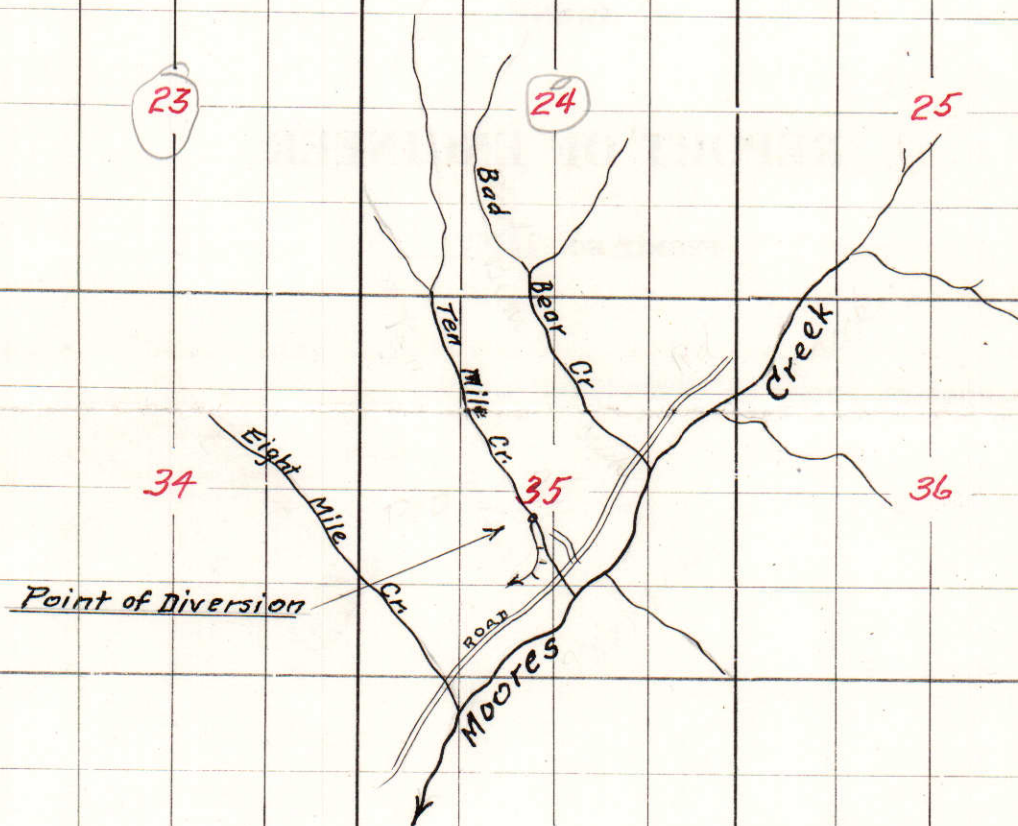




27

26

25

34

35

36

Ten Mile Creek

Pt. of Diversion

Ditch

N46°39'E
3402.4 Ft.

Moore's Creek

T. 7 N., R. 6 E.
B. M.

Permit Map No. 19169

As Approved

JUL 1 1961

V. BERG

License and Certificate of Water Right

Amount, 0.5 second foot

Priority June 10, 1941

UNITED STATES OF AMERICA FOREST SERVICE

of Ogden, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated June 10, 1941; that Permit No. 19169 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.5 second feet, was issued thereunder on June 18, 1946, showing that said works were completed on the 23rd day of May, 1946; and that on the 8th day of October, 1947,

UNITED STATES OF AMERICA FOREST SERVICE

of , State of , made proof to the satisfaction of the

of Idaho, of the right to use the waters of Ten Mile Creek

, for the purpose of Domestic use for personal

of the Department of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

of Licenses at page 4468 , on the 18th day of March 1944:

The right hereby confirmed dates from June 10, 19 41 :

The Point of Diversion is located

in the NE 1/4 SW 1/4, Sec. 35, Tp. 9 N., R. 6 E., B. M. Boise County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.5 cubic feet per second.

Description and location of use:

[illegible]

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

18th day of March, 1948.

State Reclamation Engineer

63 05-27

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

63-2567

Application No. 26635
Permit No. 19169
District No.

1. Name of Applicant: UNITED STATES OF AMERICA, FOREST SERVICE.
Postoffice address: Ogden County: Weber State: Utah
 - 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: 0.5 cubic feet per second.
3. Source of water supply: Ten Mile Creek which is a tributary of Moore's Creek
4. Location of point of diversion: N 46° 39' E 3404.4 feet distant from the SE corner of Section 34, T. 7 N, R. 6 E, B. M., and is the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T. 7 N, R. 6 E, B. M., County of Boise
5. Water is to be used for: Domestic purposes for summer homes.
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: \$ 100.00
8. Kind of works: earth and rock dam and ditch.
9. Height of dam 2 feet; length of dam at top 5 feet; length of dam at bottom 5' feet; material used in dam: earth and rock
10. Size of headgate: Width feet; height feet.
11. Ditch: Width at bottom 2 feet; width at water line 2 $\frac{1}{2}$ feet; depth of water 1 feet; dimensions of flume: Diameter of pipe inches; length of conduit miles. Average grade per mile 23.9 feet.
12. The time required for the completion of such work is five years.
13. The time required for the complete application of the water to the proposed use is one additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.

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

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

UNITED STATES OF AMERICA, FOREST SERVICE
Applicant.

W. W. BLAKESLEE
Acting Asst. Regional Forester.

By

Date of first receipt at Department of Reclamation: 11:00 A. M., June 10, 1941

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19169
Recorded in Book 69 Page 19169 Approved July 1, 1941
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 Aug. 29, 1941 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 Jan. 1, 1944
The whole of said work to be completed on or before July 1, 1946
Beneficial use of water appropriated in accordance herewith, to be made on or before July 1, 1947

Witness my hand this 1st day of July, 1941

E. V. BERG.
Commissioner of Reclamation.

IN TESTIMONY WHEREOF, We Chase A. Clark Governor of the State of Idaho, and GEO. 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 1st day of July 1941

Countersigned:

STATE OF IDAHO

(SEAL

By **GEO. H. CURTIS**

Secretary of State.

By CHASE A. CLARK.

Governor.

14. The water is to be diverted from ~~Ten Mile Creek~~ by means of an earth and rock dam and will flow thru an open ditch to Ten Mile summer home area. At intermediate points along the ditch laterals will be taken off by private summer home users with iron pipe to convey the water to their lots and homes. Such use will be intermittent for domestic purposes and the incidental irrigation of lawn around the dwelling during the summer season.

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	
							P E R M I T N O. 19169 Certificate of Completion of Works												
To All Whom it May Concern:			This is to certify that UNITED STATES OF AMERICA, FOREST SERVICE, of Ogden, County of Weber, and State of Utah, the holder of Permit No. 19169, issued upon Application No. 26635, bearing date of priority of June 10, 1941, authorizing the diversion of 0.5 second foot of the waters of Ten Mile Creek, a tributary of Moore's Creek, County of Boise, State of Idaho, for domestic purposes for summer homes, 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 0.5 second foot of the waters of Ten Mile Creek; that the point of diversion of said waters is N. 46°39' East 3404.4 feet distant from the S. E. corner of Section 34, Township 7 North, Range 6 East, B.M., and in the NE1/4 SW1/4 Section 35, Township 7 North, Range 6 East, B.M.; and that the place of use of said water is in Lots 1, 2, 3 and 4, Ten Mile Creek Summer Home Site. Witness my hand this 18th day of June, A. D. 1946.																
Proof of completion of works made May 23, 1946			MARK R. KULP																
Certificate of completion of works issued June 18, 1946			State Reclamation Engineer																
SENSE ISSUED FOR 0.5 SEC. FT. P. 4466																			

WATER RIGHT NUMBER 63-2567

OWNER LAST NAME - U.S. DEPT. OF AGRI.

FIRST NAME - ORIG OWNER -

ADDRESS LINE 1 - FOREST SERVICE

ADDRESS LINE 2 - FEDERAL BLDG.

ADDRESS LINE 3 - 324 25TH ST.

CITY - OGDEN

STATE - UT ZIP CODE - 84401

SOURCE - TENMILE CREEK

TRIBUTARY OF - MORES CREEK

STAGE - LICENSE

STATUS -

PRIORITY - 06-10-1941 COUNTY - BOISE

TOTAL DIV. RATE - .5000-CFS

TOTAL DIV. VOLUME -

.00 AFA

TRFR/AMEND -

WATER DIST. - 63

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESW 35 07N 06E LOT

REDIV -

272.0 312.0

84.0

65.0

0.0

0.0

0.0

0.0

0.0

0.0

0.2

FROM - TO -

USE - DOMESTIC

USE DIV. RATE -

.5000-CFS

USE DIV. VOLUME -

.00 AFA

USE - DOMESTIC

PLACE OF USE - TWN 07N RNG 06E SEC 35

TRACT NESW LOT

AC

TRACT SESW LOT

AC

TRACT NWSE LOT

AC

TRACT SWSE LOT

AC

DATE -

TOTAL ACRES

0

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 19169

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

IDENT. NO. 103-2567

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT DATA ENTRY LOG

[illegible]

✓
March 21, 1949

Re: Permit No. 19169

Regional Forester
U. S. Forest Service
Forest Service Building
Ogden, Utah

Gentlemen:

We enclose License and Certificate of Water Right issued under Permit No. 19169 for the diversion of 0.5 of a second foot of water from Ten Mile Creek, with priority of June 10, 1941, with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, Township 7 North, Range 6 East, B.M., for domestic use at the Ten Mile Summer Home Site, in the same Section.

We also enclose Departmental Receipt No. 21374 for the \$5.00 paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bb
Enc.

19169

AD-105—Rev. Jan. 1945
Check Mailing and
Identification Slip

UNITED STATES DEPARTMENT OF AGRICUL E

Forest Service

(Bureau or office)

Ogden, Utah

(Address)

18074

(Check No.)

(Period)

(Date mailed)

Mark R. Culp, State
Reclamation Engineer.

19169

License for
.5 sec. ft.
of water from
Ten Mile Creek.

Purchase Order No. _____ Bureau Voucher No. 31-236
Amount \$5.00 _____ Place of delivery Ogden, Utah

Return this slip with any necessary inquiries about the enclosed check to above address.

✓
March 5, 1949

Re: Permit No. 19169

Regional Forester
U. S. Forest Service
Forest Service Building
Ogden, Utah

Gentlemen:

We return voucher in the amount of \$5.00
for statutory License fee on Permit No. 19169
for water from Ten Mile Creek, which has been
duly signed by the State Reclamation Engineer.

Very truly yours,

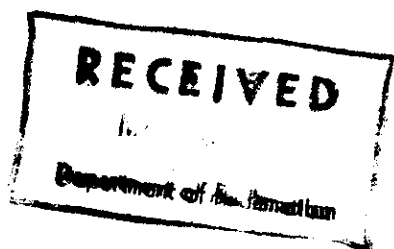
MARK R. HULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

19169

(Please sign in the place indicated by a check mark (X) and return to Regional Forester, U. S. Forest Service, Ogden, Utah, Division of Engineering.



19169

✓

February 22, 1949

Re: Permit No. 19169

U. S. Forest Service
Forest Service Building
Ogden, Utah

Gentlemen:

We now have on file the report of our Field Engineer on examination of Beneficial Use under Permit No. 19169.

Therefore, upon receipt of the statutory fee of \$5.00, a license will be issued for .5 of a second foot of water from Ten Mile Creek for domestic use on the Ten Mile Summer Home Site, in Section 35, Township 7 North, Range 6 East, B.M., Boise County, Idaho.

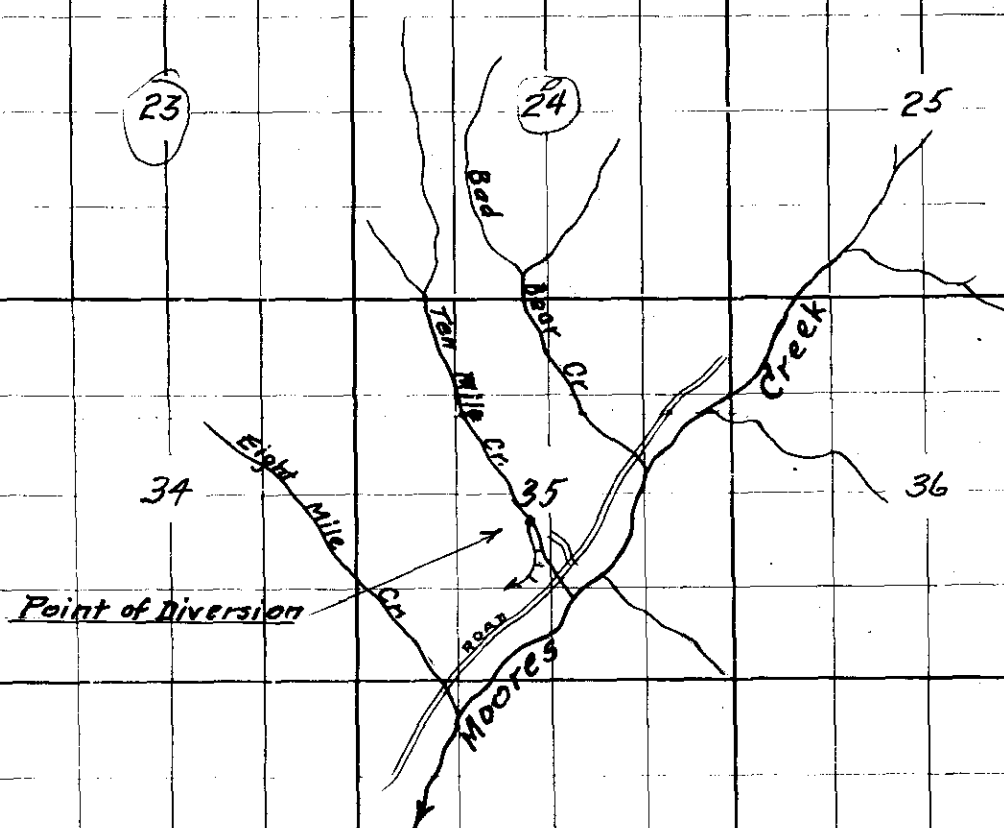
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

19169



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

19164

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 19169

REPORT ON PROOF OF Beneficial use

.5 cfs
snet

0.5 cfs

U. S. Forest Service

J.W. Farrell, Supervisor, Boise, Idaho

E. L. Thompson, Forest Ranger, Idaho City, Ida

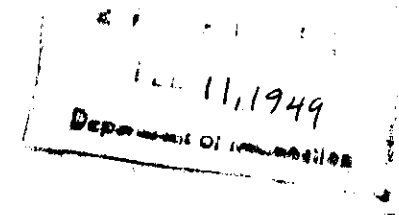
Permit No. 19169

Examination for Beneficial use

County Boise

INSTRUCTIONS TO EXAMINERS

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



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19169This proof is for Beneficial use

In Water District No.

1. Name of applicant U. S. Forest Service, Department of Agriculture, Ogden, Utah
2. Source of water supply: Ten Mile Creek, a tributary of More's Creek
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35
T. 7 N. R. 6 E. County of Boise

4. Describe works as they exist, giving dimensions and capacities of same: A ditch 1.3 feet wide, and one foot ^{deep} ~~wide~~ diverts directly from the stream, no structures being necessary. The ditch supplies four piped outlets leading to adjacent cabins.

5. Water is used for: Domestic purposes

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

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

Place of use: Ten Mile Summer Home Site, in the E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 35, Township 7 North, Range 6 East, B.M.

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

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

Remarks:

This examination was made on the 15th. day of July, 1948.

(Signed)

Examiner.

✓

November 4, 1947

Re: Permit No. 19169

Mr. J. W. Farrell
Supervisor Boise National Forest
No. 214 Main Street
Boise, Idaho

Dear Mr. Farrell:

We acknowledge receipt of depositions of the holder and two witnesses, also affidavit of publication in the Idaho Mountaineer, all in proof of beneficial use under Permit No. 19169.

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

We cannot 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 your Forest Ranger at the time he makes the examination, so that he may arrange to show him over the grounds.

Very truly yours,

MARK M. KULP
State Reclamation Engineer
By

Chief Clerk

19169



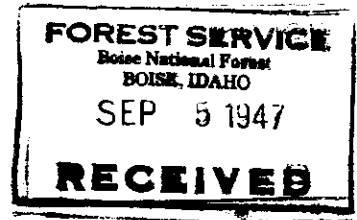
C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

September 4, 1947



Re: Permit No. 19169

Mr. J. W. Farrell
Supervisor Boise National Forest
214 Main Street
Boise, Idaho

Dear Mr. Farrell:

We have not yet received the proofs of beneficial use, which were to be made on this permit on August 11th, before Katherine M. Brogan, County Recorder, at Idaho City.

This permit is on the Ten Mile Summer Home site, for water from Ten Mile Creek.

Please advise if these proofs were made, and if so they should be transmitted promptly to this Department, together with the affidavit of publication in the Idaho Mountaineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By *Jeannie L. Anderson*
Chief Clerk

A
CC to Mrs. Brogan

Thompson should furnish

19169

Affidavit of Publication

STATE of IDAHO) ss.
County of Boise

John Colley, being duly sworn, deposes and says:

That he is the manager and principal clerk of THE IDAHO MOUNTAINEER, a weekly newspaper published at Idaho City, in the County of Boise and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once

a week for 4 consecutive weeks in the regular and entire issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issues beginning with July 19, 1942, and ending with the issue of Aug. 8, 1947.

Fees \$

John Colley

Subscribed and sworn to before me this 18th

day of September, 1947

Katherine M. Brogan
Notary Public Residing at Idaho City, Idaho

My Commission Expires 194

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

Notice is hereby given that at 10 A. M. on the 11th day of August, 1947, at Idaho City, County of Boise, State of Idaho, before Mrs. Katherine M. Brogan, Notary Public, proof will be submitted of the application to beneficial use of 0.5 cubic feet per second of the waters of Ten Mile Creek in accordance with the terms and conditions of Permit No. 19169 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is U. S. Forest Service, Dept. of Agriculture, Ogden, Utah.

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

The amount applied to beneficial use is 0.5 cubic feet per second.

The place said water is used is Ten Mile Summer Home Site in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 7 North, Range 6 East, Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Ten Mile Summer Home Water System.

The right to take water from such works is based upon Permit No. 19169.

The source of supply from which such water is diverted is Ten Mile Creek Tributary to Moores Creek.

The date of priority which said user is prepared to establish is June 10, 1941.

MARK R. KULP,
State Reclamation Engineer

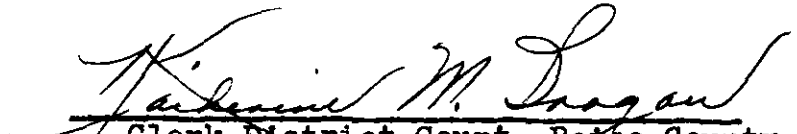
19169

A_F_F_I_D_A_V_I_T

STATE OF IDAHO)
 :SS
County of Boise)

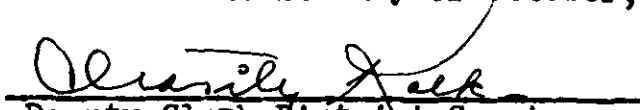
I, Katherine M. Brogan, Clerk District Court in and for the County of Boise, State of Idaho, do hereby certify that, my office was open as of August 11th, 1947 and that no protests were offered on proof of application for use of water on ten mile creek.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 1st day of October, 1947.



Clerk District Court, Boise County
State of Idaho

Subscribed and sworn to before me this 1st day of October, 1947.



Deputy Clerk District Court

19169

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19169-----

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. E. L. Thompson, Idaho City Ranger Station, District Forest Ranger
Idaho City, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. U. S. Forest Service, Dept. of Agriculture, Ogden, Utah
District Forest Ranger, delegated representative of Forest Supervisor

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

Ans. No. 19169

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

Ans. Ten Mile Creek, tributary of Mores Creek; ^{NE 1/4 Sec 35} Sec 35, Township 7 north,
Range 6 East, Boise Meridian.

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

Ans. Standard head-box in ditch at in-let. 0.5 cubic feet per second of water with
safe margin. Ten Mile Summer Home Site ditch

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. To be used for domestic purposes at Ten Mile Summer Home dwellings. Approximately
seven summer home dwellings occupied intermittently during summer and fall months.

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

Ans. For domestic use only

19169

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

Ans. 0.5 cubic feet per second

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. Has been used for same purpose as requested in future

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

Ans. none

(Sign)

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 Idaho city, County of Boise, State of Idaho, on this 14th day of September, A. D. 1907.

My commission expires

Frederic M. Pragon
Notary Public
Auditor Recorder

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19169

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. Jack M. Miller 34. Lowman, Idaho. Forester, Lowman, Idaho

Ques. 2. Are you acquainted with Yes E. L. Thompson, the holder of Permit No. 19169? How long have you known him and where does he reside?

Ans. Yes. Since 1940, he resides at Idaho City, Idaho

Ques. 3. Have you read or heard read said Permit No. 19169, 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. Ten Mile Creek, approximately 300 yards above mouth of stream. Ditch of ample size to carry all water applied for.

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. Will convey approximately 1 cubic foot per second of water. Have noticed approximately 0.5 cubic feet in ditch.

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

Ans. Domestic use at Ten Mile summer home area for summer homes existing on area.

19169

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

Ans. For domestic use in private summer homes. Water is piped into homes.

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. _____

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

Ans. No

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

Ans. Have observed water used for past two summer seasons. Water is used in summer homes on summer home area. Amount used approximates that applied for.

(Signed) Jack M. Miller

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 Idaho City, County of Boise, State of Idaho, on this 6th day of October, A. D. 1947.

My commission expires _____

Katherine M. Morgan
Notary Public
By Dorothy Kalk, Deputy

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19169

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. Roy M. Chenoweth, 43, Idaho City, Idaho, Fire Control Ass't., Idaho
City, Idaho

Ques. 2. Are you acquainted with E. L. Thompson, the holder of Permit No. 19169? How long have you known him and where does he reside?

Ans. Yes, since 1944, he resided at Idaho City, Idaho

Ques. 3. Have you read or heard read said Permit No. 19169, 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. Ten Mile Creek, approximately 300 yards above mouth of stream. Ditch
of ample size to carry all water applied for.

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. Approximately 1 cubic foot per second of water. Have notices approximately 0.5 cubic feet of water in ditch.

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

Ans. Domestic use at Ten Mile summer home area for summer homes existing
on this area

19169

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

Ans. For domestic use in private summer homes. Water is conducted to homes
by regular water pipes.

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. _____

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

Ans. No

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

Ans. Have observed water used for past four summer seasons. Water is used
in summer homes on summer home area. Amount used approximates that applied
for.

(Signed) Ray M. Chenoweth

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 Idaho City, County of Boise,

State of Idaho, on this 6th day of October, A. D. 1947.

My commission expires _____

Ruthen M. Brogan
Notary Public
By Charity Hall, Deputy.

✓
September 4, 1947

Re: Permit No. 19169

Mr. J. W. Farrell
Supervisor Boise National Forest
214 Main Street
Boise, Idaho

Dear Mr. Farrell:

We have not yet received the proofs of beneficial use, which were to be made on this permit on August 11th, before Katherine M. Brogan, County Recorder, at Idaho City.

This permit is on the Ten Mile Summer Home site, for water from Ten Mile Creek.

Please advise if these proofs were made, and if so they should be transmitted promptly to this Department, together with the affidavit of publication in the Idaho Mountaineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
CC to Mrs. Brogan

19169

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 19169
U. S. Forest Service

BOISE, IDAHO, August 1, 1947

Mrs. Katherine M. Brogan
Notary Public
Idaho City, Idaho

DEAR ~~SIR~~: Madam:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 19169

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 August 11, 1947, 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 Idaho City, Idaho before Katherine M. Brogan, 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

19169

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permit No. 19169

Date: July 11, 1947

The Idaho Mountaineer

Idaho City, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 11, 1947 . the date set for proof, the expense of the publication to be paid by the applicant. U. S. Forest Service, C/o J. V. Farrell, Supervisor Boise National Forest, of Boise, Idaho , to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

19169

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

Notice is hereby given that at 10 A. M. on the 11th day of August, 1947,
at Idaho City, County of Boise, State of Idaho, before
Mrs. Catherine M. Brogan, Notary Public, proof will be submitted of the
application to beneficial use of 0.5 cubic feet per second of the waters of Ten Mile
Creek in accordance with the terms and conditions of Permit No. 19169
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
U. S. Forest Service, Dept. of Agriculture, Ogden, Utah

The use to which said water has been applied is domestic

The amount applied to beneficial use is 0.5 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) Ten Mile Summer Home Site in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 35, Township 7 North, Range 6 East, Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is Ten Mile Summer Home Water System

The right to take water from such works is based upon Permit No. 19169

The source of supply from which such water is diverted is Ten Mile Creek
Tributary to Moores Creek

The date of priority which said user is prepared to establish is June 10, 1941

MARK R. KULP

State Reclamation Engineer.

19169

✓
July 11, 1947

Re: Permit No. 19169

Mr. J. W. Ferrell, Forest Supervisor
Boise National Forest
Boise, Idaho

Dear Mr. Ferrell:

We are this morning in receipt of your letter of July 10th, enclosing authorization to have notice of Beneficial Use Proof under Permit No. 19169, Ten Mile Creek summer homes, published in the Idaho Mountaineer.

However it is now too late to complete the statutory four weeks publication before August 4, 1947, the date set in your notice. We have, therefore, changed the date to August 11, 1947, and shall send a notice to the newspaper with instructions to publish it once a week for four consecutive weeks prior to that date and to send you the affidavit of publication, together with statement of costs.

About ten days prior to the date set, we shall send Mrs. Brogan, the Notary Public, the necessary forms of deposition, consisting of one for the holder and one for each of two witnesses, so she may have them in ample time for the proof.

At the time set a representative of the Forest Service System should appear before Mrs. Brogan, together with two disinterested witnesses, who are familiar with the terms of the permit and the work done thereunder, for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

19169

A:FS
Encl.

Chief Clerk

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
BOISE NATIONAL FOREST



ADDRESS REPLY TO
FOREST SUPERVISOR
AND REFER TO

BOISE, IDAHO

E
WATER RESOURCES
Water Rights
#19169, Ten Mile Cr.

July 10, 1947

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



Dear Mr. Kulp:

The completed Form 11 authorizing publication of Notice of Proof for water right in Ten Mile Creek, Boise County is attached. The Form 10 in this case was furnished you by Ranger Thompson with his letter of July 7.

Very truly yours,

J.W.FARRELL, FOREST SUPERVISOR

By,

Act.

19169

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 10, 1947

(P. O.) Boise, Idaho

STATE RECLAMATION ENGINEER

~~DO NOT WRITE IN THESE SPACES~~

Boise, Idaho.

Dear Sir:

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


Act. Forest Supervisor

(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.

19169

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

Notice is hereby given that at 10 A. M. on the 4th day of August, 1947,
at Idaho City, County of Boise, State of Idaho, before
Mrs. Catherine M. Brogan, Notary Public, proof will be submitted of the
application to beneficial use of 0.5 cubic feet per second of the waters of Ten Mile
Creek in accordance with the terms and conditions of Permit No. 19169
heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
U. S. Forest Service, Dept. of Agriculture, Ogden, Utah

The use to which said water has been applied is domestic

The amount applied to beneficial use is 0.5 cubic feet per second

The place where said water is used (~~if for irrigation, give full and accurate description of the~~
~~lands irrigated~~) Ten Mile Summer Home Site in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 7 North, Range 6 East, Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is Ten Mile Summer Home Water System

The right to take water from such works is based upon Permit No. 19169

The source of supply from which such water is diverted is Ten Mile Creek
Tributary to Moores Creek

The date of priority which said user is prepared to establish is June 10 - 1941
7-1-46

W. R. K.
State Reclamation Engineer.

19169

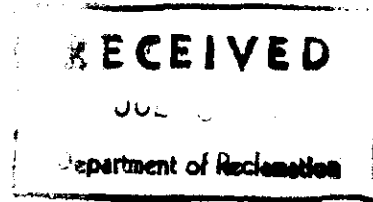
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
BOISE NATIONAL FOREST



E
WATER RESOURCES
Water Rights
#19169, Ten Mile Cr. Summer Homes

Idaho City, Idaho
July 7, 1947

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



Dear Mr. Kulp:

Enclosed is Form 10 completed for the purpose shown on the form. Form No. 11 has been sent to the Boise Forest Office to be executed by the Forest Supervisor and forwarded to you. If the "Notice of Proof Application of Water to Beneficial Use" has been satisfactorily filled out please retain same pending your receipt of Form No. 11, otherwise, return it for correction.

Yours very truly,


E. L. Thompson,
District Forest Ranger

Enc. 1

19169

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

May 1, 1947

U. S. Forest Service

Ogden, Utah

Ten Mile Creek

Dear Sir:

We enclose herewith blank notice for proof of application
of water to beneficial use under your Permit No. 19169. This
should be filled out in duplicate and returned to this office at least
40 days before the date upon which you wish to make proof, in order to
allow time for the four weeks' publication required by law.

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

The date for proof, as set out in your permit, is not later
than July 1, 1947, and if proof is submitted subsequent to
said date, your priority will be brought down a length of time equal to
the time elapsing between the date the proof is due and the date proof
is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

19169

✓
June 18, 1946

Re: Permit No. 19169

Mr. W. B. Rice
Regional Forester
Forest Service Building
Ogden, Utah

Dear Mr. Rice:

We enclose herewith Certificate of Completion of works issued under the above numbered permit to appropriate 0.5 of a cubic foot per second of the waters of Ten Mile Creek, for domestic purposes for summer homes in lots 1, 2, 3 and 4, Ten Mile Creek Summer Home Site, in Boise County, Idaho.

We also enclose Departmental receipt No. 19486 for the \$5.00 fee paid in connection therewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19169

May 31, 1946

Re: Permit No. 19169

Mr. W. B. Rice
Regional Forester
Forest Service Bldg.
Ogden, Utah

Dear Mr. Rice:

We acknowledge receipt of your letter of May 23rd,
enclosing affidavit in proof of completion of
works under the above numbered permit.

The voucher for the fee accompanying same has been
duly signed, and is returned herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

19169

UNITED STATES DEPARTMENT OF AGRICULTURE

1 1401

Forest Service

(Bureau or office)

Department's purchase order No. _____ Place of delivery or service **Ogden, Utah**

Payee's reference No. _____ Date or period **May 23, 1946**

(The payee must fill in name, address, and such information as will enable him to identify the account)

Name _____
Street No. _____
City and State _____

**Mark R. Kulp
State Reclamation Engineer
Boise, Idaho**

**Filing fee for proof
of completion of works
for Permit No. 19169,
Ten Mile Summer Homes,
Boise National Forest**

19169

The accompanying check is in payment of the account indicated hereon. No acknowledgment is necessary.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
INTERMOUNTAIN REGION



ADDRESS REPLY TO
REGIONAL FORESTER
AND REFER TO

FOREST SERVICE BUILDING
OGDEN, UTAH

E
WATER RESOURCES - Boise
Water Rights
Ten Mile Summer Homes, Permit #19169

May 23, 1946

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

Enclosed is the completed form for Proof of Completion of Works
on Permit #19169, Ten Mile Summer Homes on the Boise National
Forest.

Please sign the enclosed voucher for \$5.00 at the place indicated
and return to this office for payment.

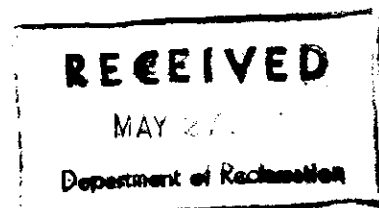
Please advise us what further action is necessary to secure a
license for this water.

Very truly yours,

W. B. RICE, Regional Forester

By

Enclosures



19169

Permit No. 19169

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF ~~IDAHO~~ UTAH

County of Weber

} ss.

Verne L. Despain

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

First: That he is the ^{agent of the} ~~holder and~~ owner of Permit to appropriate the Public Waters of the State of Idaho, No. 19169, and that his postoffice address is U. S. Forest Service, Ogden, State of Utah.

Second: That the name of the stream from which said water is to be directed is Ten Mile Creek, tributary of Moores Creek.

Third: That the point of diversion of said water is N. 46° 39' E., 3404.4 ft. from SE. corner Sec. 34, T. 7 N., R. 6 E., B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 1, 1946.

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

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

I. Kind of works: earth and rock dam, ditch and iron pipe line

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

II. Dimensions of work:

(a) Height of dam 2 feet, length of dam at top 5 feet, length of dam at bottom 5 feet. Material used in construction earth and rock

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir - acre feet.

(c) Size of headgate: Width 1½ feet, height 1½ feet.

(d) Conduit ditch width at bottom 2 feet, width at water line 2.5

(State whether ditch, flume or pipe)

feet, depth of water 1 feet; diameter of pipe 1 - 1½ inches, average grade per mile is 23.9 feet. Length of conduit is 1 miles.

Seventh: That said works are capable of conducting to the place of intended use 0.5 second feet of water.

Eighth: That water appropriated under said permit is available for 2.5 acres of land described as follows: Lots 1, 2, 3 & 4, Ten Mile Creek Summer Home Site

Ninth: Remarks: That examination was made by Gordon L. Watts, Asst. Ranger on May 17, 1946, to ascertain the above facts.

(Sign here)
Acting Assistant Regional Forester

Subscribed and sworn to before me this 23rd day of May, 1946

My commission expires 12/11/48

Notary Public.

19169

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

U. S. Forest Service

Ogden, Utah

Boise, Idaho

May 1, 1946

Dear Sir:-

Under the terms of your permit No. ~~19169~~-----you are required to complete your diversion works on or before ~~July 1, 1946~~----- I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

MARK R. KULP

State Reclamation Engineer

19169

This is for 0.5 second foot from Ten Mile Creek. You did not mention this when you wrote about extension on Permits Nos. 19168, 19170, 19171 and 19166- so we do not know what your wishes are in regard to this permit.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

July 1, 1941

Permit No. 19169

Boise, Idaho,

Dear Sir:

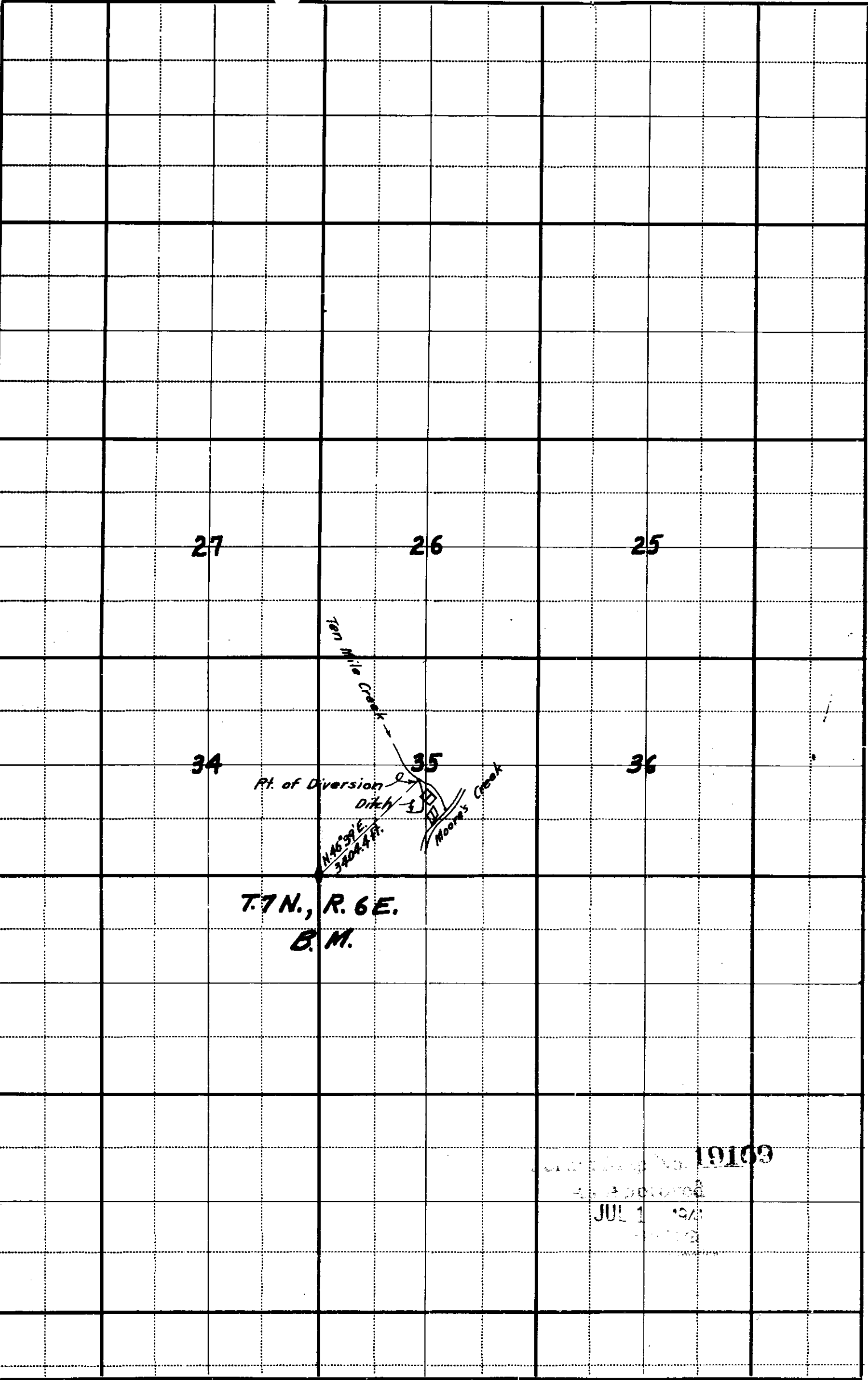
I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the ~~third~~ page.

~~fourth~~
U. S. FOREST SERVICE
OGDEN, UTAH

19169

E. V. BERG.

Commissioner of Reclamation.



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

Notice is hereby given that at 10 A. M. on the 11th day of August, 1947, at Idaho City, County of Boise, State of Idaho, before Mrs. Katherine M. Brogan, Notary Public, proof will be submitted of the application to beneficial use of 0.5 cubic feet per second of the waters of Ten Mile Creek in accordance with the terms and conditions of Permit No. 19169 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is U. S. Forest Service, Dept. of Agriculture, Ogden, Utah.

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

The amount applied to beneficial use is 0.5 cubic feet per second.

The place said water is used is Ten Mile Summer Home Site in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 7 North, Range 6 East, Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Ten Mile Summer Home Water System.

The right to take water from such works is based upon Permit No. 19169.

The source of supply from which such water is diverted is Ten Mile Creek Tributary to Moores Creek.

The date of priority which said user is prepared to establish is June 10, 1941.

MARK R. KULP,
State Reclamation Engineer

7-18-47

Friday, July 25, 1947.

Legal Notices

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

Notice is hereby given that at 10 A. M. on the 11th day of August, 1947, at Idaho City, County of Boise, State of Idaho, before Mrs. Katherine M. Brogan, Notary Public, proof will be submitted of the application to beneficial use of 0.5 cubic feet per second of the waters of Ten Mile Creek in accordance with the terms and conditions of Permit No. 19169 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit is U. S. Forest Service, Dept. of Agriculture, Ogden, Utah.

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

The amount applied to beneficial use is 0.5 cubic feet per second.

The place said water is used is Ten Mile Summer Home Site in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 7 North, Range 6 East, Boise Meridian.

The name of the canal or ditch or other works by which said water is conducted to such place of use is Ten Mile Summer Home Water System.

The right to take water from such works is based upon Permit No. 19169.

The source of supply from which such water is diverted is Ten Mile Creek Tributary to Moores Creek.

The date of priority which said user is prepared to establish is June 10, 1941.

MARK R. KULP,
State Reclamation Engineer

Idaho Meridian