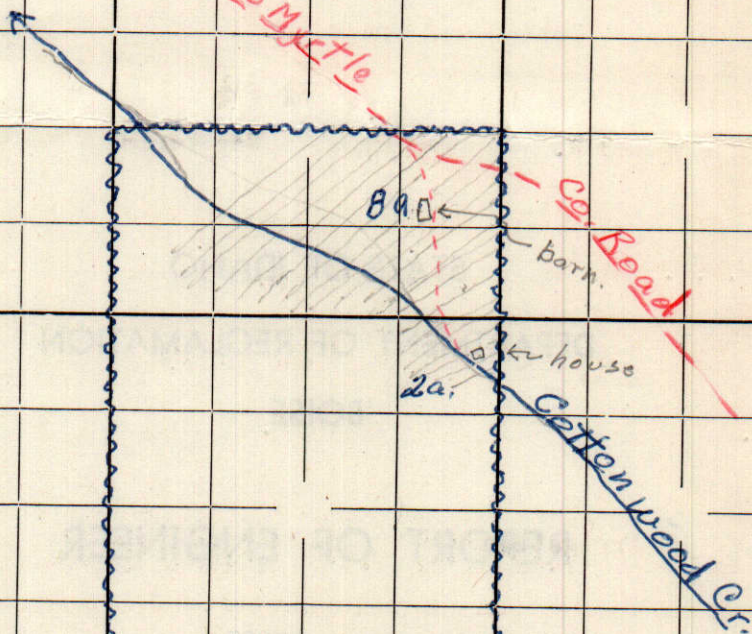


See map for 24598

3



Subdivisions = Two

Area = 10 acres.

Q = 10 inches.

PUBLISHER'S AFFIDAVIT OF PUBLICATION

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

Notice is hereby given that at 11 a.m. on the 24th day of January, 1955, at Lewiston, County of Nez Perce, State of Idaho, there Joe M. Skok, 326 Main Street, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of Cottonwood Creek in accordance with the terms and conditions of Permit No. 23927 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 is J. W. Atkinson, Myrtle, Idaho.

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

The amount applied to beneficial use is 2 cubic foot per second.

The place where said water is used is 8 acres of land in the Northwest quarter of the South-east quarter, and two acres of land in the Southwest quarter of the Southwest quarter of Section 3, Township 34 North, Range 3, West of the Boise Meridian, as shown in application for permit No. 23927.

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

steel and aluminum irrigation pipes.

The right to take water from such works is based upon Permit No. 23927.

The source of supply from which such water is diverted is Cottonwood Creek.

The date of priority which said user is prepared to establish is February 3, 1953.

MARK R. KULP, CHIEF
State Reclamation Engineer.

STATE OF IDAHO, }
County of Nez Perce } ss.

A. L. Alford, being duly sworn
deposes and says. I am the President
of the Tribune Publishing Company, a corporation organized and
existing under and by virtue of the laws of the State of Idaho,
publishers of the LEWISTON MORNING TRIBUNE, a newspaper
of general circulation published at Lewiston, Nez Perce County,
Idaho; That the said Lewiston Morning Tribune is an established
paper and has been published regularly and issued regularly at
least once a day for more than 20 consecutive years next imme-
diately preceding the first publication of this notice, and has been
so published uninterruptedly for said period; that the

Notice of Proof attached hereto and
which is made a part of this affidavit was published in the said
Lewiston Morning Tribune, once a week for four
consecutive weeks, the first publication thereof being on
the 22nd day of December, A. D. 1954,
and the last publication thereof being on the 12th day of
January, A. D. 1955, and said

Notice of Proof was so published
in the regular and entire issue of the said newspaper and not in a
supplement thereof and was so published in every issue and num-
ber of the said paper, during the period and times of publication
as set forth above.

A. L. Alford
SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

12th day of January, 1955.

J. H. Jenkins
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

23927

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

72637

State Reclamation Engineer

MARK R. KULP

Approved
2 Apr 1953

1953 2 Apr

Permit Map No. 23927

3

NAME OF APPLICANT.

J. Atkinson

Form No. 0

State of Idaho
License and Certificate of Water Right

Water License No. 23927 Amount 0.2 second foot
Water District No. Priority February 3, 1953

THIS IS TO CERTIFY that J. W. ATKINSON
of Myrtle, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated February 3, 19 53 ; that Permit No. 23927
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.2 second foot, was issued thereunder on November 25, 1953, showing that said works
were completed on the 20th day of October, 19 53 ; and that on the 24th
day of January, 19 55 ,
J. W. ATKINSON

of Myrtle, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Cottonwood
Creek, a tributary of Clearwater River, for the purpose of irrigation
, under Use Permit No. 23927 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5500, on the 3rd day of June, 19 55 ;
The right hereby confirmed dates from February 3, 19 53 ;
The Point of Diversion is located
in the NW 1/4 SW 1/4, Sec. 3, Tp. 36 N, R. 3 W, B. M. Nez Perce County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.2 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
36 N.	3 W.	3	NW 1/4 SW 1/4	8	8
			SW 1/4 SW 1/4	2	2
			Number of Acres Actually Irrigated -- 10		

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 State Reclamation Engineer, affixed at Boise, Idaho, this
3rd day of June, 19 55 .

MARK R. KULP
State Reclamation Engineer.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 22365

Amount 1.06 second feet

Water District No.

Priority September 10, 1951

THIS IS TO CERTIFY that MELVIN CARNEGIE
of Post Falls, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 10, 1951; that Permit No. 22365
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.6 second feet, was issued thereunder on July 23, 1954, showing that said works
were completed on the 20th day of July, 1954; and that on the 8th
day of September, 1954,

MELVIN CARNEGIE

of Post Falls, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Spokane
River, for the purpose of Sprinkler
irrigation, under Use Permit No. 22365 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5499, on the 3rd day of June, 1955;
The right hereby confirmed dates from September 10, 1951;

The Point of Diversion is located
in the SW 1/4 NW 1/4, Sec. 7, Tp. 50 N, R. 5 W., B. M. Kootenai 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 1.06 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
50 N.	5 W.	7	Lot 7)	82.9	7.0
			Lot 8)		25.3
			Lot 9)		35.0
			NE 1/4 SW 1/4)		5.0
			Number of Acres Actually Irrigated		72.3

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 State Reclamation Engineer, affixed at Boise, Idaho, this
3rd day of June, 1955.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

APPLICATION FOR PERMIT 85-2095

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 31708
 PERMIT No. 23927
 DISTRICT No.

1. Name of Applicant: **J. W. ATKINSON**
 Postoffice address: **Myrtle** County: **Nez Perce** 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: **10 inches or 0.2** cubic feet per second.
3. Source of water supply: **Cottonwood Creek** which is a tributary of **Clearwater River**
4. Location of point of diversion: **1500 (approx.)** feet distant from the **S.W.**
 corner of Section **3**, T. **36 N.**, R. **3 W.**, B. M., and is in the **S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$**
 of Section **3**, T. **36 N.**, R. **3 W.**, B.M., County of **Nez Perce**
5. Water is to be used for **Irrigation**
6. If for mining, milling, power or manufacturing purposes, give:
 (a) Point of use of water: feet distant from corner of Section
 T. , R. , B.M., in the of Section , T. , R. , B.M.
 (b) Amount of power generated: H.P., under feet head.
 (c) Water is to be returned to at a point feet
 distant from the corner of Section , T. , R. , B.M., in the
 of Section , T. , R. , B.M.
7. Estimated cost of works: **\$1,500.00**
8. Kind of works: **Sprinkler irrigation**
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 feet; width at water line feet; depth of water feet;
 dimensions of flume:
 Diameter of pipe inches; length of conduit miles.
 Average grade per mile feet.
12. The time required for the completion of such work is **One (1)** years.
13. The time required for the complete application of the water to the proposed use is **One (1)** additional years.
14. The land to be irrigated is described in the following tabulation: See remarks.
15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: **None**

ACT
ION

N OWNER LAST NAME - ATKINSON

FIRST NAME - J. W.

N CITY - MYRTLE STATE - ID

N SOURCE - COTTONWOOD CREEK

TRIBUTARY OF - CLEARWATER RIVER

N STAGE - LICENSE

PRIORITY - 02-03-1953 COUNTY - NEZ PERCE TOTAL DIV. RATE - .2000CFS

N DIVERSION POINT - NWSW 03 36N 03W

N USE - IRRIGATION

USE DIV. RATE - .2000CFS

N USE - IRRIGATION

PLACE OF USE - T2N 36N RDG 03W SEC 03 TRACT NWSW

AC 08 TRACT SWSW AC 02

OLD NO. - 23927

IDENT. NO. 85-2095

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 23927 / 85-2095
 Old No. New No.

Record

1. Original Owner: J. W. Atkinson

Present Owner: _____

2. Address:

3. City: Myrtle State: Id Zip: _____

4. A. Source of Water: Cottonwood Creek

B. Tributary of: Clearwater River

5. 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: 2-3-1953

D. County: 69

E. Total Diversion Rate: .2

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>NWSW</u>	<u>3</u>	<u>36N</u>	<u>3W</u>		

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

from _____ to _____ for A purposes. Amount .2
 (cfs or AC-FT/yr)

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 _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: 7

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: 23927

F. Proof Made (P or blank):

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

H. Conditions of Approval:

14. Diversion Means (brief narrative):

January 7, 1964

Re: License No. 23927

Joe M. Skok, Manager
Federal Land Bank Ass'n.
Box 342
Lewiston, Idaho

Dear Mr. Skok:

Licensed water rights, such as the one in question are appurtenant to the land and pass with ownership. The deed to the property should show the license number.

Such rights have not changed since our letter to you in January, 1959 in regard to the same water right.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

23927

**FEDERAL LAND BANK ASSOCIATION
OF LEWISTON**

1230 IDAHO STREET P. O. BOX 342
LEWISTON, IDAHO

JOE M. SKOK, MANAGER

January 6, 1964

FEDERAL LAND BANK LOANS

117828 - Wayne Hoskins

State Reclamation Engineer
Department of Reclamation
Capitol Building
Boise, Idaho

Gentlemen:

License
Reference is made to permit No. 23927 - J. W. Atkinson.

Wayne Hoskins of Route 1, Culdesac, Idaho has purchased the J. W. Atkinson farm and his deed was recorded about two weeks ago. Will you please let me know what is necessary in order to transfer the interest in the above permit to Wayne Hoskins.

Your records will show that Mr. Hoskins has permit No. 26310 on adjoining land. He now farms his own land and the Atkinson land as one unit.

Sincerely yours,

Joe M. Skok
Joe M. Skok
Manager

JMS:rp

23927

January 29, 1959

Re: Permit No. 23927

Mr. Joe M. Skok, Secretary
Nes Perce National Farm Loan Association
P. O. Box 342
Lewiston, Idaho

Dear Mr. Skok:

The records of this department show that J. W. Atkinson was issued state license on the above captioned permit.

After license is issued on a permit, the department keeps no further record of assignments. The license for water right is appurtenant to the land as shown in the license and can be conveyed with the land the same as real estate.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

FWT/lw

23927

Nezperce National Farm Loan Association

SERVING NEZ PERCE, CLEARWATER, LEWIS AND ADOTIN COUNTIES

1230 IDAHO STREET

P. O. BOX NO. 342

TELEPHONE SH 3-2731

FARM LOANS



JOE M. SKOK
Secretary-Treasurer
Lewiston

BOARD OF DIRECTORS:

HOWARD D. HECHTNER, Pres., Lapwai
A. GLENN FLORY, Vice Pres., Winchester
J. PETER ZENNER, Nezperce
ERNEST L. TAPLIN, Anatone
JOHN WATSON, Peck
B. C. LAUFER, Craigmont

LEWISTON, IDAHO

January 26, 1959

97994 - Wayne Hoskins

Department of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

Reference is made to permit number 23927 issued to J. W. Atkinson of Myrtle, Idaho. On December 8, 1958 Mr. and Mrs. Atkinson sold their farm to Wayne H. Hoskins and Wanda J. Hoskins of Route 2, Lapwai, Idaho. Will you please let me know if Mr. and Mrs. Hoskins has to sign any papers in order to show that this water permit is now in their name.

Yours very truly,

Joe M. Skok
Joe M. Skok
Secretary

JMS:rp

L. J. Skok

RECEIVED
JAN 28 1959
Department of Reclamation

23927

"Owned by Farmers . . . For Farmers"

FEDERAL LAND BANK LOANS

June 7, 1955

RE: Permit No. 23927

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

We enclose License and Certificate of Water Right issued under Permit No. 23927 confirming your right to the use of 0.2 second foot of water from Cottonwood Creek with priority of February 3, 1953 and point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, Township 36 North, Range 3 West B.M. for irrigation of 10 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section.

We also enclose departmental receipt No. 27369 for the \$4.00 fee in connection with beneficial use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

23927

Myrtle, Idaho.
May, 25. 1955.

Mr E. W. Humphrey.

In regard to your letter of May 16. I will wait for you to come & help me on that Permit no 24598.

I am sending a check for ~~(24.00)~~ ^(4.00) Four Dollars for License on Permit no 23927.

If you will tend to that I will be much obliged.

Yours Truly
J. W. Atkinson
Myrtle Ida.

RECEIVED
JUN 2 1955
Department of Reclamation

23927

May 16, 1955

RE: Permits Nos. 23927 & 24598

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

I am turning in a report on Permit No. 23927 which will give you a License to use of 10 inches of water for 8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 36 North, Range 3 West, B.M.

The other Permit (No. 24598) calls for an additional 5 inches of water for the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3 above.

I believe you agreed with me that practically all of the irrigation was in that North twenty (NW $\frac{1}{4}$ SW $\frac{1}{4}$). So the additional water you filed on in Permit No. 24598 is actually being used on the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3; and if that is true then your proofs on Permit No. 24598 should be withdrawn, and amendment made, and all proofs made over again on it including the publishing of a notice.

I realize that this is a great deal of trouble to you. But you make application for permit to protect your right to use of the water and it must be done right.

I will be North again during the summer and can call on you and help you to fix it up or we can send the proper papers right away, just as you like.

Yours truly,

MARK E. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

23927

May 16, 1955

RE: Permit No. 23927

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

The report of our field engineer on examination for beneficial use on your Permit No. 23927 shows that you have irrigated 10 acres of land in the W¹/₄SW¹/₄ Section 3, Township 36 North, Range 3 West B.M. from Cottonwood Creek.

A License can, therefore, be issued for 10 inches of water upon receipt of the statutory fee which amounts to \$4.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

23927

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 23927

This proof is for Beneficial Use In Water District No. _____

1. Name of applicant J. W. Atkinson, Myrtle, Idaho
2. Source of water supply: Cottonwood Creek
3. Location of point of diversion: Is in the S¹/₂ NE¹/₄ SW¹/₄ of Section 3
T. 36 N. R. 3 W. County of Nez Perce
4. Describe works as they exist, giving dimensions and capacities of same: C. E. Motor, 7¹/₂ h.p., 3450 R.P.M., Single phase, Cornell Centrifugal Pump. 2" intake and 1¹/₄" outlet. There is 14 pieces of 4" by 30' long portable aluminum main; 18 pieces of 3" by 40' long aluminum pipe; and 1-3" by 20' long aluminum pipe. 3" pipe is laterals. 18 rainbird sprinkler heads. Size 3/32 by 7/16 each.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
W¹/₂ SW¹/₄ Section 3, Twp. 36 N., Range 3 West, B. M.
See the map.

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

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

Remarks: This is a small dairy furnishing grade A milk to the City of Lewiston

This examination was made on the 12th day of May, 1955
(Signed) E. N. Humphrey Examiner.

23927

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 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.
 6. Give general characteristics of soils, topography, and crops raised.
-

RECEIVED
MAY 16 1955
Department of Reclamation

J. W. Atkinson

Myrtle, Idaho

Permit No. 23927

Examination for Beneficial Use

County Nez Perce

3 36 N. 3 W.

10 inches Cottonwood cr

P.D. = in S¹/₂ NW¹/₄ SW¹/₄ S 3.

irrig.

Sprinkler

for.

NW SW = 8 a.

SW SW = 2 a.

Feb 3-53

C/w Apr 2-54

B/u " 2-55

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

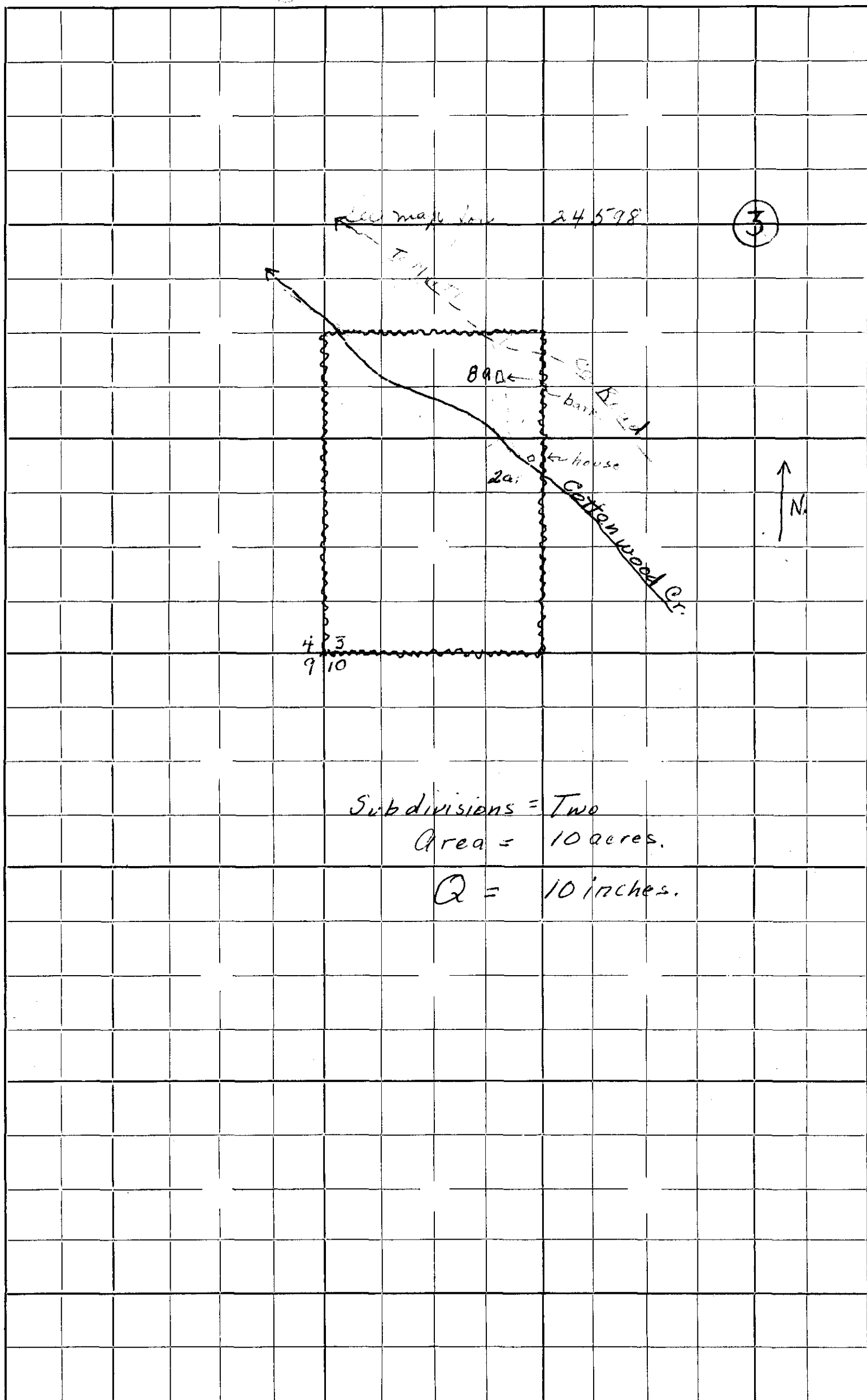
PERMIT NO. 23927

REPORT ON PROOF OF Beneficial Use

J. W. ATKINSON, Myrtle, Idaho

2 of
MARK

2001
2-6-76



Subdivisions = Two

Area = 10 acres.

Q = 10 inches.

April 29, 1955

RE: Permits Nos. 23927 & 24598

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

I intend to call on you, probably on May 13th or 14th, to make additional inspection in connection with the above numbered Permits.

I will need to see you personally regarding these.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

23927

January 25, 1955

RE: Permit No. 23927

Mr. Joe M. Skok
326 Main Street
Lewiston, Idaho

Dear Mr. Skok:

We have your letter of January 24 enclosing depositions of Mr. J. W. Atkinson and two witnesses also affidavit of publication in the Lewiston Morning Tribune all in proof of beneficial use on Permit No. 23927.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot tell just when this examination will be made but our field engineer will try and contact Mr. Atkinson at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc

Mr. J. W. Atkinson
Myrtle
Idaho

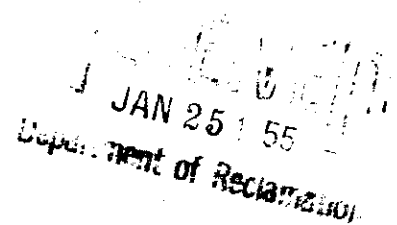
23927



JOE M. SKOK
FIRE INSURANCE & FARM LOANS

326 Main Street Phone 3-2731
LEWISTON, IDAHO

January 24, 1955



RE: Permit No. 23927 - J. W. Atkinson

Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Mr. Kulp:

I am enclosing the following instruments:

1. Publisher's Affidavit of Publication.
2. Proof of Application of Water to Beneficial Use.
3. Proof of Application of Water to Beneficial Use.
4. Proof of Application of Water to Beneficial Use.

I believe that the three affidavits have been properly completed. However, if you find that there has been any errors or omissions, please return them to me for correction.

Yours very truly,

Joe M. Skok
Joe M. Skok

encls.4

23927

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23927

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. Leo Messinger, age 59, Myrtle, Idaho, farmer and stock man.

I live on my farm about 4 miles SE from Myrtle, Idaho.

Ques. 2. Are you acquainted with J. W. Atkinson, the holder of Permit No. 23927? How long have you known him and where does he reside?

Ans. Yes, I have known Mr. Atkinson for over 15 years and we have been neighbors since 1951.

Ques. 3. Have you read or heard read said Permit No. 23927, 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. Cottonwood Creek, Nez Perce County, Idaho, diverted at a point approximately 1500 feet from the SW corner of Sec. 3, Twp. 36 N., Range 3 WBM in the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section. Water is being pumped by a 7 $\frac{1}{2}$ H.P. electric motor via centrifugal pump through 4" water mains and 3" laterals and rainbird sprinklers.

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. .2 cubic feet per second plus .1 cu. ft. per second allowed in Permit No. 24598. I have seen all of land irrigated from time to time and it appeared that the capacity of system was being used.

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. Water is being used entirely for irrigation purposes, irrigating about 12 acres of land used for green pasture for dairy herd and also for raising alfalfa hay. This land is all located in in W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Twp. 36 N., Rng. 3 WBM with 8 or 9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and a little over an acre or more in each of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$. Because of this irrigation system, Mr. Atkinson has been able to build and operate a modern 30-cow dairy which he is running efficiently. Without this water, this dairy could not have been built.

23927

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

Ans. none

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

Ans. This land has been reclaimed for good green pasture for Mr. Robinson's dairy herd and for raising alfalfa hay. I estimate that the .2 cu. Ft. per second and .1 under Permit No. 24598 will give sufficient water for his dairy operations.

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

Ans. I have no interest in this land or water works.

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. Ever since irrigation began in about July, 1953. I live about 2 miles east of this farm and have watched this irrigation in progress many times, either by driving by or stopping in to watch the irrigation or dairy operations.

(Signed) Leo Thompson

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 Lewiston

County of Nez Perce, State of Idaho, on this 24th day of January

A. D. 19 55

My commission expires 2-1-56

Joe M. Shok
Notary Public.

23927

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23927

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. Leo O. Messinger, Jr., age 30, Myrtle, Idaho

I farm and raise livestock on ranch located about 2 miles East from Mr. Atkinson's farm, and about 4 miles SE from Myrtle, Idaho.

Ques. 2. Are you acquainted with J. W. Atkinson, the holder of Permit No. 23927? How long have you known him and where does he reside?

Ans. Yes, I have known Mr. Atkinson for over 15 years and we have been neighbors since 1951.

Ques. 3. Have you read or heard read said Permit No. 23927, 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. Cottwood Creek, Nez Perce County, Idaho, diverted at a point approximately 1500 feet from the SW corner of Sec. 3, Twp. 36 N., Range 3 WEM in the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section. Water is being pumped by a 7 $\frac{1}{2}$ H.P. electric motor via centrifugal pump through 4" water mains and 3" laterals and rainbird sprinklers.

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. .2 cubic feet per second plus .1 cu. ft. per second allowed in Permit No. 24598. I have seen all of land irrigated from time to time and it appeared that the capacity of system was being used.

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. Water is being used entirel for irrigation purposes, irrigating about 12 acres of land used for green pasture for dairy herd and also for raising alfalfa hay. This land is all located in in W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Twp. 36 N., Rng. 3 WEM with 8 or 9 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and a little over an acre or more in each of the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$. Because of this irrigation system, Mr. Atkinson has been able to build and operate a modern 30-cow dairy which he is running efficiently. Without this water, this dairy could not have been built.

23927

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

Ans. none

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

Ans. This land has been reclaimed for good green pasture for Mr. Atkinson's dairy herd and for raising alfalfa hay. I estimate that the .2 cu. Ft. per second and .1 under Permit No. 24598 will give sufficient water for his dairy operations.

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

Ans. I have no interest in this land or water works.

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. Ever since irrigation began in about July, 1953. I live about 2 miles east of this farm and have watched this irrigation in progress many times, either by driving by or stopping in to watch the irrigation or dairy operations.

(Signed) Leo Messenger

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 Lewiston,

County of Nez Perce, State of Idaho, on this 24th day of January,

A. D. 19 55.

My commission expires 2-1-56

Joe M. Spok
Notary Public.

23927

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 23927

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. J. W. Atkinson, Myrtle Idaho,
farmer

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

Ans. a

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

Ans. No. 23927 - April 2, 1953 - Priority - ²⁻³ Apr 2, 1953

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

Ans. Coltonwood Creek, Myrtle County, Idaho, 1500 ft from
SW corner of Sec. 3, Twp. 36 N., Range 3 W. in the 5th. NW 1/4 SW 1/4
of said section.

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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Capacity of .3 Cu. ft. per second pumped by 7 1/2 h.p.
electric motor & centrifugal pump thru aluminum
pipes four inches in diameter to laterals of 3 inches.

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. Irrigate 12 acres in NW 1/4 SW 1/4 + SE 1/4 SW 1/4 of Sec
3, Twp. 36 N., Range 3 W. B.M. Said land has been
irrigated two full irrigation seasons.

23927

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

Ans. 0

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

Ans. 2 cu ft per second plus 1 allowed under Permit No 24578,
for irrigation of farm land only.

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. as

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

Ans. This water has been used for two years
for irrigation of hay and green pastures land
via electric pump - beginning in summer of 1953.

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) J. W. Atkinson

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 Lewiston, County of ney

State of Idaho, on this 24th day of January, A. D. 1955

My commission expires 2-1-56

23927

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Nez Perce } ss.

A. L. Alford, being duly sworn
deposes and says. I am the President
of the Tribune Publishing Company, a corporation organized and
existing under and by virtue of the laws of the State of Idaho,
publishers of the LEWISTON MORNING TRIBUNE, a newspaper
of general circulation published at Lewiston, Nez Perce County,
Idaho; That the said Lewiston Morning Tribune is an established
paper and has been published regularly and issued regularly at
least once a day for more than 20 consecutive years next im-
mediately preceding the first publication of this notice, and has been
so published uninterruptedly for said period; that the.....

Notice of Proof attached hereto and
which is made a part of this affidavit was published in the said
Lewiston Morning Tribune, once a week for four
consecutive weeks, the first publication thereof being on
the 22nd day of December, A. D. 1954,
and the last publication thereof being on the 12th day of
January, A. D. 1955, and said.....

Notice of Proof was so published
in the regular and entire issue of the said newspaper and not in a
supplement thereof and was so published in every issue and num-
ber of the said paper, during the period and times of publication
as set forth above.

A. L. Alford
SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

12th day of January, 1955.

E. H. Jensen
Notary Public in and for the State of Idaho,
residing at Lewiston, therein.

23927

Wednesday Dec. 22 1954

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

Notice is hereby given that at 11 a.m. on the 24th day of January, 1955, at Lewiston, County of Nez Perce, State of Idaho, before Joe M. Skok, 326 Main Street, proof will be submitted of the application to beneficial use of 2 cubic feet per second of the waters of Cottonwood Creek in accordance with the terms and conditions of Permit No. 23927 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 is J. W. Atkinson, Myrtle, Idaho.

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

The amount applied to beneficial use is 2 cubic foot per second.

The place where said water is used is 8 acres of land in the Northwest quarter of the Southwest quarter, and two acres of land in the Southwest quarter of the Southwest quarter of Section 3, Township 36 North, Range 3, West of the Boise Meridian, as shown in application for permit No. 23927.

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

steel and aluminum irrigation pipes.

The right to take water from such works is based upon Permit No. 23927.

The source of supply from which such water is diverted is Cottonwood Creek.

The date of priority which said user is prepared to establish is February 3, 1953.

MARK E. KULP,
State Reclamation Engineer.

Lewiston Idaho Morning Tribune

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 23927

Date: December 15, 1954

Lewiston Morning Tribune

Lewiston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to January 24, 1955 the date set for proof, the expense of the publication to be paid by the applicant, J. R. Atkinson of Myrtle, 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, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

23927

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

Notice is hereby given that at 11 A. M. on the 24th day of January, 19 55,
at Lewiston, County of Nez Perce, State of Idaho, before
Joe M. Skok, 326 Main Street, proof will be submitted of the
application to beneficial use of .2 cubic feet per second of the waters of Cottonwood Creek
in accordance with the terms and conditions of Permit No. 23927
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 _____

J. W. Atkinson, Myrtle, Idaho

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

The amount applied to beneficial use is .2 cubic foot per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

8 acres of land in the Northwest quarter of the Southwest quarter, and two acres of
land in the Southwest quarter of the Southwest quarter of Section 3, Township 36 North
Range 3, West of the Boise Meridian, as shown in application for permit No. 23927.

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

steel and aluminum irrigation pipes

The right to take water from such works is based upon Permit No. 23927

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

The date of priority which said user is prepared to establish is February 3, 1953

MARK E. KULP
State Reclamation Engineer.

23927

✓
December 9, 1954

RE: Permit No. 23927

Mr. J. A. Atkinson
Myrtle, Idaho

Dear Mr. Atkinson:

We have your letter of December 6, 1954, addressed to Mr. Humphrey and find the enclosed notice to be correct.

We shall send a copy of the notice to the Lewiston Morning Tribune with instructions in regard to publishing. Advising them to send you the affidavit of publication together with the statement of costs.

At the time set for proof that is at 11 a.m., January 24, 1955, you should appear before the Notary Public together with two disinterested witnesses who are familiar with the terms of the Permit and the work done there under for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

4

Chief Clerk

A:cu
Enc.

23927

December 6th, 1954

RECEIVED
DEC 7 1954
Department of Reclamation

RE: Permits Nos. 23927 and 24598

E. N. Humphrey
Deputy State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Dear Mr. Humphrey:

Enclosed you will find authorization letter and
Notice of Proof of Application of Water to beneficial use,
in duplicate.

If these papers are not correctly completed, please
let me know.

Yours very truly,

J. W. Atkinson
J. W. Atkinson
Myrtle, Idaho

23927

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 6, 1954

(P. O.) Myrtle, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Lewiston Morning Tribune of Lewiston, Idaho published in

the county in which the works are situated.



(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.

23927

November 29, 1954

RE: Permits Nos. 23927 & 24598

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

Since returning to the office I have carefully checked your files.

Beneficial Use proof on your Permit No. 23927 is due on or before April 2, 1955, but this proof can be made at any earlier date.

Notice should be made in duplicate on form 10 enclosed setting the time and place and naming the Notary Public before whom the proof is to be made. Both copies of form 10 to be returned to this Department together with form 11 which is your authorization for us to have the notice published at your expense in the designated county newspaper. The time of course must be set far enough ahead to allow for four weeks publication and the necessary proof forms will be sent you later.

I think you had intended to make the Beneficial Use proof on this permit at the same time you made proof on Permit No. 24598.

I have checked in the Office of the Assessor in Lewiston where I found an aerial map showing your farm. Also I checked your ownership, your filings are alright.

I will reinspect for both permits next summer. Be sure you have irrigated all land you intend to under these permits at least once. An expressed intention to irrigate is not sufficient. Only land that has actually been irrigated at the time of inspection can be considered.

If you have any questions do not hesitate to write me.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:br
Enc.

23927

November 29, 1954

RE: Permits Nos. 23927 & 24598

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

Since returning to the office I have carefully checked your files.

Beneficial Use proof on your Permit No. 23927 is due on or before April 2, 1955, but this proof can be made at any earlier date.

Notice should be made in duplicate on form 10 enclosed setting the time and place and naming the Notary Public before whom the proof is to be made. Both copies of form 10 to be returned to this Department together with form 11 which is your authorization for us to have the notice published at your expense in the designated county newspaper. The time of course must be set far enough ahead to allow for four weeks publication and the necessary proof forms will be sent you later.

I think you had intended to make the Beneficial Use proof on this permit at the same time you made proof on Permit No. 24598.

I have checked in the Office of the Assessor in Lewiston where I found an aerial map showing your farm. Also I checked your ownership, your filings are alright.

I will reinspect for both permits next summer. Be sure you have irrigated all land you intend to under these permits at least once. An expressed intention to irrigate is not sufficient. Only land that has actually been irrigated at the time of inspection can be considered.

If you have any questions do not hesitate to write me.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:br
Enc.

23927

✓
November 27, 1953

RE: Permit No. 23927

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

We enclose Certificate of Completion of Works issued on Permit No. 23927 for the diversion of 0.2 second foot of water from Cottonwood Creek with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, Township 36 North, Range 3 West, B.M., for the irrigation of 10 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 3.

We also enclose departmental receipt No. 26352 for the \$5.00 fee in connection therewith.

We also enclose form of application for permit to appropriate additional water from Cottonwood Creek together with a pamphlet giving regulations and instructions in regard to filing same.

We note that you wish to make proof of beneficial use at the same time on Permit No. 23927 and the new permit to be issued.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

23927

Nov. 23, 1953

RECEIVED
NOV 25 1953

Department of Reclamation

State of Idaho
Department of Reclamation
State House
Boise, Idaho

Dear Mr. Kulp,

This to acknowledge your letter of November 2.

After giving the matter due consideration, I have decided to file
for more water, enough to irrigate the additional 5 acres.

Please send me the necessary application blanks.

I will plan on making beneficial use proof on both at the same
time as you suggested.

Very truly yours,

J. W. Atkinson
J. W. Atkinson
Myrtle, Idaho

23927

✓
November 2, 1953

RE: Permit No. 23927

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

We acknowledge receipt of your letter of October 29, 1953, returning corrected affidavit in proof of completion of works on Permit No. 23927.

We note that you wish to obtain a water right for 5 acres of additional land to be watered from the same stream. This can be done in two ways:

Your present Permit No. 23927 can be amended to include the additional 5 acres, but in that case the amount of water could not be increased from the 0.20 second foot or 10 inches.

The other course would be to file another application for the additional 5 acres. This, of course, would take a later priority than the original filing but this may not be of importance to you.

We shall await your further advice before issuing Certificate of Completion of Works and also before sending notice of beneficial use proof to be made on your present permit.

If you decide to make a new filing for the additional 5 acres, our suggestion would be that you wait and make beneficial use proof on both at the same time. This will save you the cost of two publications and will not interfere at all with the original priority on Permit No. 23927.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

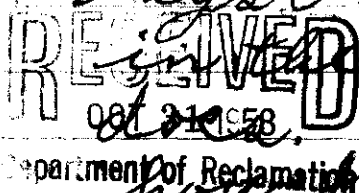
A:fg

23927

Oct. 29, 1953.

Department of Reclamation.

I have 5 acres more land I would like to have a water right on how will it go about it to get one. The land lays on the ~~west~~ ^{west} side of cotton wood Creek. My land that I irrigate lays on the east side of the creek same party as the 5 acre ~~area~~. Will you Please tell me how to get the water right



Yours Truly
J W Atkinson.
Myrtle Ida.

23927

Permit No. 23927

STATE OF IDAHO
Department of ReclamationRECEIVED
OCT 22 1953
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Nez Perce

ss.

J. W. Atkinson

, 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. 23927, and that his postoffice address is Myrtle, State of Idaho.

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

Cottonwood Creek

Third: That the point of diversion of said water is Approx. 1520 feet north and 1120 feet east of SW corner Sec. 3, T36N, R3W.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by 1954, 1954.

Fifth: That the use for which said water is intended is irrigation.

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

I. Kind of works: sprinkler irrigation system.

(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 - width at bottom - feet, width at water line -

(State whether ditch, flume or pipe)

feet, depth of water - feet; diameter of pipe - inches, average grade per mile is - feet. Length of conduit is - miles.

Seventh: That said works are capable of conducting to the place of intended use - 100 - 100 second feet of water.

Eighth: That water appropriated under said permit is available for approximately 10 acres of land described as follows: -

Approximately 10 acres lying along the creek; 8 acres in NW 1/4 SW 1/4 and 2 acres in SW 1/4 SW 1/4, Sec. 3, T36N, R3W.

Ninth: Remarks: That The pump is a 1 1/2" X 1 1/2" Wyss. It is a close-coupled electric unit using a 7 1/2 Hp single Phase motor turning at 3450 RPM. The capacity of this unit is 100 GPM at 160' head.

Notary Public designated - Reed Clements, Weisgerber Bldg, Lewiston, Idaho

(Sign Here)

Subscribed and sworn to before me this 20th day of October, 1953

My commission expires Dec 1, 1954

Notary Public.

23927

✓
October 23, 1953

RE: Permit No. 23927

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

We are returning herewith your affidavit in proof of completion of works on Permit No. 23927, for the following corrections:

Under Question 3, you give the point of diversion as being 1320 feet North and 1120 feet East of the SW corner of Section 3. 1320 feet north should be right on the forty line between the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and by said description we do not know whether your point of diversion is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ or the SW $\frac{1}{4}$ SW $\frac{1}{4}$. Your permit states the point of diversion as being in the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3.

Question 4 should read April 2, 1954.

Question 8 states that 10 acres are being irrigated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3. Your permit states 8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and 2 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Under remarks you should describe your works more fully, such as kind and size of pump, capacity, etc.

Your permit states the amount of water filed on as 0.20 c.f.s., or 10 miners inches, while your proof states 0.30 c.f.s., or 15 miners inches.

In filling out your notice for publication for proof of beneficial use, you overlooked filling in the name of the Notary Public before whom proofs are to be made. Please furnish us the name and address of the Notary Public before whom you wish to appear.

Kindly let us know which are correct, the descriptions as shown in your proof of completion of works, or the description as shown on your permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

WNT:fg
Enc.

23927

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....October 5, 1953.....

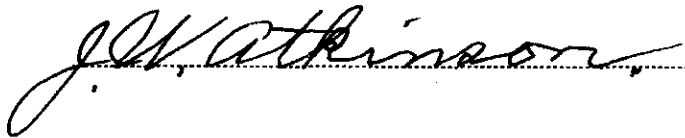
(P. O.).....Lewiston, Idaho.....

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

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



(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.

23927

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

Notice is hereby given that at 10:00 A. M. on the 30th day of November, 19 53,
at Lewiston, Idaho, County of Nez Perce, State of Idaho, before
proof will be submitted of the
application to beneficial use of $\frac{30}{100}$ cubic feet per second of the waters of Gottomwood Creek
in accordance with the terms and conditions of Permit No. 23927
heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

J. W. Atkinson, Myle, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is $\frac{30}{100}$ c.f p/second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

Approximately 10 acres of land lying along creek in NW part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$

Sec. 3, T36N, R3W.

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. 23927

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

The date of priority which said user is prepared to establish is October 30, 1951

23927
State Reclamation Engineer.

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

Notice is hereby given that at 10:00 A. M. on the 30th day of November, 1953,
 at Lewiston, Idaho, County of Nez Perce, State of Idaho, before
 _____, proof will be submitted of the
 application to beneficial use of $\frac{30}{100}$ 0.3 cubic feet per second of the waters of Cottonwood Creek
 _____ in accordance with the terms and conditions of Permit No. 23927
 heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

J. W. Atkinson, Myrtle, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is $\frac{30}{100}$ 0.3 c.f p/second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

Approximately 10 acres of land lying along creek in NW ^{SW 1/4 and} part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$,
 Sec. 3, T36N, R3W.

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. 23927

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

The date of priority which said user is prepared to establish is October 30, 1953

State Reclamation Engineer.

23927

✓
September 30, 1953

RE: Permit No. 23927

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

We have your letter of September 29, 1953, stating that you have your irrigation system completed.

Two proofs are required in order to complete this water right. First, proof of completion of works which is made on Form 6 enclosed, executed before a Notary Public and returned to this department with the statutory fee of \$5.00.

Beneficial use proof is made when the water has been completely applied to the beneficial use for which it is appropriated. In order to make this proof the statutes require publication of a notice once a week for four weeks in a county newspaper before the proof is made. This notice should be made in duplicate on Form 10 enclosed, setting time and place and naming the Notary Public before whom proof is to be made. The proof may be made at any place convenient for you and your two witnesses and the time, of course, should be set sufficiently far ahead to allow for four weeks publication.

Both copies of Form 10 to be returned to this department together with Form 11 which is authorization for us to have the notice published at your expense in the designated county newspaper. We shall then send a copy of the notice to the newspaper with instructions in regard to publishing and shall send you the necessary forms of deposition to be executed by yourself and two witnesses in proof of beneficial use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

23927

Myrtle Idaho

Sept. 29, 1953

Department of Reclamation

Will you

Send me my Water

Right I have Permit
No 23927 on Cottonwood

Creek I have my irrigation

System since July

It is working fine

Yours Truly

J W Atkinson

C/W 4-2-53

B/n 4-2-53

RECEIVED

SEP 30 1953

Department of Reclamation

23927

S T A T E O F I D A H O

D E P A R T M E N T O F R E C L A M A T I O N

B O I S E

Permit No. 23927

Date April 16, 1953

We enclose herewith the above numbered permit. RE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. J. W. Atkinson
Myrtle
Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental receipt No. 25704 for \$5.00 filing fee.

23927

NAME OF APPLICANT.....J. Atkinson.....

Form No. 8

3
CITY OF SEASIDE

Permit Map No. 23927
As Approved
APR 2 1953
MARK R. KULP
State Reclamation Engineer

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

23927

March 11, 1953

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

On February 4, 1953, we returned your application for permit to appropriate water from Cottonwood Creek in order that certain questions could be made.

To date this has not been returned so we bring the matter to your attention.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Aifg

23927

February 4, 1953

Mr. J. W. Atkinson
Myrtle
Idaho

Dear Mr. Atkinson:

We acknowledge receipt of your application for permit to appropriate 1/2 acre foot of water from Cottonwood Creek, accompanied by your check for \$5.00.

Since this water is to be used on 10 acres of land, you would be entitled to apply for 10 inches, or 0.22 of a second foot and if that is what you wish, you may amend Question 2 accordingly.

Answer Question 7 and Question 15.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Asfg
Enc.

23927

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

Notice is hereby given that at 11 a.m.
on the 24th day of January, 1955, at
Lewiston, County of Nez Perce, State
of Idaho before Joe M. Skok, 326
Main Street, proof will be submitted
of the application to beneficial use of
.2 cubic foot per second of the waters
of Cottonwood Creek in accordance with
the terms and conditions of Permit
No. 23927 heretofore issued by the De-
partment of Reclamation of the State
of Idaho.

The name and postoffice address of
the person or corporation holding said
permit is J. W. Atkinson, Myrtle, Ida-
ho.

The use to which said water has
been applied is irrigation.
The amount applied to beneficial use

is .2 cubic foot per second.

The place where said water is used
is 8 acres of land in the Northwest
quarter of the Southwest quarter, and
two acres of land in the Southwest
quarter of the Southwest quarter of
Section 3, Township 36 North, Range
3, West of the Boise Meridian, as
shown in application for permit No.
23927.

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

The right to take water from such
works is based upon Permit No. 23927.

The source of supply from which
such water is diverted is Cottonwood
Creek.

The date of priority which said
user is prepared to establish is Feb-
ruary 3, 1953.

MARK R. KULP,
State Reclamation Engineer.