

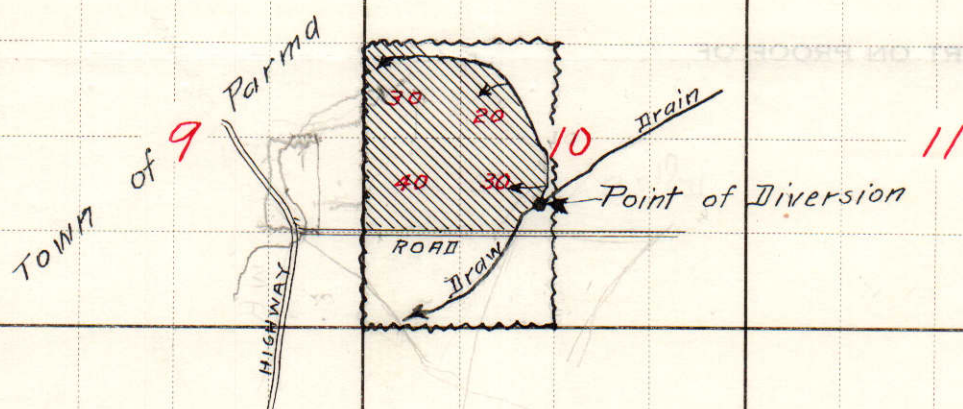
STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO.



Affidavit of Publication

STATE OF IDAHO }
COUNTY OF CANYON } ss.

J. M. Darlin Gough, being first
duly sworn, on his oath deposes and says:

That he is a citizen of the United States of America,
and at all times hereinafter mentioned was over the age of
twenty-one years and not a party to the action as per notice
attached.

That he is Editor & Publisher of
THE PARMA REVIEW

a weekly newspaper published in the City of Parma,
County of Canyon, State of Idaho, every Thursday; that
the said newspaper is in general circulation in the said
County of Canyon, and has been continuously and uninter-
ruptedly printed and published in said county during a
period of 78 consecutive weeks prior to the first publica-

tion of the annexed notice;

that said notice being

Notice of Proof Application
of Water to Beneficial Use

was published in said newspaper in four (4) con-
secutive issues in the regular and entire issue of each and
every number of every paper during the period and time
of publication, and was printed in the newspaper proper
and not in a supplement, said notice having been so pub-

lished upon the following dates: April 2nd,
April 9th, April 16th and
April 23rd, 1931

J. M. Darlin Gough

Subscribed and sworn to before me, this 24th
day of April, 1931.

Ernest Anderson

Notary Public for Idaho,
Residing at Parma, Idaho.

Notice For Publication NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10:00
a. m. on the 27th day of April, 1931,
at Parma, County of Canyon, State of
Idaho, before R. B. Mitchell, a Notary
Public, proof will be submitted of the
application to beneficial use of 4 cubic
feet per second of the waters of un-
named stream (Kiesel Drain) in ac-
cordance with the terms and conditions
of Permit No. 17265 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 Ellen Stockton, R. F. D.
No. 2, Parma, Idaho.

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

The amount applied to beneficial use
is 4 cubic feet per second.

The place where said water is used
(if for irrigation, give full and ac-
curate description of the lands irri-
gated) South Half Northwest Quarter
(S $\frac{1}{2}$ NW $\frac{1}{4}$) and Southwest Quarter
(SW $\frac{1}{4}$) of Section 10, Township 5
North, Range 5 West, B. M., Canyon
County, Idaho.

The right to take water from such
works is based upon Permit No. 17265.

The source of supply from which
such water is diverted is unnamed
stream (Kiesel Drain).

The date of the priority which said
user is prepared to establish is April
4, 1930.

GEO. N. CARTER,
Commissioner of Reclamation.

First publication April 2, 1931.
Last publication April 23, 1931.

17265

Twp. 5 N. R. 5 W. B. M.

Grand Canal
for Intended
Canal
Point of Diversion
Pump
1400
Stream
Unnamed

GEO. N. CARTER
Commissioner of Reclamation

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

17265-

State of Idaho License and Certificate of Water Right

Water License No. 17265 Amount 2.4 sec.ft.
 Water District No. Priority 4-4-1930

THIS IS TO CERTIFY that Ellen Stockton
 of Parma, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated April 4, 1930; that Permit No. 17265
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 4.0 second feet, was issued thereunder on March 24, 1931, showing that said works
 were completed on the 6th day of February, 1931; and that on the 27th
 day of April, 1931,
 Ellen Stockton

of Parma, State of Idaho, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of Keisel Drain
 (formed by springs flowing into drainage ditch), a tributary of Boise River, for the purpose of irrigation and
 domestic use, under Use Permit No. 17265 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
 of Licenses, at page 3667, on the 2nd day of June, 1931;

The right hereby confirmed dates from April 4, 1930;
 The Point of Diversion is located
 in the NE 1/4 SW 1/4, Sec. 10, Tp. 5 N., R. 5 W., B. M. Canyon 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 2.4
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 N	5 W	10	SE 1/4 NW 1/4	40	20
			SW 1/4 NW 1/4	40	30
			NE 1/4 SW 1/4	40	30
			NW 1/4 SW 1/4	40	40
				Total	120

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
 this 2nd day of June, 1931.

R. W. FARIS
 Commissioner of Reclamation

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 10482

Amount 2.8 sec.ft.

Water District No.

Priority 6 - 17 - 1914

THIS IS TO CERTIFY that Timothy W. Matthews of Oakley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 17, 1914; that Permit No. 10482 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on March 29, 1917, showing that said works were completed on the 6th day of March, 1916; and that on the 1st day of May, 1916,

Timothy W. Matthews

of Oakley, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of an unnamed stream, a tributary of Cassia, for the purpose of irrigation and domestic use, under Use Permit No. 10482 of the State Engineer of Idaho, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3668, on the 28th day of August, 1931;

The right hereby confirmed dates from June 17, 1914;

The Point of Diversion are located in NE 1/4 SE 1/4 and in the SE 1/4 NE 1/4, Sec. 1, Twp. 12 S., R. 20 E., B.M. Cassia 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 2.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S	20 E.	1	Lot 3	40	40
			Lot 4	40	30
			SE 1/4 NW 1/4	40	40
			SW 1/4 NW 1/4	40	30
					Total 140

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 28th day of August, 1931.

R. W. FARIS

Commissioner of Reclamation

(SEAL)

63-2429

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

Application No. 24298
Permit No. 17265
District No.

1. Name of Applicant: Ellen Stockton

Postoffice address: Parma, County: Canyon, 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: four cubic feet per second.

3. Source of water supply: unnamed stream which is a tributary of Boise river.

4. Location of point of diversion: approximately 1400 feet north distant from the $S\frac{1}{4}$ corner of Section 10, T. 5 N., R. 5 W., B. M., and is in the $NE\frac{1}{4}$ of the $SW\frac{1}{4}$ of Section 10, T. 5 N., R. 5 W., B. M., County of Canyon, State of Idaho.

5. Water is to be used for: Irrigation and domestic purposes.

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: \$ 1,500.00

8. Kind of works: pump, pipe and open gravity 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 four feet; height four feet.

11. Ditch: Width at bottom four feet; width at water line eight feet; depth of water two feet; dimensions of flume

Diameter of pipe eight inches; length of conduit 100 ft. of pipe, one mile open ~~mile~~ gravity ditch.

Average grade per mile eight feet.

12. The time required for the completion of such work is one 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? **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.

Ellen Stockton *Applicant.*

By Walter Griffiths Agent.

Date of first receipt at Department of Reclamation: 9 A. M., April 4, 1930.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17265

Recorded in Book 62 Page 17265 Approved April 5, 1930.

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 **June 4, 1930,** 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 **October 5, 1930.**

The whole of said work to be completed on or before April 5, 1931.

Beneficial use of water appropriated in accordance herewith, to be made on or before April 5, 1932.

Witness my hand this 5th day of April, 1930.

GEO. N. CARTER
Commissioner of Reclamation.

Remarks: The source of water supply for the above right is in springs flowing into a drainage ditch, located on applicant's land.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5 N	5 W	10					40 40				40 40 40 40								240

Permit No. 17265

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Ellen Stockton, of Parma, County of Canyon, and State of Idaho, the holder of Permit No. 17265, issued upon Application No. 24298, bearing date of priority of April 4, 1930, authorizing the diversion of 4.0 second feet of the waters of an unnamed stream (springs flowing into drainage ditch), County of Canyon, State of Idaho, for irrigation and domestic 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 4.0 second feet of the waters of said unnamed stream; that the point of diversion of said waters is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 10, Twp. 5 N., R. 5 W., B.M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Southwest quarter (SW $\frac{1}{4}$), and South half of Northwest quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$), Sec. 10, Twp. 5 N., R. 5 W., B.M.

Witness my hand this 24th day of March, A. D. 1931.

GEO. N. CARTER
Commissioner of Reclamation.

Proof of completion of works made Feb. 6, 1931
Certificate of Completion Works issued Mar. 24, 1931.

100-3667-47

WATER RIGHT NUMBER 63-2429

OWNER LAST NAME - STOCKTON

FIRST NAME - ELLEN

ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - PARMA

STATE - ID ZIP CODE -

SOURCE - KEISEL DRAIN

TRIBUTARY OF - BOISE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 04-04-1930 COUNTY - CANYON

TOTAL DIV. RATE - 2.4000 -CFS

TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NESW 10 05N 05W LOT REDIV -

272.0 312.0 4.1 0.0 0.0 0.0 0.0 0.0 0.0 0.0 1.4

FROM - TO - USE - IRRIGATION

USE DIV. RATE - 2.4000 CFS USE DIV. VOLUME - .00 AFA

FROM - TO - USE - DOMESTIC

USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 05N RNG 05W SEC 10 TRACT SNNW LOT AC 30 TRACT SENW LOT AC 20

TRACT NESW LOT AC 30 TRACT NWSW LOT AC 40

DATE - TOTAL ACRES 120

DECREE NAME -

REMARKS -

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 17265

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

IDENT. NO. 62-2429

WATER RIGHT
DATA ENTRY LOG

[illegible]

June 3, 1931.

Re: Permit No. 17265

Mrs. Ellen Stockton
Parma, Idaho

Dear Sir:-

Enclosed you will find water license issued you
under your above permit, with receipt for fees paid.

Very truly yours,
R. W. FARIS
Commissioner of Reclamation.
By

Encl. 117265-813969

Chief Clerk.

17265

May 25, 1931.

Re: Permit No. 17265.

Mrs. Ellen Stockton
Parma, Idaho.

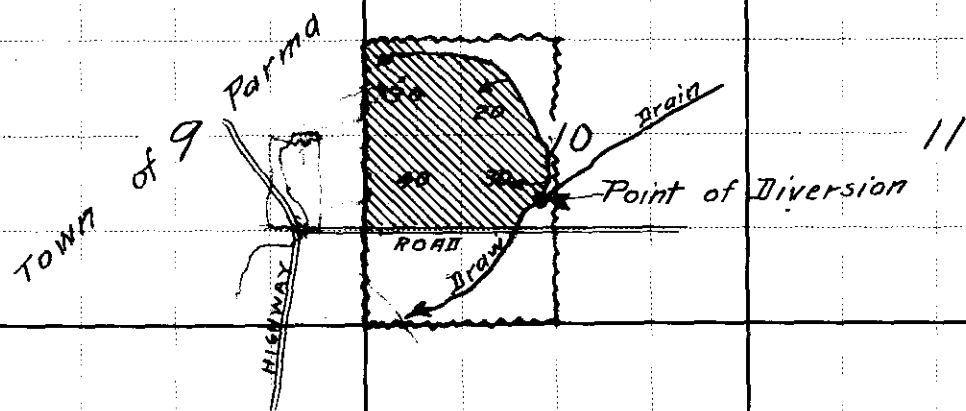
Dear Madam:-

The report of our examining engineer is now on file here and is satisfactory. License will, therefore, be issued you upon receipt of fees in the sum of \$8.00, being \$2.00 for each legal subdivision, or fraction, irrigated.

Very truly yours,
R. W. PARIS
Commissioner of Reclamation.
By

Chief Clerk.

17265



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17265-

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE**

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____

Ellen Stockton
Parma

57

Permit No. 17265

Examination for BEN. USE

County CANYON

INSTRUCTIONS TO EXAMINERS

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

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

Permit No. 17265This proof is for Beneficial Use

In Water District No.

1. Name of applicant: Ellen Stockton
2. Source of water supply: Unnamed Stream (Keisel Drain)
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10
T. 5 N R. 5 WBM County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Concrete check gate (in drain) 2 $\frac{1}{2}$ ft wide, 12 ft long and 5 ft high. One Sterling pump, with 7 $\frac{1}{2}$ H.P. G.E. Motor. Pump disch 5", 219 ft. 10" gate pipe, Lift 29 ft. ditch 1.5 ft. wide and 1.5 ft. deep.

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 for other than irrigation): S $\frac{1}{2}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$, Sec. 10, Twp. 5 N., R. 5 W., 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 water is supplementary to other rights. Point of diversion is in a draw having a steep grade and therefore does not impede drainage.

Stream discharge at time of examination was 1. Sec. Ft.

This examination was made on the 22nd day of May, 1931

(Signed) Fred L. Dolman

Examiner.

17265-

April 29, 1931.

Re: Permit No. 17265

Mrs. Ellen Stockton
Parma, Idaho

Dear Madam:-

We are today in receipt of depositions of yourself and two witnesses, together with the affidavit of publication for proof of beneficial use of water under the above permit. These are in proper form and will be held here without final action until the examination and report can be made by our field engineer. You will then be further advised in the matter.

Very truly yours,
R. W. FARIS
Commissioner of Reclamation.
By
Chief Clerk.

17265-

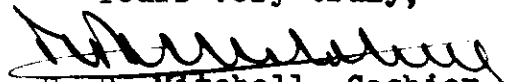
April 27th, 1931.

Reclamation Department,
State of Idaho,
Boise, Idaho.

Gentlemen:

At the request of Mrs. Ellen Stockton,
we enclose herewith proof of application of
water, and deposition and two witnesses, also
proof of publication which we trust you will
find in proper form.

Yours very truly,


R. B. Mitchell, Cashier.

REM-M

17265

BEST BANK SERVICE

Affidavit of Publication

STATE OF IDAHO }
COUNTY OF CANYON } ss.

J. M. Darlin Gough, being first
duly sworn, on his oath deposes and says:

That he is a citizen of the United States of America,
and at all times hereinafter mentioned was over the age of
twenty-one years and not a party to the action as per notice
attached.

That he is Editor & Publisher of
THE PARMA REVIEW

a weekly newspaper published in the City of Parma,
County of Canyon, State of Idaho, every Thursday; that
the said newspaper is in general circulation in the said
County of Canyon, and has been continuously and uninter-
ruptedly printed and published in said county during a
period of 78 consecutive weeks prior to the first publica-

tion of the annexed Notice;

that said Notice being

Notice of Proof Application
of Water to Beneficial Use

was published in said newspaper in Four (4) con-
secutive issues in the regular and entire issue of each and
every number of every paper during the period and time
of publication, and was printed in the newspaper proper
and not in a supplement, said notice having been so pub-

lished upon the following dates: April 2nd,
April 9th, April 16th and
April 23rd, 1931

J. M. Darlin Gough

Subscribed and sworn to before me, this 24th
day of April, 1931...

Ernest Anderson

Notary Public for Idaho,
Residing at Parma, Idaho.

Notice For Publication NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 10:00
a. m. on the 27th day of April, 1931,
at Parma, County of Canyon, State of
Idaho, before R. B. Mitchell, a Notary
Public, proof will be submitted of the
application to beneficial use of 4 cubic
feet per second of the waters of un-
named stream (Keisel Drain) in ac-
cordance with the terms and conditions
of Permit No. 17265 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 Ellen Stockton, R. F. D.
No. 2, Parma, Idaho.

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

The amount applied to beneficial use
is 4 cubic feet per second.

The place where said water is used
(if for irrigation, give full and ac-
curate description of the lands irri-
gated) South Half Northwest Quarter
(S $\frac{1}{2}$ NW $\frac{1}{4}$) and Southwest Quarter
(SW $\frac{1}{4}$) of Section 16, Township 5
North, Range 5 West, B. M., Canyon
County, Idaho.

The right to take water from such
works is based upon Permit No. 17265.

The source of supply from which
such water is diverted is unnamed
stream (Keisel Drain).

The date of the priority which said
user is prepared to establish is April
4, 1930.

GEO. N. CARTER,
Commissioner of Reclamation.

First publication April 2, 1931.
Last publication April 23, 1931.

17265

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 17265

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Ellen Stockton, Parma, Idaho Farmer

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

Ans. _____

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

Ans. 17265 Date of Priority April 4th, 1930

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

Ans. Kiesel Drain. Point of Diversion--540ft north of the south east corner of the N $\frac{1}{2}$ of S.W. $\frac{1}{4}$ Sec. 10 Twp 5 N R 5 W.B.M. Canyon Co.

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. Check in Drain. Electric Pump. 4 Second Feet--219 ft pipe line to place of use.

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

Ans. Irrigation farm lands. 50 acres S $\frac{1}{2}$ of NW $\frac{1}{4}$ and 50 acres of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec 10 Twp 5 N R 5 W.B.M.---all cultivated land.

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

Ans. Used for irrigation only

17265

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 4 second feet

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. Began use in 1929 used all summer of 1930.

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) Ellen Stockton

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 Parma, County of Canyon, State of Idaho, on this 27th day of April, A. D. 1931.

[Signature]
Notary Public

My commission expires 4-30-1932

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 17265

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. L. J. Freiermuth 45 Parma--Banker- Parma, Idaho

Ques. 2. Are you acquainted with Ellen Stockton, the holder of Permit No. 17265? How long have you known him and where does he reside?

Ans. Yes----20 years--- Parma, Idaho

Ques. 3. Have you read or heard read said Permit No. 17265, 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. Kiesel Drain (un-named) Point of Diversion-- 540 ft north of the south east corner of the N $\frac{1}{2}$ of SW $\frac{1}{4}$ sec 10 Twp 5 N R 5 W.B.M Canyon County. Electric Pump and pipe line.

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. 4 second feet

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

Ans. Irrigation farm lands-- 50 acres S $\frac{1}{2}$ of NW $\frac{1}{4}$ and 50 acres N $\frac{1}{2}$ of SW $\frac{1}{4}$ sec 10 Twp 5 N R 5 W. B. M. --all cultivated.

17265

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

Ans. None

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. Irrigation supply for about 100 acres

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. observed use of water during years 1929 and 1930

(Signed)

L. J. Greismuth

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 Parma, County of Canyon, State of Idaho, on this 27th day of April, A. D. 1931.

[Signature]
Notary Public.

My commission expires 4-30-1932

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 17265

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. Jas? Pritchard 45 Farmer---Parma, Idaho

Ques. 2. Are you acquainted with Ellen Stookton, the holder of Permit No. 17265? How long have you known him and where does he reside?

Ans. 20 years---Parma, Idaho

Ques. 3. Have you read or heard read said Permit No. 17265, 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. Kiesel Drain (Un-named) Point of diversion --540 ft north of south east corner of the N $\frac{1}{2}$ of SW $\frac{1}{4}$ sec. 10 Twp 5 N.R. 5 W.B.M. Canyon County. Electric Pump and pipe line.

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. 4 second feet

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

Ans. Irrigation farms lands---50 acres S $\frac{1}{2}$ of NW $\frac{1}{4}$ and 50 acres N $\frac{1}{2}$ of SW $\frac{1}{4}$ sec. 10 Twp 5 N R 5 W.B.M. all cultivated

17265

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

Ans. None

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. Irrigation supply for about 100 acres

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. Observed use of water during years 1929 and 1930.

(Signed) Geo. Pittsford

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 Parma, County of Canyon, State of Idaho, on this 27th day of April, A. D. 19 31.

[Signature]
Notary Public.

My commission expires 4-30-1932

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, April 21, 1931

Mrs. Ellen Stockton
c/o R.B. Mitchell
Parma, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17265

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 April 27, 1931, 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

Parma before R. B. Mitchell, 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,

17265 R. W. FARIS

Commissioner of Reclamation.

THE PARMA REVIEW

T. McPARLIN GOUGH, Proprietor

PARMA, IDAHO

3/30/31

Hon. Geo. H. Carter,
Com. Reclamation,
Boise, Idaho.

Dear Sir:-

This is to inform you that I have received Notice of Proof Application of Water to Beneficial Use - Permit No. 17265, and same will be published according to instructions, starting in the issue of April 2nd, 1931 - Copy of which will be mailed you in due time.

Thanking you, I remain

Yours truly,
T. McParlin Gough

17265

Notice of Publication
**NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE.**

Notice is hereby given that at 10:00 a. m. on the 27th day of April, 1931, at Parma, County of Canyon, State of Idaho, before R. B. Mitchell, a Notary Public, proof will be submitted of the application to beneficial use of 4 cubic feet per second of the waters of unnamed stream (Keisel Drain) in accordance with the terms and conditions of Permit No. 17265 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 Ellen Stockton, R. F. D. No. 2, Parma, Idaho.

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

The amount applied to beneficial use is 4 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) South Half Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) and Southwest Quarter (SW $\frac{1}{4}$) of Section 10, Township 5 North, Range 5 West, B. M., Canyon County, Idaho.

The right to take water from such works is based upon Permit No. 17265.

The source of supply from which such water is diverted is unnamed stream (Keisel Drain).

The date of the priority which said user is prepared to establish is April 4, 1930.

GEO. N. CARTER,

Commissioner of Reclamation.

First publication April 2, 1931.

Last publication April 23, 1931.

Henric Brink

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date.....**March 26, 1931**.....

Publisher, The Parma Review
Parma, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **April 27, 1931**....., the date set for proof, the expense of the publication to be paid by the applicant, **Mrs. Ellen Stockton, RD #2,**.....
.....**Parma, Idaho.**.....

to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

HEO. N. CARTER

Commissioner of Reclamation

17265-

March 26, 1931.

Re: Permit No. 17265.

Mrs. Ellen Stockton,
Parma, Idaho.

Dear Madam:-

We are today in receipt of your notices for proof of beneficial use of water under the above permit. One copy has been mailed to the Parma Review for the required four weeks publication prior to April 27th, the date set for proof.

Deposition blanks for holder and two witnesses will be mailed to R. B. Mitchell, the notary public before whom proof is to be made.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation.
By
Chief Clerk.

17265-

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Parma, Idaho, March 17, 1931

(P. O.) _____

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

Ellen Stockton

(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.

17265

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 27th day of April, 1931,
at Parma, County of Canyon, State of Idaho,
before R. B. Mitchell, a Notary Public, proof will be submitted
of the application to beneficial use of 4 cubic feet per second of the
waters of unnamed stream (Keisel Drain) in accordance with the terms and conditions of
Permit No. 17265 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 Ellen
Stockton, R. F. D. #2, Parma, Idaho,

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

The amount applied to beneficial use is 4 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) South Half Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$) and Southwest Quarter (SW $\frac{1}{4}$) of Section 10, Township 5 North, Range 5 West, B. M., Canyon County, Idaho.

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

The right to take water from such works is based upon Permit No. 17265

The source of supply from which such water is diverted is unnamed stream (Keisel Drain)

The date of the priority which said user is prepared to establish is April 4, 1930.

NE $\frac{1}{4}$ SW - 10 - 5 - N - 5 - W

Geo. N. Carter

Commissioner of Reclamation.

17265

March 25, 1931.

Re: Permit No. 17265.

Mrs. Ellen Stockton
Parma, Idaho

Dear Madam:-

Enclosed you will find certificate of completion of works issued you under your above numbered permit, together with copy of order granting said certificate and receipt for fees paid.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation.
By
Chief Clerk.

CCW-Order-R13892

17265-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

In the Matter of Proof of Completion)
of Works under Permit No. 17265,)
Ellen Stockton)

ORDER GRANTING
Certificate of Completion of Works

WHEREAS, There has been regularly filed in the office of the department of reclamation, at Boise, Idaho, Application No. 24298, which was, on the 5th day of April, 1930, approved as Permit No. 17265 to appropriate four (4) cubic feet per second of water from an unnamed stream, all as set out in detail in said permit; and,

WHEREAS, Protest was, on the 12th day of August, 1930, filed in the office of the department of reclamation by Julia Kiesel, et al, against the allowance of said permit and license which might issue as result of said permit and compliance with the terms and provisions thereof, said protest being based upon the grounds that the source of water sought to be appropriated is seepage and percolating waters collecting in a drainage ditch constructed by the said protestants, and therefore not public waters of the state of Idaho and not subject to appropriation; and for the further reason that these protestants contemplated the appropriation and diversion of these same waters for use upon lands owned by them; and,

WHEREAS, Said permit-holder, Mrs. Ellen Stockton, did, on the 6th day of January, 1931, execute an affidavit of holder as proof of completion of works contemplated and set out in said permit, which affidavit discloses that a concrete structure, electric motor, pump, pipe, and ditch have all been installed for the purpose of diverting the said waters to the place of use described in the affidavit; and,

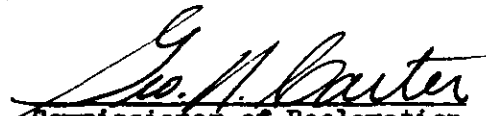
WHEREAS, An examination of the premises, made March 23, 1931, discloses satisfactory and substantial compliance with the terms and provisions of the permit and that its requirements have been met in so far as the placement of diverting works are concerned; and,

WHEREAS, Statutory authority is not apparent whereby the department of reclamation is vested with the power and duty of determining the character of water sought to be appropriated; that is, whether it is subject to appropriation, or otherwise, under the permit laws of the state of Idaho; and for the further reason that the state of Idaho is not concerned with nor authorized to inquire into the status of easements and rights of way upon which diverting irrigation works may be located:

17265-

THEREFORE, IT IS HEREBY ORDERED, That the said affidavit of proof of completion of works be approved as satisfactory and full compliance with the permit law, and that Certificate of Completion of Works issue to said permit-holder in accordance with the usual practice of the department.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation to be hereunto affixed, at Boise, Idaho, this 24th day of March, 1931.


Commissioner of Reclamation

17265-

RECEIPT FOR REGISTERED ARTICLE NO. 9740

15 fee paid, class postage paid. (Date) 193

From Dept. of Rec. (Address)

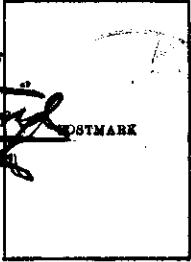
Addressed to Devine Howell & Stand (Street and number) Ogden Utah (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery.

Return receipt fee 3 Special delivery fee

Delivery restricted to addressee in person or order Postmaster, per Eau

17265



Post Office Department

OFFICIAL B E88

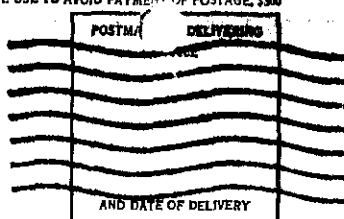
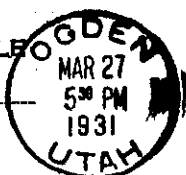
PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

REGISTERED ARTICLE

No.

9740

INSURED PARCEL



No.

Return to

Dept. of Reclamation

Street and Number,
or Post Office Box,

State House

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.

De Yous. Howell & Stine

(Signature or name of addressee.)

B. Allison

(Signature of addressee's agent.)

Date of delivery, --

Form 3811

MAR 27 1931

19

17265-

172-5

March 25, 1931.

Re: Permit No. 17265-Allen Stockton

DEVINE, HOWELL & STINE
Attorneys at law
Ogden, Utah

Gentlemen:- Attention Mr. Howell

Enclosed you will find copy of Order granting
certificate of completion of works under the above
permit.

Very truly yours,
GEO. H. CARTER
Commissioner of Reclamation
By

Encl.

Chief Clerk.

17265-

March 17, 1931.

Re: Permit No. 14838, 17265
Allen Stockton

DEVINE, HOWELL & STINE
Attorneys at law
Eccles Building
Ogden, Utah

Gentlemen:-

Per your request the 13th inst. we are
mailing you herewith copy of the affidavit of holder
for proof of completion of works under her above
numbered permit.

Very truly yours,
GEO. H. CARTER
Commissioner of Reclamation .
By

Encl.

Chief Clerk

7:15 G.P.M.

17265

DeVine, Howell & Stine
Lawyers
DAVID ECCLES BUILDING
Ogden, Utah

JAS. H. DEVINE
J. A. HOWELL
DAVID L. STINE
A. W. AGEE
LEWIS J. WALLACE

March 13, 1931

Department of Reclamation,
State of Idaho,
Boise, Idaho
(Attention of Geo. N. Carter)

Dear sir: In re Permit No. 17,265, Ellen Stockton

Having reference to the above named permit and the application No. 24298 in said matter and the protest filed in behalf of Fred W. Kiesel et al, and particularly your letter dated August 12, 1930, it is impossible for us to obtain a copy of the affidavit to be filed by the permit holder, but as soon as the same is filed, we request that you furnish us with a copy of the same, so that we may file such further protest as seems proper.

If you will send your bill for the copy, we shall promptly remit, or if you do not care to do this, let us know the cost and we shall remit in advance.

Very truly yours,

DEVINE, HOWELL & STINE

By 

JAH:ECE

(J. A. Howell)

17265-

Permit No. 17265STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Canyon } SSMrs. Ellen Stockton, 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. 17265, and that his postoffice address is Parma
State of IdahoSecond: That the name of the stream from which said water is to be diverted is Kensel drainThird: That the point of diversion of said water is 540 feet from south line & 40 ft from E. line of NE 1/4 of SW 1/4 of section 10, B. M. 5-N Range W. B. M. 5-
TwpFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by April 5, 1930.Fifth: That the use for which said water is intended is irrigation

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

I. Kind of works: Concrete check, electric pump, and steel pipe
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 5 feet, length of dam at top 12 1/2 feet, length of dam at bottom 12 1/2 feet. Material used in construction reinforced concrete

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

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit pipe width at bottom X feet, width at water line X
(State whether ditch, flume or pipe.)
feet, depth of water 4 feet; diameter of pipe 10 inches, average grade per mile is _____ feet. Length of conduit is 204 ft.

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

Eighth: That water appropriated under said permit is available for 100 acres of land described as follows: approximately 7.5 acres of N 1/2 of SW 1/4 of section 10, 2.5 acres of SW 1/4 of NW 1/4 of section 10, and 10 acres of SE 1/4 of NW 1/4 of section 10, B. M. 5-N, Range W. B. M. 5-
TwpNinth: Remarks: That this plant is thoroughly installed and has been since May 15, 1930 and the water has been fully applied since that date and used beneficially on the land described above.Ellen Stockton
(Sign here)Subscribed and sworn to before me this 10th day of January, 1931My commission expires 4-30-32

Notary Public.

17265

Idaho Sta
Feb. 6, 1931

Department of Reclamation
Boise, Ida.

Dear Sirs:

I am
enclosing this affidavit
with \$ 5 as you requested.
Now if you will please
send me the information
regarding the final proof
I will fill it out immediately.

Sincerely yours,

Pat Stockton

17265-

Post Office Department

OFFICIAL BUSINESS

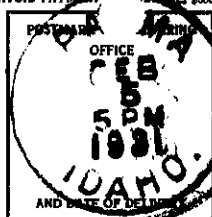
REGISTERED ARTICLE

No. _____

INSURED PARCEL

No. _____

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



Return to _____

(NAME OF SENDER)

*Street and Number, }
or Post Office Box, }*

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.

Ellen Stockton

(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, *Feb 5th*, 19 *31*

Form 3811

U. S. GOVERNMENT PRINTING OFFICE: 1930

1726 -

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Ellen Stockton

Boise, Idaho,

February 2, 1931

Parma, Idaho

Dear Sir:—

Under the terms of your permit No. **17265** you are required to complete your diversion works on or before **Apr. 5, 1931**. 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,

GEO. N. CARTER
Commissioner of Reclamation.

17265

August 12, 1930

Re: Permit No. 17265-Allen Stockton

DeVine, Howell, Stine & Gwilliam
Attorneys at Law
David Eccles Building
Ogden, Utah

Attention: Mr. J. A. Howell

Gentlemen:

Reference is had to your communication of August 11, with which you filed a protest against the granting of a permit to appropriate water upon Application No. 24298, filed in this office by Allen Stockton.

As I recall our discussion of the matter, when you called at the office about a month ago, I made the suggestion that such a protest might appropriately be filed as a matter of record; but that inasmuch as the application had already been approved as a permit, no further action could be taken thereon until such time as proof of completion of works is offered, which is due in April, 1931.

Possibly the case is a matter for adjudication, and any determination made by this department would not be binding upon the parties of interest. The appropriation of water is, so far as the state is concerned, a matter entirely separate from any easements or rights of way necessary to the transmission of the water to the land; that is, the state is not concerned as to whether or not the applicant for a permit has the right to enter upon the premises of an adverse party. Furthermore, in any finding upon proof of completion of works or application of water to beneficial use, the action consists quite largely, if not entirely, in determination of facts. In this particular case, it appears from the protest that there will be some controversy as to ownership of the land designated for irrigation. This, quite likely, must involve a judicial determination, which this department is unauthorized to make.

17265

- 2 -

DeVine, Howell, Stine & Gwilliam,

August 12, 1930

The due-date of proof of completion of works is April 5, 1931. I suggest that on or before that date you request a copy of the affidavit of the permit holder and from such affidavit file any further protests you may see fit to make, and then the entire matter will be considered by this office and an opinion rendered to the extent of the authority apparent from the statutes.

Yours very truly,

Commissioner of Reclamation.

CNC/eq

17 265

DeVine, Howell, Stine & Gwilliam
Lawyers

DAVID ECCLES BUILDING

Ogden, Utah

JAS. H. DEVINE
J. A. HOWELL
DAVID L. STINE
R. C. GWILLIAM
A. W. AGEE

August 11, 1930

George N. Carter,
Commissioner of Reclamation,
State Capitol,
Boise, Idaho

Dear sir:

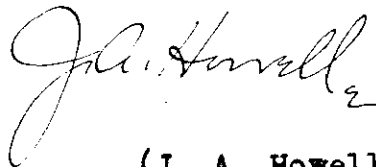
Inclosed please find protest against the granting of application No. 24298 (Ellen Stockton). Will you please file the same? If there are any filing fees, please notify us and we shall at once forward the same.

Will you please advise as to any further action respecting this application and particularly if a hearing will be given protestants as to it.

Very truly yours,

DeVINE, HOWELL & STINE

By



(J. A. Howell)

Per 17265-

17265-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application
of Ellen Stockton for a permit
to appropriate public waters of
the State of Idaho

Application No. 24298
Permit No. 17265

Statement of Protest of
Julia Kiesel, Fred W. Kiesel
and Wilhemine Pauline
Shearman

Now come Julia Kiesel, Fred W. Kiesel and Wilhemine Pauline Shearman and file this their statement of protest against the application of Ellen Stockton to appropriate certain alleged public waters of the State of Idaho, as set forth in application No. 24298 and described therein as having their source in an "unnamed stream," and the source of the said water supply for the right claimed being further described as "in springs flowing into a drainage ditch located on applicant's land," which land is described in the application as the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 10, Township 5 North, Range 5 West, Boise Meridian, which land is the land described as the land to be irrigated by said water so sought to be appropriated.

Protestants say that they are a partnership organized under the laws of the State of Utah and doing business as the Fred J. Kiesel Estate, and are and have been for many years the owners of the following described lands situate in the County of Canyon, State of Idaho, to wit:

The E $\frac{1}{2}$ of Section 10; the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 10; the W $\frac{1}{2}$ (except the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section), the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and part of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15, all in Township 5 North, Range 5 West, Boise Meridian.

17265-

That certain parts of said lands were water logged by the accumulation therein of waste, percolating and seepage waters, and that prior to the year 1930, for the purpose of draining that portion of said lands which were so water logged and providing for the irrigation of other portions of said lands, protestants commenced and completed the construction of a drainage ditch, commencing in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 10 and running thence in a southwesterly direction across the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 10, thence across the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 10, across a corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 10 (owned by applicant), across the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 10, and across the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 15; that said drainage ditch was constructed by protestants at their sole cost and expense and that neither applicant or any one else contributed to the cost thereof and the same was constructed by protestants at great expense; that said drainage ditch is wholly on the lands owned by protestants, except that as aforesaid a small portion thereof crosses a corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 10, which is owned by applicant, and that protestants obtained a right of way for said ditch from applicant where the same crosses her said land.

That a permit or license ought not to be granted applicant for the following reasons, to wit:

1. That it is not true, as stated in applicant's application filed herein, that the source of the water supply sought to be appropriated by her is in springs flowing into a drainage ditch located on applicant's land, but that on the contrary the sole and only source of the water in such drainage ditch as it crosses applicant's lands is the waste, seepage and percolating water which is part and parcel of the lands of protestants, and which is collected therefrom into said drainage ditch constructed by protestants as aforesaid, and for the purpose of collecting said waters and conveying them from the lands owned by protestants in said Section 10 and heretofore described, and

conveying them to the lands owned by protestants in Section 15, hereinbefore described, which lands in said Section 15 are arid and without water will not produce agricultural crops, but when irrigated will produce valuable crops, and said lands are in need of said water so collected as aforesaid for irrigating the same, and that said waters so collected as aforesaid in said drainage ditch by protestants are not public waters of the State of Idaho, and not subject to appropriation.

2. That it would be unjust and inequitable to permit applicant to appropriate said waters so collected in said drainage ditch, because but for the construction of said ditch said waters would have remained in said lands of protestants where they were, and that the sole purpose of protestants collecting the same was to render said lands in which the same were more suitable for the growing of agricultural crops and conveying them to lands owned by protestants, which needed them for the irrigation thereof, and inasmuch as said ditch was constructed at the sole expense of protestants and applicant contributed no part thereof, applicant should not have the benefit of such expenditure by protestants, and should not be permitted to appropriate the waters collected as a result thereof.

3. That protestants had no notice or knowledge of the filing by applicant of said application, or her intention so to do, and did not discover that the same had been filed and approved, and that immediately on discovering the same protestants took steps to protest said application.

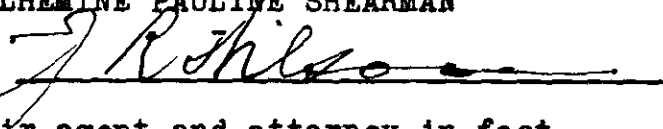
4. That although applicant claims in said application to be the owner of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 10, protestants are and have been for many years the owners of said lands.

*Mormon has easement
for ditch over the Stockton land*

Wherefore, protestants pray that the approval given to said application be revoked, that said application be denied, that protestants be given a hearing with respect to said application, and that it be determined that protestants are the owners of and entitled to the use of said waters and that the same are not subject to appropriation by applicant or any person.

JULIA KIESEL,
FRED W. KIESEL and
WILHEMINE PAULINE SHEARMAN

By


Their agent and attorney in fact

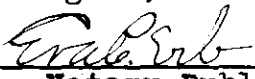
Protestants

17265-

STATE OF UTAH)
 : ss
County of Weber)

J. R. Wilson, being first duly sworn, deposes and says:
I am an agent and attorney in fact of Julia Kiesel, Fred W. Kiesel and Wilhemine Pauline Shearman, a copartnership organized under the laws of the State of Utah and doing business as the Fred J. Kiesel Estate, and as such agent and attorney in fact of said persons and said partnership, make this verification for and in behalf of said persons and said partnership, being duly authorized by them and said partnership so to do; that I have read the foregoing statement and protest and know the contents thereof and that the same is true to the best of my knowledge, information and belief.

Subscribed and sworn to before me
this 11th day of August, 1930.



Notary Public
Residing at Ogden, Utah

My commission expires

December 25, 1932.

(NOTARIAL SEAL)

17265-

July 29, 1930

Re: Permit No. 17265.

Messrs. DeVine, Howell & Stine
Attorneys at Law.
David Eccles Building
Ogden, Utah

Gentlemen:

We are mailing you herewith copy of Permit
No. 17265-Ellen Stockton, as requested in your letter
of July 28. The fee for this copy is fifty cents
(\$.50).

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

Chief Clerk

Encl.

17265-

DeVine, Howell, Stine & Gwilliam
Lawyers

DAVID ECCLES BUILDING

Ogden, Utah

JAS. H. DEVINE
J. A. HOWELL
DAVID L. STINE
R. C. GWILLIAM
A. W. AGEE

July 28, 1930.

Hon. J. D. Wood,
Commissioner of Public Works,
Boise, Idaho.

Dear Sir:

Please send us copy of the water filing made in
your office by Mrs. Ellen Stockton and numbered 17265,
together with bill for same.

If you demand payment in advance, please wire
collect the amount and we will forward at once.

Yours very truly,

DEVINE, HOWELL & STINE

By J. A. Howell
J. A. Howell

JAH:DR

17265-



State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17265- Ellen Stockton April 8, 1930
Mr. Walter Griffiths
Caldwell, Idaho 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.

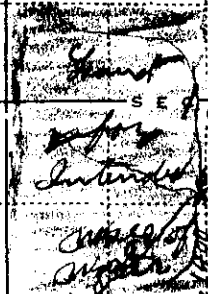
Incl. Receipt for fee.

GEO. N. CARTER
Commissioner of Reclamation.

17265-

Olle Station

Twp. 5 N. R. 5 W. B. M.



Intended for
SE 40
Canal
Point of River
Crossing
Stream
Drainage

Permit No. 17205

As Approved

APR 1 1930

CHAS. N. FARTER
Commissioner of Reclamation