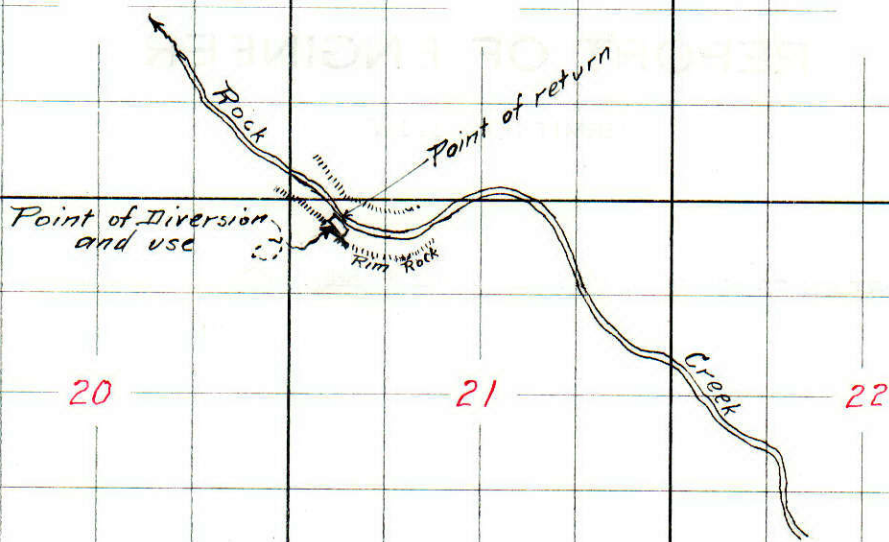




STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17183

REPORT ON PROOF OF COMP. OF WORKS & BEN. USE

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 9:00 A. M. on the 26th day of September, 1935, at Twin Falls, County of Twin Falls, State of Idaho, before J. E. Roberts, Notary Public, proof will be submitted of the completion of works for the diversion of 14 cubic feet per second of subterranean water and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No 17183, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name and postoffice address of the person or corporation, holding said permit, are Herbert

S. Frame, Twin Falls, Idaho, P. O. Box 975.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 14 cubic feet per second.

3. The use to which said water has been applied is Fish Hatchery purposes and the amount applied to beneficial use is 14 cubic feet per second.

4. The place where said water is used is the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21, T. 10 S., R. 17 E., and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 10 S., R. 17 E., B. M., Twin Falls County.

5. The date of priority which said user is prepared to establish is October 1, 1929.

R. W. FARIS,
Commissioner of
Reclamation.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

COUNTY OF TWIN FALLS

ss.

I, Marian E. Tucker, being first duly sworn upon

oath depose and say that I am principal clerk of the TWIN FALLS DAILY NEWS, published daily, except Monday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof,

for four consecutive Wednesdays, commencing with the issue dated August 21, 1935, and ending with the issue dated September 11, 1935.

And I do further certify that said newspaper has been published as a daily paper, except Monday, under said name and in said city and county, continuously and uninterruptedly during a period of more than twelve consecutive months prior to the first publication of said notice or advertisement.

And I do further certify that pursuant to Chapter 154, Idaho 1933 Session Laws, Wednesday of each week has been designated as the day on which legal notices required by law or by order of any court of competent jurisdiction within the State of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said paper, and in each issue thereof, Wednesday is announced as the day on which said legal notices will be published.

Marian E. Tucker

Subscribed and sworn to before me this

day of September, 1935

Charles E. Boon
Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

RECEIVED
SEP 28 1935
DEPT. OF RECLAMATION

150

17183

17183

NOTICE FOR PUBLICATION

Notice of Application for Extension of Time for Completion of Works Under House Bill No. 82, Session 1933.

Notice is hereby given, that on the 13th day of October, 1934, at 10:00 o'clock, A. M., a hearing will be held by the State Commissioner of Reclamation, or his deputy, at Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to appropriate the Public Waters of the State of Idaho, No. 17183. The said protests and evidence may be submitted either orally or by affidavits by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of the said Permit is 17183.

2. The name and post-office address of the person or persons or corporation holding said permit or permits are:

Herbert S. Frame, Twin Falls, Idaho.

3. The amount of water claimed by the said permit or permits is 14 second feet from subterranean water which is tributary to no stream.

4. This notice is to be published at the expense of the applicant or applicants above named. The publisher is hereby authorized to deliver to the said applicant the proof of publication upon payment for the said publication.

R. W. FARIS,
Commissioner of Reclamation.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

COUNTY OF TWIN FALLS }

ss.

Nº

105

I, Marian E. Tucker, being first duly sworn upon

oath depose and say that I am Principal Editor of the TWIN FALLS DAILY NEWS, published daily, except Monday, at Twin Falls, Idaho, and do solemnly swear that a copy of the notice or advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof,

for two consecutive Wednesday, commencing with the issue dated October 3, 1934, and ending with the issue dated October 10, 1934.

And I do further certify that said newspaper has been published as a daily paper, except Monday, under said name and in said city and county, continuously and uninterruptedly during a period of more than twelve consecutive months prior to the first publication of said notice or advertisement.

And I do further certify that pursuant to Chapter 154, Idaho 1933 Session Laws, Wednesday of each week has been designated as the day on which legal notices required by law or by order of any court of competent jurisdiction within the State of Idaho, to be published weekly, will be published; and that at the head of the editorial column of said paper, and in each issue thereof, Wednesday is announced as the day on which said legal notices will be published.

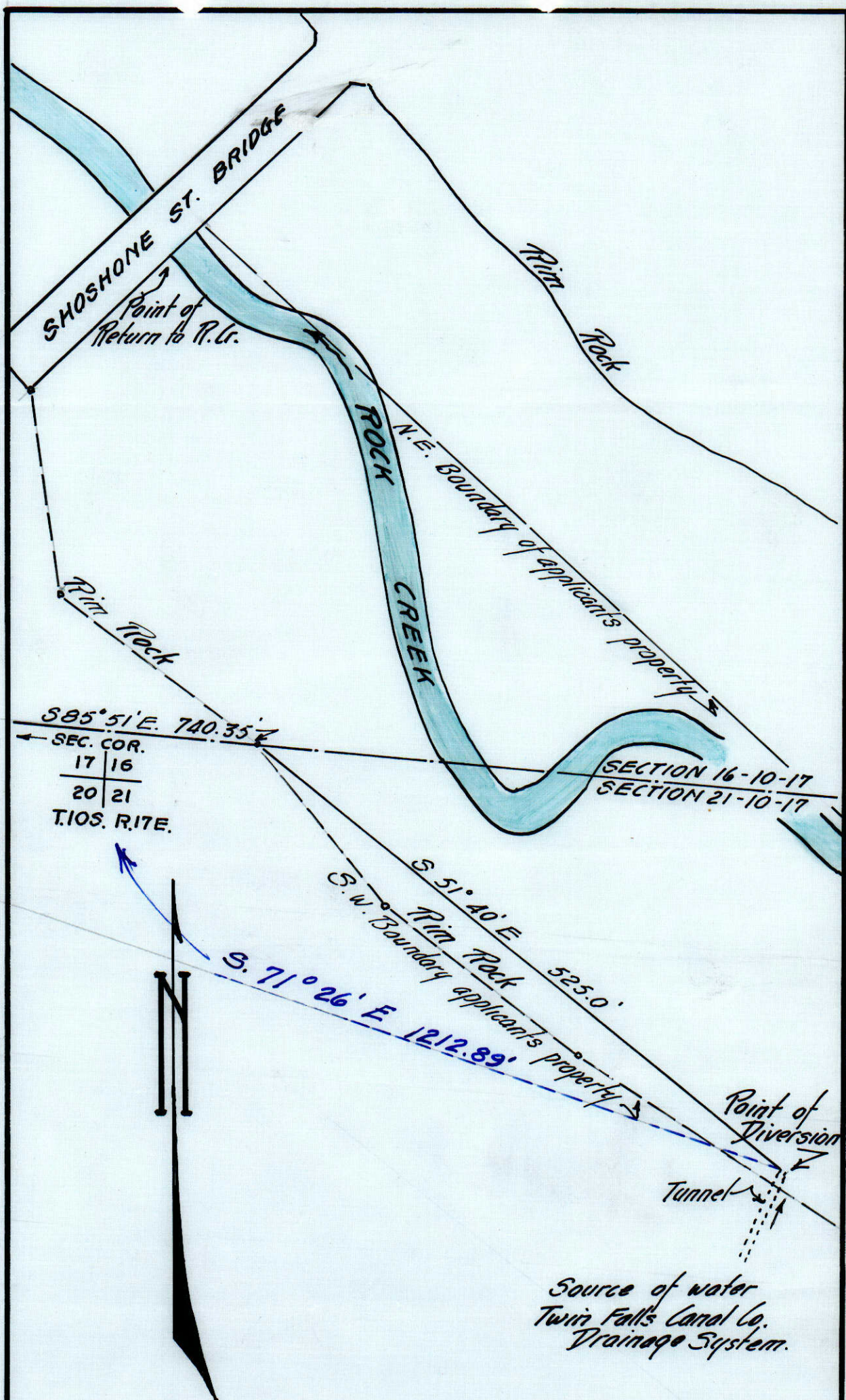
Marian E. Tucker

Subscribed and sworn to before me this

day of October, 1934.

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

17183



Permit Map No. ~~17183~~ 17183

As Approved

OCT 7 1929

GEO. N. CARTER
Commissioner of Reclamation

From notes of survey dated Sept 13 1929

MAP
To Accompany Application
For Permit
By H.S. Frame

Twin Falls Idaho Sept. 30 1929
Scale 1 inch = 100 feet

17183

State of Idaho
License and Certificate of Water Right

Water License No. 17183 Amount 12.0 Sec. Ft.
Water District No. Priority October 1, 1929

THIS IS TO CERTIFY that HERBERT S. FRAME
of Twin Falls, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 1, 1929; that Permit No. 17183
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
12.0 second feet, was issued thereunder on May 7, 1936, showing that said works
were completed on the 26th day of September, 1935; and that on the 26th
day of September, 1935,

HERBERT S. FRAME
of Twin Falls, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use ~~the waters~~ subterranean
waters, a tributary of no known stream, for the purpose of Fish hatchery
, under Use Permit No. 17183 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 3840, on the 23d day of May, 1936;
The right hereby confirmed dates from October 1, 1929;

The Point of Diversion is located
in the NW 1/4 NW 1/4, Sec. 21, Tp. 10 S., R. 17 E., B. M. Twin Falls 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 12.0
cubic feet per second.

Description and location of use: Applicant's fish hatchery

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
					0

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 23d day of May, 1936.

(Seal)

R. W. FARNS
Commissioner of Reclamation

47-2187

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

Application No. 24202
Permit No. 17183
District No.

1. Name of Applicant: **Herbert S. Frame**
 Postoffice address: **Twin Falls**, County: **Twin Falls**, 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: **14** cubic feet per second.
3. Source of water supply: **Subterranean Waters** which is a tributary of
4. Location of point of diversion: **S. 71°26' E. 1212.89** feet distant from the **common**
20 & 21
corner of Sections 16, 17, T. 10 S., R. 17 E., B. M., and is in the NW¼ of the NW¼
of Section 21, T. 10 S., R. 17 E., B. M., County of Twin Falls
5. Water is to be used for: **Fish Hatchery.**
6. If for mining, milling, power or manufacturing purposes, give:
 beginning of **740.35**
 (a) Point of use of water: **S. 85°51' E/** feet distant from **corner of Sections 16, 17, 20, 21.**
T. 10 S., R. 17 E., 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 **Rock Creek** at a point **525** feet
beginning of point of use under Shoshone Street Bridge
~~distant from the~~ **corner of Section 16, T. 10 S., R. 17 E., B. M., in the**
in SW¼ of SW¼ of
of Section, T. **,** R. **,** B. M.
7. Estimated cost of works: \$ **2000.00**
8. Kind of works: **Reservoir, or tanks, pipes and flumes.**
9. Height of dam (no dam) **feet**; length of dam at top **feet**; length of dam at bottom **feet**;
 material used in dam:
10. Size of headgate: Width **1.33** feet; height **1.33** feet.
11. Ditch: Width at bottom **feet**; width at water line **feet**; depth of water **feet**;
 dimensions of flume **1' X 2'**
 Diameter of pipe **inches**; length of conduit **miles**.
 Average grade per mile **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 **no** 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.

Herbert S. Frame *Applicant.*

By _____ *Agent.*

Date of first receipt at Department of Reclamation: 9:00 A. M. October 1, 1929.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17183

Recorded in Book 62 Page 17183 Approved October 7, 1929.

Recorded in Book 62 Page 17185 Approved 060601 7, 1997.
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 _____

Bond in the sum of \$ _____ to be filed on or before _____
 Work to begin on or before **December 6, 1929** and to continue diligently and uninterruptedly to completion,
 unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before April 7, 1930.

The whole of said work to be completed on or before **October 7, 1930** - 34

The whole of said work to be completed on or before October 7, 1930
Beneficial use of water appropriated in accordance herewith, to be made on or before October 7, 1930.

Witness my hand this 7th day of October, 1929.

GEO. N. CARTER
Commissioner of Reclamation.

Remarks:

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	
			The water in question flows out on one side of Rock Creek Canyon on land purchased by applicant; thence across such land into Rock Creek (on applicant's land). In using water applicant simply conveys same into tanks holding fish; thence into Rock Creek without diminishing flow. APPLICATION FOR AMENDMENT TO PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, No. 17183 Comes now Herbert S. Frame, and represents to the Commissioner of Reclamation of the State of Idaho: That he is the owner and holder of Permit to appropriate the public waters of the State of Idaho, No. 17183, and requests that the place of use of said water, as described in said permit, be changed to read as follows: IN THE S½ OF THE SW¼SW¼ OF SEC. 16, AND IN THE N½ OF THE NW¼NW¼ SEC. 21, ALL IN T. 10 S.R. 17 E., BOISE MERIDIAN, TWIN FALLS COUNTY, IDAHO. ALL USE BEING MADE ON APPLICANTS LAND. That an additional amount of water is not asked for and that the rights of others will not be adversely affected by such change. Signed at Twin Falls, Idaho, this 6th day of October, 1930. HERBERT S. FRAME. Date of receipt at office of Department of Reclamation - OCT. 7, 1930. APPROVAL OF COMMISSIONER OF RECLAMATION. I, Geo. N. Carter, Commissioner of Reclamation of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the public waters of the State of Idaho, No. 17183. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby. EXTENSION OF TIME FOR COMPLETION WORKS. Upon proper request of the holder of the above numbered permit, I have this 7th day of October, 1930, extended the time for completion of works under said permit to <u>OCTOBER 7, 1934.</u> GEO. N. CARTER Commissioner of Reclamation.																

PERMIT NO. 17183

APPROVAL OF COMMISSIONER OF RECLAMATION

WHEREAS, Application for an extension of time for Completion of Works under Permit No. 17183 has been made by the owner thereof, which application was duly advertised in the Twin Falls Daily News of Twin Falls, Idaho, for a period of two consecutive weeks; and

WHEREAS, A hearing in regard to the said application was then duly held at Boise, Idaho, on October 13, 1934, as specified in the said advertisement above referred to; and

WHEREAS, After taking into consideration all evidence and testimony introduced at the said hearing, it appears that the owner of the said Permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, by virtue of the authority vested in me under House Bill No. 82, Session Laws of 1933, hereby extend the time for Completion of Works under Permit to Appropriate the Public Waters of the State of Idaho, No. 17183, to October 7, 1936.

WITNESS My hand this 15th day of October, 1934.

R. W. FARIS
Commissioner of Reclamation

PERMIT NO. 17183

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HERBERT S. FRAME of Twin Falls, County of Twin Falls, and State of Idaho, the holder of Permit No. 17183, issued upon Application No. 24202, bearing date of priority of October 1, 1929, authorizing the diversion of 14 second feet of subterranean water, County of Twin Falls, State of Idaho, for fish hatchery 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 12 second feet of subterranean water, that the point of diversion of said waters is in the NW¹/₄ NW¹/₄, Sec. 21, T. 10 S., R. 17 E., B. M.

Witness my hand this 7th day of May, A. D. 1936.

R. W. FARIS
Commissioner of Reclamation

Proof of Completion of Works made September 26, 1935
Certificate issued May 7, 1936

LICENCE NO. 12-3840
Vol 7, Page 3840

October 30, 1936

Re: Permit No. 17183
Herbert S. Frame

WM. A. BABCOCK, JR.
Attorney-at-Law
Twin Falls, Idaho

Dear Mr. Babcock:

We have your letter of October 26th with reference to the above permit, wherein you say that it is quite possible that in the event Mr. Frame attempts to change the place of use under this right, that he may request publication in a newspaper within the county, but outside of Twin Falls for the purpose of concealing the notice.

With regard to this matter, we wish to advise you that the law goes only so far as to specify a paper within the county where the lands are located, although no doubt the intent of the law is to give notice to the parties who might be interested in the change. I doubt that this department would have any authority to go beyond compelling him to publish the notice in some one of the county newspapers.

However, if Mr. Frame makes application for such a change, we will notify you.

Very truly yours,

Chief Clerk & Office Engineer

17183

PLH/cj

WILLIAM A. BABCOCK
WILLIAM A. BABCOCK, JR.

LAW OFFICES
WILLIAM A. BABCOCK
FIDELITY NATIONAL BANK BUILDING
TWIN FALLS, IDAHO

RECEIVED

OCT 28 1936

Department of Reclamation

October 26, 1936

Department of Reclamation
State of Idaho
Boise, Idaho

Attention Mr. Paul Henry, Chief Clerk.

Dear Sir: Re Permit No. 17183; Herbert S. Frame.

I have your letter of October 2nd in regard to the above permit and license issued thereunder to H. S. Frame.

I have noted your observation that Mr. Frame, in order to change the water to other property would have to advertise notice of his application.

Under the language of the statute the publication of the notice may in a newspaper located in the County. In this particular case it very possible that Mr. Frame, if he does make such an application, may attempt to conceal it by publishing the notice in Filer, Kimberly, Buhl or other qualified paper. In such case the notice would not be apt to come to my attention. I shall greatly appreciate the favor, if you will notify me in case Mr. Frame does make such an application.

Yours very Truly,

WILLIAM A. BABCOCK

by



RECEIVED

OCT 28 1936

Department of Reclamation

17183

October 2, 1936

Re: Permit No. 17183
Herbert S. Frame

HON. WM. A. BABCOCK
Attorney-at-law
Twin Falls, Idaho

Dear Judge:

In reply to your letter of September 28th, I wish to advise you that a license for 12 cubic feet of water per second has been issued under the above permit to Mr. Frame. After a license has been issued, this department makes no attempt to keep a record of its disposition since frequently, in the course of a few years, one will be transferred many times.

However, the only way in which this license can be separated from the property for which it was issued is by Mr. Frame's making application for a transfer in the regular statutory manner, in which case, a notice would have to be published in Twin Falls County so that all interested parties would have due notice thereof.

In the event that Mr. Frame does apply for a transfer of this water right to some other property, then your recourse would be to protest at the time when publication is made. A hearing would then be held with a view of hearing all interested parties.

Very truly yours,

Chief Clerk & Office Engineer

PLH/ej

17183

WILLIAM A. BABCOCK
WILLIAM A. BABCOCK, JR.

LAW OFFICES
WILLIAM A. BABCOCK
FIDELITY NATIONAL BANK BUILDING
TWIN FALLS, IDAHO

September 28, 1936

Honorable R. W. Faris
Commissioner of Reclamation
State of Idaho
Boise, Idaho

Dear Sir:

In regard to Permit No. 17183 of Herbert S. Frame for the appropriation of subterranean water for use and return to Rock Creek in the City of Twin Falls: in a letter of November 30, 1934 to Edward Babcock of this city you stated that final proof under such permit would be due October 7, 1936.

My client, Mr. W. S. Meader of Pocatello, has recently foreclosed a mortgage on the real property to which said water is appurtenant, said mortgage having included "all the water, water rights, ditch and ditch rights, however evidenced, appurtenant to said land or used in connection therewith." This property will be sold in pursuance to the decree of foreclosure on October 21, 1936. The period of redemption from such sale will expire on October 21, 1937.

What can be done to protect the purchaser at foreclosure sale in his claim to this water right? Will it be possible to secure an extension of the time allowed for making final proof until such time as the period of redemption will have expired? Or, if Mr. Frame has already made the proof, will you please so inform me?

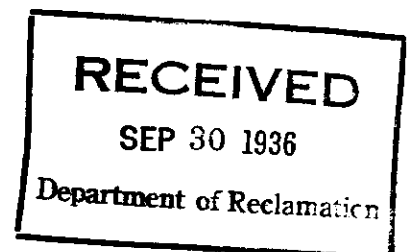
Yours very truly,

W. A. Babcock

WILLIAM A. BABCOCK

WAB:BB

17183



May 26, 1936

Re: Water License No. 17183

MR. HERBERT S. FRAME
Twin Falls,
Idaho

Dear Mr. Frame:

We are enclosing herewith Water License No. 17183
for 12 second feet of the waters of subterranean flow, Twin
Falls County, together with office receipt for \$10.60.

Very truly yours,

Chief Clerk & Office Engr.

T

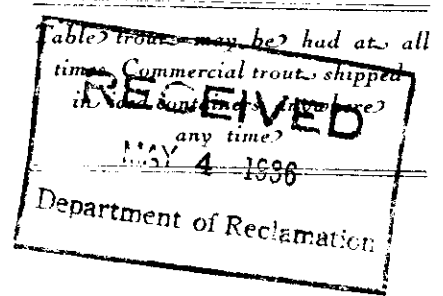
Encls.2

17183

These trout, raised in cold, running water in their native environments, are solid, firm and delicious



IDAHO'S FINEST TROUT
FROM



FRAME'S TROUT FARM

Department of Reclamation
Boise Ida

Twin Falls, Idaho, 2-2-36 193

Dear Sirs; - Please find M.O. for \$10.00 to cover charges for completion of work and for final proof.

Permit No. 17183

Thanking you I am
yours truly
Herbert S Frame

17183

May 11, 1936

Re: Permit No. 17183

MR. HERBERT S. FRAME
Twin Falls,
Idaho

Dear Sir:

We are enclosing herewith Certificate of Completion
of Works, which was issued under the above numbered Permit.
Your receipt will be mailed to you with your license, after
such license has been issued.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

17183

January 7, 1936

Re: Permit No. 17183

MR. HERBERT S. FRAME
Twin Falls,
Idaho

Dear Sir:

This is to advise you that the field engineer's report, covering his examination of the works constructed under the above permit and the use to which the water has been applied, is now on file in this office.

Mr. Tolman, who made this examination on October 9, 1935, estimates the capacity of your works as 12 second feet. Therefore, upon receipt of a fee of \$5.60, for completion of works, and an additional fee of \$5.00, for final proof, we shall issue a certificate of completion of works which will be followed by the issuance of your license.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

17183

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17183

This proof is for COMP. OF WORKS & BEN. USE

In Water District No.

1. Name of applicant Herbert S. Frame

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21

T. 10 S. R. 17 E. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: *Diversion is from the portal of a 4 mile drainage tunnel. A concrete control structure and gate divert to fish ponds and hatchery. Hatching house is 16 x 20 ft $\frac{3}{4}$ area of 19 ponds totale about $\frac{1}{4}$ acre*

5. Water is used for: Fish Culture

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):

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

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

Remarks: *Estimated flow of tunnel 12 Sec. Ft.*

Point of diversion is upon land of Frame and is approximately 100 ft from Rock Creek into which the water is discharged

This examination was made on the 9th day of Oct., 1935

17183

(Signed)

Fred F. Holman

Examiner.

Herbert S. Frame
Twin Falls, Idaho.

Permit No. 17183

Examination for Comp. of Works & Ben. Use

County Twin Falls

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.
-

September 28, 1935

Re: Permit No. 17183
Herbert S. Frame

MR. HAROLD WM. MERRITT
Civil Engineer,
Twin Falls, Idaho

Dear Sir:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses and the affidavit of publication from the newspaper, all in connection with proof of completion of works and proof of application of water to beneficial use under the above permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made since the department has but one field engineer who makes examinations all over the state. However, Mr. Tolman, Field Engineer for this department, will contact Mr. Frame at the time set for examination so that he may show him over the grounds and the works constructed. After the engineer's report is on file the permit holder will be further notified as to fees due before the issuance of his certificate of completion of works and license.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

17183

Harold Wm. Merritt

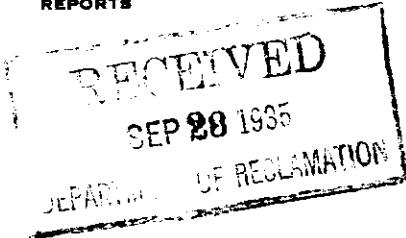
CIVIL ENGINEER

BANK & TRUST BUILDING

TWIN FALLS, IDAHO

SURVEYS
INVESTIGATIONS
REPORTS

IRRIGATION
CONSTRUCTION
ESTIMATES



SEPT. 26, 1935

17183

Mr. Paul L. Henry,
Bureau of Reclamation,
Boise, Idaho.

Dear Mr. Henry:

Enclosed are depositions of two witnesses and those of the holder Herbert S. Frame in the matter of Completion of Works and Proof of Beneficial Use under above permit. Affidavit of publication is also enclosed.

Trusting that they may be found in order and thanking you again for your courtesies in this matter, I remain,

Very truly yours,

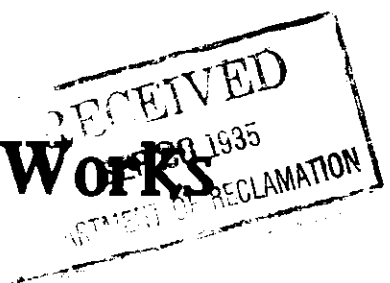
A handwritten signature in cursive script, reading "Harold Wm Merritt". The signature is written in dark ink and is positioned above the printed name.

Harold Wm Merritt

17183

PERMIT NO. 17183

Proof of Completion of Works



DEPOSITION OF HOLDER

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

Ans. Herbert S. Frame, Twin Falls, Idaho. Fish Culturist, P.O.Box. 975

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

Ans.

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

Ans. 17183 Oct. 7, 1929 14 Sec Feet. Subteranean waters

Point of Diversion is S. 71.26' E. 1212.89 ft. from N.W. Corner of Sec. 21-10-17. & is in the NW 1/4 Sec. 21, T. 10 S. R. 17 E. 8 M.

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

Ans. To be used for hatchery purposes.

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

Ans. Yes. First in 1929 about $\frac{1}{2}$ capacity. Full capacity in Oct., 1934

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

Ans. Yes.

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

Ans.

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

Ans. Diversion Dam of rock and Concrete 10 ft. long, and 6 feet high.
80 feet of wood flume diverting water to head of ponds. Cost- \$2000.00

(Sign here.)

Herbert S. Frame

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 Twin Falls,

County of Twin Falls, State of Idaho, on this 26th day of September A. D. 1935

J. E. Roberts
Notary Public.

My Commission expires

6/1/39

17183

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

Permit No. 17183

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Fred Foss, Jr. Twin Falls, Idaho. Cents and Awnings, P.O. Box 42

Ques. 2. Are you acquainted with Herbert S. Frame, the holder of Permit No. 17183, authorizing the diversion of 14 second-feet of the waters of Subteranean waters, at Twin Falls for Hatchery purposes? How long have you known him, and where does he reside?

Ans. 13 years. Twin Falls, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17183, and are you familiar with its terms and conditions?

Ans. Yes.

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

Ans.

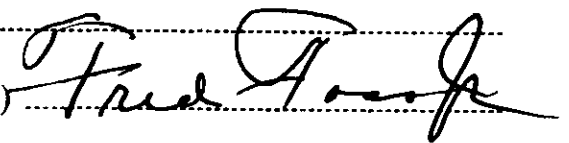
Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

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

Ans. Small diversion dam, conduit pipe and flume, and fish ponds of varying dimension.

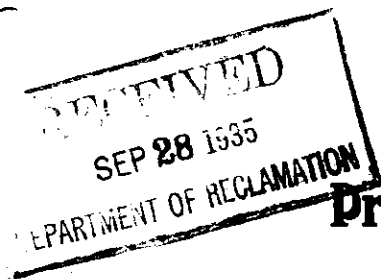
(Sign here.)



I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls County of Twin Falls, State of Idaho, on this 26th day of September, A. D. 1935.



17183



Permit No. 17183

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Chas. A. North, Twin Falls, Idaho, Attorney, P.O.Box 546

Ques. 2. Are you acquainted with Herbert S. Frame, the holder of Permit No. 17183, authorizing the diversion of 14 second-feet of the waters of Subteranean Waters, at Twin Falls for hatchery purposes? How long have you known him, and where does he reside?

Ans. Yes. 15 years. Twin Falls, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17183, and are you familiar with its terms and conditions?

Ans. Yes

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

Ans.

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

Ans. Yes

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

Ans. Works consist of small diversion dam of concrete and rock near portal of tunnel, about 80 feet of conduit, (flume and pipe) and 19 fish ponds of various sizes and constructed from concrete and earth.

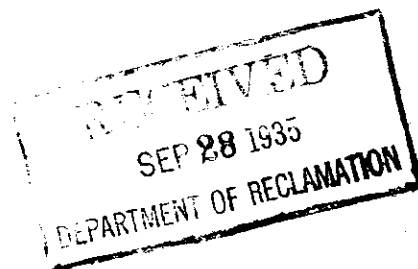
(Sign here.)

Chas. A. North

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls County of Twin Falls, State of Idaho, on this 26th day of September, A. D. 1935.

J. E. Roberts
Notary Public
17183

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 17183

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Herbert S. Frame, Twin Falls, Idaho. Fish Culturist, P.O. Box 975

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. 17183 Oct. 7, 1929 Oct. 1, 1929

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

Ans. Subteranean Waters in N. 7.1/2 N. 7.1/2 21-10-17 and S. 71 26' E. 1212.89 ft.
from N. V. Corner of said Sec. 21-10-17

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. Works consist of concrete diversion dam and conduit to head of fish ponds,
Capacity 15 sec. feet. Un named ditch. Water wastes into Rock Creek.

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

Ans. Water is used for hatchery purposes. Is used about 100 feet immediately north
of the above described point of diversion., in series of fish ponds of various size
which are located in bottom of Rock Creek canyon.

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

Ans. _____

17183

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

Ans. 14 sec. 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. as first diverted in 1929 7 or 8 sec. feet. Has gradually increased capacity until 1934 in Oct. when full 14 sec. feet was used.

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

Ans.

(Sign) Herbert S. Frame

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 Iron Falls, County of Iron Falls, State of Idaho, on this 26th day of September, A. D. 1935.

J. E. Roberts
Notary Public

My commission expires

6/1/39.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17183

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. Fred Foss, Jr. 43 Twin Falls, Idaho. Tent and Awning P.O. Box 42

Ques. 2. Are you acquainted with Herbert S. Frame, the holder of Permit No. 17183? How long have you known him and where does he reside?

Ans. Yes. 13 years. Twin Falls, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17183, 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. Subteranean water developed by tunnel and wells. Is diverted near portal of tunnel in N.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ sec. ~~21~~ 21-10-17 and is conveyed to point of use by flume 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. 15 sec. feet. 15 sec. 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 improvement which have been made as a direct result of said use.

Ans. Water is used for raising trout. Is used immediately north of point of diversion and in the above described subdivision.

17183

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

Ans. Water has been diverted and conducted to head of ponds and then rotated in most instances through the series of ponds and emptied or returned to Rock Creek.

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. Dependent on irrigation

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

Ans. No.

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

Ans. Have been on the property several times, have walked over the grounds and observed the water being used as described and to full capacity.

(Signed)

Fred Frank

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 Twin Falls, County of Twin Falls State of Idaho, on this day of September, A. D. 1931.

My commission expires

6/1/39

J. E. Roberts
Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17183

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. Chas. A. North, 49, Twin Falls, Idaho. Attorney, P.O. Box 546

Ques. 2. Are you acquainted with Herbert S. Frame, the holder of Permit No. 17183? How long have you known him and where does he reside?

Ans. Yes. 15 years. Twin Falls, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17183, 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. Subteranean waters. Diverted in N.W. $\frac{1}{4}$ N.W. $\frac{1}{4}$ Sec. 21-10-17. Works consist of about 80 feet of flume, pipe lines. small diversion dam of concrete and rock, and 19 fish ponds of varying sizes, and construction.

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. 14 or 15 sec. 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 improvement which have been made as a direct result of said use.

Ans. Water is used for the rearing of trout. Conveyed to ponds by above described conduit and thence rotated through ponds and returned to Rock Creek.

Diversion and return in N.W. $\frac{1}{2}$ N.W. $\frac{1}{2}$ 21-10-17

17183

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

Ans. Water diverted to upper end of ponds and then run through series of ponds and returned to Rock Creek. Entire amount of water is used.

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 been on property numerous times, and observed ponds etc. being used to capacity.

(Signed) Chas. A. Arch

I hereby certify that the foregoing testimony was read to the above subbscriber 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 Iron Valley, County of Iron, State of Idaho, on this day of 26th September, A. D. 1935.

My commission expires

6/1/39

J. E. Roberts
Notary Public.

State of Idaho

DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS
AND
PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 17183

BOISE, IDAHO, September 19, 1935

MR. J. E. ROBERTS, Notary Public
Twin Falls,
Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. 17183

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 September 26, 1935, the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at Twin Falls, Idaho before J. E. Roberts, 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,

R. W. FARIS

~~W. G. SWENDSEN~~

Commissioner of Reclamation.

17183

August 14, 1935

Re: Permit No. 17183
Herbert S. Frame

MR. HAROLD W. MERRITT,
Civil Engineer,
Twin Falls, Idaho

Dear Sir:

We are in receipt of the various papers you had prepared and executed in connection with the above permit.

Apparently, there has been some misunderstanding as to the procedure in connection with these proofs. In the first place, each proof, as you know, constitutes a separate matter and if they are made separately each of them requires a publication. However, in this particular case, they are to be offered jointly and we, therefore, mailed the form to you for a joint publication with a view of saving the permit holder the cost of an additional publication. You completed this form and returned it with Mr. Frame's authorization for its publication, which was in order. However, the depositions which we mailed to you were merely for your office copies to be completed at the time when proof was offered. In other words, these depositions should not have been executed until September 26th, at the time set for proof. We see no reason why it would do any particular harm to have these papers executed in advance, though they certainly could not be construed as being in proper form since, according to the statutes, publication has to be made prior to the time when the depositions are taken. As we previously stated, the Notary Public, Mr. J. E. Roberts of Twin Falls, will be furnished with a complete set of depositions in ample time for the proofs on September 26th.

A copy of the notice is being forwarded to the newspaper today with proper instructions for its publication and after the publication has been completed the paper will furnish Mr. Frame with an affidavit of publication, upon receipt of the fee for such service. This affidavit should be attached to the depositions at the time when they are returned to this office by the Notary Public.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

cc - J. E. Roberts, Twin Falls, Idaho
H. S. Frame, Twin Falls, Idaho

17183

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 17183

Date August 14, 1935

EDITOR, TWIN FALLS DAILY NEWS
Twin Falls,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 26, 1935, the date set for proof, the expense of the publication to be paid by the applicant, HERBERT S. FRAME, Twin Falls, 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,

R. W. FARIS

Commissioner of Reclamation.

17183

Harold Wm. Merritt

CIVIL ENGINEER

BANK & TRUST BUILDING

TWIN FALLS, IDAHO

SURVEYS
INVESTIGATIONS
REPORTS

IRRIGATION
CONSTRUCTION
ESTIMATES

AUGUST, 12, 1935

Mr. Paul L. Henry,
Office Engineer,
Reclamation Office,
Boise, Idaho.

Re. 17183
Herbert S. Frame

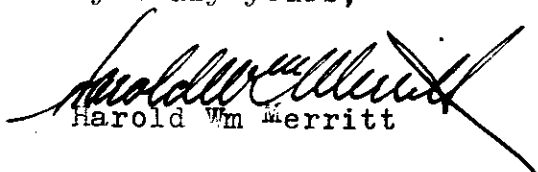
Dear Mr. Henry:

Am enclosing herewith Depositions of witnesses and Holder to accompany proof of application of water to beneficial use and proof of completion of works, together with notice of publication in duplicate and authorization, and joint notice of proof under above permit. Have set the date for the 26th of September which I trust will give required time for publication etc.

Trusting that the enclosed forms shall be found properly made out, I remain.

Very truly yours,

HWM/M


Harold Wm Merritt

17183

RECEIVED

AUG 14 1935

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) AUGUST, 10, 1935

(P. O.) TWIN FALLS, IDAHO.

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
TWIN FALLS DAILY NEWS of TWIN FALLS, IDAHO, published in
the county in which the works are situated.

Herbert S. Frame

(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.

17183

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 9:00 A. M. on the 25th day of September, 19 35, at Twin Falls, County of Twin Falls State of Idaho, before J. E. ROBERTS, Notary Public proof will be submitted of the completion of works for the diversion of 14 cubic feet per second of ~~the waters of~~ subterranean water and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 17183, heretofore issued by the Commissioner of Reclamation of the State of Idaho.

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

HERBERT S. FRAME, Twin Falls, Idaho, P. O. Box 975

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans accompanying the application for such permit, is 14 cubic feet per second.

3. The use to which said water has been applied is ~~irrigation and domestic~~ Fish Hatchery purposes and the amount applied to beneficial use is 14 cubic feet per second.

4. The place where said water is used is the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 21, T. 10 S., R. 17 E., and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 16, T. 10 S., R. 17 E., B. M., Twin Falls County.

5. The date of priority which said user is prepared to establish is October 1, 1929

R. W. FARIS

Commissioner of Reclamation

17183

August 9, 1935

Re: Permit No. 17183

MR. HAROLD WM. MERRITT,
Civil Engineer,
Twin Falls, Idaho

Dear Sir:

In response to your letter dated August 3rd, we are enclosing herewith notice in duplicate for a combined publication in connection with proof of completion of works and proof of application of water to beneficial use, under the above permit. We are also enclosing a form upon which Mr. Frame may authorize us to have the notice published in one of the Twin Falls County newspapers.

Will you kindly fix the date for proof far enough in advance to give us sufficient time to get a copy of the notice back to the paper and permit a four weeks publication prior to the date when proof will be offered.

You have handled a number of these proofs and, no doubt, are familiar with the procedure, but we do wish to call to your attention the fact that even though the proofs are being made jointly, separate depositions must be executed in support of each of them. Two witnesses will be required, although the same witnesses may act for both proofs.

We are enclosing herewith a complete set of depositions for each proof so that you will have copies for your office records and so that you will know what information is required. However, we shall also mail complete sets of these papers to the Notary Public before whom proof will be offered.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg
Encl.

17183

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT

CIVIL ENGINEER

BANK & TRUST BUILDING

TWIN FALLS, IDAHO

IRRIGATION
CONSTRUCTION
ESTIMATES

AUGUST, 3, 1935

Re- 17183

Robert W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

Please send me the
neccessary forms including
deposition blanks, for making proof
both of completion of works, and
beneficial use under above permit.

It is Mr Frames desire to
make these proofs at this time and
I shall get them off to you as early
as possible upon receipt of the forms.

Very truly yours,


Harold Wm Merritt

HWM/M

17183

November 30, 1934

Re: Permit No. 17183
Herbert S. Frame

MR. EDWARD BABCOCK
Attorney at Law,
Twin Falls, Idaho

Dear Sir:

In reply to your inquiry of November 28th, we wish to advise that Proof of completion of Works, under permit No. 17183, will not be due until October 7, 1936, and since an extension of time for completion of works automatically extends the time for beneficial use proof, such proof will not be due until October 7, 1936. This extension of time was granted on October 15, 1934, under the provisions of House Bill 82, Session Laws of 1933.

We believe that this is the permit you have in mind since it is for the appropriation of subterranean water and the water after being used is returned to Rock Creek.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

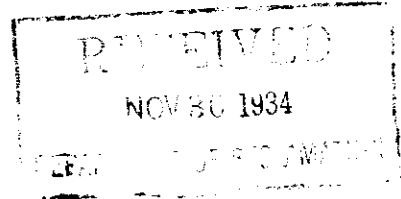
By _____
Assistant Chief Clerk

0

17183

17183

EDWARD BABCOCK
ATTORNEY AT LAW
TWIN FALLS, IDAHO



November 28, 1934.

R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

My Dear Mr. Faris:

Kindly advise me as to whether Mr. H. S. Frame
of this city has submitted final proof on the appropriation
of certain seepage water in Rock Creek Canyon; and whether
he has received a decree for the appropriation of said
water.

Yours very truly,

EB:MB

Edward Babcock

17183

October 19, 1934

Re: Permit No. 17183
Herbert S. Frame

MR. HAROLD W. MERRITT, C. E.
Bank & Trust Bldg.,
Twin Falls, Idaho

Dear Mr. Merritt:

The commissioner's approval for a two year extension of time for completion of works, under the above permit, was mailed from this office several days ago, and since you received a carbon copy of the letter to Mr. Frame, which accompanied it, you are, of course, advised of this situation.

We are enclosing herewith notice in duplicate for publication in connection with proof of completion of works and also proof of application of water to beneficial use, as per your request. In other words, a combined notice may be made for the proofs. It is suggested that you fix the date for offering proof at least six weeks ahead so that there will be no question as to the notice reaching the newspaper in sufficient time for its publication.

When proof is offered, two complete sets of depositions must be executed, which will consist of a deposition for the holder and depositions for two witnesses for proof of completion of works and the same with reference to beneficial use proof. Mr. Frame may use the same witnesses for both sets of depositions.

We wish to assure you that we shall give this matter our immediate attention upon receipt of the papers in properly completed form.

Very truly yours,

H. W. FARIS
Commissioner of Reclamation

By. _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

17183

October 17, 1934

Re: Permit No. 17183

MR. HERBERT S. FRAME
Twin Falls,
Idaho

Dear Sir:

We are enclosing herewith Approval of Commissioner of Reclamation for extension of time for Completion of Works under the above numbered permit, in accordance with the provisions of House Bill 62, Session Laws of 1933, which has been made a matter of record in this office.

Very truly yours,

R. F. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G

Encl. cc. to Mr. Harold Wm. Merritt, Twin Falls, Idaho

17183

September 26, 1934

Re: Permit No. 17183
Herbert S. Frame

MR. HAROLD Wm. MERRITT, Civil Engineer
Bank and Trust Bldg.,
Twin Falls, Idaho

Dear Mr. Merritt:

This will acknowledge receipt of the application of Herbert S. Frame for a two year extension of time for the completion of the works required under the above permit, in accordance with the provisions of House Bill 82, Session Laws of 1933.

We have prepared the notice for publication a copy of which has been forwarded to the Twin Falls News with instructions to publish it once a week for two consecutive weeks, prior to October 13th which is the date we have set for hearing. The time, as you will note from the published notice, has been set for 10:00 A. M. on this date in the office of the Commissioner of Reclamation at Boise. There is little likelihood of any protests being filed and, therefore, the hearing will probably be just a matter of form and the application can be approved immediately after that date.

As I stated before, I am extremely sorry that Mr. Frame's papers did not reach this office in sufficient time for the four weeks publication before the time when proof of completion of works will be due, and perhaps this was somewhat due to the fact that the papers were not mailed from this office until August 11th, whereas, the form letter that accompanied them states that they should be returned to this office on or before 60 days from the date when proof would be due, which was, as you say, impossible. Furthermore, you were correct in assuming that, for the last 3 or 4 months, we have not been adhering strictly to the practice of getting these papers out in ample time so that they may be returned to this office 60 days before the date when proof would be due. This is true for the reason that we have been practically swamped with work for the past 6 months and have failed to pay attention to the 60 day requirement inasmuch as the publication actually requires only 22 days for its completion. Nevertheless, we do not feel that this office is entirely responsible for your client's being unable to offer his proof at the present time, since you held the papers a couple of weeks and then they were delayed 12 days in the mail.

Insofar as the law is concerned, Section 41-208, Idaho Code Annotated, provides that the holder of any permit, when prepared to offer proof, shall first notify the department to that effect. Such notice to the department shall be given by registered mail at least 60 days before the date set for the completion of such works and this is the reason why the 60 day clause has been put into the form letter. But as you know, it has been the practice of this office, for a good many years, to mail these forms to the permit holder a couple of months in advance of the date when proof would be due. The whole affair presents quite a mix up but your client's

17183

#2. Harold Wm. Merritt, Twin Falls, Idaho

9/26/34

rights will not be jeopardized in any way because of the fact that proof of completion of works will not have been offered in accordance with the date originally specified in the permit.

I am not informed as to the cost of the two weeks publication in connection with the application for extension of time but it will probably be \$6.00 or \$7.00 which, of course, must be paid by Mr. Frame.

Immediately after the publication has been completed, the Twin Falls News will furnish Mr. Frame with an affidavit of publication which he should forward to this office. After this matter has been completed, we shall mail the proper papers for both completion of works and beneficial use proof and a combined publication can be made for both proofs. Will you kindly communicate with me at your convenience advising whether or not this procedure meets with your approval.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

17183

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT

CIVIL ENGINEER

BANK & TRUST BUILDING

TWIN FALLS, IDAHO

IRIGATION
CONSTRUCTION
ESTIMATES

OCTOBER, 12, 1934

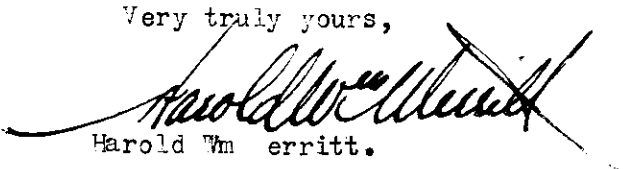
Paul L. Henry,
Dept. of Reclamation, re: 17183
Boise, Idaho.

Dear Mr. Henry:

Enclosed is the affidavit
of publication % above numbered application.
The date for protests expiring on the 13th,
shall be glad if you will forward as soon
after that date as is convenient, the neccessary
forms etc for making proof of use. etc. in
conformity with our former correspondence in
this matter.

Thank you again for your many
courtesies.

Very truly yours,


Harold Wm erritt.

17183

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

17173
Date.....September 25, 1934

TWIN FALLS NEWS
Twin Falls,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two}~~four~~ consecutive weeks prior to October 13, 1934, the date set for ^{hearing}~~proof~~, the expense of the publication to be paid by the applicant,

Harbert S. Frame, Twin Falls, 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,

R. W. FARIS

Commissioner of Reclamation

17183

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS
UNDER HOUSE BILL NO. 82, SESSION LAWS OF 1933

Notice is hereby given, that on the 15th day of October,
1934, at 10:00 o'clock, A. M., a hearing will be held by the
State Commissioner of Reclamation, or his deputy, at Boise,
County of Ada, State of Idaho, for the purpose of
receiving any protests, testimony and evidence regarding an application for
extension of time for completion of works under Permit to appropriate the
Public Waters of the State of Idaho, No. 17183. The said
protests and evidence may be submitted either orally or by affidavits by
any person or persons owning or in possession of a right to the use of any
waters of a stream or source of supply affected by the said extension.

1. The number of the said Permit is 17183.
2. The name and post-office address of the person or persons or
corporation holding said permit or permits are:

Herbert S. Frame, Twin Falls, Idaho

3. The amount of water claimed by the said permit or permits is
14 Second Feet from Subterranean water,
which is tributary to no stream.

4. This notice is to be published at the expense of the applicant or
applicants above named. The publisher is hereby authorized to deliver to
the said applicant the proof of publication upon payment for the said
publication.

Commissioner of Reclamation

17183

HAROLD WM. MERRITT

CIVIL ENGINEER

BANK & TRUST BUILDING

TWIN FALLS, IDAHO

SURVEYS
INVESTIGATIONS
REPORTS

IRRIGATION
CONSTRUCTION
ESTIMATES

SEPTEMBER, 21, 1934

Mr. Paul L. Henry,
Office Engineer,
Department of Reclamation
Boise, Idaho.

Re- 17183
Herbert S. Frame

Dear Mr. Henry:

Received your letter with returned forms etc. yesterday three minutes after I had written to you regarding the above numbered application of Mr. Frame.

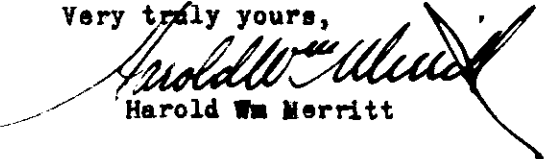
Is there not a possibility that your office there was to some extent negligent in the matter of getting these instructions, blanks etc. to the applicant? Your instructions and letter were dated August 11th, making the sixty day interval requirement an impossibility. As you suggest, there is something wrong with the mail too, for I returned these to you Sept. 5th, and you marked them received 12 days later. I don't hesitate in admitting negligence in getting these off to you, because the dates indicated to me that you were not evidently requiring the full 60 day interval in all strictness, otherwise you would have gotten the instructions off to me in time to make that possible.

Have consulted Mr. Frame in the matter and suggested to him the advisability of following your suggestion and applying for a two year extension of time. The enclosed application, as I believe, properly prepared. I really believe however, that the applicant should not be required to pay for the publishing of the notice in this matter which was so evidently no fault of his, although I also appreciate the fact there is probably no funds in your budget there to take care of such an unusual situation.

Mr. Frame is ready to make this proof at any time now, and so in order to complete this end of it, I would appreciate your sending me the necessary forms for publication, proof etc. as soon as this application is granted.

Thanking you again Mr. Henry for the many past courtesies extended from your office, I remain,

Very truly yours,


Harold Wm Merritt

HWM/M

17183

SURVEYS
INVESTIGATIONS
REPORTS

HAROLD WM. MERRITT

CIVIL ENGINEER

BANK & TRUST BUILDING

TWIN FALLS, IDAHO

IRRIGATION
CONSTRUCTION
ESTIMATES

SEPTEMBER, 20, 1934

Mr. Robert W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

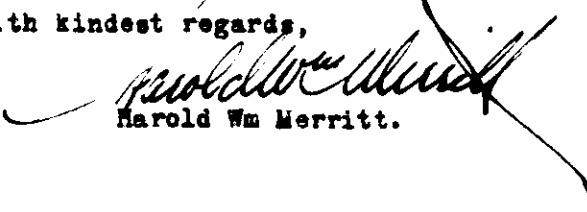
Re 17183

Dear Mr. Faris:

To date I have heard nothing from your office concerning publication of notice and date of proof for above application.

These forms were mailed to you some little time ago by myself as agent for Mr. Frame the applicant, and I was inquiring at that time if there was anything additional which I might do in the matter for my client in completing this work. As the notice for publication had not yet reached the local paper which I designated, I was taking this opportunity to inquire if the forms reached your office and if same were satisfactory.

With kindest regards,


Harold Wm Merritt.

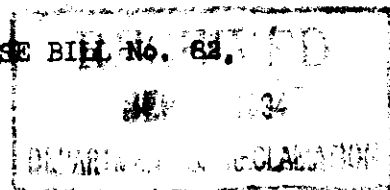
HWM/M

17183

PERMIT No. 17183

EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER HOUSE BILL No. 82,
SESSION LAWS OF 1933

STATE OF IDAHO)
County of TWIN FALLS) ss.



HERBERT S. FRAME, of TWIN FALLS, State of IDAHO,
being first duly sworn, upon his oath, deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters
of the State of Idaho, No. 17183.

That under the terms and conditions of said Permit, Completion of Works
thereunder is required by OCTOBER 7, 1934, 1934.

That he has heretofore in good faith performed the following work and taken
the following steps to bring about the completion of the said works described
under the said Permit, to-wit:

WORKS ARE COMPLETE AND BEING BENEFICIALLY USED

That he is unable to complete the remainder of the said works and submit
proof of Completion of Works within the required time for the following reasons,
to-wit:

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

~~THERE ISN'T SUFFICIENT TIME TO MAKE THE NECESSARY PUBLICATION BEFORE THE~~
~~DATE WHEN PROOF WILL BE DUE BECAUSE PAPERS WERE DELAYED IN THE MAIL.~~

WHEREFORE, he makes application to the Commissioner of Reclamation to extend
the time for Completion of Works under the said Permit to OCTOBER, 7th, 1936,
1936, pursuant to the provisions of House Bill No. 82, Session Laws of 1933.

Herbert S. Frame

Applicant

Subscribed and sworn to before me this 21st day of SEPTEMBER, 1934.

My Commission expires:

Jan 28th 1936.

[Signature]
Notary Public for Idaho, residing at
TWIN FALLS, Idaho

Date of receipt at office of Department of Reclamation: September 22, 1934.

APPROVAL OF COMMISSIONER OF RECLAMATION

WHEREAS, Application for an extension of time for Completion of Works under
Permit No. 17183 has been made by the owner thereof,
which application was duly advertised in the Twin Falls Daily News
of Twin Falls, Idaho, for a period of two consecutive weeks; and

WHEREAS, A hearing in regard to the said application was then duly held at
Boise, Idaho, on October 13,
1934, as specified in the said advertisement above referred to; and

WHEREAS, After taking into consideration all evidence and testimony intro-
duced at the said hearing, it appears that the owner of the said Permit is
entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, R. W. FARIS, Commissioner of Reclamation of the State of
Idaho, by virtue of the authority vested in me under House Bill No. 82, Session
Laws of 1933, hereby extend the time for Completion of Works under Permit to
Appropriate the Public Waters of the State of Idaho, No. 17183,
to October 7, 1936.

WITNESS My hand this 15th day of October, 1934.

17183

[Signature]
Commissioner of Reclamation

September 19, 1934

Re: Permit No. 17183
Herbert S. Frame

MR. HAROLD WM. MERRITT, C. E.
Bank & Trust Bldg.,
Twin Falls, Idaho

Dear Sir:

We are very sorry to advise you that the papers, which you made out in connection with proof of completion of works and also proof of application of water to beneficial use under the above permit, did not reach this office until September 17th. Judging from the date of your letter they were, apparently, delayed in the mail.

Since proof will be due on October 7th, there was not sufficient time, from the date they arrived, for the necessary 4 weeks publication. It is, therefore, my suggestion that you file an application for extension of time for the completion of works in accordance with House Bill 82, passed by the last regular session of the legislature. Mr. Frame can obtain 2 years additional time under the terms of this act before he will be required to offer proof of completion of works and such extension would, likewise, automatically extend the time for making proof of application of water to beneficial use. Notice of the application must be published once a week for 2 consecutive weeks. This will be the only cost in connection with the application. Furthermore, no maps need be filed with it. Even though Mr. Frame is desirous of offering his proof at an early date, it is suggested that you request the full 2 years time and he can then offer proof at anytime he so desires, prior to the date when it will be due.

We are enclosing the proper form of application, for your convenience, and trust that this will prove satisfactory to the permit holder.

We are also returning the papers you submitted.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

17183

PLH:RG
Encl.

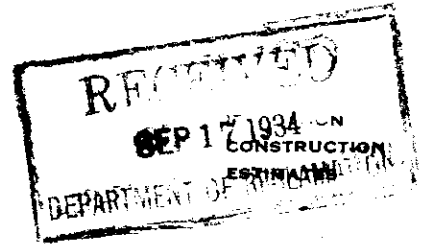
Harold Wm. Merritt

CIVIL ENGINEER

BANK & TRUST BUILDING

TWIN FALLS, IDAHO

SURVEYS
INVESTIGATIONS
REPORTS



SEPTEMBER, 5, 1934

Mr. Robert W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Re: 17183

Dear Mr. Faris:

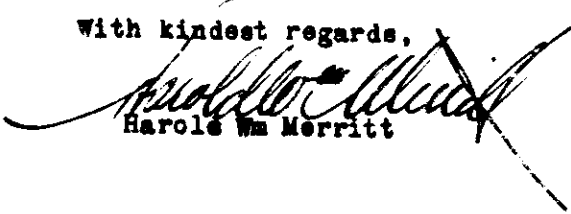
Herbert S. Frame

As agent for Mr. Frame, I
am enclosing herewith, Notice of Proof of
Completion of Works and Application of Water
to Beneficial Use, together with Notice of
Publication and its accompanying authorization
all in duplicate.

As date for Completion of work
was set for October 7th, which date falls on
Sunday, I have designated the date preceding
October 6th, for date of proof.

Will you please let me know
what remains to be done in the form of maps
etc. to complete this filing.

With kindest regards,


Harold Wm Merritt

17183

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

August 11, 1934

PERMIT E. FRAME
Twin Falls, Idaho

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 17183, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is Oct. 7, 1934, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARIS

~~GEORGE COOPER~~,
Commissioner of Reclamation.

17183

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

HERBERT S. FRAME
Twin Falls, Idaho

Boise, Idaho
August 11, 1934

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. **17183**.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before **Oct. 7, 1934**. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

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

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

Very truly yours,

R. W. PARIS

Commissioner of Reclamation.

17183

Permit No. 17183

Application for Extension of Time FOR COMPLETION OF WORKS

HERBERT S. FRAME, of TWIN FALLS, IDAHO

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

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 17183

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by OCTOBER, 7, 1930

That he has heretofore performed the following work described under said permit

TWO CONCRETE PONDS, TWO DIRT PONDS, FLUMES, HATCHING HOUSE COMPLETED
DWELLING TRAMWAY, CONCRETE DIVERSION BOXES ETC.

costing \$ 1200.00

That he is unable to complete the remainder of the work within the required time, for the fol-
lowing reasons, to-wit:

CONSIDERABLE STEEPAGE ENCOUNTERED MAKING UNUSUALLY DIFFICULT CONCRETE
CONSTRUCTION. WORK OF A MORE PERMANENT NATURE THAN ORIGINALLY INTENDED.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the comple-
tion of works under said permit to OCTOBER 7, 1934

Subscribed and sworn to before me this 14th day of OCTOBER, 1930

My commission expires May 15 - 1933

Notary Public.

Date of receipt at office of Department of Reclamation OCT. 7, 1930

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, Geo. N. Carter, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the com-
pletion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 17183 to

October 7, 1934

Witness my hand this 7th day of October, 1930

17183

Commissioner of Reclamation.

October 8, 1930.

Re: Permit No. 17183

Mr. Herbert S. Frame
P. O. Box 975
Iwin Falls, Idaho

Dear Sir:-

Your application for amendment to the above numbered permit has been duly approved and recorded under the permit in this office. The original is, therefore, herewith returned to you for your own files. The extension of time for completion of works was also granted, bringing the time for proof up to October 7, 1934, as you will see by the enclosed duplicate approval.

We take it you do not desire to proceed further with the proof at this time hence are returning herewith the notices mailed recently.

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

encl.

By _____
Chief Clerk.

17183

September 25, 1930.

RE: Permit No. 17183.

Mr. Herbert S. Frame
P. O. Box 275
Twin Falls, Idaho

Dear Sir:-

Referring to a letter received today from Mr. H. W. Merritt, in which he enclosed a new application for permit to take the place of Permit No. 17183, would say that it is evidently only an extension of time and change of place of use of the water that you desire and not a new application. We are, therefore, returning herewith the new application and enclosing application blanks for extension of time and amendment of place of use of the water. By getting the extension instead of making the new filing you will retain your original priority of October 1, 1923. The time for completion of the works may be extended to October 7, 1934, if you so desire, and proof made at any time prior to that date that you are ready. The notices for proof are being filed here and, should you advise us that it is your intention to proceed with proof on the date set out in the notices, one copy will be mailed to the Twin Falls Daily News for the required four weeks publication prior to November 14th, the date set for proof, and deposition blanks for the holder and two witnesses will be mailed to J. E. Roberts, the notary public before whom proof is to be made.

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

By _____
Chief Clerk.

Encl.

17183

HAROLD WM. MERRITT
CIVIL ENGINEER

TELEPHONES
OFFICE 42
RESIDENCE 123

BANK & TRUST BUILDING
TWIN FALLS, IDAHO

SEPTEMBER, 23, 1930

Mr. Geo. N. Carter,
Comm. of Reclamation,
Boise, Idaho.

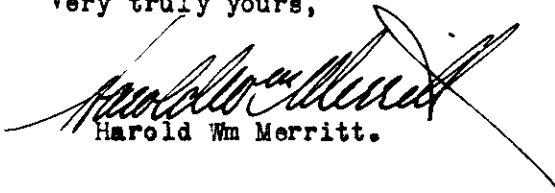
Re:- APPLICATION No. 24202
PERMIT No. 17183
HERBERT S. FRAME

Dear Sir:

I am enclosing herewith a correction of the above application for permit. This application will be found to differ from the original in the time required for completion of works and for complete application of the water, and also in the point of use of said water.

Enclosed you will also find applicants notice of desire to give proof of completion of works and application to beneficial use. Trusting that these will be found in order I remain,

Very truly yours,


Harold Wm Merritt.

17183

4260 = 097-1934

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE**

July 7, 1930

**Herbert S. Frame
Twin Falls, Idaho**

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. **17183**....., which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is **Oct. 7, 1930**....., and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

GEO. N. CARTER,
Commissioner of Reclamation.

17183

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

July 7, 1930
Boise, Idaho,

Herbert S. Frame
Twin Falls, Idaho

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 17183.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before Oct. 7, 1930. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

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

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

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation.

17183

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17183

Herbert S. Frame
Twin Falls, Idaho
Dear Sir:

Boise, Idaho, October 8, 1929

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.

Encl. Receipt for fee paid.

GEO. N. CARTER
Commissioner of Reclamation.

17183

TURNER K. HACKMAN

ATTORNEY AT LAW

TWIN FALLS, IDAHO

September 30, 1929

Honorable Commissioner of Reclamation
Capitol Bldg.
Boise, Idaho

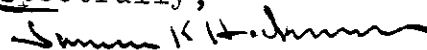
My dear Sir:

I herewith hand you application for
permit to appropriate public waters of
the State of Idaho, made by Mr. Herbert
S. Frame, together with plan and map
in duplicate.

I also herewith hand you check of Mr.
Frame for \$8.25, to cover the filing fees
which I understand to be the amount
under the present law for filing on fourteen
feet per second of time.

Please acknowledge receipt of the papers
designated and the payment.

Very respectfully,



TKH-RH
Enc
Col

17183