

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 4/5/48, 194

U. S. GOVERNMENT PRINTING OFFICE

16-12421

19338

APPLICATION FOR REGISTRATION AND CERTIFICATE OF DECLARED VALUE OF MATTER SUBJECT TO POSTAL SURCHARGE

(No collection of surcharge is required on international registered mail)

State Department of Reclamation hereby applies for the registration of the articles described below
(Name of sender)
and certifies that the amounts of the declared values set forth on the sheet are the full values of the articles listed or the known or estimated cost of duplication in the case of nonnegotiable securities.

NOTE.—Additional receipted copies of this bill will be furnished as certificates of mailing only, upon payment of one cent for each article listed on each additional copy of the bill. Claims for indemnity may not be paid unless articles are properly packed and endorsed, and unless claims are filed within the prescribed time limits. (See postmaster for detailed information.)

Letter only

(1) NUMBER OF ARTICLE	(2) NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	(3) Postage (exclusive of other charges or fees)	(4) Regis- try fee	(5) Fee paid for return receipt	(6) Delivery restrict- ed—Fee paid	(7) Full value or cost of dupli- cation if nonnegotiable securities*	(8) Surcharge on entire contents of article	(9) REMARKS†
1	87660 Mrs. Elza Johnson, 1303 11th Avenue South							
2	Nampa, Idaho	3	20	4				
3								
4								
5								

* When an article contains matter declared for full value and that for which the cost of duplication is declared, enter in column (7) the sum of the declarations for "full value" and "cost of duplication."

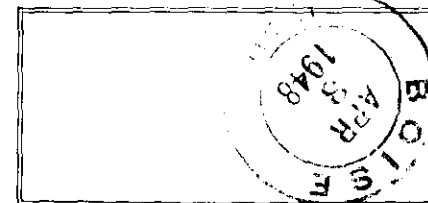
† Show in "Remarks" column (9) class postage paid if other than first or if international mail. Also use this column to indicate "F" if "Fragile"; "SD" if "Special-Delivery"; "AM" if "Air Mail"; and "C. O. D." and amount due sender if registered C. O. D. mail.

Total number of pieces listed by sender One (1)
(Write number here in words)

Total number of pieces received at post office 1

Postmaster, per [Signature]
(Name of receiving employee)

Affix stamp here for additional copies of this bill



Postmark and date of receipt

19338



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

March 30, 1948

Re: Permit No. 19338

Mr. Stanton Park
Mountain Home, Idaho

Dear Mr. Park:

In checking our files we note that while proof of completion of works was made under Permit 19338, in the name of Elza Johnson, a \$5.00 fee was not paid although we wrote a couple times in regard to this.

A registered letter addressed him at Prairie, Idaho in regard to this has been returned marked "unclaimed" and "unknown".

Can you advise us as to Mr. Johnson's present address, and if you know whether or not he is still interested in this permit which calls for 2 cubic feet per second of water from Spring Creek in Lot 3, Section 3, Township 2 N., Range 7 E. B.M.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Jeannie L. Anderson

Chief Clerk

A/dm

19338

March 30, 1948

Re: Permit No. 19338

Mr. Stanton Park
Mountain Home, Idaho

Dear Mr. Park:

In checking our files we note that while proof of completion of works was made under Permit 19338, in the name of Elza Johnson, a \$5.00 fee was not paid although we wrote a couple times in regard to this.

A registered letter addressed him at Prairie, Idaho in regard to this has been returned marked "unclaimed" and "unknown".

Can you advise us as to Mr. Johnson's present address, and if you know whether or not he is still interested in this permit which calls for 2 cubic feet per second of water from Spring Creek in Lot 3, Section 3, Township 2 N., Range 7 E. B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/dm

APPLICATION FOR REGISTRATION AND CERTIFICATE OF DECLARED VALUE OF MATTER SUBJECT TO POSTAL SURCHARGE

(No collection of surcharge is required on international registered mail)

State Department of Reclamation hereby applies for the registration of the articles described below
(Name of sender)
and certifies that the amounts of the declared values set forth on the sheet are the full values of the articles listed or the known or estimated cost of duplication in the case of nonnegotiable securities.

Letter only

NOTE.—Additional receipted copies of this bill will be furnished as certificates of mailing only, upon payment of one cent for each article listed on each additional copy of the bill. Claims for indemnity may not be paid unless articles are properly packed and endorsed, and unless claims are filed within the prescribed time limits. (See postmaster for detailed information.)

(1) NUMBER OF ARTICLE	(2) NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	(3) Postage (exclusive of other charges or fees)	(4) Regis- try fee	(5) Fee paid for return receipt	(6) Delivery restrict- ed—Fee paid	(7) Full value or cost of dupli- cation if nonnegotiable securities *	(8) Surcharge on entire contents of article	(9) REMARKS†
1 87657	Elza Johnson, Prairie, Idaho	3 20	4					87657 1948
2								
3								
4								
5								

* When an article contains matter declared for full value and that for which the cost of duplication is declared, enter in column (7) the sum of the declarations for "full value" and "cost of duplication."

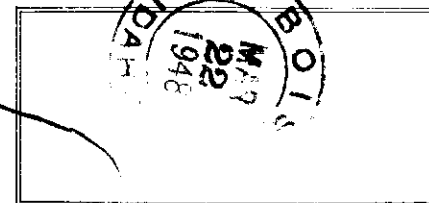
† Show in "Remarks" column (9) class postage paid if other than first or if international mail. Also use this column to indicate "F" if "Fragile"; "SD" if "Special-Delivery"; "AM" if "Air Mail"; and "C. O. D." and amount due sender if registered C. O. D. mail.

Total number of pieces listed by sender One
(Write number here in words)

Total number of pieces received at post office

Postmaster, per _____
(Name of receiving employee)

Affix stamp here for additional copies of this bill



March 18, 1948

Re: Permit No. 19338

Mr. Elze Johnson
Prairie, Idaho

It appearing to the State Reclamation Engineer that Proof of Completion of Works under Permit No. 19338, has not been completed because of failure to pay the statutory fee of \$5.00 in connection therewith;

And it further appearing that you were duly notified in regard to this fee on July 24, 1943 and August 24, 1943:

You are hereby required to show cause before the State Reclamation Engineer on or before the 1st day of May 1948, why said permit should not be cancelled.

Said Permit No. 19338 claims the use of 2 cubic feet per second of water from Spring Creek, with point of diversion in Lot 3 of Section 3, Township 2 N., Range 7 E. B.M.

IN WITNESS WHEREOF, I have hereunto set my hand affixed the seal of my office at Boise, Idaho, the 18th day of March 1948.

State Reclamation Engineer

19338

August 24, 1943

Re: Permit No. 19338

Mr. Elza Johnson
Prairie, Idaho

Dear Mr. Johnson:

We do not seem to have received a reply to
our letter addressed you on July 24th.

In this letter we acknowledged receipt of your
affidavit for completion of works under the
above numbered permit, and called attention to
the \$5.00 fee necessary in connection with
same.

Please give this your early attention, in order
that Certificate of Completion of Works may be
issued and sent you.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A

19338

July 24, 1943

Re: Permit no. 19338

Mr. Elza Johnson
Prairie, Idaho

Dear Mr. Johnson:

We acknowledge receipt of your affidavit in proof of completion of works under the above numbered permit, but you failed to enclose the statutory fee of \$5.00 in connection with this proof.

Upon receipt of this fee, a Certificate of Completion of Works will be issued and sent you.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

19338

Permit No.

STATE OF IDAHO
Department of Reclamation

RECEIVED

JUL 24 1943

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Elmore

} ss.

Edgar Johnson, 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. 14338, and that his postoffice address is Prairie State of Idaho

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

Third: That the point of diversion of said water is in Lot 3 of Sec 3

27 1/2 mi

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 28, 1943

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:

1. Kind of works: Ditch

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

II. Dimensions of work: 2 ft by 4 ft by 8 ft ditch

(a) Height of dam 8 ft feet, length of dam at top 6 feet, length of dam at bottom 6 feet. Material used in construction earth

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit 3/4 mile width at bottom feet, width at water line feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

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

Eighth: That water appropriated under said permit is available for 100 acres of land described as follows: T. 2 N. R. 7 E. S. 43. N. 2 1/4 3000 S. E. 1/4 20 acre
S. E. 1/4 20 acre NW. 1/4 20 acre

Ninth: Remarks: That

Edgar Johnson
(Sign here)

Subscribed and sworn to before me this 23 day of July, 1943

My commission expires 7-11-47

Notary Public.

19338

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Elsa Johnson
C/o Stanton Park
Mountain Home, Idaho
Dear Sir:—

Boise, Idaho, **May 10, 1943**

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 19338.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before July 28, 1943. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

JAMES SPOFFORD

~~Commissioner of Reclamation.~~
State Reclamation Engineer

19338

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

19338

Permit No. 19338

Date August 4, 1942.

Dear Sir;

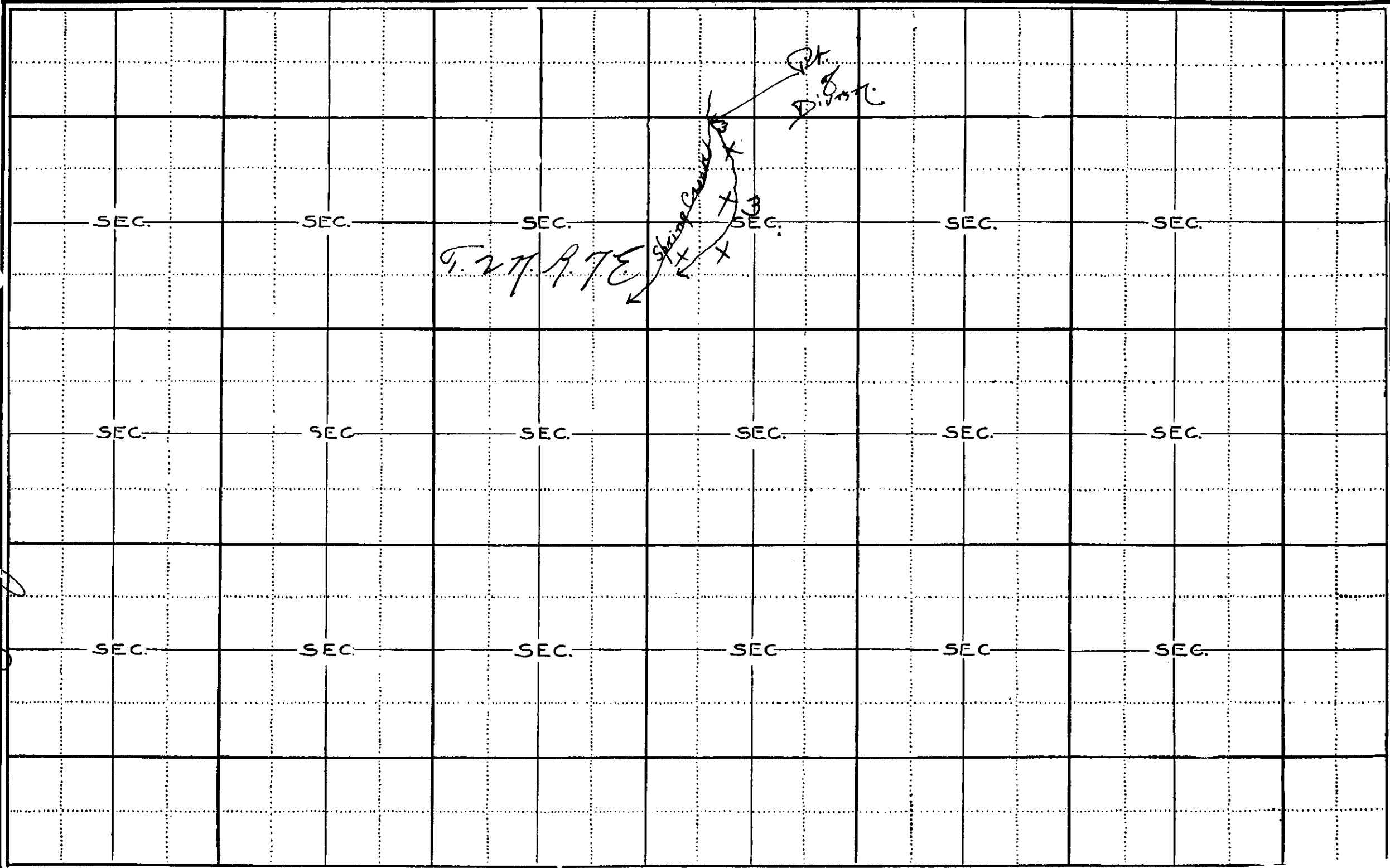
I enclose herewith above numbered permit. BE SURE
AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval
of the Commissioner of Reclamation on the fourth page.

E. V. BERG

Commissioner of Reclamation.

By: ROY W. THOMPSON
Deputy Commissioner

Name of Applicant *Edgar Johnson*



Mr Theo F. Rieger
called on Nov 28-1952 and
said property had changed hands
three times since Mrs J. had
it and that he now owned it
and could not find Mrs J.
so he refiled.

app. 31052

Permit # 23279 in lieu

19338

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

Notice is hereby given that at 11:00 A. M. on the 29th day of May, 1948, at Kuna, County of Ada, State of Idaho, before P. S. Pride, Notary Public, proof will be submitted of the application to beneficial use of two (2) cubic feet per second of the waters of Spring Creek, a tributary of Smith Creek in accordance with the terms and conditions of Permit No. 19338 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 M. Elza Johnson, Nampa, Idaho.

The use to which said water has been applied is irrigation;

The amount applied to beneficial use is two (2) cubic feet per second

The place where said water is used E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, Township 2 North, Range 7 East, B. M.

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. 19338

The source of supply from which such water is diverted is two (2) cubic feet per second

The date of priority which said user is prepared to establish is May 27, 1947

MARK R. KULP

State Reclamation Engineer

First publication May 6, 1948

Last publication May 29, 1948