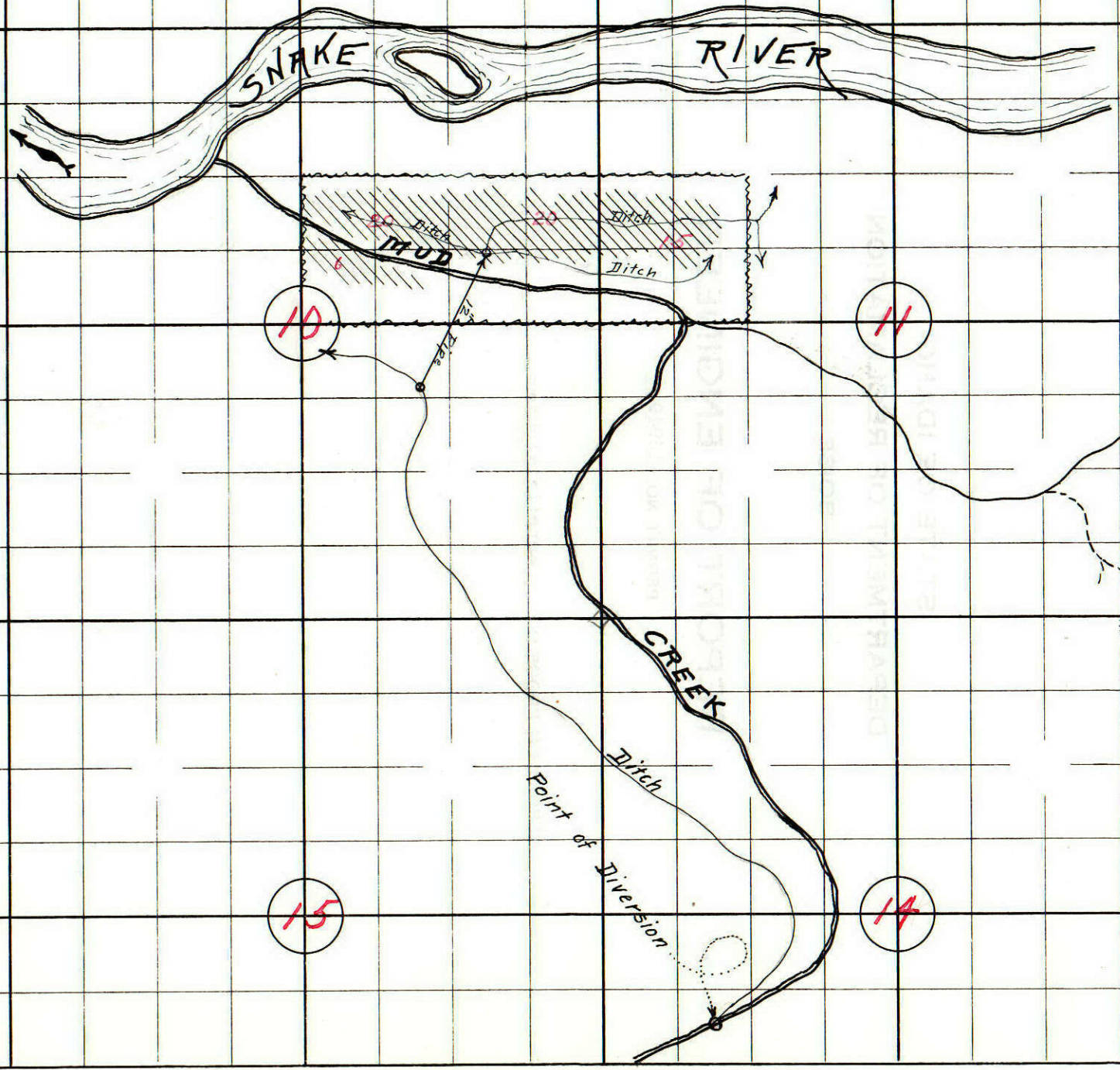


SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.



16949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 16949

REPORT ON PROOF OF Beneficial Use

*BU on 61 Acre 1.22 Sec 4.
Fee 6⁰⁰ — 3 40 Acre subdivisions*

Affidavit of Publication

RECEIVED

AUG 14 1937

Department of Reclamation

STATE OF IDAHO
County of Twin Falls

ss.

I, Vernon R. Frost, do solemnly swear that I am the printer and 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 15th day of July, 1937, and the last publication having been made on the 5th day of August, 1937; 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

5th day of August, 1937.

[Signature]

Notary Public.

Notice for Publication NOTICE OF PROOF APPLICATION OF WATER

To Beneficial Use

Notice is hereby given that at 10:00 A. M. on the 13th day of August, 1937, 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 1 2-5 cubic feet per second of the waters of Mud Creek in accordance with the terms and conditions of Permit No. 16949 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Samuel D. Briggs, Buhl, Idaho.

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

The amount applied to beneficial use is one and two-fifths second feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 10 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, all in 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 unnamed ditch.

The right to take water from such works is based upon Permit No. 16949.

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

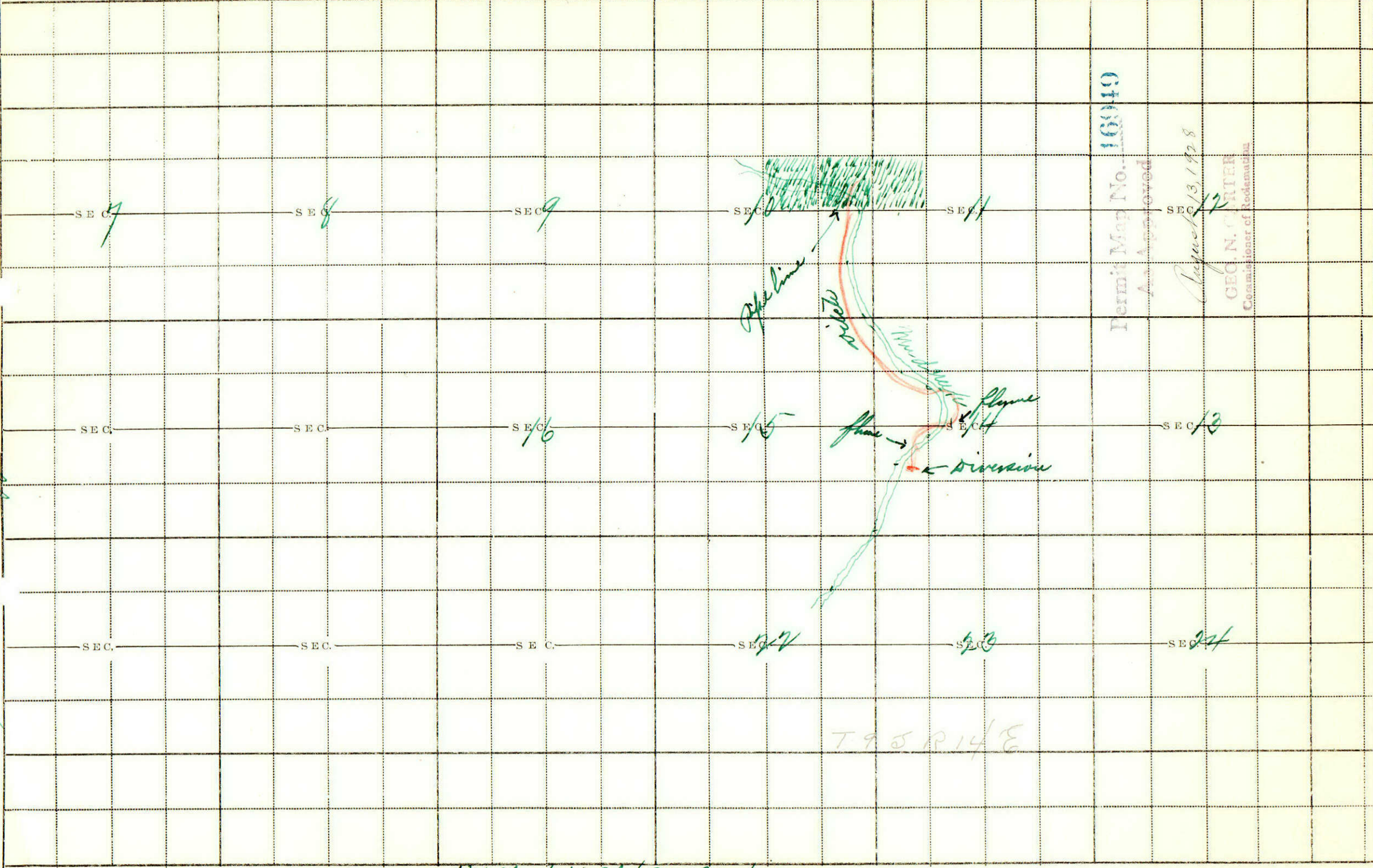
The date of priority which said user is prepared to establish is Aug. 10, 1928.

R. W. FARIS,

(21t4) Commissioner of Reclamation

16949

NAME OF APPLICANT *Samuel D. Bryant*



19 South, 10.14 E.A.M.

T 9 S R 14 E

Permit Map No. **16949**

As Approved

August 13, 1928

GEORGE N. CARTER
Commissioner of Roadways

State of Idaho

License and Certificate of Water Right

Water License No. 16949

Amount 1.22 second feet

Water District No.

Priority August 10, 1928

THIS IS TO CERTIFY that SAMUEL D. BRIGGS
of Buhl, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 10, 1928, 19 ; that Permit No. 16949
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.4 second feet, was issued thereunder on December 10, 1931, showing that said works
were completed on the 25th day of November, 1931; and that on the 10th
day of August, 1937,

SAMUEL D. BRIGGS

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 Mud Creek
, a tributary of Snake River, for the purpose of irrigation and domestic
use, under Use Permit No. 16949 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 5938, on the 10th day of March, 1939;

The right hereby confirmed dates from August 10, 1928;

The Point of Diversion is located
in the N7 1/4 SW 1/4, Sec. 14, 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 1.22
cubic feet 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.	10	SW 1/4 NE 1/4	40	26
			SE 1/4 NE 1/4	40	20
		11	SW 1/4 NW 1/4	40	15
			Total number of acres irrigated		61

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 10th day of March, 1939

JAMES SPOFFORD

Commissioner of Reclamation 47 21.9

(SEAL)

47-2179

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

Application No. 23934

Permit No. 16949

District No.

1. Name of Applicant: Samuel D. Briggs.

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:

(a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: one and two-fifths cubic feet per second.

3. Source of water supply: Mud Creek, which is a tributary of Snake River.

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$
of Section 14 , 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: \$ 1800.00.

8. Kind of works: Ditch, flume and pipe line and diversion dam.

9. Height of dam four feet; length of dam at top 32 feet; length of dam at bottom eight
feet; material used in dam: Rock and earth.

10. Size of headgate: Width 4 $\frac{1}{2}$ feet; height three feet.

11. Ditch: Width at bottom five feet; width at water line 7 $\frac{1}{2}$ feet; depth of water one
feet; dimensions of flume 1 flume 60 ft. x 1' x 2 $\frac{1}{2}$ '.
1 flume 70 ft. x 1' x 2 $\frac{1}{2}$ '.

Diameter of pipe twelve inches; length of conduit 1 $\frac{1}{2}$ miles.

Average grade per mile 30 feet.

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

13. The time required for the complete application of the water to the proposed use is two additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

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

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

Samuel D. Briggs Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9 A.M., August 10, 1928.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16949.
Recorded in Book 61, Page 16949, Approved August 13, 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 October 12, 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 February 13, 1930.
The whole of said work to be completed on or before August 13, 1931.
Beneficial use of water appropriated in accordance herewith, to be made on or before August 13, 1933.

Witness my hand this 13th day of August, 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.	10			40	40			40										80
		11																	40
Total Number of Acres to be Irrigated																			120

PERMIT NO. 16949

TO ALL WHOM IT MAY CONCERN:

This is to certify that Samuel D. Briggs of Buhl, County of Twin Falls, and State of Idaho, the holder of Permit No. 16949, issued upon Application No. 23934 bearing date of priority of August 10, 1928, authorizing the diversion of 1 2/5 second feet of the waters 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 relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1 2/5 second feet of the waters of Mud Creek; that the point of diversion of said waters is in the NW¼SW¼, Sec. 14, Twp. 9 S., Range 14 E. B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows to-wit: 120 acres--S¼NE¼, Sec. 10, Twp. 9 S., Range 14 E. B. M.; and the SW¼NW¼, Sec. 11, Twp. 9 S. Range 14 E. B. M.

Witness my hand this 10th day of December, A. D., 1931.

R. W. FARIS
Commissioner of Reclamation

Proof of Completion of works was made November 28, 1931.
Certificate of Completion of works issued December 10, 1931.

EXTENSION OF TIME FOR BENEFICIAL USE PROOF

PERMIT NO. 16949

"Upon proper request of the holder of the above numbered permit, I have this 15th day of August, 1933, extended the time for beneficial use of water thereunder to the 13th day of August, 1935.

R. W. FARIS
Commissioner of Reclamation

"Upon proper request of the holder of the above numbered permit, I have this 11th day of August, 1934, extended the time for beneficial use of water thereunder to the 13th day of August, 1937.

R. W. FARIS
Commissioner of Reclamation

License 12245
P. 3938

March 10, 1939

Re: Permit No. 16949

Mr. Samuel D. Briggs
Box 384
Buhl, Idaho

Dear Sir:-

We are herewith enclosing Licence and Certificate of Water Right issued under the above numbered permit, confirming your right to use 1.22 second feet of the waters of Mud Creek, a tributary of Snake River, with a date of priority of August 10, 1928, for irrigation and domestic use upon the $S\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10 and the SW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 11, Township 9 South, Range 14 East, B.M.

The Department's Receipt No. 16903 for the \$6.00 fee which you, paid in connection with final proof, is also enclosed.

In reply to your inquiry regarding additional water filing, we are enclosing an application for permit, and also Instructions and Regulations governing same.

Very truly yours,

JLA
Encs.

JAMES SPOFFORD
Commissioner of Reclamation
By
Chief Clerk.

16949

Mch-4-1939.

State of Idaho Dept of Reclamation.
Boise Idaho.

Dear Sir.

Enclose find six dollars \$6.00 payment
fee for water permit no 16949

I would like information in regard to
additional water filing.

Thanking you in advance

Yours Truly.

Samuel D Briggs

1.4

16949

January 18, 1938

Re: Permit No. 16949.

Mr. Samuel D. Briggs
Buhl, Idaho

Dear Sir:

We now have our field engineer's report on the inspection he made in connection with your proof of beneficial use of the water appropriated under the above permit. This report shows that you are irrigating 61 acres of land with this water, the 61 acres lying in three forty-acre subdivisions. Therefore, upon receipt of a fee of \$6.00, we will issue you a license for 1.22 second feet of the waters of Mud Creek.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

jl

16949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 16949

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Samuel D. Briggs

2. Source of water supply: Mud Creek

3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14
T. 9 S. R. 14 E. County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: Diversion dam
30 ft long, 4 ft high, built of concrete & rock.
Head gate 3 ft long, 4 ft wide & 3 ft high. Main ditch
3 ft wide & 1.5 ft deep.
Field laterals 2 ft wide x 1 ft deep. Pipe syphon about
1000 ft long x 12" diameter

5. Water is used for: Irrigation & Domestic

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): SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 9 S., R. 14 E., B. M.

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

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

Remarks: Capacity of diversion works 20 Sec. Ft.

This examination was made on the 29th day of November, 1937

(Signed)

Frank S. Tolman
Examiner.

16949

Samuel D. Briggs
Buhl, Idaho.

Permit No. 16949

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.
-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 16949

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Samuel D. Briggs; Residence is Buhl, Ida., Occupation is
farming; P. O. Address is Buhl, Ida.

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

Ans. _____

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

Ans. #16949 dated ~~Dec 10, 1931~~ Aug 13, 1928; date of priority Aug. 10, 1928

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

Ans. Mud Creek; Point of diversion is in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 9 S., R.
14 E. B. L.

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. Diversion dam; head gate and ditch; also pipe line 1/4 mile 12".
Capable of conveying 1 2/5 Sec. Ft water. No name, but known as
Fairchild Ditch.

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

Ans. Domestic and irrigation; irrigates 60 acres in S $\frac{1}{2}$ NE Sec. 10,
and 30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, all in T. 9 S., R. 14 EBM

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

Ans. _____

16949

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 1 2/5 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. _____

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

Ans. Has been used for irrigating since 1926 to the amount of 1 2/5 sec. ft. during each irrigating season.

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)

Samuel D. Briggs

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 13 day of Aug. A. D. 19 37.

W. L. Hansen

Notary Public Residing at Buhl, Idaho

My commission expires July 30, 1940.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 16949

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 31; residence Buhl, Ida., occupation is
superintendent of streets for City of Buhl; P. O. Address is
Buhl, Ida.

Ques. 2. Are you acquainted with Samuel D. Briggs, the
holder of Permit No. 16949? How long have you known him and where does he reside?

Ans. Have known Samuel D. Briggs 22 years; he resides at Buhl, Ida.

Ques. 3. Have you read or heard read said Permit No. 16949, 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. Mud Creek; diversion in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 9 S., R. 14 EBM;
works consist of dam, head gate and ditch & flume

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 $\frac{2}{5}$ sec. ft.; have seen this amount 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. used for domestic & irrigation; irrigates 60 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec.
10 and 30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T. 9 S., R. 14 EBM; cultivated land;
has put 90 acres in crops.

16949

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Sandy soil; requires 1 2/5 sec. ft.

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

Ans. no

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

Ans. Have seen the land irrigated each irrigation season for the past twelve years, using the full amount of water for irrigating 90 acres.

(Signed) _____

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 13th of August, A. D. 1937.

Notary Public.

My commission expires July 30, 1940

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 16949

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. John W. Briggs; 52 years of age; residence Buhl, Ida., an
electrician; P. O Address is Buhl, Ida.

Ques. 2. Are you acquainted with Samuel D. Briggs, the
holder of Permit No. 16949? How long have you known him and where does he reside?

Ans. All my life; he resides at Buhl, Ida.

Ques. 3. Have you read or heard read said Permit No. 16949, 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. Mud Creek; diversion in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, T. 9 S., R. 14 EBM;
works consist of dam, headgate, ditch & flume

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 $\frac{2}{5}$ sec. ft.; have this amount 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. Domestic & irrigation; irrigates 60 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 10, and
30 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T. 9 S., R. 14 EBM, cultivated land;
90 acres in crop and pasture

16949

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Land is sandy; 1 2/5 sec. ft required for irrigation

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

Ans. no

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

Ans. Have seen it used every irrigation for past twelve years.

(Signed) John W. Briggs

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 Aug. 13, A. D. 19 37.

W. J. Howard
Notary Public.

My commission expires July 30, 1940

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

Re: Permit 16949.

BOISE, IDAHO,

August 4, 1937

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. 16949

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

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

1. On August 13th, 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.

16949

July 14, 1937

Re: Permit 16949.

Mr. S. D. Briggs
Buhl, Idaho

Dear Sir:

There is enclosed herewith, Office Receipt No. 16281
in the amount of \$1.50, for the fee you paid in connection with
securing a copy of the above permit.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

Jl
Encl

16949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date July 12, 1937

THE BUHL HERALD
Buhl, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 13th, 1937, the date set for proof, the expense of the publication to be paid by the applicant, Samuel D. Briggs, of 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

16949

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 8, 1937

(P. O.) Buhl, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

Samuel S. Briggs

(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.

16949

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

Notice is hereby given that at 10:00 A. M. on the 13th day of August, 1937
 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 1 2/5 cubic feet per second of the waters of
Mud Creek in accordance with the terms and conditions of Permit No. 16949
 heretofore issued by the Department of Reclamation of the State of Idaho.

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

Samuel D. Briggs, Buhl, Idaho

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

The amount applied to beneficial use is one and two fifths second feet

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) SE 1/4 Sec. 10 and SW 1/4 Sec. 11, all in Township 9 S.,
Range 14 E. B. L.

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

The right to take water from such works is based upon Permit No. 16949

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

The date of priority which said user is prepared to establish is Aug. 10, 1928.

16949

R. W. Fenn
 Commissioner of Reclamation.

Buhl, Idaho,

July 8, 1938.

Department of Reclamation,
Boise, Ida.

Re: Final Proof - Application
of water
Permit #16949
Samuel D. Briggs

Dear Sir:

If the Notice for Publication is immediatly published
in the Buhl Herald, starting next Thursday, July 15 issue,
there will just be time for five publications before Aug. 13th,
which is the final date of the extension of time granted me
for this proof.

If this can be done I will appreciate it.

Very truly yours,

Samuel D Briggs

16949

July 6, 1937

Re: Permit 16949.

Mr. Samuel D. Briggs
Buhl, Idaho

Dear Sir:

We have your letter of June 23th, and in accordance with the request therein we have prepared and are herewith enclosing a copy of Permit 16949, together with a copy of the certificate of completion of works issued thereunder.

Will you please remit \$1.50 for this copy.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

j1
Encl.

16949

PHONE _____

NEW DEAL ELECTRIC SERVICE

~~J. W. BRIGGS PROP.~~

SAISFACTION GUARANTEED

113 SOUTH 7TH STREET

BUHL, IDAHO

Samuel & Briggs
B4354

1.50

June - 28 - 37 -

Dear Sir Will you send me a
copy of permit NO. 16949, as I am
unable to find the one I had.
and please let me know the cost
of same.

RECEIVED

JUN 29 1937

Department of Transportation

Samuel & Briggs
16949

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

June 9, 1937

Samuel D. Briggs
Buhl, Idaho

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. **16949**....., 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 **Aug. 13, 1937**....., 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
~~GEO. N. CARTER,~~
Commissioner of Reclamation.

16949

August 15, 1933

Re: Permit No. 16949

MR. SAMUEL D. BRIGGS
Buhl,
Idaho

Dear Sir:

We are enclosing herewith Approval of Commissioner of Reclamation for Extension of Time for Beneficial Use Proof under the above numbered permit to appropriate the public waters of the State of Idaho. The time for such proof has been extended to August 13, 1935.

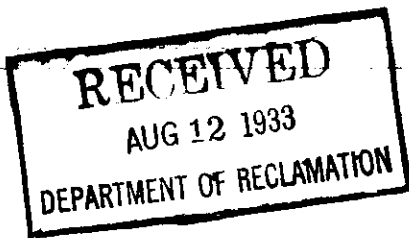
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____

C
Encl.

16949



STATE OF IDAHO
Department of Reclamation

Permit No. 16949

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Twin Falls } ss

Samuel D. Briggs, of Buhl

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

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 16949

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by Aug. 13, 1933

That he has heretofore put to beneficial use one second feet of water and has irrigated 50 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit:

Have been sick and unable to complete the necessary works

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making of proof of beneficial use under said permit to Aug. 13, 1935

Subscribed and sworn to before me this 11 day of Aug., 1933

My commission expires July 30, 1936

Notary Public.

Date of receipt at office of Department of Reclamation August 12, 1933

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 16949, to August 13, 1935

Witness my hand this 15th day of August

16949
Commissioner of Reclamation.

August 11, 1934

Re: Permit No. 16949

MR. SAMUEL D. BRIGGS
U. S. Veterans Hospital
Boise, Idaho

Dear Sir:

We are enclosing herewith approval of Commissioner of Reclamation for extension of time for Beneficial Use Proof. The time has been extended to August 13, 1937.

Very truly yours,

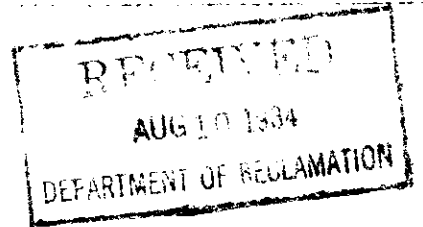
R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

C
Encl.

16949

STATE OF IDAHO
Department of Reclamation



Permit No. 16949

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Ada } ss

SAMUEL D. BRIGGS, of Buhl

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

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 16949

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by August 13, 1934

That he has heretofore put to beneficial use 2 second feet of water and has irrigated 100 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit:

Ill health has prevented the further application of the water to the land.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making of proof of beneficial use under said permit to August 13, 1937.

Subscribed and sworn to before me this 10th day of August, 1934

My commission expires April 28 - 1935

Date of receipt at office of Department of Reclamation

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 16949, to

August 13, 1937

Witness my hand this 11th day of August, 1934

16949

Commissioner of Reclamation.

August 9, 1933

Re: Permit No. 16949

MR. SAMUEL D. BRIGGS
Buhl,
Idaho

Dear Sir:

We are enclosing herewith blank application for extension of time in which to apply the water claimed under the above permit to beneficial use, as per your request of August 4th.

As the permit now stands, proof would be due on August 13, 1933, consequently you have but a short time in which to file this application.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG
Encl.

16949



PACIFIC COAST DEPARTMENT
231 SANSOME STREET, SAN FRANCISCO, CALIFORNIA

INSURANCE COMPANY OF NORTH AMERICA
OF PHILADELPHIA

W. LEE HOWARD
AGENT
FIRE AND AUTOMOBILE INSURANCE
MAIN AND BROADWAY

BUHL, IDAHO

Aug. 4, 1933.

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

Dear Sir:

Re: Application of Water to Beneficial Use
Permit No. 16949, Samuel D. Briggs.

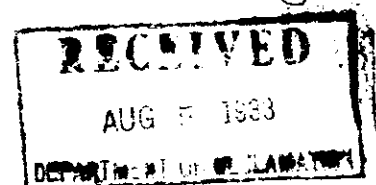
Aug. 13, 1933 is the date for proof as set out in the above numbered permit, but I find it necessary to ask for an extension of time of one year to make proof. I have been for the past year, and still am, sick and unable to put the entire amount of water applied for to beneficial use up to this time. I believe that with one year's extension of time I will be able to make proof as required.

Kindly advise me regarding this, and greatly oblige,

Very truly yours,


Samuel D. Briggs

16949



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

June 10, 1933

SAMUEL D. BRIGGS
Buhl, Idaho

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 16949....., 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 Aug 13, 1933....., and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARIS
~~GEORGE CARTER~~
Commissioner of Reclamation.

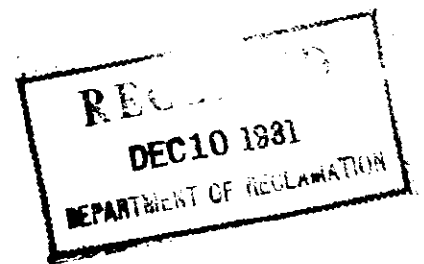
16949

HAROLD L. YEAMANS

ATTORNEY AT LAW

BUHL, IDAHO

December 8, 1931.



16949

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

Dear Sir:-

In Re: Permit No. 16949

I am enclosing herewith a check in the amount of \$5.00 covering the filing fee for submission of proof of completion of works in connection with the above permit.

In your letter reference was made to the statement in the proof that the dam was not fully completed. In this connection the facts are these. The original estimate of the diversion work provided for the building of a dam. The water in the creek, however, has been ample and it has been possible to divert sufficient water without the construction of the dam as originally planned. Mr. Briggs says that he may find it necessary to build the dam later. If the dam is not needed for the diversion of the water I assume that a failure to comply with the estimated requirements for the diversion is not material. I assume that in the original statement of plans the dam was included. If the proof is insufficient on account of containing a statement to the effect that the dam is not completed, you are authorized to make changes therein in conformity with the facts as above stated.

Thanking you for your courtesy, I am,

Yours very sincerely,

HAROLD L. YEAMANS

16949

HAROLD L. YEAMANS

ATTORNEY AT LAW

BUHL, IDAHO

November 30, 1931.

R. W. Faris

Comm. of Reclamation

Boise, Idaho

Dear Sir:-

Permit No. 16949

I am herewith enclosing depositions on the part of the holder of the above permit and of corroborating witnesses, in connection with the proof of completion of diversion works.

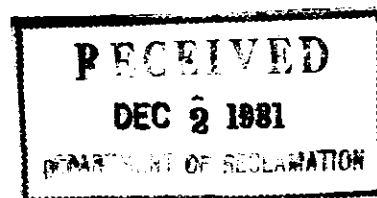
Yours very sincerely,

Harold L. Yeamans

Harold L. Yeamans

RM

16949



PERMIT No. 16949...

Proof of Completion of Works

DEPOSITION OF HOLDER

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. ... Samuel D. Briggs, ... Farming, Buhl, Idaho

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

Ans.

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

Ans. ... 16949 ... Approved August 10, 1928, ... 1 2/5 cubic feet per second waters of Mud Creek; ... NW 1/4 Sec. 14, Twp. 9 S, R. 14 E. B. M.

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

Ans. ... Irrigation; ~~Domestic Acres~~ ... 120 acres
... S 1/4 NE 1/4 Sec. 10, Twp. 9 S., R. 14 E. B. M. and the
... SW 1/4 Sec. 11, Twp. 9 S. R. 14 E. B. M.

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

Ans. ... Yes; ... In 1926; ... About 250 inches of water

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

Ans. Ditch fully completed, but dam not constructed as it has not been needed. Ditch completed March, 1931; Ditch complies with permit

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

Ans. ... Every thing completed except dam, and it has developed ... that dam has not been necessary, up to the present time, water has ... been used every year

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on April 1st, 1931, and give cost of same.

Ans. ... Ditch 1 mile long approximately 3 feet wide at bottom, 6 feet wide at top, 1 to 4 feet in depth; capacity 300 inches at upper end ... and 200 inches at lower end; total cost about \$800.00, applicant's share of cost 1/3 of said amount.

(Sign here.)

Samuel D. Briggs

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 ... 28th ... day of ... November, ... A. D. 1931.

My Commission expires Oct 3, 1932

Ruth Yeaman

Notary Public.

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

PERMIT No. 16949...

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. Lee Towner, ... Farming, ... Buhl, Idaho

Ques. 2. Are you acquainted with Samuel D. Briggs, the holder of Permit No. 16949 authorizing the diversion of ... 1.2/5 ... second-feet of the waters of Mud Creek, at Twin Falls County for ... irrigation ... purposes? How long have you known him, and where does he reside?

Ans. Yes, ... 9 years Buhl, Idaho

Ques. 3. Have you read or heard read said Permit No. ... 16949, and are you familiar with its terms and conditions?

Ans. Yes

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

Ans. Yes; ... ~~SW 1/4~~ Sec. 10, Twp. 9 S., R. 14, E. B. L. and the
SW 1/4 Sec. 11, Twp. 9 S., R. 14, E. B. L.; Comparatively
level 1.2/5 Second-feet of water

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

Ans. Yes, ~~with exception of dam~~ April 1st, 1931

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. Ditch 1 mile long, approximately 3 feet wide at bottom, 6 feet wide at top, 1 to 4 feet in depth; capacity 200 inches at upper end and 300 inches at lower end.

(Sign here.)

Lee Towner
Lee

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Buhl, ... County of Twin Falls, ... State of Idaho, on this 28th day of November, ... A. D. 1931...

My Commission expires Oct 3, 1932

Oruth Yeaman
Notary Public.

16949

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

PERMIT No. 16949...

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

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

Ans. O. L. Smalley, Farming, ... Buhl, Idaho

Ques. 2. Are you acquainted with Samuel D. Briggs, the holder of Permit No. 16949 authorizing the diversion of .. 1.2/5 second-feet of the waters of Mud Creek, at Twin Falls County for .. irrigation ... purposes? How long have you known him, and where does he reside?

Ans. 25 years Buhl, Idaho

Ques. 3. Have you read or heard read said Permit No. 16949, and are you familiar with its terms and conditions?

Ans. Yes

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

Ans. Yes: ... ~~2 1/2~~ sec. 10, Twp. 9 S, R. 14, E. B. M. and the SW 1/4 Sec. 11 Twp. 9 S, R. 14, E. B. M.; Comparatively level 1.2/5 Second-feet of water (Land sandy loam with gravel beneath)

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

Ans. Yes, ~~with exception of dam~~ April 1st, 1931

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. ... Ditch 1 mile long approximately .3 feet wide at bottom, .6 feet wide at top, 1 to 4 feet in depth; capacity 300 inches at upper end and 200 inches at lower end.

(Sign here.)

O. L. Smalley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Buhl, ..., County of Twin Falls, State of Idaho, on this 28th day of November A. D. 1931..

My Commission expires: *Oct. 3, 1932*

Ruth Yeaman
Notary Public.

16949

December 2, 1931

Re: Permit 16949

Mr. Herald L. Yeamans
Attorney at Law
Buhl, Idaho

Dear Sir:

We are in receipt of the depositions for proof of completion of works on Permit No. 16949. In answering question No. 7 on the deposition of the holder, your client states that the dam has not been necessary up to the present time. Does Mr. Briggs plan on enlarging the dam in the future? There is a statutory fee of \$5.00 that should accompany the depositions for proof of completion of works.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____

PH/LP

16949

November 25th
1931

Re: Permit No. 16949

Mr. Harold L. Yeamans
Attorney at Law
Buhl, Idaho

Dear Sir:

Enclosed herewith are depositions for offering proof of completion of works in compliance with section 5594 of the Idaho compiled statutes.

Your client's permit has not been cancelled to date, and since you state that the diversion works were completed--that is they were completed sufficiently to carry the quantity of water claimed from the point of diversion to the place of use, on or before August 13th, your proof will be accepted when we have received the enclosed depositions properly executed. It will be necessary for your client to give the date his works were completed prior to August 13th.

It is not the desire of this Department to cancel permits, but rather to cooperate in every possible manner with the holder of the permit to make his proof. Had you stated that the diversion works were completed by August 13th in your previous correspondence, we would have mailed these depositions at an earlier date.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____

PH/LP

16949

HAROLD L. YEAMANS

ATTORNEY AT LAW

BUHL, IDAHO

November 23rd, 1931



16949

Paul L. Henry

~~Assistant Comm. of Reclamation~~

State House

Boise, Idaho

Dear Sir:-

Permit No. 16949

I am in receipt of your letter of November 19th, in which you return the application of Samuel D. Briggs for an extension of time in which to complete the diversion works required in connection with the above permit, and in which you also return the affidavit of Samuel D. Briggs for the reinstatement of said permit.

I note what you have to say in regard to the commissioner not being authorized to reinstate a permit after the same has been cancelled. It was not my understanding that this permit was cancelled, but only that it was held subject to cancellation. In the order to show cause, under date of October 25, 1931, Mr. Briggs was notified that the permit was being held subject to cancellation, and he was given forty days from the date of such order in which to show cause why said permit should not be cancelled. By way of showing cause, Mr. Briggs furnished the department with an application for an extension of time, and thereafter furnished an affidavit showing the reasons why he was unable to make such application prior to the expiration of the time for the completion of the diversion works. It seems to me that where the holder of a permit is prevented from making an application of this sort prior to the expiration of his time, and furnished an affidavit as to the cause therefore, and thereafter makes his application for such extension, the commissioner would be justified in granting the same.

Under Sec. 5594, It seems to me, that the commissioner is given the power to cancel a permit where the applicant fails to perform the work required within the allotted time, but it does not seem to me that the commissioner is obliged to make such cancellation. That section of the Statute, it seems to me, should be interpreted to mean that the commissioner has a

16 949

HAROLD L. YEAMANS

ATTORNEY AT LAW

BUHL, IDAHO

right
to cancel a permit providing the applicant fails to show cause why such permit should not be cancelled. In this case the applicant has shown cause why the permit should not be canceled. Of course, this is a matter of opinion.

The applicant in this case, as appears from his affidavit, has spent several hundred dollars in the construction of the diversion works, and while the works are not entirely completed a substantial compliance with the statute has been made. As a matter of fact, I am advised that one Otis Syster has heretofore make proof of the completion of his diversion works which works are the same as are relied upon by Mr. Briggs. That is to say both of these parties are using the same diversion works, each having an interest therein. If these works are sufficiently completed to enable another applicant to make proof they ought to be sufficient to enable Mr. Briggs to do likewise. However, the diversion dam is not fully completed and the applicant feels as though he ought to be given more time in which to be able to make the proof. I realize, of course, that the fact that another party has made proof based upon the same diversion works is not controlling as to this applicant. I mention it only to show that my client has substantially complied with the requirements of his permit and might be entitled to make the proof.

You suggest that Mr. Briggs might be able to make a new filing. You might advise us as to whether any other persons have filed on these waters since the filing of Mr. Briggs. I have been advised that a filing was made for power purposes. Of course, if there have been no filings it might be all right for Mr. Briggs to refile and this would simplify the matter. Your records should enable you to furnish us with this information.

If necessary we may endeavor to make proof of the completion of the diversion works prior to the 13th of August,, for as stated above practically all of the work has been done and about all that remains is the dam. This, however, has not been needed as yet. The ditch is sufficiently large to enable Mr. Briggs to irrigate the lands which he is cultivating.

Yours very sincerely,

Harold L. Yeamans

HAROLD L. YEAMANS
RM

16949

November 19th
1931

Re: Permit No. 16949

Mr. Herald L. Yeomans
Attorney at Law
Buhl, Idaho

Dear Sir:

We are herewith returning your affidavit for reinstatement of permit, and your application for extension of time for making proof of completion of works. I am very sorry to say that the commissioner is not empowered to reinstate a permit when it has been cancelled for failure to make proof of completion of works, except when it can be shown that the diversion works were actually completed before the date when proof was due; but for some reason the proof was not made. In such a case a permit holder may have his permit reinstated by submitting depositions of himself and two witnesses, setting forth the date when the works were actually completed (section 5594, Idaho Compiled Statutes)

Had Mr. Briggs filed the application for extension of time prior to the date his proof was due, he could have secured an extension without any difficulty on the grounds he has set forth. Under the circumstances, would say that Mr. Briggs should re-file. If you can offer any suggestion whereby Mr. Briggs can obtain a reinstatement of his permit, we will gladly give it consideration.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____

PH/LP

16949

HAROLD L. YEAMANS

ATTORNEY AT LAW

BUHL, IDAHO

November 16, 1931

16949

R. W. Faris
Commissioner of Reclamation
Boise, Idaho

Dear Sir:-

In re: Samuel D. Briggs
Permit No. 16949

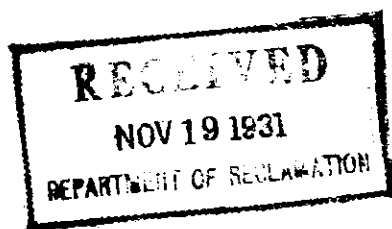
In response to your recent letter, I am inclosing herewith an affidavit in support of application for reinstatement of permit no. 16949. I trust the same will be sufficient to meet the requirements of your office.

Yours very truly,

Harold L. Yeamans

HLV mw

16949



HAROLD L. YEAMANS

ATTORNEY AT LAW

BUHL, IDAHO

November 4, 1931.

✓
16949
R. W. Faris
Comm. of Reclamation
Boise, Idaho

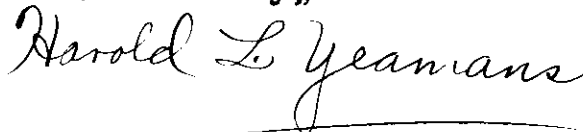
Dear Sir:-

In Re: Samuel D. Briggs

Under date of October 26, 1931, you notified Samuel D. Briggs to show cause within forty days why his permit No. 16949 should not be canceled. Previously you had advised Mr. Briggs that he might make an application for an extension of time. It appears that he did not do this.

In view of the fact that an affidavit to show cause and the application for an extension would each require a recital of practically the same facts, I am herewith enclosing an application. I am submitting this by way of showing cause and also for the purpose of securing the extension desired. If it is necessary for us to submit further proof, kindly so advise.

Yours very sincerely,,



HAROLD L. YEAMANS
RM

16949

16949.

November 6th
1931

Mr. Herald L. Yeaman
Attorney at Law
Buhl, Idaho

Dear Mr. Yeaman:

In reply to your letter of November 4th, would say that you should fill out an affidavit to show just cause why permit No. 16949 should be reinstated. The Commissioner hasn't the authority to grant an extension of time for making proof after the date has passed when said proof was due.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____

PH/LP

16949

Post Office Department

OFFICIAL BUSINESS

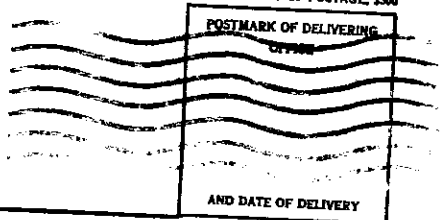
REGISTERED ARTICLE

No. _____

INSURED PARCEL

No. _____

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



Return to _____

COMMISSIONER OF REGISTRATION

(NAME OF SENDER)

Street and Number, }
or Post Office Box, }

BOISE,

IDAHO.

RETURN RECEIPT

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

Samuel F. Briggs
Signature of Name of Addressee

Signature of Addressee (Required)

Date of delivery, _____, 193

16949

FORM 3811

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

October 25, 1931, 192.....

16949

Re: Permit No.....

To: **SAMUEL D. BRIGGS**

Buhl, Idaho

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. **16949**,
to appropriate the Public Waters of the State of Idaho, have not been complied with as to.....
proof of completion of works,

you are hereby notified in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. **16949**
is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days
from date of this notice why said Permit should not be cancelled.

Said Permit No. **16949** claims the use of **1 2/5** cubic feet per second of the
waters of **Mud Creek**, with point of diversion located
NW 1/4 Sec. 14, Twp. 9 S., R. 14 E. B. M., and
August 10, 1928.
was approved.....

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this
25th day of **October, 1931.**, 192.....

R. W. FARIS,

Commissioner of Reclamation.

By.....
Assistant.

16949

24. X - 6 12-1933

16949

Buhl Idaho

Aug 4 1931

R.W. Favis

Commissioner of Reclamation
Boise Idaho

Dear Sir: ---

In regards to your letter of
May 26, 1931,

I wish to inform if I
can get an extension of time
until the 1 of October 1931
as I haven't my Dam
fully completed

Please let me know as
soon as possible.

Yours Respectfully

Samuel J Briggs. B+323

16949

RECEIVED

AUG 7 1981

DEPARTMENT OF RECLAMATION

August 7, 1931.

Re: Permit No. 16949.

Samuel D. Briggs
Box 323, Buhl, Idaho

Dear Sir:-

Referring to your letter of the 4th inst. would say that 2 years additional time may be given for completion of works under your above permit, in as much as you asked for only three years in your original application. This would bring the date for proof to August 13, 1933. Application for extension should be made upon our regular form enclosed.

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

F3

16949

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

S. D. Briggs

Buhl, Idaho

Boise, Idaho, **May 26, 1931**

Dear Sir:—

Under the terms of your permit No. **16949**.....you are required to complete your diversion works on or before **Aug. 13, 1931**. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

R. W. FARIS

Commissioner of Reclamation.

16949

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 16949

Mr. S. T. Hamilton
Twin Falls, Idaho

August 13, 1928
Boise, Idaho,

Dear Sir:

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

GEO. N. CARTER

Commissioner of Reclamation.

16949

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

August 9, 1928.

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

Dear Mr Carter:-

Herewith application for permit, Samuel D. Briggs,
to file upon 1.4 cubic second feet of the waters of Mud Creek. En-
closed find check for \$1.20 in payment of fee.

very truly yours,



16949