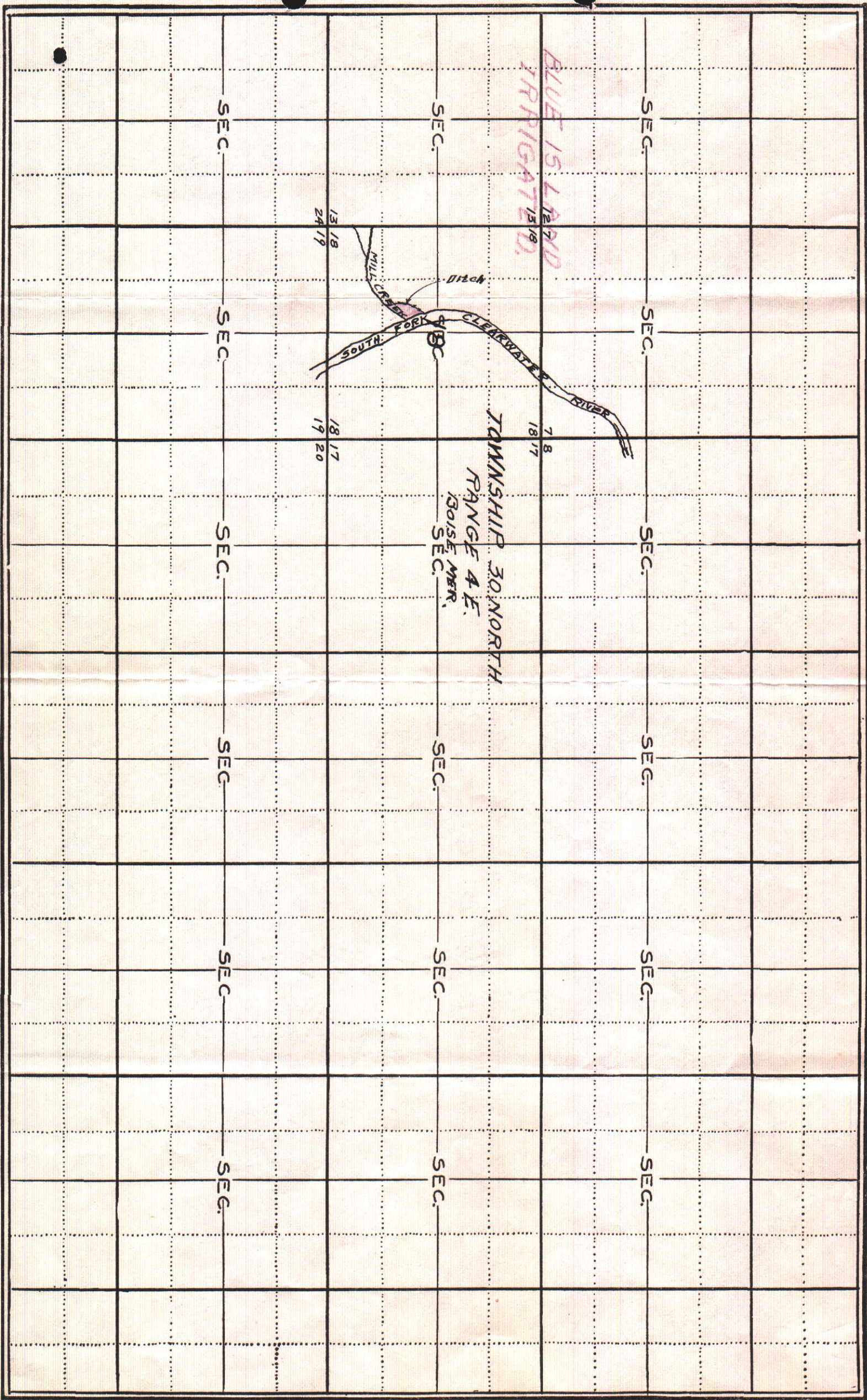
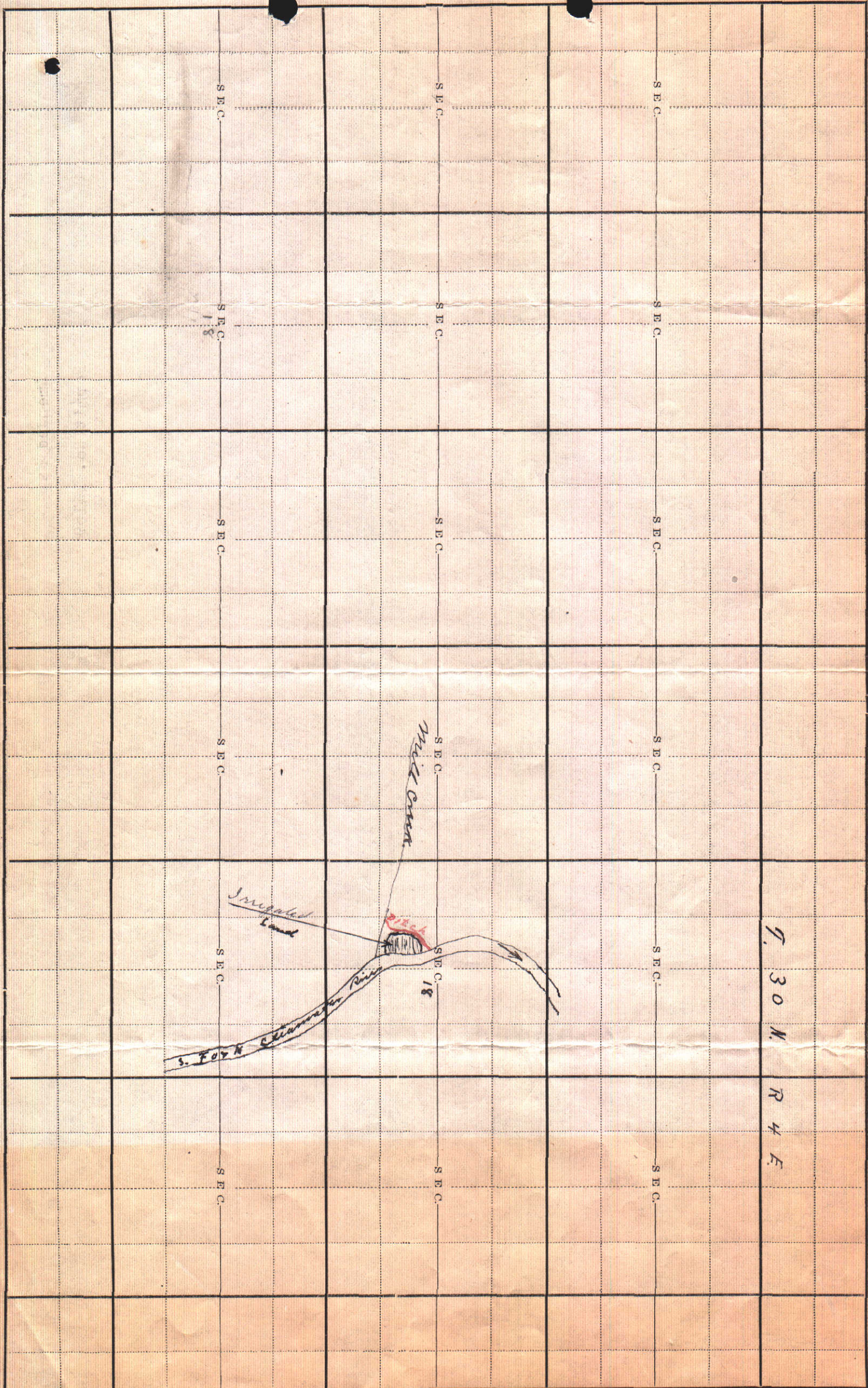


13159





NAME OF APPLICANT *K. M. and S. S.*



T. 30 N. R. 4 E.

Name of Applicant-



13159

**State of Idaho**  
**License and Certificate of Water Right**

Water License No. 13159  
 Water District No. 81-J

Amount 0.12 sec. ft.  
 Priority 9-29-17

THIS IS TO CERTIFY that Kincaid & Sims  
 of Grangeville, Idaho, made application for a permit to appropriate the  
 public waters of the State of Idaho, dated August 25, 1917; that Permit No. 13159  
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
 0.12 second feet, was issued thereunder on August 20, 1918, showing that said works  
 were completed on the 3rd day of August, 1918; and that on the 14th  
 day of October, 1920,

Kincaid & Sims

of Grangeville, State of Idaho, made proof to the satisfaction of the  
 Commissioner of Reclamation of Idaho, of the right to use the waters of Mill Creek  
 , a tributary of So. Fk. Clearwater<sup>River</sup>, for the purpose of irrigation &  
 domestic use, under Use Permit No. 13159 of the State Engineer  
 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 6 of Licenses, at page 3022, on the 10th day of January, 1923;

The right hereby confirmed dates from September 29, 1917;

The Point of Diversion is located  
 in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Sec. 18, Tp. 30 N., R. 4 E., B. M.  
 County of Idaho.

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 0.12 cubic feet per second.

Description and location of use:

| Twp.  | Range | Sec. | Forty-acre Tract                  | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-------|-------|------|-----------------------------------|----------------------------------|---------------------------------|
| 30 N. | 4 E.  | 18   | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 6                                | 6                               |

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 January, 1923.

W. G. SWENDSEN.  
 Commissioner of Reclamation.

(SEAL)

~~82-2026~~  
 85-2159

State of Idaho  
License and Certificate of Water Right

Water License No. 13547  
Water District No. 61

Amount 0.8 sec. ft.  
Priority 5-9-18

THIS IS TO CERTIFY that Edna G. Pritchett  
of Jerome, Idaho, made application for a permit to appropriate the  
public waters of the State of Idaho, dated May 9, 1918; that Permit No. 13547  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
4 second feet, was issued thereunder on June 12, 1920, showing that said works  
were completed on the 22nd day of May, 1920; and that on the 21st  
day of May, 1922,

Edna G. Pritchett  
of Jerome, State of Idaho, made proof to the satisfaction of the  
Commissioner of Reclamation of Idaho, of the right to use the waters of 3 unnamed coulees  
, a tributary of (sinks), for the purpose of irrigation and  
domestic use, under Use Permit No. 13547 of the State Engineer  
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 6 of Licenses, at page 3023, on the 17th day of January, 1923;

The right hereby confirmed dates from May 9, 1918;

- The Point of Diversion is located (1) about center of south boundary line of  
(1) SE NW 1/4, Sec. 11, Tp. 9 S., R. 18 E., B. M.  
(2) SE SW County of Jerome.

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 0.8 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract                  | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|------|-------|------|-----------------------------------|----------------------------------|---------------------------------|
| 9 S. | 18 E. | 14   | NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 10                               | 20                              |
|      |       |      | NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 25                               | 15                              |
|      |       |      | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 10                               | 5                               |
|      |       |      | NE $\frac{1}{4}$ SW $\frac{1}{4}$ | 35                               | --                              |
|      |       | 15   | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 30                               | --                              |
|      |       |      | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 35                               | --                              |
|      |       |      | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 35                               | --                              |
|      |       |      | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 20                               | --                              |
|      |       |      |                                   |                                  |                                 |

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 17th day of January, 1923

W. G. SWENDSEN.  
Commissioner of Reclamation.

(SEAL)

# APPLICATION FOR PERMIT 82-2026

## TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 18804  
Permit No. 13159  
District No. 81J

1. Name of Applicant: **Kincaid & Sims**

Postoffice address: **Grangeville**

County: **Idaho**

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: **0.12** cubic feet per second.

3. Source of water supply: **Mill Creek** which is a tributary of **South Fork of Clear Water River**

4. Location of point of diversion: feet distant from the  
corner of Section , T. , R. , B. M., and is in the **SW $\frac{1}{4}$  SW $\frac{1}{4}$**   
of Section **18** , T. **30N.**, R. **4 E.** , B. M., County of **Idaho.**

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

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

- (a) Point of use of water: feet distant from corner of Section  
T. , R. , B. M., in the of Section , T. , R. , B. M.
- (b) Amount of power generated: H. P., under feet head.
- (c) Water is to be returned to at a point feet  
distant from the corner of Section , T. , R. , B. M., in the  
of Section , T. , R. , B. M.

7. Estimated cost of works: **\$250.00.**

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

9. Height of dam feet; length of dam at top feet; length of dam at bottom  
feet; material used in dam

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom **about 1 $\frac{1}{2}$**  feet; width at water line **about 1 $\frac{1}{2}$**  feet; depth of water **about 4 in.**  
~~feet~~; dimensions of flume

Diameter of pipe **6** inches; length of conduit **1/5** miles.

Average grade per mile **about 30** 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 **two** 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.

A. A. Kincaid  
J. Frank Sims

**Applicant.**

By

**Agent.**

Date of first receipt at office of State Engineer 9:00 A. M. August 25, 1917.

Returned to applicant for correction

**Corrected application received**

**APPROVAL OF STATE ENGINEER**

The number of this permit is **13159**  
Recorded in Book **46** Page **13159** Approved **September 10, 1917.**  
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 **November 9, 1917** 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 **March 10, 1918.**  
The whole of said work to be completed on or before **September 10, 1918.**  
Beneficial use of water appropriated in accordance herewith, to be made on or before **September 10, 1920.**

Witness my hand this **10th** day of **September, 1917.**

J. H. Smith.

**State Engineer.**

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 |        |
| 30N    | 4 E   | 18   |     |     |     |     |     |     |     |     | 6   |     |     |     |     |     |     |     | 6      |
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STATE OF IDAHO,     )  
                          ) ss.  
County of Idaho,    )

J. Frank Sims and A. A. Kincaid, (Owners), being first duly sworn, upon their oath depose and say:

That they are the owners of a water right appurtenant to the following described land, to-wit: The NE Quarter of the SW Quarter of Sec. 18, T. 30 N., R. 4 E., B. M.

That they are the owners and holders of Permit to appropriate the Public Waters of the State of Idaho, No. 13159.

That they intend to change the point of diversion, as described in said permit, to the following described point:

NE Quarter of the SW $\frac{1}{4}$  Quarter of Sec. 18, Twp. 30 N., R. 4 E., B.M.

That such change will be made for the following reasons, to-wit: That error was made in former application, and this is to correct error, in this respect, former permit showing the point of diversion from Mill Creek to be in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , when in truth and fact it should read as herein corrected the NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , of Section 18, Tp. 30 N., of Range Four (4) East of Boise Meridian. Source of Supply is Mill Creek. For Irrigation.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

A. A. Kincaid

J. Frank Sims

Subscribed and sworn to before me this 3rd day of January, A. D. 1923.

(SEAL)

My commission expires May 21st, 1926.

L. M. Harris,  
Notary Public

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 9:00 A. M. January 10, 1923.

W. G. SWENDSEN,  
Commissioner of Reclamation.

License issued for 0.12 second ft.

WATER RIGHT( JMBER 85-2159

WATER RIGHTS ELIT REPORT

10/03/79

PAGE 154

ACT  
ION

N OWNER LAST NAME - KINCAID & SIMS

CITY - GRANGEVILLE

STATE - ID

N

SOURCE - MILL CREEK

TRIBUTARY OF - CLEA WATER RIVER, SOUTH FORK

N

STAGE - LICENSE

PRIORITY - 09-29-1917

COUNTY - IDAHO

TOTAL DIV. RATE -

.1200CFS

N

DIVERSION POINT - NESW 18 30N 04E

N

USE - IRRIGATION

USE DIV. RATE -

.1200CFS

N

USE - DOMESTIC

N

USE - IRRIGATION

PLACE OF USE - TWN 30N RNT 04E SEC 18 TRACT NESW

AC 06

OLD NO. - 13159

N

N

IDENT. NO. 85-2159

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

WATER RIGHT  
DATA ENTRY LOG

[illegible]

## WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 13159 185-2159  
Old No. New No.

## Record

1. Original Owner: Kincaid & Sims

Present Owner: \_\_\_\_\_

2. Address:

3. City: Grangerville State: ID Zip: \_\_\_\_\_4. A. Source of Water: Mill Creek  
B. Tributary of: Clearwater River, South Fork5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 9-29-1917D. County: 49E. Total Diversion Rate: .12

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

|                          | Tract        | Sec.      | Twp.       | Rge.      | Gov't Lot | Rediv. |
|--------------------------|--------------|-----------|------------|-----------|-----------|--------|
| 6. A. Point of Diversion | <u>NE-SW</u> | <u>18</u> | <u>30N</u> | <u>4E</u> |           |        |
|                          |              |           |            |           |           |        |
|                          |              |           |            |           |           |        |
|                          |              |           |            |           |           |        |
|                          |              |           |            |           |           |        |

7. Period of Use, Use, Diversion Rate/Volume:

from \_\_\_\_\_ to \_\_\_\_\_ for A purposes. Amount .12  
(cfs or AC-Ft/yr)from \_\_\_\_\_ to \_\_\_\_\_ for D purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

from \_\_\_\_\_ to \_\_\_\_\_ for \_\_\_\_\_ purposes. Amount \_\_\_\_\_

8. Use Code: *A*

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.  
B.  
C.  
D.  
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 13159

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: \_\_\_\_\_

14. Diversion Means (brief narrative):

March 7, 1966

RE: Permit No. 13159, Kincaid and Sims

C  
O  
P  
Y

Mrs. J. B. Kirkendall  
Elk City Star Route  
Grangeville, Idaho 83530

Dear Mrs. Kirkendall:

In reply to your inquiry of March 3 we find License No. 13159, Kincaid and Sims, is for 0.12 c.f.s. of the waters of Mill Creek diverted in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 18 to irrigate 6 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 18, T. 30 N., R. 4 E., B.M. Priority date is September 29, 1917.

No record is kept of the ownership of licenses as they are appurtenant to the land rather than separate property. If the land belongs to your mother the water right, as an appurtenance to the land, is also hers and no action is required on her part to clear her title to it so far as this office is concerned.

The water right is only from Mill Creek and does not include water from the South Fork.

We cannot advise as to whether or not your mother owns the river bed. Her deed or patent would probably outline the boundaries of the property. River beds are usually held as state land.

Very truly yours,

CARL E. TAPPAN  
State Reclamation Engineer  
By

Donald J. Watts  
Office Engineer

DJW:mr

13159

13159

March 3, 1966

Bureau of Reclamation  
Dept. of Water Rights

Dear Sirs;

MAR 4 1966

I wish to inquire about a  
Water right permit No. 13159, issued  
Oct. 28-1920.

It should apply to Mill Creek  
which runs through the Denney  
Mine into the South Fork of the  
Clearwater river about three miles  
south of the junction of Highways  
13+14.

This permit was issued to a  
J. Frank Sims, now deceased, who  
had an interest in this property.  
It should have been transferred  
to my father, Alvis A. Kincaid, who  
was the owner of this property.

My father died in 1934 & the  
property now belongs to my mother,  
Mabel D. Kincaid.

I am writing this for my  
mother as she is ill, & as the  
water in Mill Creek is very  
necessary to us for irrigation &  
fire control in the summer, I  
would like to be sure that the

water right is in effect + in  
my mother's name.

My mother's property extends  
to the East side of the South  
Fork + she wants to know if she  
owns the river bed + if the water  
right would include the South Fork.

Would you please advise me  
about this + what I should do  
to see if it is effective + in the  
proper name.

Thank you,

Mrs. J. B. Kirkendall  
for Mabel D. Kincaid

Elk City Sta. Rd.

Grangeville

Idaho-83530

13159

13159 - Kincaid & Sims

$Q = .12$

Priority - 9/29/17

Mill Cr.

P.D. NE SW sec 18, 30 N, 4 E

Land. 6 A in NE SW, sec 18, 30 N, 4 E

January 11, 1923.

Re: Permit No. 13159  
Kincaid & Sims

Mr. M. Reese Hattabaugh,  
Attorney at Law,  
Grangeville, Idaho.

Dear Sir:

We are inclosing herewith Water License,  
issued under the above numbered Permit, together  
with receipt for fees. We are also inclosing  
application for amendment and one copy of the map.

Very truly yours,

W. G. SWENDSEN,  
Commissioner of Reclamation

By

Chief Clerk.

13159



**M. REESE HATTABAUGH**

ATTORNEY AND COUNSELOR AT LAW  
GRANGEVILLE, IDAHO

January- 3rd-1923.

Mr. W.G.Swendsen.,  
Commissioner of Reclamation.  
Boise, Idaho.

Sub- In Re-Permit-No-13159

Dear Sir: In compliance with your request of a letter addressed to Mr A.A.Kincaid, of Grangeville(the original of which I enclose) I am sending to you the new application, as corrected, showing water right sought on two accompanying maps, made out by Mr Spedden the Civil Engineer. and trust same is correct.

As per request in letter, I enclose also \$2.00 for the permit. Wish you would issue same, and acknowledge receipt of this letter and enclosures.

Thanking you, and wishing you prosperity in your forthcoming administration, I am,

Respectfully Yours,

*M. Reese Hattabaugh*

Enc(3).on Permit  
1 Letter.  
2 -\$1.00 bills.

13159



D. W. DAVIS, GOVERNOR

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
W. G. SWENDSEN, COMMISSIONER  
BOISE

BUREAU OF WATER RESOURCES  
WATER APPROPRIATIONS  
CAREY ACT DEVELOPMENT

October 20, 1922.

Re: Permit No. 13159.

Mr. A. A. Kincaid,  
Grangeville, Idaho.

Dear Sir:

The report of the examining engineer on beneficial use of water under the above numbered Permit shows the point of diversion from Mill Creek to be in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  instead of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 18, Township 30 North, Range 4 West. To correct the records of this office in this respect you should file an affidavit for change of point of diversion upon the inclosed form, said affidavit to be supported by maps in duplicate, forms for which are herewith inclosed.

There also remains the statutory fee of \$2.00 to cover this proof. Upon receipt of affidavit and the required \$2.00 fee, license will be issued you.

Very truly yours,

W. G. SWENDSEN,  
Commissioner of Reclamation

By

*Ch. Brown*  
Chief Clerk.

CB:E  
Encls.

13159

October 20, 1922.

Re: Permit No. 13159.

Mr. A. A. Kincaid,  
Grangeville, Idaho.

Dear Sir:

The report of the examining engineer on beneficial use of water under the above numbered Permit shows the point of diversion from Mill Creek to be in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  instead of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 18, Township 30 North, Range 4 West. To correct the records of this office in this respect you should file an affidavit for change of point of diversion upon the inclosed form, said affidavit to be supported by maps in duplicate, forms for which are herewith inclosed.

There also remains the statutory fee of \$2.00 to cover this proof. Upon receipt of affidavit and the required \$2.00 fee, license will be issued you.

Very truly yours,

W. G. SWENDSEN,  
Commissioner of Reclamation

By

Chief Clerk.

CB:E  
Encls.

13159

13159

Photo of Land Irrigated.

Permit No. 13,159.

NEW CRYSTAL FINISH  
REG. U.S. PATENT  
THE OWL DRUG CO.  
DIVISION, LAMBO

13159

80

## REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 81-2

A. A. Kincaid &amp;

Permit 13159

1. State name of applicant and number of permit: J. Frank Sims2. State source of water supply: Mill creek3. Location of point of diversion: SW<sup>1</sup>/<sub>4</sub> Sec. 18, T. 30 N., R. 4 E., B.M.

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

An ordinary small  
irrigation ditch along the west side of a six acre strip of land used  
for garden. Dimension of ditch is one foot in width at base, two feet  
in depth.

5. State whether or not water has been turned into works of diversion: Water has been turned  
into ditch.

6. Give exact location 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): NE<sup>1</sup>/<sub>4</sub> Sec. 18, T. 30 N., R. 4 E., B.M.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? Two.

9. Give names and amount of each right: A. A. Kincaid and J. Frank Sims, partner-  
ship. 0.12 second feet.

10. What large stream would the water here appropriated finally reach? South Fork of the  
Clearwater River.

11. Describe the various tributaries en route, from point of diversion to the principal drainage  
 stream: South Fork of Clearwater to the Clearwater, to the Snake, to  
the Columbia River.

Remarks: Benifical use is made of this water in the way of irrigation  
and domestic, and the continuous use is very necessary to the growth of  
any vegetation.

This examination was made on the 15th day of September 1922.

(Signed)

A. A. Burns

Examiner.

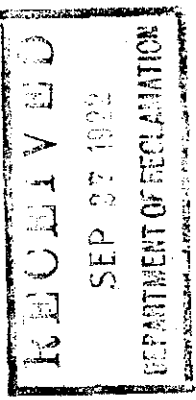
Dist 81-2

J. Frank Sims 30 N 4 E  
Grangeville

13159

### Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. 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.
6. If any unusual conditions are discovered, make a plain statement of them under re-marks.
7. 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.



13159

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO, }  
County of \_\_\_\_\_ } ss. *My P. A. Bunn*  
statements contained in the within report are correct to the best of his knowledge and belief.  
Subscribed and sworn to before me this *25* day of *September* 19 *22*  
*Charles H. Jones*  
My commission expires *July 12, 1923*  
Notary Public.

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO,

County of

*Nez Perce* } ss.  
*R. A. Burns*

, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

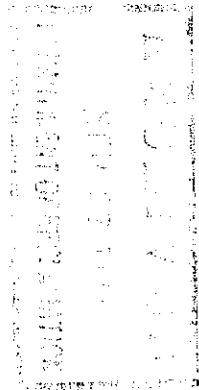
Subscribed and sworn to before me this *25* day of *September* 19*22*.

My commission expires

*July 12, 1923*

*Charles H. Chance*  
Notary Public.

13159



Dist *81*

J. Frank Sims 30 N 4 E

Grangeville

13159

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5. 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.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. 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.

## REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 81-2

A. A. Kincaid &amp;

Permit 13159

1. State name of applicant and number of permit: J. Frank Sims2. State source of water supply: Mill creek3. Location of point of diversion: SW 1/4 Sec. 18, T. 30 N., R. 4 E., B.M.

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

An ordinary small  
irrigation ditch along the west side of a six acre strip of land used  
for garden. Dimension of ditch is one foot in width at base, two feet  
in depth.

5. State whether or not water has been turned into works of diversion: Water has been turned  
ed into ditch.

6. Give exact location 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): NE 1/4 Sec. 18, T. 30 N., R. 4 E., B.M.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? Two.

9. Give names and amount of each right: A. A. Kincaid and J. Frank Sims, partner-  
ship. 0.12 second feet.

10. What large stream would the water here appropriated finally reach? South Fork of the  
Clearwater River.

11. Describe the various tributaries en route, from point of diversion to the principal drainage  
 stream: South Fork of Clearwater to the Clearwater, to the Snake, to  
the Columbia River.

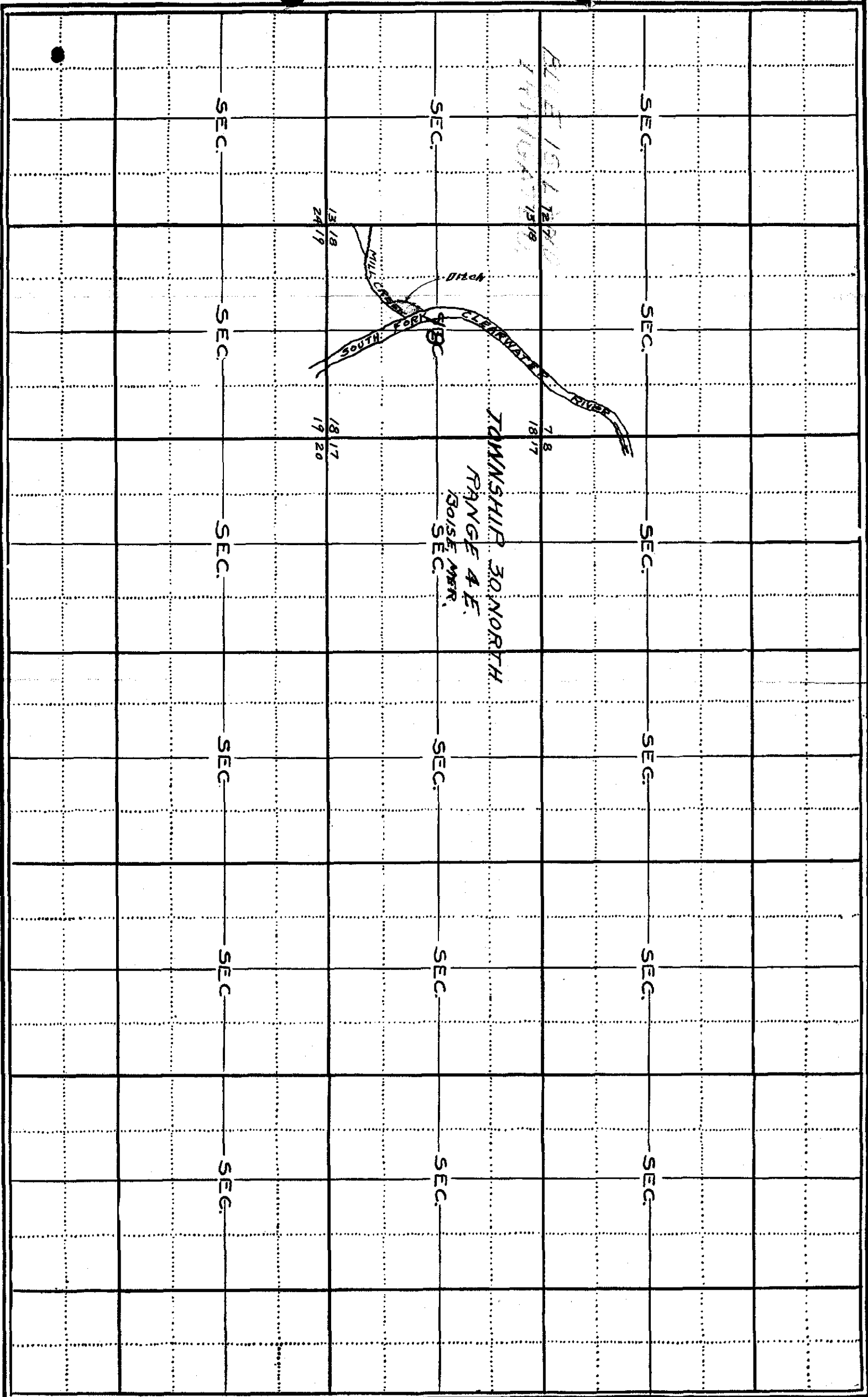
Remarks: Benifical use is made of this water in the way of irrigation  
and domestic, and the continuous use is very necessary to the growth of  
any vegetation.

This examination was made on the 15th day of September 1922.

(Signed)

D. A. Burns

Examiner.



NAME OF APPLICANT

*Kimaid and Sims.*

SEC

SEC

SEC

SEC  
18

SEC

SEC

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SEC

SEC

SEC  
18

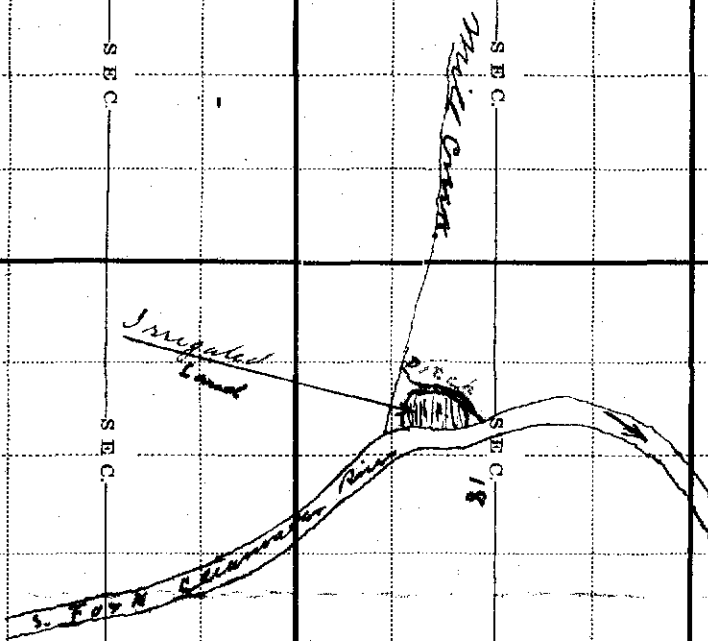
SEC

SEC

SEC

SEC

T. 30 N. R. 4 E.



April 29, 1922

Mr. A. A. Kincaid,  
Grangeville, Idaho.

Dear Sir:-

We are in receipt of your affidavit of April 25th, relative to the status of Permit No. 13159, and we are at a loss for a reason for such affidavit having been filed. We do not find any notice, or record of a notice, having been sent under this permit number calling for cancellation.

We do acknowledge the forwarding of a notice on Permit No. 2144, stating that same was held for cancellation, and we presume it is possible that our intentions have been misunderstood and that you misconstrue it as intending to cancel permit No. 13159 also. Such is not the case, however, as our files are full of old, lapsed permits which we, under the terms of Sec. 5594 of the Idaho Statutes, are now taking steps to cancel and thus clear our records. This will in no way affect the status of any permit except that to which reference is definitely made.

If you have a notice referring to Permit No. 13159 we would appreciate the return of same in order that we may straighten the matter out in this office, but as we can find nothing in the way of a duplicate or carbon copy of a notice we desire very much to learn how a notice was issued without a definite knowledge of this department.

Very truly yours,

W. G. SWENDSEN,  
Commissioner of Reclamation.

By

13159

**M. REESE HATTABAUGH**

ATTORNEY AND COUNSELOR AT LAW  
GRANGEVILLE, IDAHO

April- 25th-1922.,

Hon. W.G. Swendsen.,  
Commissioner of Reclamation.  
State of Idaho.

Boise, Idaho.

IN RE- Permit- 13159.

Dear Sir:

I wish to acknowledge the receipt of your registered letter bearing date April- 7th-1922, wherein you call my attention in said Notice, that unless I make proof of completion of works, as required by law, that you hold my permit subject to cancellation.

This letter was indeed a surprise to me, for I had received a certificate of completion of works, dated in your office on August- 20th-1918, being issued to Kincaid and Sims.

Will you kindly refer to your letter of October-28th-1920, which was written to Mr J.Frank Sims, after the depositions and affidavits had all been completed, and forwarded to you, through Mr H.V.Rothwell, as Notary, acting here on this proof. In this letter, you will see that publication and proof was all submitted. In this letter you state among other things as follows:

"These will be placed on file pending the report of our examining engineer, at which time you will be notified as to fees required before issuing license".

Also under date of September-20-1918, the state engineer Fred A. Wilk forwarded the certificate of completion of works, addressing his letter to Mr J.Frank Sims.

All the work was done as required by your office, due publication made, proof subscribed and forwarded, and I have receipts for the fees. I thought all that was required under Section 5594, had been completed, and if there is more to be done as stated in your notice just received would like to be advised, for we would not wish cancellation. In order to make a showing, and to urge you not to cancel, I also enclose herein affidavit. Wish you would go through your files, and see if it is not possible that the new number, to wit- 13159, has not be confused with an old permit No- 2144. Thanking you, I am,

Respectfully Yours,

13159

*E. C. Kincaid*

STATE OF IDAHO.

DEPARTMENT OF RECLAMATION, BOISE IDAHO.

oooooooooooo

IN THE MATTER OF PERMIT No- 13159.

Issued to J.F.Sims and A.A.Kincaid.  
Owners.

-----

State of Idaho.  
County of Idaho. ss.

Affidavit.

A.A.Kincaid, being first duly sworn, deposes and states, that he is a resident of Idaho county, state of Idaho, and is a co-owner with J.Frank Simms, of a certain water right, wherein he is authorized and directed to use and appropriate for Irrigation and Domestic use, certain water from Mill Creek, in Idaho county Idaho, situated in the Dewey unorganized mining district in said county and state, said Permit being Number-13159, which directs that the holders thereof, Kincaid and Sims, may use and divert from said Mill Creek. I2 of I, at the point of diversion in the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 18, Tp-30 Range 4 East Boise Meridian, and affiant further states, that due proff of work was completed and filed or directed to be filed with the Commissioner of Reclamation, or its Engineer, on or about the 10th of September- 1918.

That notice thereof was made in the opinion of affiant as required by law, and all fees to ~~that~~ the last mentioned date, so far as known to affiant were ~~paid~~, and affiant has in truth and fact been using and converting said water, since said last mentioned date, and in full belief that he had complied with all laws, rules and regulations of the department of reclamation of Idaho, and affiant is ready and willing to make such additional showing as may be required in order that no cancellation be made of his said right to use and divert said water mentioned aforesaid.

IN WITNESS WHEREOF, affiant has hereunto set his hand this 25th day of April-1922.

Subscribed and sworn to before me this 25th day of April-1922.

Notary Public, Idaho Co. Idaho  
Residing at Grangeville, Idaho.

13159

October 28, 1920

Re. Permit No. 13159.

Mr. J. Frank Sims,  
Grangeville, Idaho

Dear Sir:

We are today in receipt of depositions and affidavit of publication for proof of beneficial use of water under the above numbered permit. These will be placed on file pending the report of our examining engineer, at which time you will be notified as to fees required before issuing license.

Yours very truly,

W. C. SWENSON.

Commissioner of Reclamation.

By \_\_\_\_\_

GB/BC

13159

# PROOF OF PUBLICATION

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

Notice is hereby given that at 10 a. m. on the 14th day of October, 1920, at Grangeville, County of Idaho, State of Idaho, before H. Rothwell, Notary Public, proof will be submitted of the application to beneficial use of 0.12 cubic foot per second of the waters of Mill Creek in accordance with the terms and conditions of Permit No. 13159 heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the persons or corporation holding said permit are A. A. Kincaid and J. Frank Sims.

The use to which said water has been applied is Irrigation and Domestic purposes.

The amount applied to beneficial use is 0.12 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated), NE 1/4 SW 1/4 Sec. 18, T. 30 N. R. 4 E. 1 B. M.

The date of the priority which said user is prepared to establish is Aug. 25, 1917.

W. G. SWENDSEN,  
13-4 Commissioner of reclamation.

STATE OF IDAHO,

County of Idaho

ss

first duly sworn, says he is the

Being

of the

IDAHO COUNTY FREE PRESS. That said IDAHO

COUNTY FREE PRESS is a weekly newspaper published and

issued weekly at Grangeville, Idaho County, Idaho, and is of general

circulation in said county and state. That the notice, of

which the one hereto attached is a true and correct copy, was

published in said paper once a week for four weeks, being

published four times; the first on the 16th day

of September, 1920, and the last on the 14th

day of October, 1920; That said notice was published

in the newspaper proper, and not in a supplement. and that

published for seventy-eight consecutive

st publi-

Subscribed and sworn to before me this

day of October, 1920

R. F. Lutton

Notary Public.

13159

PERMIT NO. 13159**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

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

Ans. A.A. Kincaid, 61 years, Grangeville, Idaho, Miner.J. Frank Sims, 58 years, Grangeville, Idaho, Merchant.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and 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. Permit No. 13159, Date of priority August 25, 1917.

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

Ans. Source of supply, Mill Creek. Point of diversion is in SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 18, Tp. 30, N.R. 4 E.B.M.

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

Ans. Works of diversion, ditch and pipes. 0.12 feet of water.

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

Ans. Irrigation and domestic purposes. Three acres in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 18 T. 30 N.R. 4 E.B.M. Is all under actual cultivation and used for gardening.

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

Ans. \*\*\*\*\*

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

Ans. 0.12 second feet.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. \*\*\*\*\*13159

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 the last 35 years, for irrigation and

domestic purposes, full amount has been used.

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

Ans. No other diversions, and no other appropriations or rights

claimed.

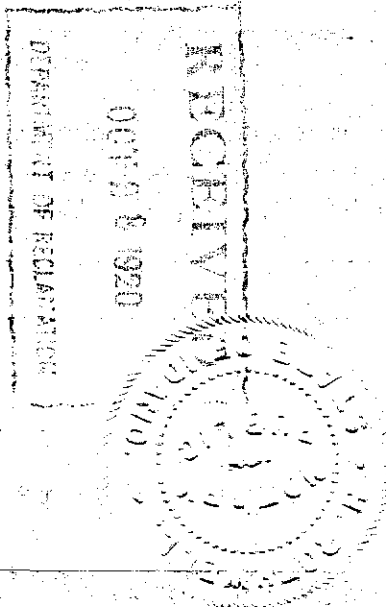
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe <sup>from</sup> to be the person <sup>by</sup> represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Grangeville, Idaho, 14th day of October, 1920 A. D. 1920

*Carl E. Smith*  
(Sign)

*J. D. McQuinn*

Notary Public.

13159



Permit No. 13159**Proof of Application of Water to Beneficial Use**

## DEPOSITION OF WITNESS

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

Ans. G.F.Hockersmith, 42 years Grangeville, Idaho, Clerk.Ques. 2. Are you acquainted with A.A.Kincaid and J.Frank Sims, the holder of Permit No. 13159? How long have you known ~~him~~ <sup>them</sup> and where ~~does he~~ <sup>do they</sup> reside?Ans. Have known them for more than fifteen years. They reside at Grangeville, Idaho.Ques. 3. Have you read or heard read said Permit No. 13159, 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. Mill Creek, point of diversion is in SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 18, T.30 N.R.4 E.B.M. Conveyed by ditch and pipes to place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Will conduct 0.12 feet of water. Have seen that amount conveyed.

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

Ans. Water is to be used for irrigation and domestic purposes. Will be used to irrigate 3 acres of land in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec. 18, T.30 N.R.4 E.B.M. Is all under actual cultivation and used for gardening.

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 loam, will require about 0.12 feet of water.

13159

~~13159~~

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 interest whatever.

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. Has been used for many years for irrigation and domestic purposes. Has been used for the purpose of irrigating the land

above described.

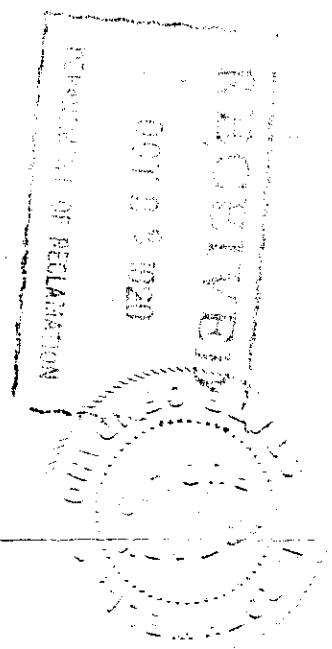
(Sign) *J. J. Horkner*

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 Grangeville, County of Idaho, day of October 14th. A. D. 1920.

Notary Public.

My commission expires November 30th, 1920.

13159



Permit No. ....

**Proof of Application of Water to Beneficial Use**

## DEPOSITION OF WITNESS

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

Ans. E.C.Spedden. 70 years. Grangeville. Idaho. surveyor.Ques. 2. Are you acquainted with A.A.Kincaid and J.Frank Sims, the holder of Permit No. 13159? How long have you known him and where does he reside?Ans. Yes. Have known them for more than 20 years. They reside at Grangeville. Idaho.Ques. 3. Have you read or heard read said Permit No. 13159, 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. Mill Creek. point of diversion is in SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 18,Twp/30 N.R. 4 E.B.M. conveyed by ditch and pipes to place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. will conduct 0.12 feet of water. have seen that amount conveyed.

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

Ans. Water is to be used for irrigation and domestic purposes.Will be used to irrigate 3 acres of land in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 18, Twp.30 N.R. 4 E.B.M. Is all under actual cultivation and used for gardening.

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 loam. will require about 0.12 feet of water.13159

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 interest whatever.

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. Has been used for many years for irrigation and domestic

purposes. Has been used for the purpose of irrigating the land

above described.

(Sign) E. G. Sheddum

I hereby certify that the foregoing testimony was read to the above subscriber before its

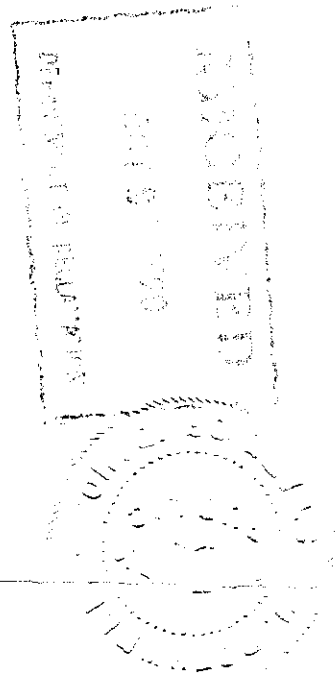
signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Boise, County of Blaine

State of Idaho, on this 14th day of October A. D. 1924

Notary Public.

My commission expires Nov. 3, 1926

13159



**State of Idaho**  
**ENGINEERING DEPARTMENT**  
**BOISE**

**INSTRUCTIONS**

**PROOF OF BENEFICIAL USE**

Boise, IDAHO,      **Sept. 21, 1920.**

**J. Frank Sims,**  
**c/o H. Rothwell,**  
**Grangeville, Idaho.**

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. **13159**

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 the permit holder's rights:

1. On **October 14, 1920**, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to at ~~Grangeville, before H. Rothwell, 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 examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

**W. G. Swanson,**

*State Engineer.*

13159

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

15-51

TO THE STATE

Boise, Ida

DEAR SIR:

You are

*County Free*  
in the county

(In case of

per second, the

I hereby

Dear Sir:

Commissioner of Reclamation, Boise.

Permit No.

I have your letter of

*13159*

which will be published as you request, beginning with our issue of

*Sept 9, 1920*

enclosing notice of proof under

IDAHO COUNTY FREE PRESS

*[Signature]*

*13159*

my expense in the *Idaho*  
*Me.*, published

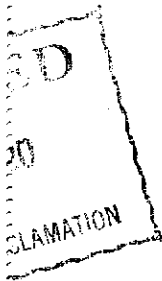
*E. J. Sims*  
*E. J. Sims*

than 50 cubic feet of water  
competent engineer.)

Engineer.

(P. O.)  
(Date)

*Grangeville, Idaho*  
*SEP 11 1920*



*3159*

## NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER  
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 14<sup>th</sup> day of October, 1926,  
at Grangeville, County of Idaho, State of Idaho,  
before H. Rathwell, Notary Public, proof will be submitted  
of the application to beneficial use of .12 of 1 cubic foot per second of the  
waters of Mill Creek in accordance with the terms and conditions of  
Permit No. 13159 heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are  
a. a. Kampaid & J Frank Linn - Grangeville - Idaho.

The use to which said water has been applied is Irrigation and Domestic  
Purposes.

The amount applied to beneficial use is .12 of 1 cubic foot per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands  
irrigated) N. E. 1/4 S. W. 1/4 Sec 18 T 30 N. R 4 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 \_\_\_\_\_

The right to take water from such works is based upon Permit No. 13159.

The source of supply from which such water is diverted is Mill Creek

The date of the priority which said user is prepared to establish is aug 25 1917

E. G. Swendsen,  
Commissioner of Reclamation.  
State Engineer.

D671

13159

Boise, Idaho.

Sept. 3, 1920.

Re: Permit No. 13159

Messrs. Kincaid & Sims,  
c/o J. Frank Sims,  
Grangeville, Idaho.

Dear Sirs:

I am returning herewith your notices for proof of beneficial use of water under the above permit for completion in the following particulars: give the time, the date, the name of the place and the name of the notary public before whom proof will be made.

Yours very truly,

W. G. SWENSON.

Commissioner of Reclamation.

By \_\_\_\_\_

13159

**J. FRANK SIMS**

DRY GOODS, CLOTHING

SHOES

GRANGEVILLE, IDAHO

State Engr, of Idaho,  
Boise.

Dear Sir;

R.E. water right Kincaid & Sims, #13159

-Letter of Aug 6 1918

mentions advertising prior to making proof. Will you please let us know  
the proper way to proceed at this time.

Yours truly,

J. Frank Sims

7 F10-11

13159

August 23, 1920.

Re: Permit 13159.

Mr. J. Frank Sims,  
Grangeville, Idaho.

Dear Sir:--

An enclosing herewith blank notices for proof of beneficial use of water under above permit. These should be filled out and returned to this office. One copy will then be mailed to the paper for the required four weeks publication prior to the date of making proof and deposition blanks, one for holder and one each for two witnesses, will be mailed to the notary public, or other officer, before whom proof is to be made.

Very truly yours,

T. G. SWENDSEN,

Commissioner of Reclamation.

By \_\_\_\_\_

2F10-F11

13159

September 20, 1918.

Re Permit No. 13159.

Mr. J. Frank Sims,  
Grangeville, Idaho.

Dear Sir:—

Enclosing herewith certificate  
of completion of works issued under above  
permit, with receipt for fees.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By \_\_\_\_\_

CCW

13159

August 6th, 1918.

Re Permit 13159.

Mr. J. Frank Sims,  
Grangeville, Idaho.

Dear Sir:—

Am in receipt of your affidavit, with fee,  
for proof of completion of works under above permit.  
The certificate of completion of works will be issued  
and mailed to you soon.

As to the publication would say that there is none  
required at this time. When you make the final proof,  
or proof of beneficial use of water, you will be required  
to advertise notice of such proof for a period of four  
weeks prior to the date of making proof. This proof,  
however, is not required until September 10, 1920.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By \_\_\_\_\_

13159

**J. FRANK SIMS**

FORMERLY

**THE BURT L. CROSBY Co.**

**DRY GOODS, CLOTHING**

**SHOES**

**GRANGEVILLE, IDAHO**

**AUG 3 1918**

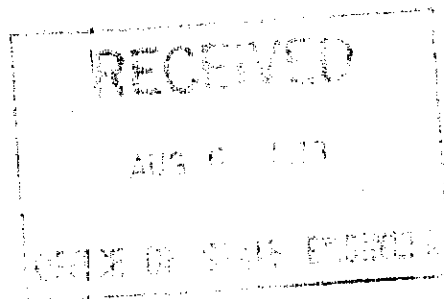
Mr. Fred A. Wilkie,

Dear Sir;

Enclosed herewith papers for water permit #13159.

Please instruct us as to copy for advertising which appears to be required at this time.

Yours truly,



J. Frank Sims

13159

Permit No. 13159

## OFFICE OF STATE ENGINEER

## PROOF OF COMPLETION OF WORKS

## AFFIDAVIT OF HOLDER

5/31/18

STATE OF IDAHO,

County of Idaho } ss.J. Frank Sims & A. Kincaid, 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. 13159 and that his postoffice address is CRANFORDVILLE, IDAHO  
 State of Idaho

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

Third: That the point of diversion of said water is S W 4 S W 4 S 18 T 30 R 4 E 12 W  
County of Idaho

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Sept 10 1918.

Fifth: That the use for which said water is intended is Irrigation and Domestic purposes

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

1. Kind of works: Ditch and Pipes  
 (Reservoir, dam, ditch, flume, pipe or otherwise)

## II. Dimensions of work:

(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.

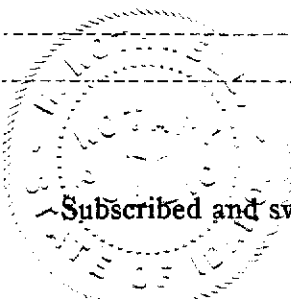
(c) Size of headgate: Width \_\_\_\_\_ feet, height \_\_\_\_\_ feet.

(d) Conduit Ditch & Pipe width at bottom 1 1/2 feet, width at water line 1 1/2 feet, depth of water 1/3 feet; diameter of pipe 6 inches; average grade per mile is \_\_\_\_\_ feet. Length of conduit is 1/5 miles.

Seventh: That said works are capable of conducting to the place of intended use 0.12 second feet of water.

Eighth: That water appropriated under said permit is available for 8.14 acres of land described as follows: N E 4 S W 4 S 18 T 30 R 4 E

Ninth: Remarks: That \_\_\_\_\_



J. Frank Sims  
A. Kincaid  
 (Sign here.)

Subscribed and sworn to before me this 31 day of August, 1918.

N. Rottweil

Notary Public.

My commission expires Nov 30 - 1920

13159

**State of Idaho**  
**ENGINEERING DEPARTMENT**  
**BOISE**

**INSTRUCTIONS**  
**PROOF OF COMPLETION OF WORKS**

**Kincaid & Sims,**  
**Grangeville, Ida.**

Boise, Idaho, JUN 26 1918

Dear Sir:—

Under the terms of your Permit No. 13159, you are required to complete your diversion works on or before Sept. 10, 1918. 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,

**FRED A. WILKIE**

**L. H. SMITH,**

*State Engineer.*

13159

**State of Idaho**  
**ENGINEERING DEPARTMENT**  
**BOISE**

**INSTRUCTIONS**  
**PROOF OF COMPLETION OF WORKS**

**Mr. J. Frank Sims,**

**Grangeville, Idaho.**

Boise, Idaho,

**April 13, 1918.**

Dear Sir:—

Under the terms of your Permit No. ~~13159~~-----, you are required to complete your diversion works on or before ~~Sept. 10, 1918,~~----- 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,

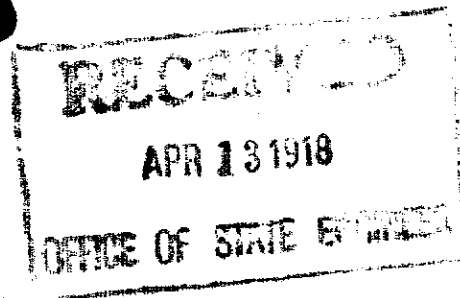
**I. H. SMITH,**  
**FRED A. WILKIE,** ~~State Engineer~~  
*State Engineer.*

**Notices for final proof should be made out, in duplicate, and returned to us for the required four weeks publication prior to the date set by you for making the proof.**

F.H.W.

13159

State of Idaho  
ENGINEERING DEPARTMENT  
BOISE



Re: Permit No. 13159.  
Messrs. Kincaid & Sims,  
Grangeville, Idaho.

Boise, Idaho, Sept. 12, 1917.

Dear Sir:

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

GRANGEVILLE, IDAHO APR 30 1918

J. H. SMITH,

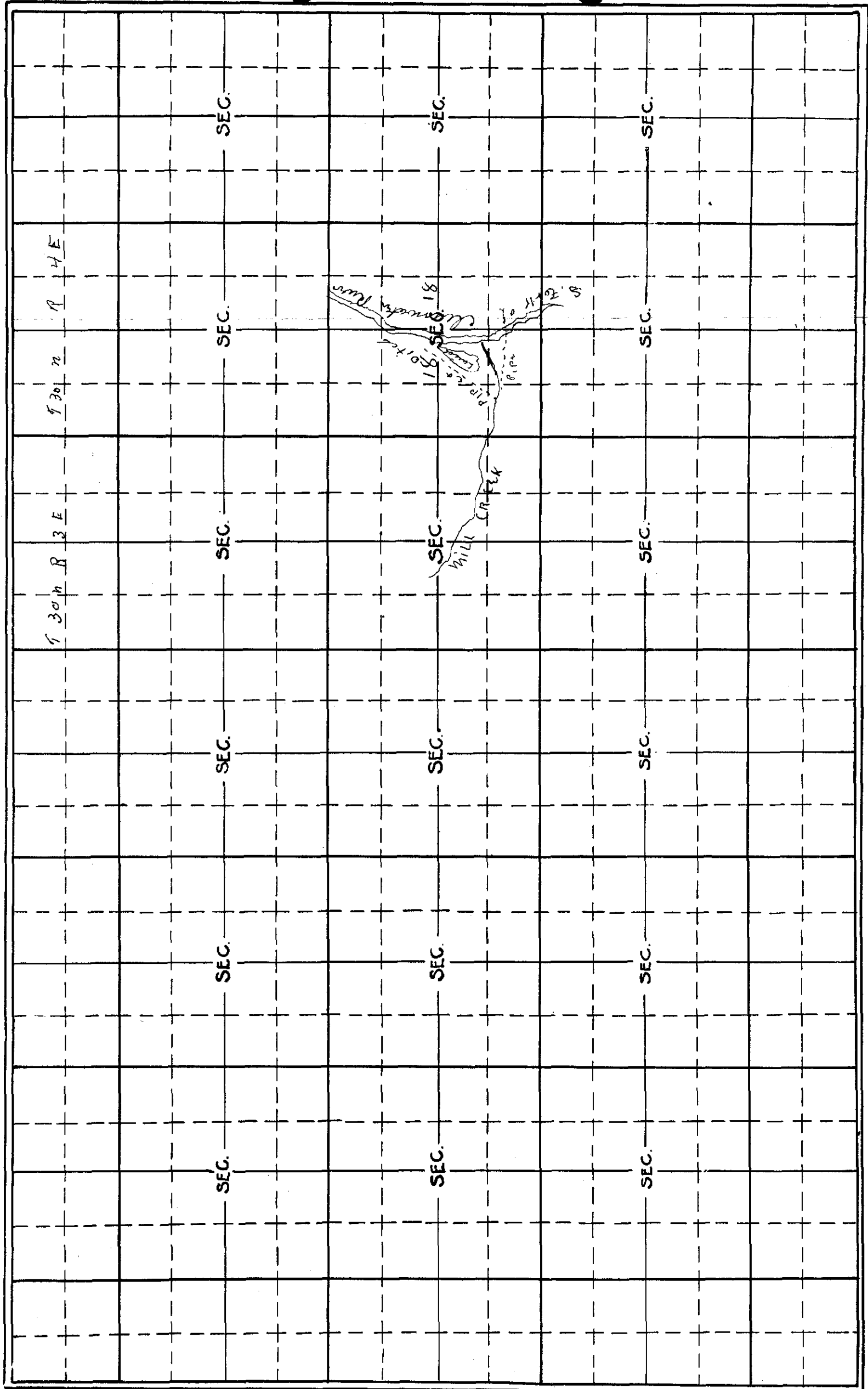
State Engineer.

*Mr. J. H. Smith  
Dear Sir. Please send us papers to file proof  
for above permit.  
Yours Truly*

13159

Frank Sims  
*en*

Name of Applicant Kinsaid and Sims



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

13159

J. H. SMITH,  
STATE ENGINEER  
FRED A. WILKIE,  
DEPUTY STATE ENGINEER

State of Idaho  
Engineering Department  
Boise

1880 4

OK 177  
C 100

August 9th, 1917.

Re Permit 11613.

Mr. J. Frank Sims,  
Grangeville, Idaho.

Dear Sir:--

Replying to your letter of the 6th inst. would say that your rights under the above numbered permit lapsed through failure to make proof of completion of works within the time specified in the permit, September 11, 1915. Notice of this proof was mailed to A. A. Kincaid, of Grangeville, June 9th. It will now be necessary to file a new application and proceed under a later permit. Am enclosing blank herewith.

Very truly yours,

J. H. SMITH,

State Engineer.

Fl

By C Brown

GRANGEVILLE, IDAHO

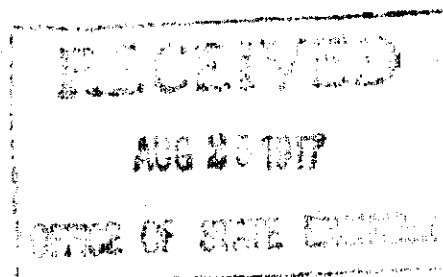
AUG 21 1917

Mr. J.H.Smith;

Dear Sir;

This application for permit is intended to cover same rights as mention herewith, refer to any data that you may require to our original data if at hand ,or still with your records.

Yours truly,



J. Frank Sims

13159