

NAME) APPLICANT



14
SFC



Division

23
SEC

16996

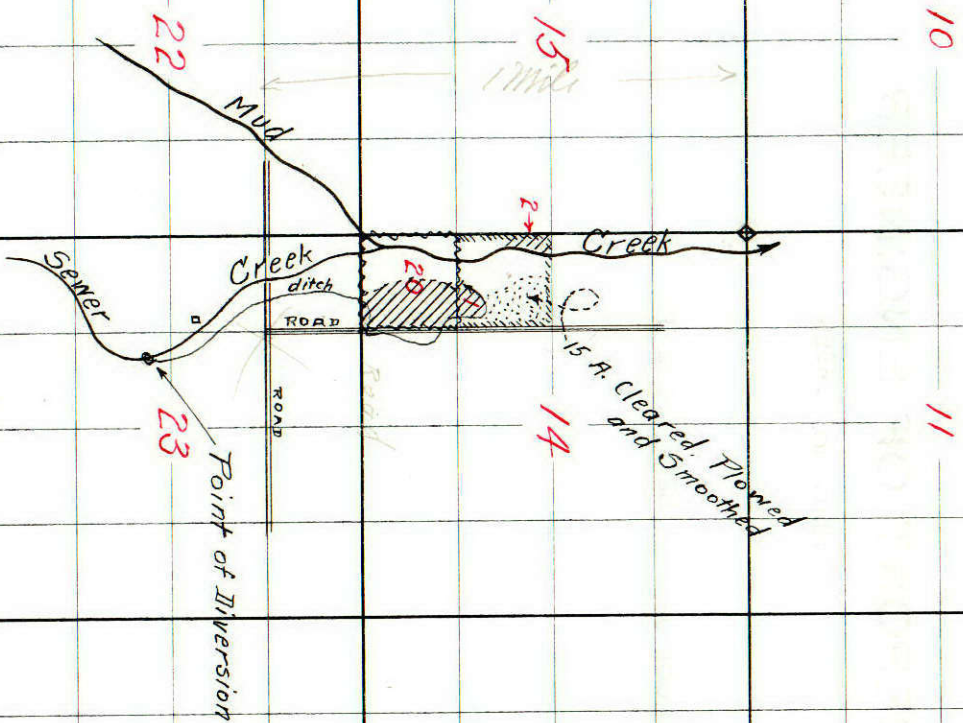
(T 95 — P 14 E) P-16996
— Re-Exam —

Corrected plat 8/4/42
F. H. Tolman + Beeth Atwood for Beetha Atwood
showing present ownership and irrigation
conditions



B U H L

16996



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 16996

REPORT ON PROOF OF BENEFICIAL USE

West side of Section 14-T-9-S-14-E.B.M.-

South end -

W. E. Mays	Bertha B. Atwood N-W of S-W. 1/4 - 1/4	Bertha B. Atwood S W of N.W 1/4 - 1/4	Eddie Smalley
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North end

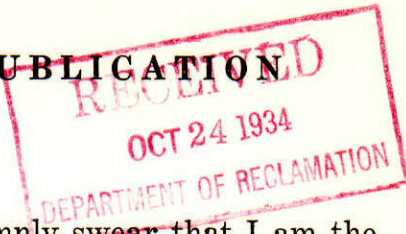
96691

East -

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Twin Falls

ss.



Notice for Publication NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 22nd day of October, 1934, at Buhl, County of Twin Falls, State of Idaho, before W. Lee Howard, Notary Public, proof will be submitted of the application to beneficial use of 0.8 cubic feet per second of the waters of Sewer Creek, a tributary of Mud Creek in accordance with the terms and conditions of Permit No. 16996 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 Bertha B. Atwood, R. 3, Buhl, Idaho.

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

The amount applied to beneficial use is 0.8 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate rescription of the lands irrigated) SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 9 S., Range 14 E. B. M.

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

The right to take water from such works is based upon Permit No. 16996.

The source of supply from which such water is diverted is Sewer Creek, a tributary of Mud Creek.

The date of the priority which said user is prepared to establish is October 18, 1928.

R. W. FARRIS,
Commissioner of Reclamation.
Published Sept. 27, Oct. 4, 11, 18, 1934

I, Vernon R. Frost, do solemnly swear that I am the publisher of THE BUHL HERALD, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper four consecutive weeks, the first publication having been made on the 27th day of September, 1934, and the last publication having been made on the 18th day of October, 1934; that said

notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in Buhl, Twin Falls County, Idaho, for a period of more than 78 weeks prior to the first publication of the attached notice.

Vernon R. Frost

Subscribed and sworn to before me this

22nd day of October, 1934

Thos. J. ...

Notary Public

cc w Lee Howard

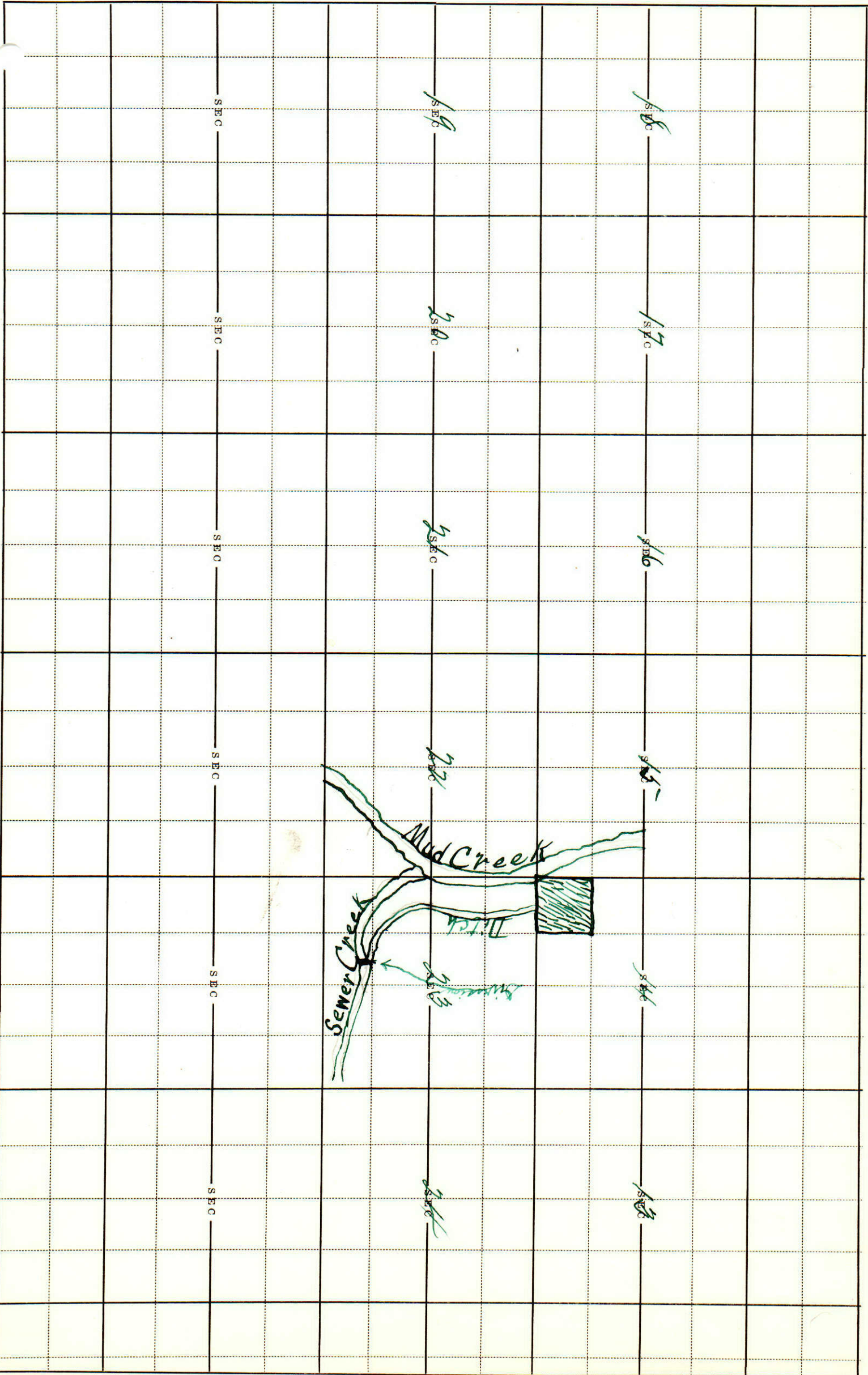
16996

NAME OF APPLICANT

Bertha P. Atwood, Twp 9 S., R. 14 E. 3 M.

6996

Form No. 0



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

16996

1000

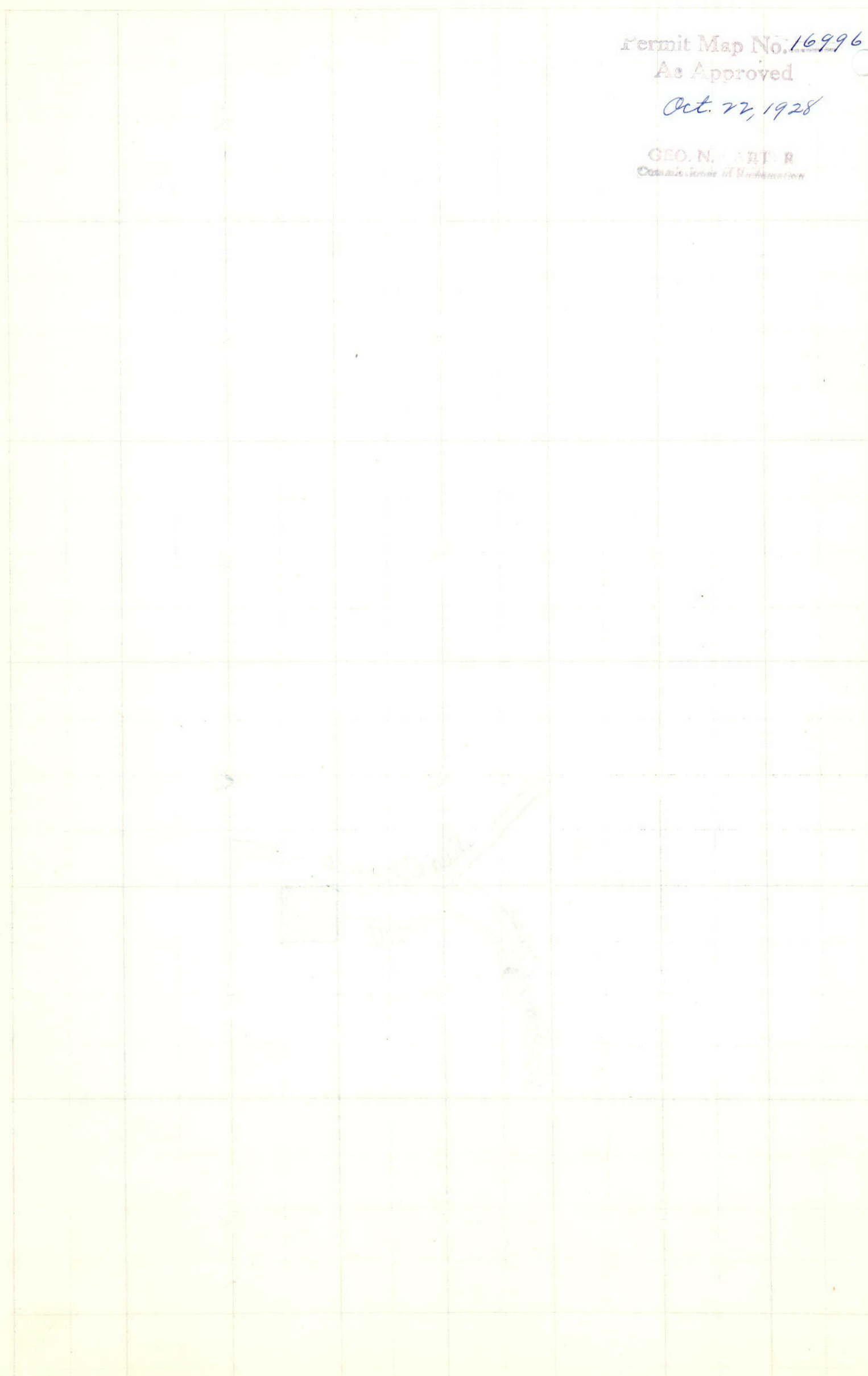
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1000

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Permit Map No. 16996
As Approved
Oct. 22, 1928

GEO. N. ARTER
Commissioner of Reclamation



SCALE: 2 INCHES EQUAL 1 MILE DRAWN IN INK

STATE OF IDAHO,

County of TWIN FALLS

} ss.

Bert Atwood

and

Ruth Turner

being first duly sworn, each for himself, and not one for the other, deposes and says: That ~~he~~^{she} is a citizen of the United States and of the State of Idaho, residing at Buhl, Idaho

that ~~he~~^{she} is a user of water from Sewer Creek, in Water District No. 36

County of Twin Falls, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Bertha B. Atwood

and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Bert Atwood
Ruth Turner

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

A. D. 19 52

Mabel Sandgren

Notary Public, Buhl, Idaho

STATE OF IDAHO,

County of

} ss.

I, _____, Watermaster of _____

Water District No. _____, County of _____, State of Idaho, whose postoffice address is _____

have read or heard read the foregoing affidavit and petition of _____, and, of my own knowledge, believe the same to be

true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue

the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed

for) for the following reasons: _____

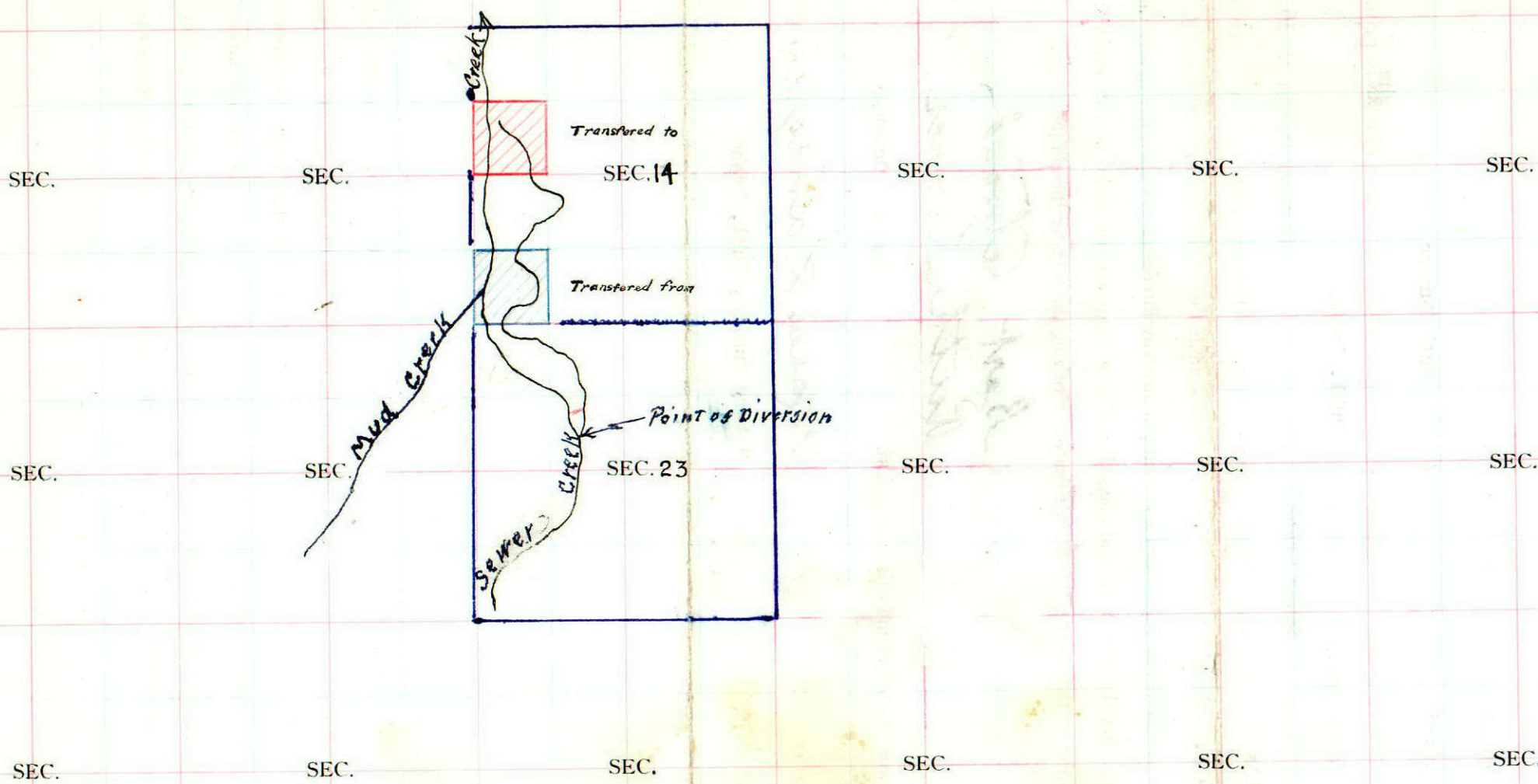
Watermaster Dist. No. _____

Dated at _____, Idaho, this _____ day of _____, 19 _____

T-806

47-2182

Name of Applicant.....



Scale: 2 Inches—1 Mile. Draw Map in Ink.

AF. DAVIT of PUBLICATION

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Bertha B. Atwood, of Buhl, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing her to change the place of use of the waters of Sewer Creek, as follows: Amount: 0.4 cubic feet per second, Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Township 9.S. Range 14.E. Place of Use: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, Twp. 9.S. R. 14.E.

Transfer to
Point of diversion: SE $\frac{1}{4}$ Section NW, Township 9.S. Range 14.E. Place of Use: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, Twp. 9.S. R. 14.E.

And that on the 14th day of November, 1952, at 10 o'clock A.M., at Room 107 State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP.
State Reclamation Engineer.
(38t2)

STATE OF IDAHO
County of Twin Falls

} ss.

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of **THE BUHL HERALD**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two consecutive weeks, the first publication having been made on the 23rd day of October, 1952, and the last publication having been made on the 30th day of October, 1952; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Robert E. Bailey

Subscribed and sworn to before me this
26th day of Jan., 1953

Mabel Sandgren
Notary Public.

RECEIVED
JAN 27 1953
Department of Reclamation

T-806

47-2182

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 806.

THIS IS TO CERTIFY That BERTHA B. ATWOOD of Buhl, Idaho, is the owner of and using a certain water right for Four-tenths (0.4) of a cubic foot per second of the waters of Sewer Creek with priority of October 18, 1928, obtained by virtue of License and Certificate of Water Right No. 16996, issued by the Commissioner of Reclamation of the State of Idaho, said license bearing date of February 24, 1936, and being appurtenant to the following described lands, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, Township 9 South, Range 14 East, B.M.

That said License and Certificate of Water Right has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at Page 3821.

And that now, upon the application of Bertha B. Atwood of Buhl, Idaho, for the transfer of Four-tenths (0.4) of a cubic foot per second of the waters of Sewer Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Four-tenths (0.4) cubic foot per second of the waters of Sewer Creek on the above described lands is hereby abandoned and the land to which the water right hereby confirmed shall, by this certificate become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, Township 9 South, Range 14 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.4 cubic foot per second of the waters of Sewer
Creek with priority of October 18, 1928.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Sewer Creek through a private ditch, with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Township 9 South, Range 14 East, B.M.

That the water right hereby transferred shall hereafter be conducted to the last above described land through a private ditch and with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of April, A.D. 1953.

MARK R. KULP
State Reclamation Engineer

T-806

47-2122

OPY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Bertha B. Atwood, of
Buhl, Idaho

For a Transfer of Water Right in
Twin Falls County, Idaho.

ORDER GRANTING TRANSFER

No. 806

WHEREAS, On the 11th day of November, 1952, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Bertha B. Atwood of Buhl, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of April, 1953.

MARK R. KULP
State Reclamation Engineer

T-206
47-2125

State of Idaho
License and Certificate of Water Right

Water License No. 16996
Water District No.

Amount 0.4 Sec. Ft.
Priority October 18, 1928

THIS IS TO CERTIFY that **BERTHA B. ATWOOD**
of **Buhl, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **October 18**, 19 **28**; that Permit No. 16996
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.8 of 1 second ^{foot}, was issued thereunder on **October 19**, 19 **33**, showing that said works
were completed on the **17th** day of **October**, 19 **33**; and that on the **22nd**
day of **October**, 19 **34**.

BERTHA B. ATWOOD

of **Buhl**, State of **Idaho**, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of **Sewer Creek**
, a tributary of **Mud Creek**, for the purpose of irrigation and domestic
use, under Use Permit No. 16996 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 **3821**, on the **24th** day of **February**, 19 **36**;
The right hereby confirmed dates from **October 18**, 1928;

The Point of Diversion is located
in the **NE 1/4 SW 1/4**, Sec. **23**, Tp. **9 S.**, R. **14 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 0.4 of 1
cubic ^{foot} per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S	14 E	14	SW ¹ / ₂ SW ¹ / ₂	40	20

Trans #256

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 **24th** day of **February**, 19 **36**.

(SEAL)

R. W. FARIS
Commissioner of Reclamation

17 2182

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

47-2182

Application No. 23986
Permit No. 16996
District No.

1. Name of Applicant: **BERTHA B. ATWOOD**
R. F. #3

Postoffice address: **Buhl,**

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:

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

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: **Eight tenths (0.8)** cubic feet per second.

3. Source of water supply: **Sewer Creek** which is a tributary of **Mud Creek**

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the **SE $\frac{1}{4}$** of **SW $\frac{1}{4}$**

of Section **23** , T. **9 S.** , R. **14 E.** , B. M., County of **Twin Falls**

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

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

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

T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ **100.00**

8. Kind of works: **Headgate and ditch**

9. Height of dam **2** feet; length of dam at top **4** feet; length of dam at bottom **4**

feet; material used in dam: **lumber headgate**

10. Size of headgate: Width **4** feet; height **2** feet.

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

feet; dimensions of flume

Diameter of pipe inches; length of conduit **1** miles.

Average grade per mile **10** feet.

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

Bertha B. Atwood *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 9 A. M. October 18, 1928

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16996
Recorded in Book 61 Page 16996 Approved October 22, 1928
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and
hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before December 22, 1928 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 22, 1929
The whole of said work to be completed on or before October 22, 1929
Beneficial use of water appropriated in accordance herewith, to be made on or before October 22, 1930.

Witness my hand this 22d day of October, 1928.

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	
9 S.	14 E.	14									40								40
							Total Number of Acres to be irrigated												40
							Upon proper request of the holder of the above numbered Permit, No. 16996, I have this 19th day of September 1929, extended the time for Completion of Works to the 22nd day of October, 1933.												
											GEO. N. CARTER Commissioner of Reclamation								
							PERMIT NO. 16996												
							CERTIFICATE OF COMPLETION OF WORKS												
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that BERTHA B. ATWOOD of Buhl, County of Twin Falls, and State of Idaho, the holder Permit No. 16996, issued upon Application No 23986 bearing date of priority of October 18, 1928, authorizing the diversion of 0.8 second feet of the waters of Sewer Creek, a tributary of Mud Creek, County of Twin Falls, State of Idaho for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relative to the proof of completion of the works of diversion set out and described in said Permit; that said works are now for diverting and conveying to the place of intended use 0.8 second feet of the waters of Sewer Creek, that the place of diversion of said waters is in the SE¼ SW¼ Sec. 23, T. 9 S., R. 14 E., B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 40 acres in the SW¼ SW¼ sec. 14, T. 9 S., R. 14 E. B. M.																			
Witness my hand this 19th day of October, A. D. 1933.																			
R. W. FARIS Commissioner of Reclamation																			
By Mans H. Coffin Director of Water Resources																			
Proof of Completion of Works made October 17, 1933. Certificate of Completion of Works issued October 19, 1933.																			

16996

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION

OF WATER RIGHT

Permit No. 16996

STATE OF IDAHO,)
) ss.
County of Twin Falls)

BERTHA B. ATWOOD, being first duly sworn, deposes and says: That her postoffice address is Buhl, Idaho. That she is the owner of and using a certain water right, for 0.8 cubic feet per second of the water of Sewer Creek, County of Twin Falls, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, No. 16996, issued by the Commissioner of Reclamation, dated October 22, 1928, bearing date of priority of October 18, 1928, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. _____, in the County of Twin Falls and State of Idaho, to-wit: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 9 S., R. 14 E., B. M., and is the person to whom such right was so issued.

That said waters are now diverted from said stream in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 9 S., Range 14 E., and conducted to the above described lands through the private ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said waters from the point above described to a point located in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 9 S., Range 14 E., and thereafter conduct same to the above described land through the private ditch, as per map above referred to;

That her reasons for desiring to make such change are as follows: Point of diversion was incorrectly described at the time when the original application was filed.

That no one will be injured by such change and that such change will be made at affiant's own risk.

Bertha B. Atwood
Affiant.

Subscribed and sworn to before me this 20 day of Feb. 1936.

(SEAL)

W. Lee Howard
Notary Public Residing at Buhl, Idaho

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 1:00 P. M. Feb. 21, 1936.

R. W. FARIS
Commissioner of Reclamation

By PLH

LICENSE ISSUED FOR 0.4 SEC. FT.

Vol. 7 Page 3821

May 1, 1961

Re: Sewer Creek Permits - 12564
16996; 17244; 19275

Alfred Peters, Manager
Twin Falls Canal Co.
Box 868, Twin Falls, Idaho

Dear Mr. Peters:

Below are records of valid permits on Sewer Creek requested in your letter of April 27, 1961.

Water License No. 12564, issued to Seymour Fairchild for 0.7 c.f.s., priority May 8, 1916, for irrigation and domestic use, point of diversion in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, for use on 35 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, T. 9 S., R. 14 E.

Water License No. 16996, issued to Bertha A. Atwood for 0.4 c.f.s., priority October 18, 1928, for irrigation and domestic use, point of diversion NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23 for use on 20 acres in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 9 S., R. 14 E.

Permit 17244, filed February 8, 1930, Certificate of Completion of works issued to Bertha A. Atwood for 0.8 c.f.s. for irrigation and domestic use, point of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, for use on 40 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 9 S., R. 14 E. Proof of beneficial use of water February 10, 1944. Proof has not been made.

Water License No. 19275 issued to Sam Fairall for 0.6 c.f.s. priority April 7, 1942, for irrigation and domestic use, point of diversion in NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, for use on 30 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, T. 9 S., R. 14 E., B. M.

Very truly yours,

W. N. CARTER
State Reclamation Engineer

By:

PAUL H. THOMAS, Deputy
State Reclamation Engineer

16996
Hew

July

Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Sir:

I, Bertha B. Atwood, of Buhl, Idaho, am the owner and holder of Permit No. 16996.

Proof of beneficial use was made under this permit on October 22, 1934, and a license was issued thereunder.

Through an error in the original filing and in the published notice, an error was made in the description of the land upon which this water had been applied.

I, therefore request that the proof of beneficial use above referred to be withdrawn and the license cancelled in order that the necessary correction may be made in the land description.

16996

✓
July 29, 1952

RE: Permit No. 16996

Mrs. Bertha B. Atwood
Route 3
Buhl, Idaho

Dear Mrs. Atwood:

Reference is made to the matter of an error in your License No. 16996, which was brought to our attention by Mr. Atwood when in the office last week.

At that time, it was suggested that possibly your proof of beneficial use could be withdrawn, an amendment made to the place of use and a new proof of beneficial use made; and certain forms were given you to be presented for my consideration and approval.

Since this is a recorded license, and evidence of a completed water right, we cannot now accept your withdrawal of proof; but the matter of changing the place of use as described in the license can be done by a transfer under Section 41-222, Idaho Code. This would not only be simpler, but would be less expensive for you as it would only require two publications instead of the four necessary in making a new proof.

When a license has been issued, a change of ownership is not made by an assignment recorded in this department but by a deed recorded in the county, the same as real estate.

The transfer application may be made by you as the record owner of the license or by the person to whom you have deeded same, and we shall be glad to send the form of transfer application upon request.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:fg

16996

ASSIGNMENT

For value received, I hereby assign all my right, title, and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 16996 to _____ of _____

Bertha B. Atwood.
Permit holder.

Bert Atwood
~~Wife~~ of Permit holder.
Husband

State of Idaho)
) ss
County of Twin Falls)

On this 28th day of July, 1952, before me, a Notary Public for the State of Idaho, residing at Buhl, Idaho Bertha B. Atwood & personally appeared Bert Atwood, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that t he y executed the same.

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

Mabel Sandgren
Notary Public, residing at
Buhl, Idaho

My commission expires Oct. 19, 1954 .

16996

Application for Amendment
To Permit to appropriate the Public Waters
of the State of Idaho, No. 16996

Comes now Bertha B. Atwood, and represents to the ~~Commissioner~~ ^{State Reclamation} ~~Commissioner~~ of the State of Idaho.

That she is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 16996, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

SW 1/4 NW 1/4 Section 14, Township 9 South, Range 14 East, B.M.

making a total of 40 acres.

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 Boise, Idaho, this July 28 day of 1962

Bertha B. Atwood

Date of receipt at Office of Department of Reclamation

State Reclamation Engineer
 APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~

I, Mark R. Kulp, ~~Commissioner of Reclamation~~ ^{State Reclamation Engineer} of the State of Idaho, hereby approve

the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 16996. 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.

(Over) ~~Commissioner of Reclamation~~
 State Reclamation Engineer

16996

September 4, 1942

Re: Permit No. 16996

Mrs. Bertha B. Atwood
R. D. #3
Buhl, Idaho

Dear Mrs. Atwood:

We are enclosing herewith the Commissioner's Order, amending the place of use in connection with State of Idaho Water License Number 16996, License and Certificate of Water Right.

This Order amends and changes the place of use to the SW¹/₄NE¹/₄, Section 14, Township 9 South, Range 14 East, B. M.

We are also returning herewith your License and U. S. Patent No. 1097140, which you sent us as evidence.

Very truly yours,

E. V. BERG
Commissioner of Reclamation

By: ROY W. THOMPSON
Deputy Commissioner

RWT:djb
Encl.-2

16996

STATE OF IDAHO,)
) SS.
County of Twin Falls)

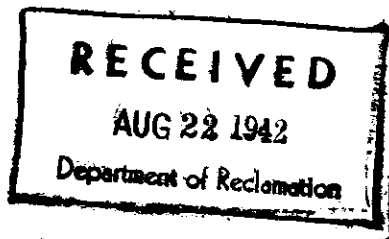
Bertha B. Atwood, of Buhl, Twin Falls County, State of Idaho, being first duly sworn on oath deposes and says:

That she has read the application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 16996, to which this affidavit is attached, and that all matters and things alleged in said application are true.

Bertha B. Atwood.

Subscribed and sworn to before me this 21st day of August, 1942.

J. C. Shup
NOTARY PUBLIC in and for the State
of Idaho, residing at Buhl, Idaho



16996

**Application for Amendment
To Permit to appropriate the Public Waters
of the State of Idaho, No. 16996**

Comes now Bertha B. Atwood, 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. 16996, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

~~SW 1/4 NW 1/4~~ Section 14, Twp. 9.S.Rge. 14.E. B.M.

~~That an error was made upon the original application for permit, giving wrong location of place of use, said error was not detected until after license was issued. Protest as to the wrong description of place of use was made to the Department of Reclamation at time license was received by applicant, however correction was not made at that time. Amendment to permit, changing the place of use, is hereby asked, being justified by applicant presenting sufficient proof that error in land description was made, and that land to which said water was and is now made appurtenant, never was owned by said applicant at the time said permit was granted or when State License was issued.~~ Making a total of _____ acres.

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 Buhl Idaho, this 21st day of August, 1922

Bertha B. Atwood

Date of receipt at Office of Department of Reclamation _____

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, _____, 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. _____. 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.

[Signature]
Commissioner of Reclamation.

(Over)

16996

Effective April 10, 1911

Department of Reclamation

REGULATIONS AS TO AMENDED APPLICATION AND PERMIT.

Section 3255 of the Revised Codes, provides for the amendment of a permit as to lands upon which the water is to be used. The permit holder, to avail himself of the provisions of this section, should fill out and file with the Commissioner of Reclamation the application blank found upon the reverse side of the sheet. If there is not sufficient room in such blank for the legal description of the amended list of lands, this may be submitted as an exhibit, proper reference thereto being made in the application.

Before amended permit will be granted applicant must file with the application two maps, showing the following details:

- (a) Name of applicant.
- (b) Section, town and range numbers, where public survey has been made.
- (c) Source or sources of supply.
- (d) Point or points of diversion.
- (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the lands to be irrigated.
- (f) Lands to be irrigated to be shown by cross-hatching, outlining, or coloring.

If original permit called for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me.....
19..... and correctly shows position of points indicated thereon.

Engineer.

P. O.

Date.....19.....

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

WHEREAS, BERTHA B. ATWOOD, of Buhl, Idaho, upon this 21st day of August, 1942, has filed herein her petition for the Order of this Department, correcting License Number 16996 heretofore issued upon the 24th day of February, 1936.

WHEREAS, it appears from evidence supporting said petition that an error was made in place of use when application for permit was first made by applicant, dated October 18, 1928. That said error was not discovered until after License was issued. That soon thereafter applicant endeavored to have correction made through the Department of Reclamation.

WHEREAS, it being apparent from evidence submitted and on file in the Department of Reclamation, that an error was made in land location and a correction thereby would not adversely effect the rights of any other water user.

It is THEREFORE ORDERED and said License Number 16996 is HEREBY AMENDED and corrected as to description and location of place of use to read as follows: Township 9 South, Range 14 East, Section 14, Southwest Quarter of the Northwest Quarter, recorded on Page 3821 in Volume 7 of Book of Licenses, in the office of the Department of Reclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Department of Reclamation of the State of Idaho, to be affixed at Boise, Idaho, this 2nd day of September, 1942.

E. V. BERG
Commissioner of Reclamation


By: ROY W. THOMPSON
Deputy Commissioner

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

WHEREAS, BERTHA B. ATWOOD, of Buhl, Idaho, upon this 21st day of August, 1942, has filed herein her petition for the Order of this Department, correcting License Number 16996 heretofore issued upon the 24th day of February, 1936.

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E. V. HERG
Commissioner of Reclamation


By: ROY W. THOMPSON
Deputy Commissioner

STATE OF IDAHO

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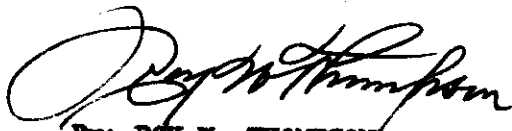
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IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Department of Reclamation of the State of Idaho, to be affixed at Boise, Idaho, this 2nd day of September, 1942.

E. V. BERG
Commissioner of Reclamation


By: ROY W. THOMPSON
Deputy Commissioner

16996

August 1, 1942.

Mrs. Bertha B. Atwood,
R.D. 3,
Buhl, Idaho.

Dear Mrs. Atwood:

We wish to acknowledge receipt of your letter of July 24, enclosing papers as proof that a mistake was made in the land description as shown on water license No. 16996

Mr. Tolman, our office and field engineer, is going to be in the vicinity of Twin Falls, Monday or Tuesday at which time he is going look your proposition over. I hope he will be able to contact you at the time and get this thing straightened out.

We will hold your papers until Mr. Tolman makes his report.

Very truly yours,

E.V. Borg

Commissioner of Reclamation.

By, Roy.W. Thompson,
Deputy Commissioner.

16996

August 15, 1942

Re: Permit No. 16996

Mrs. Bertha B. Atwood
R. F. D. # 3
Buhl, Idaho

Dear Mrs. Atwood:

We are enclosing herewith blank forms No. 12, Application for Amendment To Permit to appropriate the Public Waters of the State of Idaho.

You may use the form that is partially filled in or have your attorney fill in and use the blank form enclosed. In using either form, be sure and have same notarized and return to this office.

Upon the filing of this amendment, properly filled out and signed, we will try and have the place of use changed and furnish you with a corrected license. Upon returning your license we will also return your government patent.

We also wish to advise that beneficial use proof has not been made on Permit No. 17244, giving the place of use as the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14.

Trusting this matter will receive your immediate attention, we are

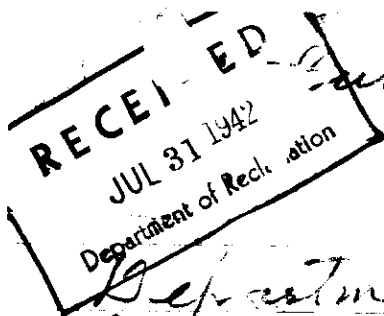
Very truly yours,

E. V. EERO
Commissioner of Reclamation

By: ROY W. THOMPSON
Deputy Commissioner

RWT:djb
Encl.

16996



Boise Idaho

July 24 - 1942

Department of Reclamation
Boise Idaho

Dear Sirs -

I am writing you again
in regard to my Water Right
The Water License No 16796
is the one that is wrong
it should read the S.W - N.W
Section 14.9 - 14 -

I have no papers showing
it has ever been corrected -

Mr Burt the last field
man here was the one to
do this. This was held
up for Mr. Burt inspection

Mr Walter Terry owns
the S.W - S-W in 14 and
is claiming my water.
over

No 2

5

You can now see why I
am anxious to get this
straightened out at the
very first opportunity.

Yours truly

Betha B. Chwood

R. L. O. 3.

Betha B. Chwood.

P.S. I am sending you
my Land Patent to prove
to you that I am right
also another Paper showing
the description on this Water
License of the Land is
Wrong.

Betha B. Chwood.

July 18, 1942

Re: Permit No. 16996

Bertha B. Atwood
Route #3
Buhl, Idaho

Dear Madam:

We wish to acknowledge receipt of your letter of July 16, in which you request that this Department send you some proof whereby this office has changed the place of use on its records from the SW¹/₄ SW¹/₄ to the NW¹/₄ SE¹/₄, Section 14, Township 9 South, Range 14 East, B. M., all in connection with Water Permit No. 16996.

We wish to advise that no change or correction has ever been made on our records as stated above. The last correspondence this office had regarding same was from Mr. S. T. Hamilton, Attorney, at Twin Falls. A copy of the letter written to Mr. Hamilton regarding the correction is enclosed herewith for your information. Evidently this letter to Mr. Hamilton received no reply.

Very truly yours,

E. V. BERG
Commissioner of Reclamation

By: ROY W. THOMPSON
Deputy Commissioner

RWT:djb
Encl.-1

16996



Buhl, Idaho

July 16 - 42

State of Idaho Department
of Reclamation Boise Ida.
Dear Sirs.

I wish to ask you
in regard to my Land sit-
uated in Section 14, T. 9th R.
14, E. B. M. Twin Falls County
Idaho.

It seems the numbers at
one time were wrong as to the
Description of the Land
this water is being used
on. Can you send me a
description or statement of
some kind showing as to
the correction made after the
Field Man made his
investigation. 16996 over

I am inclosing a Paper
showing the mistake referred
to.

Yours truly.

Bertha B. Atwood
Buhl -

R. D. 3.

Idaho

March 24, 1936

Re: Permits Nos. 16996 & 17244
Bertha B. Atwood

MR. S. T. HAMILTON,
Attorney at Law,
Twin Falls, Idaho

Dear Sir:

Reference is made to your letter of March 20th relative to the lands being irrigated under the terms of Permit No. 16996.

For your information, please be advised that this party has two permits, being No. 16996 and No. 17244, both to appropriate the waters of Sever Creek a tributary of Mud Creek in Twin Falls County. At the time when the applicant made these filings she designated her place of use, under Permit No. 16996, as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, with the point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23. Final proof was made under this permit several months ago and an examination, as required by law, was made by the field engineer of this department. At the time when the field engineer made his examination, Mr. Atwood was not at home but his boy accompanied Mr. Tolman over the place and, apparently, was familiar with the property lines. Mr. Tolman also located the SW corner of Sec. 11 and he based his finds largely upon this point. It is true that he did not set up an instrument and measure the distances that would be necessary to definitely locate the lands

The plat which we are enclosing shows the land, with the point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, and the land being irrigated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14. We are also enclosing another plat that has been copied from the one submitted by the applicant at the time when the latter filing was made. Will you kindly go over these plats with Mr. and Mrs. Atwood and endeavor to determine definitely whether or not they correctly show the situation.

If you can be assured that Permit No. 16996 is in error at present, we shall have another inspection sometime this summer and determine wherein the error lies. If it becomes necessary to make a correction the license issued under Permit No. 16996 can be corrected accordingly. However, we do not wish to make any further change upon the record until we are convinced that it is not correct.

Very truly yours,

H. W. FARIS
Commissioner of Reclamation

PLH/RO
Encl.

By _____
Chief Clerk & Office Engr.

16996

LAW OFFICES OF

S. T. HAMILTON

TWIN FALLS, IDAHO

March 20, 1936

RECEIVED

MAR 23 1936

Department of Reclamation

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

Dear Mr. Faris:

In Re: Permit #16996
Bertha B. Atwood

During my absence Mrs. Atwood sent her permit to this office, calling attention that the point of diversion is in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 23 while the permit shows the point to be in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 23-9-14. Attention was also called to the place of use which is described in the permit as SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14-9-14, and that it should have been as SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Sec. 14. A copy of the map that was sent in for an application for permit is not with the permit and, while I wrote the application, I am unable to recall any of the circumstances but assume that the descriptions given me were in the mind of the applicant at the time as being correct. The distance between the diversion and the permit would be the same. The applicant seems to have shifted the location by improper description as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 14 the place of use, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 23 the point of diversion. The applicant undoubtedly assumed one of these locations as correct and the other was made with reference to it.

I do not know what the facts in reference to the permit, whether proof of beneficial use has been made or whether it has been delayed and is to be offered now. I note that from the permit that the work was to be completed October 22nd, 1929 and beneficial use made October 22nd, 1930. Please advise the condition of this permit and if it is possible to amend by affidavit showing the correct location of both the point of diversion and place of use.

I have not had opportunity to talk with the permittee but conclude that this letter would have to be written even if I had this conversation.

Very truly yours,

Enc.
STH:ES

16996

S. T. Hamilton

February 26, 1936

Re: Permit No. 16996

BERTHA B. ATWOOD
Buhl,
Idaho

Dear Madam:

We are enclosing herewith Water License No. 16996, issued under the above numbered permit, together with our office Receipt in the amount of \$2.00, and also Affidavit for Change of Point of Diversion of Water Right No. 16996, which has been made a matter of record in this office and is herewith being returned for your files.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

Q
Encl.

16996

Buhl, Ida

Feb. - 36

Mrs. R. W. Farin

Dear Sir.

You will find
inclosed \$2.00 for the License
for Permit No. 16996.

Yours truly -

Bertha B. Chwood

FILED 1936

16996

February 13, 1936

Re: Permit No. 16996

HERTHA B. ATWOOD
Buhl,
Idaho

Dear Madam:

Preparatory to the issuance of your license, we discovered that the point of diversion, as shown in the engineer's report, is in a different forty acre subdivision than the one which is described in the permit.

We have, therefore, prepared an affidavit for change of point of diversion, which will be recorded, to agree with the examiner's report. Will you kindly go before a Notary Public, execute the affidavit and return it to this office. Immediately upon its receipt, it will be made a matter of record and your license will be issued promptly thereafter. At that time we shall also furnish you our regular office receipt for the \$2.00 fee you submitted.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg
Encl.

16996

February 5, 1936

Re: Permit No. 16996

ERTHA B. ATWOOD
Buhl, Idaho
Route # 3

Dear Madam:

This is to advise you that we are now prepared to issue a license, under the above permit, upon receipt of a fee in the amount of \$2.00.

The field engineer gave you credit for irrigating a total of 20 acres. The license will, therefore, be for 0.4 of 1 second foot of the waters of Sewer Creek.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Emgr.

FLA/rg

16996

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 16996

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Bertha B. Atwood

2. Source of water supply: Sewer Creek

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23

T. 9 S. R. 14 E. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same:

An earth dam 2 ft. high and 30 ft. long diverts into a ditch which is 2 ft. wide,
1 ft. deep and about 1 mile long. Controlled by a headgate 3 ft. wide, 2.5 ft.
long and 1 ft. high.

5. Water is used for: Irrigation and domestic purposes

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 9 S., R. 14 E.

(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

This examination was made on the 4th day of May, 1935

(Signed) Fred A. Holman

Examiner.

16996

ERTHA B. ATWOOD
R # 3, Puhl, Idaho

Permit No. 16996

Examination for Beneficial 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.
-

February 18, 1936

Re: Permits No. 16996 & 17244

BERTHA B. ATWOOD
Buhl,
Idaho

Dear Madam:

Your letter of January 21st was handed to me on February 18th and I am unable to determine whether it was lost in the mail or whether you failed to mail it for several days after it had been written.

The proof you have in mind relates to completion of works under Permit No. 17244, which was assigned to you from Bert Atwood. This proof should describe the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T. 9 S., R. 14 E., and was due on the 10th day of this month. If it is not made by the 20th the permit will lapse and become subject to cancellation. Therefore, it is suggested that you take the blank affidavit, which was mailed to you several weeks ago, before a Notary Public, at once, and after it has been properly executed, mail it to this department with a statutory fee of \$5.00.

Your other permit, No. 16996, gives the land to be irrigated as the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, and if this description is not correct the permit can be amended after the field engineer's inspection has been made.

Very truly yours,

R. A. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

16996

Buhl. Ida.

Jan. 21 - 1935,

RECEIVED

FEB 12 1935

(Mr. B. B. C. Wood)

Dear Sir: I herewith submit a sketch to show this land in question also what I have done. The proof I made for final proof was on the N-W-S-W as shown on this sketch.

I wish to ask if I shall make this next proof on the other 40 the S-W-N-W-S-14-T-9-R-14 E.B.M. This will be on the 15th of this month. It is not final proof as I understand it.

Thanking you for your
courtesy, I remain,

Bertha B. C. Wood -
Buhl - Idaho.

R. L. - 3

me.

16996

Mr. R. W. Faris

Dear Sir

I wish you would have
the Field Man call at the House
when he comes and my husband
will be glad to go with him and
show him the Land and ditches
or any other Land here he may
wish to know about.

January 3, 1935

Re: Permit No. 16996

BERTHA B. ATWOOD
Buhl,
Idaho

Dear Madam:

We have your letter dated December 26th, accompanied by the certificate of completion of works which was issued under the above permit, wherein you advise that the certificate shows the land to be irrigated as the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 9 S., R. 14 E., whereas, the proof was made for the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14, T. 9 S., R. 14 E. This is very true but if you will refer to your permit you will find that you gave the description of the land to be irrigated as the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14. Consequently, when your affidavit of proof of completion of works was received it had to be corrected to conform to the description as shown on the permit record.

Inasmuch as you have offered final proof, there will be a field examination made by an engineer from this department some time within the near future and it is suggested that you let this matter stand until such time as the engineer's report is on file. We will then be in a position to know which of the descriptions is correct and the permit record can be amended accordingly.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By: _____
Chief Clerk & Office Engr.

PLH:RO
Encl.

16996

FOUNDED A.D. 1792

Insurance Company of North America

HEAD OFFICE
PHILADELPHIA

CAPITAL
\$12,000,000

W. LEE HOWARD

AGENT

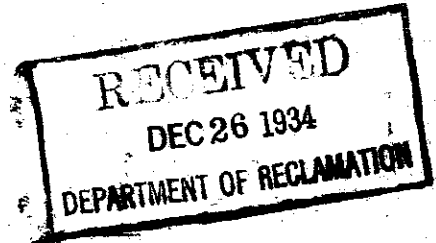
FIRE AND AUTOMOBILE INSURANCE

MAIN & BROADWAY - BOX L

BUHL, IDAHO

DEPARTMENTS

CHICAGO
NEW YORK
SAN FRANCISCO
TORONTO



Dec. 24, 1934.

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

Re; Final Proof Permit 16996

Dear Sir:

Your certificate of Completion of Works shows that the land to be irrigated under this permit is the SW $\frac{1}{4}$ SW $\frac{1}{4}$ 14-9-14, while the proof was for NW $\frac{1}{4}$ SW $\frac{1}{4}$ 14-9-14.

This must be an error on someone's part, so I am returning this certificate and trust you will be able to straighten it out.

Very truly yours,

Bertha B. Atwood

Bertha B. Atwood
R. 3, Buhl, Ida.

16996

October 25, 1934

Re: Permit No. 16996

MERTHA B. ATWOOD
Buhl, Idaho
R # 3

Dear Madam:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses and the affidavit of proof of publication from the newspaper, all in connection with beneficial use proof 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 you at the time set for examination so that you may show him over the grounds. After his report is on file in this office you will be further notified as to fees due before the issuance of your license.

Very truly yours,

R. E. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG
cc. to W. Lee Howard, Buhl, Idaho

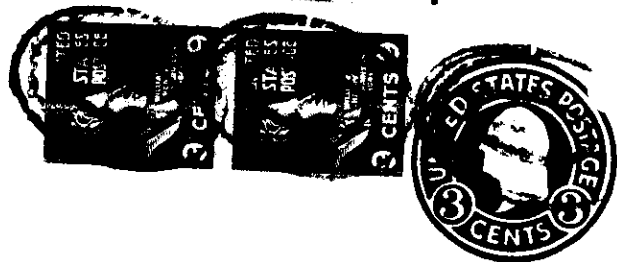
16996

After 5 days, return to

Beatha B. Chwood

R. D. 3

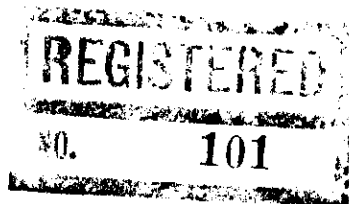
BUHL, IDAHO.



Department of Reclamation

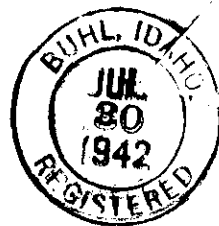
Boise

Idaho

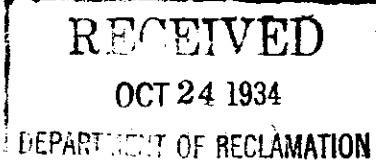


Return Receipt Requested

16996



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 16996

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Bertha B. Atwood; R..3, Buhl, Ida.; housewife; residence on
SW $\frac{1}{4}$ Sec. 14, Twp. 9 S., Rge. 14 E. B. M.

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. for self

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

Ans. No. 16996; Date of priority Oct. ~~18, 1928~~ ^{22, 1928} Oct. 18, 1928

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

Ans. Sewer Creek, a tributary of Mud Creek; point of diversion is
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, T. 9 S., Rge. 14 EBM., Twin Falls county

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. small diversion dam capable of carrying 1 sec. ft. of water;
conducted through ditch with no name.

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. irrigating and domestic use; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, Tp 9 S., Rge. 14
E. B. M. Cultivated land; have put in ditches and farmed land.

~~Also SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, T. 9 S. Rge. 14 EBM.~~

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

Ans. just for irrigation and domestic use.

16996

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

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. same person

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. during the irrigation season each year for irrigating; full amount used for irrigation and used all during the year for domestic purposes.

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) Bertha B. Atwood

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 Buhl, County of Twin Falls, State of Idaho, on this 22 day of October A. D. 19 34.

W. L. Howard
Notary Public Residing at Buhl, Idaho

My commission expires July 30, 1936

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 16996

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. W. F. Proctor; age 76; Buhl, Ida.; merchant

Ques. 2. Are you acquainted with Bertha B. Atwood, the holder of Permit No. 16996? How long have you known him and where does he reside?

Ans. about 3 years; resides SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, Twp. 9 S., Rge. 14 EBM

Ques. 3. Have you read or heard read said Permit No. 16996, 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. Sewer Creek, a tributary of Mud Creek; diversion in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 23, Tp. 9 S. Rge. 14 EBM; conveyed in ditch

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. about 1 sec. foot of water can be conveyed through ditch
have seen about that much so conveyed

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. for irrigation and domestic use; SW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14,
Twp. 9 S., Rge. 14 EBM; 25 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$;
all cultivated land which has been to farming use.

16996

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

Ans. no other purpose except domestic use.

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. rolling land; probably requires about 1 sec. foot of water for its cultivation.

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

Ans. none

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. This summer I saw the use of about 1 sec. foot of this water used for irrigating this land.

(Signed) *W. C. Proctor*

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 Buhl, County of Twin Falls, State of Idaho, on this day of 22 of October, A. D. 1934.

W. J. Howard
Notary Public.

My commission expires July 30, 1936

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 16996

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. J. C. Holmes; age 28; laborer; Buhl, Ida.

Ques. 2. Are you acquainted with Berthe B. Atwood, the holder of Permit No. 16996? How long have you known him and where does he reside?

Ans. known Bertha B. Atwood about six years; she resides SW $\frac{1}{4}$ NW $\frac{1}{4}$

Sec. 14, Tp. 9 S., Rge. 14 EBM.

Ques. 3. Have you read or heard read said Permit No. 16996, 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. Sewer Creek a tributary of Mud Creek; diversion SE $\frac{1}{4}$ SW $\frac{1}{4}$

Sec. 23, Tp. 9 S., Rge. 14 EBM; ditch capable of carrying of 1 sec. foot of water.

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. 1 sec. ft.; about 1 sec foot.

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. Used for domestic and irrigation on SW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.

14, T. 9 S., Rge. 14 EBM; irrigates about 25 ac. in SW $\frac{1}{4}$ SW $\frac{1}{4}$ and

about 5 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 14, T. 9 S., Rge. 14 EBM; all cultivated

land for farming purposes.

16996

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

Ans. just irrigation and domestic use.

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. rolling land, rather sandy; will probably require about 1 sec. foot of water for irrigation profitably.

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

Ans. none

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. In the summer of 1933 and also 1934; she used the water for irrigating about 30 acres of land.

(Signed)

J. L. Johnson

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 Buhl, County of Twin Falls, State of Idaho, on this day of Oct. 22, 1934, A. D. 1934.

W. J. Howard

Notary Public.

My commission expires July 30, 1936

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

Re: Permit No. 16996

BOISE, IDAHO,

October 16, 1934

MR. W. LEE HOWARD, Notary Public
Buhl,
Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 16996

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 October 22, 1934, 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 Buhl, Idaho before W. Lee Howard, 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
Commissioner of Reclamation.

16996

September 19, 1934

Re: Permit No. 16996

BERTHA B. ATWOOD
R. # 3.
Buhl, Idaho

Dear Madam:

This will acknowledge receipt of notice in duplication for publication in connection with beneficial use proof and also your authorization to have the notice published in the Buhl Herald, Buhl, Idaho, all in connection with Permit No. 16996.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to October 22, 1934. About 10 days prior to this date, depositions consisting of one for the holder and one each for two witnesses will be mailed to Mr. W. Lee Howard, Notary Public, Buhl, Idaho, so that he will have them in ample time for the proof. On the date designated you should appear at Mr. Howard's office with two disinterested witnesses, who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

16996

THE BUHL HERALD

BUHL, IDAHO

16996

Per. License: _____

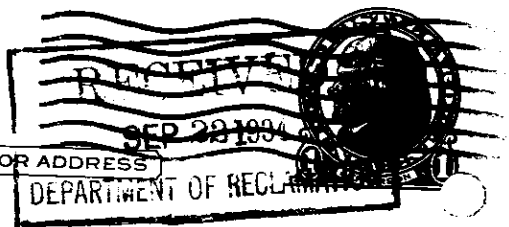
No. Permit No. 16996

This will acknowledge, with thanks, your kind order for legal publication for Bertha E. Atwood, Rt 3, Buhl.

Proof will be furnished and publications made as directed.

--The Buhl Herald

16996



THIS SIDE OF CARD IS FOR ADDRESS

Dept. of Reclamation
Boise, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date..... September 19, 1934

Re: Permit No. 16996

BUEL HERALD
Buhl, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to October 22, 1934, the date set for proof, the expense of the publication to be paid by the applicant,

Bertha E. Atwood, R # 3, Buhl, 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

16996

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

BERTHA B. ATWOOD
R # 3, Buhl
Idaho

August 11, 1934

Dear Sir:—

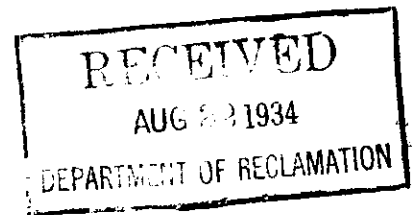
I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. **16996**, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is **Oct. 22, 1934**, 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

~~Commissioner of Reclamation~~
Commissioner of Reclamation.

16996



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Aug. 18, 1934

(P. O.) Buhl, Idaho R. 3

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

Bertha B. Atwood

(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.

16996

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 22nd day of Oct., 1934,
 at Buhl, County of Twin Falls, State of Idaho,
 before W. Lee Howard, Notary Public, proof will be submitted
 of the application to beneficial use of 0.8 cubic feet per second of the
 waters of Sewer Creek, a tributary of Mud Creek in accordance with the terms and conditions of
 Permit No. 16996 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
Bertha B. Atwood, R. 3, Buhl, Idaho

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

The amount applied to beneficial use is 0.8 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) SW 1/4 & NW 1/4 Section 14, Township 9 S., Range
14 E. B. M.

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

The right to take water from such works is based upon Permit No. 16996

The source of supply from which such water is diverted is Sewer Creek, a tributary
of Mud Creek

The date of the priority which said user is prepared to establish is Oct. 18, 1928

R. W. FARRIS

Commissioner of Reclamation.

16996

October 19, 1933

Re: Permit No. 16996

BERTIE B. ATWOOD
Buhl, Idaho

Dear Madam:

We are enclosing herewith Certificate of Completion of Works issued under your above numbered permit to appropriate 0.8 second feet of the waters of SEWER CREEK in Twin Falls County, Idaho, also office receipt in the amount of \$5.00.

Very truly yours,

R. W. FARMS
Commissioner of Reclamation

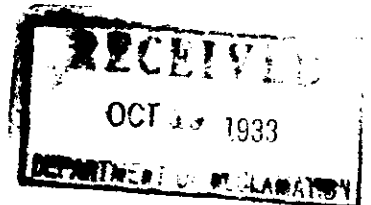
By _____
Assistant Chief Clerk

0
Encl.

16996

Permit No. 16996

STATE OF IDAHO
Department of Reclamation



Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of Twin Falls } ss

Bertha B. Atwood, 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. 16996, and that his postoffice address is Buhl
State of Idaho R. R. #3

Second: That the name of the stream from which said water is to be diverted is

Sewer Creek

Third: That the point of diversion of said water is SE 1/4 SW 1/4 Sec. 23, Township
9 S., Range 14 E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by October 22, 1933.

Fifth: That the use for which said water is intended is Domestic & 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: ditch & headgate

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

II. Dimensions of work: 2 1/2' width; capacity 100" water

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

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

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 3 feet, height 2 feet.

(d) Conduit ditch width at bottom 2 1/2 feet, width at water line 3 1/2
(State whether ditch, flume or pipe.)
feet, depth of water 2 feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is 1 1/2 miles.

Seventh: That said works are capable of conducting to the place of intended use ± 0.8
second feet of water.

Eighth: That water appropriated under said permit is available for 40 acres
of land described as follows: NW 1/4 SW 1/4 and SW 1/4 NW 1/4 Sec. 14, Twp. 9 S.,
R. 14 E. B. M.

Ninth: Remarks: That

Bertha B. Atwood
(Sign here)

Subscribed and sworn to before me this 17 day of October, 1933

My commission expires July 30, 1936

Notary Public.

16996

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

BERTHA B. ATTWOOD
Rt 3 Buhl, Idaho

Boise, Idaho, August 7, 1933

Dear Sir:—

Under the terms of your permit No. 16996.....you are required to complete your diversion works on or before Oct. 22, 1933. 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,

R. W. FARIS
Commissioner of Reclamation.

16996

Permit No. 16996

Application for Extension of Time FOR COMPLETION OF WORKS

Bertha B. Atwood

Ruhl, Idaho

State of Idaho, 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. 16996

Under the terms and conditions of said permit, construction work thereunder was required to be completed by October, 1929

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

More than one eighth of necessary work

costing \$ 25.00

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

Expects to have to condemn portion of right of way

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the completion of works under said permit to October, 1933

Subscribed and sworn to before me this 18th day of September, 1929

My commission expires July 30, 1932

Notary Public.

Date of receipt at office of Department of Reclamation SEPT. 19, 1929

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, Geo. N. Carter, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 16996 to October 22, 1933

Witness my hand this 19th day of October

16996

Commissioner of Reclamation.

September 9, 1929

RE: Permit No. 16996

Mrs. Bertha B. Atwood
Buhl, Idaho

Dear Madam:

Referring to your letter of the 7th ins., would say that the time for completion of works under your above numbered permit may be extended to 1933. Application for such extension however, should be made upon our regular form herewith enclosed.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By
Chief Clerk

B:G
Enc.

16996

Buhl, Idaho,
September 7, 1929.

Honorable George M. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Carter:

I hereby make application for extension of time within which to complete the work under permit Number 16996, approved October 22, 1928, such extension to be for one additional year.

I have completed part of the work and may have to condemn right of way through a forty acre tract before the works can be entirely completed. I hope, however, to complete the work in time for irrigation next spring but ask the full time of one year in case I have to condemn.

Very truly yours,

Bertha B. Atwood.

BBA NM

16996

F3-X 15 1/32

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Bertha B. Atwood
R. F. D. #3
Buhl, Idaho

Boise, Idaho,
July 6, 1929

Dear Sir:—

Under the terms of your permit No. **16996**..... you are required to complete your diversion works on or before **Oct. 22, 1929**..... 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. H. CARTER

Commissioner of Reclamation.

16996

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 16996-Bartha B. Atwood
Mr. S. L. Hamilton
Twin Falls, Idaho

Boise, Idaho, October 22, 1928

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.

16996

GEO. H. CARTER
Commissioner of Reclamation.

LAW OFFICES OF
S. T. HAMILTON
TWIN FALLS, IDAHO

October 17, 1928.

Hon. George N. Carter,
Comm'r of Reclamation,
Boise, Idaho.

Dear Mr. Carter:-

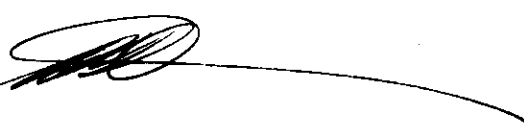
Herewith application for permit to appropriate public waters of the State of Idaho,- Bertha B. Atwood,- from what is locally known as Sewer Creek a tributary of Mud Creek; and Mud Creek is tributary to Snake River. The stream from which water is sought to be appropriated flows a large amount of water and the appropriation asked is for a desert entry. The water is north of the segregation supplied by Twin Falls Canal Company and at a point beyond any reuse by the company. It is clearly wild water and subject to appropriation.

I would like to have this application returned as soon as convenient as the applicant must send a copy to the United States Land Office in support of her desert land application.

Very truly yours,



(I find all my applications have been used; and I desire that you send me one or two dozen blanks. In addition to the number used by me, my friends know I usually have these and they beg, borrow and otherwise come into possession of same. Send bill for same and I will remit to you.)



16996

April 21, 1953

Mrs. Bertha B. Atwood
Route 3
Buhl, Idaho

Dear Mrs. Atwood:

We enclose Transfer Certificate No. 806, together with departmental receipt No. 25819 for the \$1.00 recording fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A:fg
Enc.

T-806
47-2182

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Bertha B. Atwood, of
Buhl, Idaho

For a Transfer of Water Right in
Twin Falls County, Idaho.

ORDER GRANTING TRANSFER

No. 806

WHEREAS, On the 14th day of November, 1952, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Bertha B. Atwood of Buhl, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of April, 1953.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

T-806

47-2182

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 806.

THIS IS TO CERTIFY That BERTHA B. ATWOOD of Buhl, Idaho, is the owner of and using a certain water right for Four-tenths (0.4) of a cubic foot per second of the waters of Sewer Creek with priority of October 18, 1928, obtained by virtue of License and Certificate of Water Right No. 16996, issued by the Commissioner of Reclamation of the State of Idaho, said license bearing date of February 24, 1936, and being appurtenant to the following described lands, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, Township 9 South, Range 14 East, B.M.

That said License and Certificate of Water Right has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at Page 3821.

And that now, upon the application of Bertha B. Atwood of Buhl, Idaho, for the transfer of Four-tenths (0.4) of a cubic foot per second of the waters of Sewer Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Four-tenths (0.4) cubic foot per second of the waters of Sewer Creek on the above described lands is hereby abandoned and the land to which the water right hereby confirmed shall, by this certificate become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, Township 9 South, Range 14 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.4 cubic foot per second of the waters of ~~Sewer~~ ^{Sewer} Creek with priority of October 18, 1928.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Sewer Creek through a private ditch, with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Township 9 South, Range 14 East, B.M.

That the water right hereby transferred shall hereafter be conducted to the last above described land through a private ditch and with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of April, A.D. 1953.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

T-806

47-2182

20 P 1

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Bertha B. Atwood, of
Buhl, Idaho

ORDER GRANTING TRANSFER

No. 806

For a Transfer of Water Right in
Twin Falls County, Idaho.

WHEREAS, On the 11th day of November, 1952, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Bertha B. Atwood of Buhl, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of April, 1953.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

T-806

47-2122

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 806.

THIS IS TO CERTIFY That BERTHA B. ATWOOD of Buhl, Idaho, is the owner of and using a certain water right for Four-tenths (0.4) of a cubic foot per second of the waters of Sewer Creek with priority of October 18, 1928, obtained by virtue of License and Certificate of Water Right No. 16996, issued by the Commissioner of Reclamation of the State of Idaho, said license bearing date of February 24, 1936, and being appurtenant to the following described lands, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, Township 9 South, Range 14 East, B.M.

That said License and Certificate of Water Right has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 7 of Licenses, at Page 3821.

And that now, upon the application of Bertha B. Atwood of Buhl, Idaho, for the transfer of Four-tenths (0.4) of a cubic foot per second of the waters of Sewer Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of Four-tenths (0.4) cubic foot per second of the waters of Sewer Creek on the above described lands is hereby abandoned and the land to which the water right hereby confirmed shall, by this certificate become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, Township 9 South, Range 14 East, B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

0.4 cubic foot per second of the waters of Sewer
Creek with priority of October 18, 1928.

That the water right hereby transferred has heretofore been conducted to the first above described lands from Sewer Creek through a private ditch, with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Township 9 South, Range 14 East, B.M.

That the water right hereby transferred shall hereafter be conducted to the last above described land through a private ditch and with no change in point of diversion.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of April, A.D. 1953.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

T-806

47-2122

Application for Transfer of Water Right

STATE OF IDAHO,

County of Twin Falls,

} ss.

Bertha B. Atwood,

, being first duly sworn, deposes and says:

That his name is Bertha B. Atwood,; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Buhl, Idaho.

That he is the owner and using a certain water right, bearing date of priority of October 18, 1928, for 0.4 cubic feet per second of the waters of Sewer Creek,

County of Twin Falls, State of Idaho, decreed to

by decree of Judge, _____ of the _____ Judicial District of the State of Idaho, in and for the County of _____, in the case of _____

vs. _____, said decree bearing date of _____

(or obtained by virtue of License No. 16996, issued by the State Engineer or the Commissioner of Reclamation of the State of Idaho, dated February 24, 1936, bearing date of priority of October 18, 1928) for the purpose of irrigating the following described lands situate, lying and being in water District No. 36 in the County of Twin Falls, and State of Idaho, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14 Twp. 9.S. R. 14.E.

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e.

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 9.S., Range 14.E., B. M., and conducted to the above described lands through Private ditch, as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 0.4 cubic feet per second of said water upon the above described land and to convey and use same upon the following tract, situate, lying and being in the County of Twin Falls, and State of Idaho, to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, Twp. 9.S. R. 14.E.

That his reasons for desiring to make such transfer are as follows:

To correct mistake in original application and extended through License No. 16996

T-806

47-2182

That he intends to divert and convey said 0.4 second feet of water to the tract

of land last above described in the following manner, to-wit:

Through same ditch, correct point of diversion, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23,
Twp. 9.S. R. 14.E.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Bertha B. Atwood

Applicant.

Subscribed and sworn to before me this

1st

day of

October

A. D. 19

52

John R. Baker

Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water now diverted? Seward Creek,

Where is the diversion point now located? SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Twp. 9.S. R. 14.E

Through what ditch is it now conducted? As shown on License,
Private ditch,

How much land is now irrigated by the water sought to be transferred?

Give the description:

What is the total amount of water in inches, or second feet, dedicated to said land?

What kind of crops are being raised?

How much water per acre is now required to irrigate said land?

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

Give location of new point of diversion, if change is to be made SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23 - 9-S-14E

Through what ditch will it be conducted after transfer?

How much water will be required per acre to irrigate the land to which this water is transferred?

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source

Signed

Bertha B. Atwood

Applicant.

January 24 , 1953

Buhl Herald

Buhl, Idaho

Gentlemen:

We are in need of affidavit of publication of the enclosed notice, which was published in your paper the early part of November, 1952. and would appreciate your sending us same.

Thank you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

Encl.

T-806

47-2182

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise

Date October 20, 1952

**The Buhl Herald,
Buhl, Idaho.**

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to **November 14, 1952** the date set for the hearing, the expense of the publication to be paid by the applicant, **Mrs Bertha Atwood, Buhl, Idaho.** *lit 3*

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

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

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

**Roy.W.Thompson,
Supervisor of Water Distribution.**

T-206

47-2182

Notice Of Proposed Transfer Of Water Right

Notice is hereby given that Bertha B. Atwood,
of Buhl, Idaho. has applied to the State Reclamation Engineer
of the State of Idaho for a certificate authorizing Her to change the ~~point of diversion~~
~~and~~ place of use of the waters of Sewer Creek,
as follows: Amount: 0.4 cubic feet per second,
Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 9.S,
Range 14.E. Place of Use:
SW $\frac{1}{4}$ Section 14, Twp. 9.S. R. 14.E.

Transfer to

Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section NW, Township 9.S,
Range 14.E. Place of Use:
SW $\frac{1}{4}$ Section 14, Twp. 9.S. R. 14.E.

And that on the 14 day of November, 1952, ~~at~~
at 10 o'clock A M., at Room 107 State House, Boise Idaho.
before the State Reclamation Engineer, or his authorized agent, the opportunity will be
given to any and all persons to appear and present, for his consideration any reason or rea-
sons why a certificate should not be issued authorizing such transfer.

MARK. R. KULP.
State Reclamation Engineer.

T-206
47-2182

January 14, 1953

Mrs. Bertha B. Atwood
Route 3
Buhl, Idaho

Dear Mrs. Atwood:

There have been no protests filed in connection with your application for transfer of water right from Sewer Creek.

Therefore, upon receipt of the affidavit of publication which the Buhl Herald was instructed to send you and also the recording fee of \$1.00, a Certificate of Transfer will be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A:fg

T-806

47-2182

Legal Department

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Bertha B. Atwood, of Buhl, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing her to change the place of use of the waters of Sewer Creek, as follows:
Amount: 0.4 cubic feet per second,
Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 9.S, Range 14.E.
Place of Use: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, Twp. 9.S. R. 14.E.

Transfer to

Point of diversion: SE $\frac{1}{4}$, Section NW, Township 9.S, Range 14.E.
Place of Use: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, Twp. 9.S. R. 14.E.

And that on the 14th day of November, 1952, at 10 o'clock A.M., at Room 107 State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP.

State Reclamation Engineer.

(3812) 10-23-52

BILL OF SALE FOR LIVESTOCK BOOKS

We've Got 'em
At The
BUHL HERALD

T-806
47-2182

October 27, 1952

Mrs. A. Dehardis
Route 3
Buhl, Idaho

Dear Mrs. Dehardis:

We are in receipt of your letter of October 24, 1952, with an attached notice of proposed transfer of water right in the name of Bertha B. Atwood, changing the place of use of the waters of Sewer Creek.

We wish to state that this transfer is for a transfer of the place of use only. The point of diversion is not being changed. The point of diversion, as stated, is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 9 South, Range 14 East, B.M.

The transfer is being made to correct a mistake in the location of the land that was made several years ago.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg

T-206
47-2122

Legal Department

A CE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Bertha B. Atwood, of Buhl, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing her to change the place of use of the waters of Sewer Creek, as follows: Amount: 0.4 cubic feet per second, Point of diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 9.S, Range 14.E. Place of Use: SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, Twp. 9.S. R. 14.E.

Transfer to

Point of diversion: SE $\frac{1}{4}$, Section NW $\frac{1}{4}$, Township 9.S, Range 14.E.
Place of Use: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, Twp. 9.S. R. 14.E.

And that on the 14th day of November, 1952, at 10 o'clock A.M., at Room 107 State House, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

MARK R. KULP.

State Reclamation Engineer.

(38t2)

BILL OF SALE FOR LIVESTOCK BOOKS

We've Got 'em
At The
BUHL HERALD

T-206

47-2123

M. Alue Dehardin
113 Buhl Idaho
Oct-24th

Dear Mr Kulp,

In reference to a transfer
of water rights in the Buhl Herald paper,
it is not clear where the diversion point
is and they take water out on my place
in two places, and I protest any changes
made for they have been troublesome
in the past if its where I think, It should
be reprinted to understand better. There
is quite a few people drawing from the
sewer creek that has canal shores in it
and we have used it since 1923
Please inform me about it.

Yours Truly

M. A. Dehardin

RECEIVED
OCT 25 1952
Department of Reclamation

T-806
47-2122

August 12, 1952

Re: License No. 16996

Mr. Bert Atwood
Route 3
Buhl, Idaho

Dear Mr. Atwood:

We enclose herewith a form of Application for Transfer to change the place of use and point of diversion under Permit and License No. 16996.

You will note that we have made this in the name of Bertha B. Atwood, as we are not sure whether she is still the legal owner of the property or whether it has been deeded to Robert L. Turner. If the latter the application for transfer should be made by him.

This application should be signed by the applicant on the line indicated on page two, and two witnesses should sign the affidavit on the top of page three; all signatures to be acknowledged before a Notary Public.

The affidavit of the Watermaster may be disregarded, as there is no watermaster for Mud Creek.

When the transfer application is returned, properly executed, notice will be published once a week for two weeks, in a county newspaper, at your expense, as required by statute.

Should there be no protests a Certificate of Transfer will be issued upon receipt of the recording fee of \$1.00/

We hope we have made the proceeding clear to you but if there are any questions, or any further assistance we can give, please do not hesitate to call upon us.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T-806
47-3122

Brehl G. to Aug 8 - 52

Mr. Mark R. Kulp.

Dear Sir. Will you send me the Form of transfer application as you stated in your letter of July 29th, in regard to permit No. 16996.

Robert I Turner the present Owner.

I wish to thank you very much for your courtesy in regard to this matter and if there is any charge please state so in your letter and I will remit to you the same immediately.

Yours very truly.

Bert Wood

T-206

47-2182

RECEIVED
AUG 9 1952
Department of Reclamation

August 27, 1952

Mr. Bert Atwood
Route 3
Buhl, Idaho

Dear Mr. Atwood:

We are returning application for transfer of water right, for your signature and approval. This form of transfer proceedings will legally transfer the water from Sewer Creek from the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, to the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, Township 9 South, Range 14 East, B.M., correcting a mistake in the original permit and license previously issued to Berthe B. Atwood.

We have placed the name of Berthe B. Atwood as applicant. However, you may change the name to your name or to Turner's name as you like. The application must be signed by the applicant before a Notary Public and you will find the proper space near the middle of Page 2 of the application. Also, it will be necessary to have the affidavit at the top of Page 3 of the application filled out and signed by two witnesses who are familiar with your transfer proceedings after which you may return the application to this department and we will see that the notice of publication, which is required by statute, is published in the proper county newspaper. If there are no protests filed against said transfer a Certificate of Transfer will be issued by this department.

This method of procedure to legally correct your State License, changing the place of use from the SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, has, I believe, been previously explained by letter from this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg
Enc.

T-206
47-2122

For your information ^{Creek} Mud
empties into Bob Turners
place at the South West corner
and runs North East staying close
to his South line for some
distance where Lower creek
empties into Mud Creek on
Turners Place then turn North
and runs through both 40 -
acres.

Yours Respt -
Bert Atwood

R.D. 3 Buckl.

P.S. These Papers are made out ^{Field} to
Bert Atwood - my wife

RECEIVED

AUG 26 1952

Department of Reclamation

T-806

47-2182

This Turner Land is not
irrigated from Mud Creek -

It is irrigated from Goose Creek
Mud Creek Does not touch
Sec. 23 at no point -

West Section Line

North			
Jim Wilson NW-1/4	Bob Turner SW-NW 1/4		
Bob Turner NW-1/4	Section 1/4		
Jim Wilson SW-1/4			

East

Running east and West
South. goe line