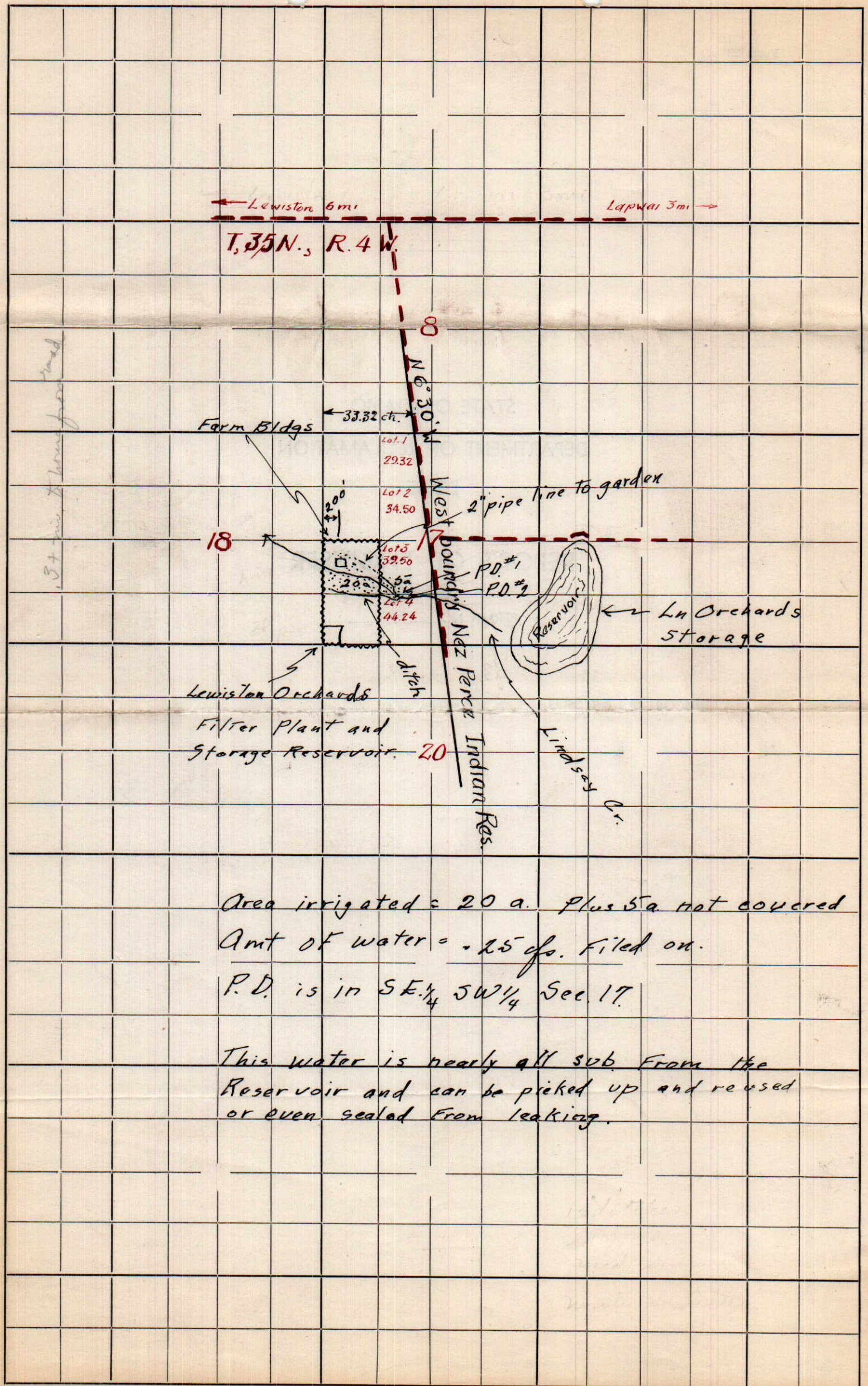




Area irrigated = 20 a. Plus 5a not covered
 Amt of water = .25 cfs. Filed on.
 P.D. is in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17

This water is nearly all sub. From the
 Reservoir and can be picked up and reused
 or even sealed from leaking.

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 imme-
diately preceding the first publication of this notice, and has been

so published uninterruptedly for said period; that the Notice
of Proof of Application

attached hereto and
which is made a part of this affidavit was published in the said
Lewiston Morning Tribune, once a week for 4

consecutive weeks, the first publication thereof being on
the 20th day of September, A. D., 19450,

and the last publication thereof being on the 11th day of
October, A. D. 19450, and said Notice

of Proof of Application

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

11th day of October, 1950

J. A. Henis

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

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00
A.M. on the 23rd day of October,
1950, at Lewiston, County of Nez
Perce, State of Idaho, before Russell
S. Randall, Notary Public, proof will
be submitted of the application to
beneficial use of 0.25 cubic foot per
second of the waters of Lindsay Creek
in accordance with the terms and
conditions of Permit No. 21565 here-
before 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 Elliott Bros., Rt. 2, Box
1012, Lewiston, Idaho.

The use to which said water has
been applied is irrigation and stock.
The amount applied to beneficial use
is 0.25 cubic foot per second.

The place where said water is used:
NW 1/4 of SW 1/4 of Sec. 17 and SW 1/4
of the SW 1/4 of Sec. 17, Twp. 35 N.,
R. 4, W.B.M.

The right to take water from such
works is based upon Permit No. 21565.

The source of supply from which
said water is diverted is Lindsay Creek.

The date of priority which said user
is prepared to establish is June 4,
1950.

MARK R. KULP
State Reclamation Engineer.

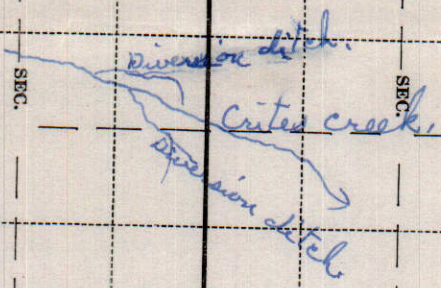
21565

NAME OF APPLICANT Elliott Bros. By Leo Elliott

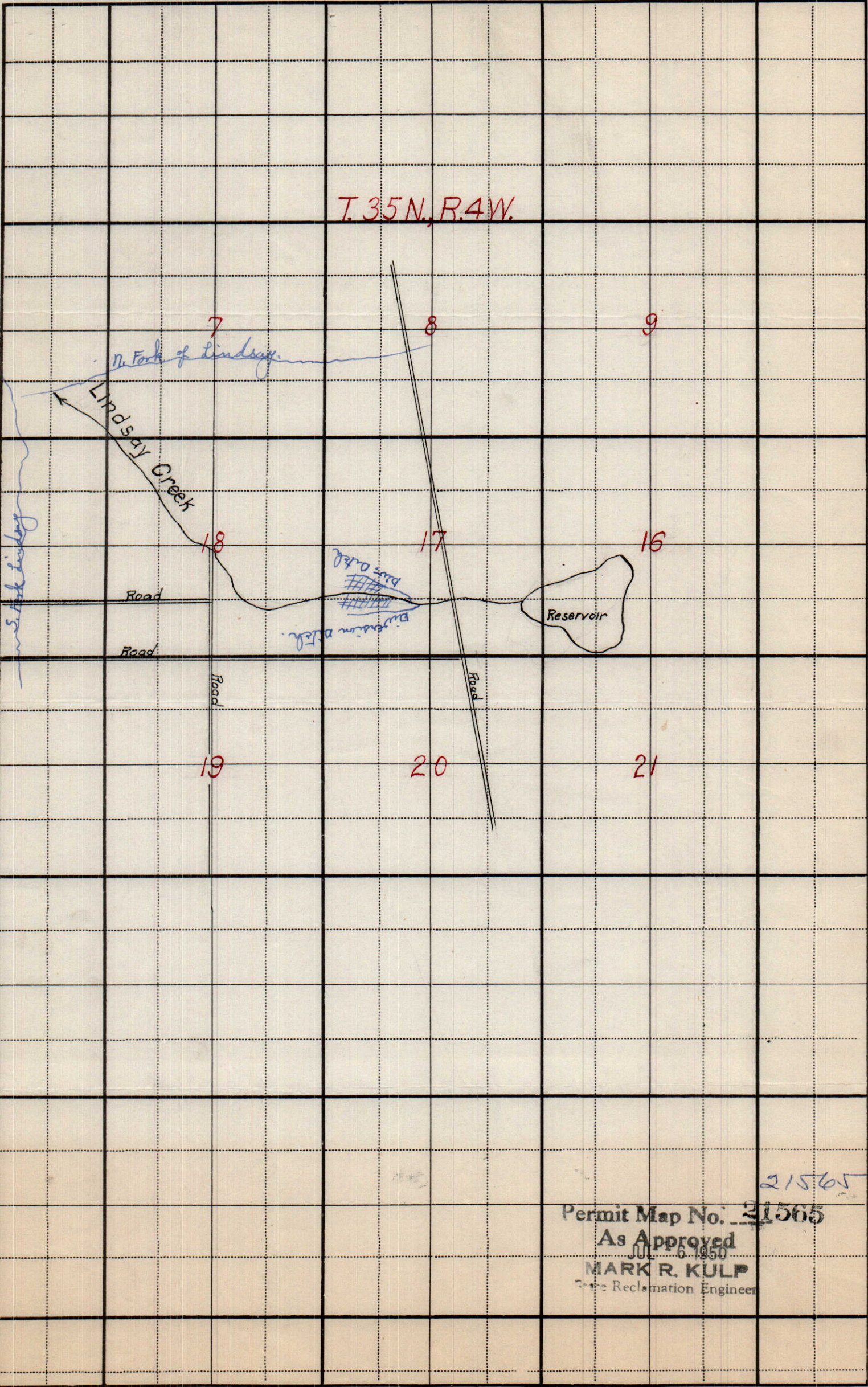
FORM NO. 0

Sec. 17

Sec. 18



21565
Permit Map No. 21565
As Approved
JUL 6 1950
MARK R. KULP
State Reclamation Engineer



State of Idaho

License and Certificate of Water Right

Water License No. 21565Amount 0.25 second foot

Water District No. _____

Priority June 14, 1950

THIS IS TO CERTIFY that ELLIOTT BROTHERS
 of Lewiston, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated June 14,, 19 50; that Permit No. 21565
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.25 second foot, was issued thereunder on September 18, 19 50, showing that said works
 were completed on the 5th day of September, 19 50; and that on the 23rd
 day of October, 19 50,

ELLIOTT BROTHERS

of Lewiston, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Lindsay Creek
, a tributary of - - -, for the purpose of irrigation and stock
water uses, under Use Permit No. 21565 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
8 of Licenses at page 4795, on the 21st day of July, 19 51;
 The right hereby confirmed dates from June 14,, 19 50;

The Point of Diversion is located
 in the SE 1/4 SW 1/4, Sec. 17, Twp. 35 N., R. 4 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 0.25 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
35 N.	4 N.	17	NW 1/4 SW 1/4	20	20
			SW 1/4 SW 1/4	20	--
			Number of Acres Actually Irrigated - - -		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 State Reclamation Engineer, affixed at Boise, Idaho, this
21st day of July, 19 51.

MARK R. KULF

State Reclamation Engineer

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 20897 Amount 1.8 second feet
Water District No. Priority January 12, 1949

THIS IS TO CERTIFY that CHARLES H. COINER and HENRY G. COINER
of Twin Falls, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 12, 19 49 ; that Permit No. 20897
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
two second feet, was issued thereunder on August 1, 19 49 , showing that said works
were completed on the 23rd day of July, 19 49 ; and that on the 21st
day of January, 19 50,

CHARLES H. COINER and HENRY G. COINER
of Twin Falls, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
~~contributing~~ (subterranean flow) , for the purpose of irrigation and domestic
use, under Use Permit No. 20897 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
8 of Licenses at page 4796, on the 21st day of July, 19 51 ;
The right hereby confirmed dates from January 12, 19 49 ;
The Point of Diversion is located

in the SW 1/4 SE 1/4, Sec. 36, Tp. 11 S., R. 19 E., B.M. Twin Falls County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.8 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	19 E.	36	NW ¹ / ₄ NE ¹ / ₄	40	40
			SW ¹ / ₄ NE ¹ / ₄	40	40
			NW ¹ / ₄ SE ¹ / ₄	30	30
			SW ¹ / ₄ SE ¹ / ₄	20	20
			Number of Acres Actually Irrigated		

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
21st day of July, 19 51 .

(SEAL) MARK R. KULP
State Reclamation Engineer

21565 No
APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 29245
PERMIT No. 21565
DISTRICT No.

1. Name of Applicant: ELLIOTT BROTHERS
Postoffice address: Rt. 2, Box 1012, Lewiston
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: 0.25 cubic feet per second.

3. Source of water supply: Lindsay Creek which is a tributary of

4. Location of point of diversion: Approx. 3240 feet distant from the S. E. corner of Section 17, T. 35 N., R. 4 W., B.M., and is in the SE 1/4 SW 1/4 of Section 17, T. 35 N., R. 4 W., B.M., County of Nez Perce

5. Water is to be used for Irrigation and stock water.

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., at a point distant from the 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

8. Kind of works: Ditch and pipe

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 18" head height 24"
11. Ditch: Width at bottom 1 feet; width at water line 2 feet; depth of water 1/3 feet; dimensions of flume: Diameter of pipe 2 inches; length of conduit 1/4 miles. Average grade per mile feet.

12. The time required for the completion of such work is Completed years Has been used approxm ately 40 years
13. The time required for the complete application of the water to the proposed use is 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: No permits, but water has been diverted and used on this land for the past 40 years.

WATER RIGHT NUMBER 85-2090

WATER RIGHTS EDIT REPORT

10/03/79

PAGE 85

ACT
ION

N OWNER LAST NAME - ELLIOTT BROTHERS

N CITY - LEWISTON STATE - ID

N SOURCE - LINDSAY CREEK TRIBUTARY OF - CLEARWATER RIVER

N STAGE - LICENSE PRIORITY - 06-14-1950 COUNTY - NEZ PERCE TOTAL DIV. RATE - .2500CFS

N DIVERSION POINT - SESW 17 35N 04W

N USE - IRRIGATION USE DIV. RATE - .2500CFS

N USE - STOCKWATER

N USE - IRRIGATION PLACE OF USE - TWN 35N RNG 04W SEC 17 TRACT NWSW AC 20

OLD NO. - 21565

Water Right Edit Report

SPEDMAX

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 21565 / 85-2090
 Old No. New No.

Record

1. Original Owner: Elliott Brothers

Present Owner: _____

2. Address:

3. City: Lewiston State: ID Zip: _____

4. A. Source of Water: Lindsay Creek

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,W): L

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

C. Priority Date: 6-14-1950

D. County: 69

E. Total Diversion Rate: .25

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>SESW</u>	<u>17</u>	<u>35N</u>	<u>4W</u>		

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

from _____ to _____ for A purposes. Amount .25
 (cfs or AC-Ft/yr)

from _____ to _____ for S 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 _____

ch 9-18-79

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: 21565

F. Proof Made (P or blank):

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

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

July 25, 1951

Re: Permit No. 21565

Elliott Brothers
Route # 1
Box 338
Lewiston, Idaho

Dear Sirs:

We enclose License and Certificate of Water Right issued under Permit No. 21565 confirming your right to the use of 0.25 second foot of water from Lindsay Creek with priority of June 14, 1950, with point of diversion in $SW\frac{1}{4}$ Section 17, Township 35 North, Range 4 West, B.M., for irrigation and stock water use in $W\frac{1}{2}$ $SW\frac{1}{4}$ said Section 17.

We also enclose Departmental Receipt No. 23567 for the \$2.00 fee paid in connection with Beneficial Proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:es
Enc.

21565

Lewiston, Ida.
July 17, 1951,

Dept of Reclamation.

Dear Sirs:- Am enclosing a
check of \$2.00 to pay statutory fee
for water right on Lindsay
Creek.

Sincerely,
Elliott Bros.

R1, BX. 338.

RECEIVED
JUL 20 1951

Department of Reclamation

21565

June 19, 1961

Re: Permit No. 21565

Elliott Brothers
Rt. 2, Box 1012
Lewiston, Idaho

Gentlemen:

We now have on file the report of our Field Engineer on examination for beneficial use under Permit No. 21565. This report shows that you have irrigated 20 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Township 35 North, Range 4 West, B.M., which is included in your Permit and an additional 5 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section, which is not in your Permit.

Upon receipt of the statutory fee of \$2.00, a License will be issued for .25 of a second foot of water from Lindsay Creek for irrigation and stock use on the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

21565

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21565

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

1. Name of applicant Elliott Brothers, Rt. 2, Box 1012, Lewiston, Idaho
2. Source of water supply: Lindsay Creek
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17
T. 35 N. R. 4 W. County of Nez Perce
4. Describe works as they exist, giving dimensions and capacities of same: There are two points of diversion, each consisting of a small head box in the ditch, size 12" by 12" by 36" long. There is no dam in the stream because of the fall and the character of the stream bed, it being fairly narrow and quite heavily sodded. The ditch on the North side extends slightly past the 40 line at present. From there, water is carried through a 2" pipe on down to the garden. On the South side, the ditch is approximately the same size ditch as that on the North and extends westward almost on the line of the 40.
5. Water is used for: Irrigation and stock water.
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):

NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17;

Twp. 35 N., Range 4 W., B.M.

(See 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 irrigation system is used irregularly and at present, a portion on the North side that has been irrigated is being operated as a dry farm and the ditch plowed in. On years when there is insufficient rainfall, all of the water obtainable is then used for irrigation. Very near all of this water is either reservoir leakage or leakage from the old wooden pipe line of the Lewiston Orchard District which is still being used, but will eventually be replaced by the new system. Practically all the water now going down Lindsay Creek will be shut off once the district gets the reservoir leaks all stopped.

This examination was made on the 13 day of June, 19 51

(Signed) E. H. Humphreys Examiner.

41565

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.
-

Elliott Brothers
Rt. 2, Box 1012, Lewiston, Idaho

Permit No. 21565

Examination for Beneficial use

County Nez Perce

S 17
35N. - R 4W.

Q = .25 cfs.

S - Lindsay Cr

P.D. = Sec. 24 S 17 - 35N. R 4W.

Use - Irrig and Stock water

P.D. = 3240 feet from Sec. 17

RECEIVED
JUN 15 1951
Department of Reclamation

1 small headgate 1' x 1' x 3'
No dam in stream none
necessary.

Water now is mostly taken
from In. Orchard system



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21565

REPORT ON PROOF OF Beneficial use

app. 0.25 c.f.s.

*.25 cfs
max*

*20 a - NW 1/4
5 a - NE 1/4
(not in permit)*

June 15, 1951

Re: Permit No. 21565

Elliott Brothers
Rt. 2, Box 1012
Lewiston, Idaho

Gentlemen:

After leaving your place, I contacted the Lewiston Orchards Irrigation District Office and saw a contour map that had been prepared by the Reclamation Department. After looking at it, I decided that the points of diversion were in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ as you had them listed, and am so making my report.

The creek runs westward very close to the 40 line for approximately three-fourths of the distance on the South side of the line and then crosses to the North side.

You will receive a letter from the Chief Clerk regarding this Permit before very long.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

41565

✓
May 12, 1951

Re: Permit No. 21565

Mr. Russell S. Randell
First Security Bank Building
Lewiston, Idaho

Dear Mr. Randell:

In reply to your letter of May 10, 1951, in regard to field examination on Permit No. 21565 in the name of Elliott Brothers:

Our Field Engineer plans to make inspection in the Northern part of the State sometime during the summer but we cannot advise you at this time just when this examination can be made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21565

RUSSELL S. RANDALL
LAWYER
FIRST SECURITY BANK BUILDING
LEWISTON, IDAHO

May 10, 1951

RECEIVED
MAY 12 1951
Department of Reclamation

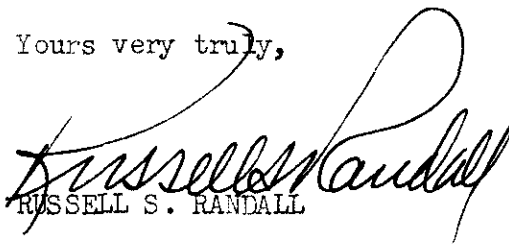
Department of Reclamation
State of Idaho
Boise, Idaho

Re: Permit No. 21565

Gentlemen:

Under date of November 13, 1950 you advised
a field examination would be made by your engineer
of the above permit. Elliott Brothers inform me no
examination has been made, and I would appreciate you
advising me when that could be expected.

Yours very truly,


RUSSELL S. RANDALL

21565

21565

✓
November 13, 1950

Re: Permit No. 21565

Mr. Russell S. Randall
Butler Building - 405¹/₂ Main Street
Lewiston, Idaho

Dear Mr. Randall:

We acknowledge receipt of your letter of November 10, 1950, enclosing corrected depositions in Proof of Beneficial Use under Permit No. 21565 in the name of Elliott Brothers.

This completes the proof, but 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 say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, he will try to contact Mr. Leo Elliott or his brother at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK S. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn

21565

RUSSELL S. RANDALL
LAWYER
Butler Building - 405½ Main Street
LEWISTON, IDAHO

November 10, 1950

RECEIVED
NOV 13 1950
Department of Reclamation

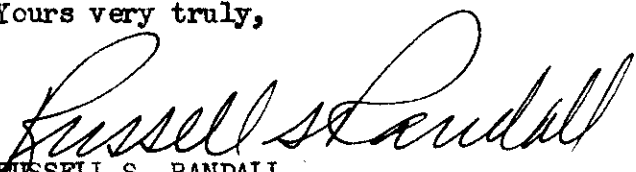
Department of Reclamation
State of Idaho
Boise, Idaho

Re: Permit No. 21565

Gentlemen:

I wish to acknowledge receipt of your letter of
November 1, 1950. I am returning herewith the
deposition of holder and depositions of witnesses which
have been corrected in accordance with your letter.

Yours very truly,


RUSSELL S. RANDALL

21565

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21565

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. LEO ELLIOTT, Partner, Elliott Brothers

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

Ans.

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

Ans. 21565 June 14, 1950 7-6-50

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

Ans. LINDSAY CREEK. Point of Diversion: Approximately 3240 feet from the Southeast corner of Section 17, Township 35 North, Range 4 West, B.M., and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17.

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

Ans. Works of diversion consist of a ditch capable of carrying .50 second feet. The ditch has no name. There are also 600 feet of two inch pipe and 150 feet of 1 $\frac{1}{2}$ inch pipe through which the water runs. The water flows from the ditch into the pipe and through the pipe to the land to be irrigated.

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. The water is used for irrigation on 25 acres of cultivated land located in the West half of the Southwest quarter of Section 17, Township 35 North Range 4 West, Boise Meridian.

No improvements have been made as the result of the use of said water except the ditch and fences.

21565

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

Ans. ~~The only purpose other than irrigation for which the water is used~~
~~is for livestock.~~

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

Ans. .25 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. Original Holder

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

Ans. The water diverted as stated above has been used continuously for more
than 40 years for irrigation. .25 second feet for approximately 25 acres.
The water has been continuously used since the permit was used.

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

Ans. No other water has been used other than under this permit but the
water has been used for forty years for approximately the same number of
acres.

(Sign) *Elliott Bros. By Lee Elliott.*

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 Nez Perce, State of Idaho, on this 23rd day of October,
A. D. 19 50;

Russell Randall

My commission expires 1-10-51

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21565

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. CHARLES E. WAGNER, Age 63. Salesman. Route 1, Box 256,
Lewiston, Idaho

Ques. 2. Are you acquainted with ELLIOTT BROTHERS, the holder of Permit No. 21565? How long have you known him and where does he reside?

Ans. Yes. Since 1925 Lewiston, Route 2, Box 1012.

Ques. 3. Have you read or heard read said Permit No. 21565, 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. LINDSAY CREEK. Point of Diversion approximately 3240 feet from the
Southeast corner of Section 17, Township 35 North, Range 4 West, B.M.,
and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17. The works consist of a ditch capable
of carrying .50 second feet of water and also 600 feet of 2 inch pipe and
approximately 150 feet of 1 $\frac{1}{4}$ inch pipe. The water flows from the point of
diversion through the ditch and then through the pipe.

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. .50 second feet capable of carrying. Actually carrying .25 second feet.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. No Pump

21565

Ques. 7. 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. The water is used for irrigation on 25 acres of cultivated land located in the West half of the Southwest quarter of Section 17, Township 35 North Range 4, West, Boise Meridian. No improvements have been made as the result of the use of said water except the ditch and fences.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. The only other use of the water is for livestock drinking water.

Ques. 9. (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. The land under irrigation is agricultural land requiring .25 second feet of water.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. 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. I have been personally acquainted with the use of the water since 1925 when I moved into this area. The water has been continuously used since that time.

(Signed) *Charles E. Wagner.*

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 23 day of October, A. D. 1950.

Russell Randall
Notary Public.

My commission expires 1-10-51

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21565

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. GEORGE HENDRICKSON, 41 years of age, Farmer, Route 2, Box 1010
Lewiston, Idaho

Ques. 2. Are you acquainted with ELLIOTT BROTHERS, the holder of Permit No. 21565? How long have you known him and where does he reside?

Ans. Yes. 28 years Route 2, Box 1012, Lewiston, Idaho

Ques. 3. Have you read or heard read said Permit No. 21565, 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. LINDSAY CREEK. Point of Diversion L Approximately 3240 feet from the
Southeast corner of Section 17, Township 35 North, Range 4 West, B.M.,
and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 17. The works consist of a ditch capable
of carrying .50 second feet of water and also 600 feet of 2 inch pipe and
approximately 150 feet of 1 $\frac{1}{2}$ inch pipe. The water flows from the point of
diversion through the ditch and then through the pipe.

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. .50 second feet, Capable of carrying. Actually carrying. .25 second feet.

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. No Pump.

21565

Ques. 7. 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. The water is used for irrigation on 25 acres of cultivated land located in the West half of the Southwest quarter of Section 17, Township 35 North Range 4 West, Boise Meridian. No improvements have been made as the result of the use of said water except the ditch and fences.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. The only other use of the water is for livestock drinking water.

Ques. 9. (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. The land under irrigation is agricultural land requiring .25 second feet of water.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 11. 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. I am personally acquainted with the use of the water and have been since 1918 when I moved into this area. The water has been continuously used since that time.

(Signed) George Henriksen

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 23 day of October,
A. D. 19 50.

Bussell Randall
Notary Public.

My commission expires 1-10-51

November 1, 1950

Re: Permit No. 21565

Mr. Russell S. Randall
Butler Building - 405 $\frac{1}{2}$ Main St.
Lewiston, Idaho

Dear Mr. Randall:

We acknowledge receipt of your letter of October 28, 1950, enclosing the depositions of Leo Elliott and two witnesses in Proof of Beneficial Use under Permit No. 21565, in the name of Elliott Brothers.

Question 5 of Mr. Elliott's deposition describes only a ditch, but the Permit also includes a pipe. Also, Question 4 of the depositions of the witnesses fails to describe the works.

The depositions are returned for correction as above.

Very truly yours,

MARK C. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21565

RUSSELL S. RANDALL
LAWYER
Butler Building - 405½ Main Street
LEWISTON, IDAHO

RECEIVED
OCT 31 1950
Department of Reclamation

October 28, 1950

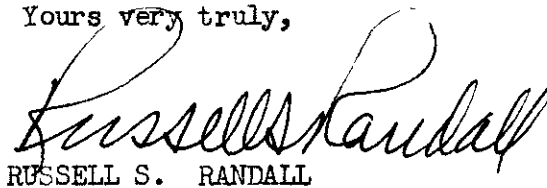
Department of Reclamation
State of Idaho
Boise, Idaho

Re: Permit No. 21565

Gentlemen:

I am enclosing herewith deposition of
holder and depositions of witnesses in connection
with the above permit.

Yours very truly,


RUSSELL S. RANDALL

RSR:I

9000 -

21565 -

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 imme-
diately preceding the first publication of this notice, and has been

so published uninterruptedly for said period; that the **Notice
of Proof of Application**

attached hereto and
which is made a part of this affidavit was published in the said
Lewiston Morning Tribune, once a **week** for **4**

consecutive **weeks**, the first publication thereof being on
the **20th** day of **September**, A. D., 194/50,

and the last publication thereof being on the **11th** day of
October, A. D. 194/50, and said **Notice**

of Proof of Application 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.

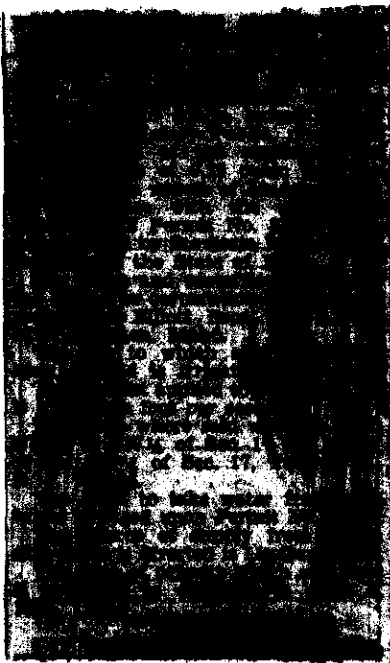
A. L. Alford

SUBSCRIBED AND SWORN TO BEFORE ME THIS THE

11th day of October, 1950

J. A. Francis

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



21562

September 20, 1950

Re: Permit No. 21565

Mr. Russell S. Randall
Butler Building
405 $\frac{1}{2}$ Main Street
Lewiston, Idaho

Dear Mr. Randall:

We enclose Certificate of Completion of Works issued under Permit No. 21565 in the name of Elliott Brothers, for the diversion of 0.25 of a second foot of water from Lindsay Creek, with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, Township 35 North, Range 4 West, B.M., for irrigation and stock water use on the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 17, Township 35 North, Range 4 West, B.M.

We also enclose Departmental Receipt No. 22639 for the \$5.00 fee paid in connection with this proof.

We also enclose approval of the State Reclamation Engineer for extension of time for making Proof of Beneficial Use under this Permit to October 26, 1950. This should be attached to the original Permit of which it now forms a part.

We have sent to the Lewiston Morning Tribune, Notice of Beneficial Use Proof to be made on October 23, 1950, with instructions to publish it once a week for four weeks, prior to that date, and to send Elliott Brothers the Affidavit of Publication, together with statement of costs.

We have had to make one change in the notice, as the date of priority that can be established under a Permit is the date the application is filed in this Department, which in this case is June 4, 1950. If the water has been used over a period of years prior to that date, and an earlier priority date is desired, that may be established through the District Court by proving such use.

We enclose the necessary forms of deposition to be used in making Proof of Beneficial Use, consisting of one for the Permit Holder and one for each of two witnesses, and at the time set, Elliott Brothers should appear before you, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21565

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **September 15, 1950**

Re: Permit No. **21565**

Lewiston Morning Tribune

Lewiston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **October 23, 1950**, the date set for proof, the expense of the publication to be paid by the applicant, **Elliott Brothers** of **Route 2, Box 1012, Lewiston, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

21565

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

Notice is hereby given that at 10:00 A. M. on the 23rd day of October, 1950
at Lewiston, County of Nez Perce, State of Idaho, before
Russell Skandall, Notary Public, proof will be submitted of the
application to beneficial use of 0.25 cubic feet per second of the waters of Lindsey
Creek in accordance with the terms and conditions of Permit No. 21565
heretofore issued by the Mark R. Kuepr, State Reclamation Engineer, of the State of Idaho.

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

Elliott Bros. R. 2, BX, 1012, Lewiston, Idaho.

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

The amount applied to beneficial use is 0.25 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) NW 1/4 of the SW 1/4 of Sec. 17, R. 4 W., Twp. 35 N. and
and SW 1/4 of the SW 1/4 of Sec. 17, R. 4 W., Twp. 35 N., R. 4 N. 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. 21565.

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

The date of priority which said user is prepared to establish is June 4, 1950
~~March 10, 1950~~

Mark R. Kuepr
State Reclamation Engineer.

21565

RUSSELL S. RANDALL
LAWYER
Butler Building - 405½ Main Street
LEWISTON, IDAHO

September 13, 1950

RECEIVED
SEP 14 1950
Department of Reclamation

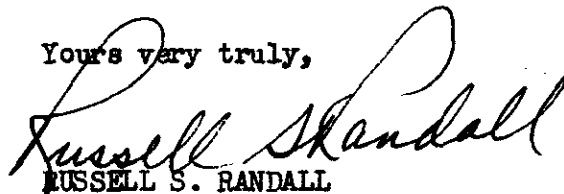
Department of Reclamation
State of Idaho
Boise, Idaho

Re: Permit No. 21565

Gentlemen:

Enclosed you will find Form 6, Proof of Completion
of Works, and application for extension of time for beneficial
use proof in connection with the permit of Elliott Brothers.

Yours very truly,


RUSSELL S. RANDALL

21565

STATE OF IDAHO
Department of Reclamation

Permit No. 21565

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO

County of Nez Perce SS

Les Elliott Partner of Elliott Bros. of Lewiston

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

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 21565

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by Oct 6, 1950

That he has heretofore put to beneficial use .25 second feet of water and has irrigated 20 acres.

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

Request additional time to make final
proof until Oct 26, 1950 & give
time for publication as required by
law.

STATE RECLAMATION ENGINEER

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the making of proof of beneficial use under said permit to Oct 26, 1950

Subscribed and sworn to before me this 13 day of Sept, 1950

Elliott Bros by Les Elliott.
Russell Randall

Notary Public.

My commission expires 1-10-51

Date of receipt at office of Department of Reclamation Sept. 14, 1950

STATE RECLAMATION ENGINEER
APPROVAL OF COMMISSIONER OF RECLAMATION

I, Mark R. Kulp

~~Commissioner of Reclamation~~
State Reclamation Engineer

Of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 21565, to

October 26, 1950

Witness my hand this 18th day of September, 1950

Mark R. Kulp

~~Commissioner of Reclamation~~
State Reclamation Engineer

21565

Permit No. 21565STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Shoshone

ss.

Idaho, 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. 21565, and that his postoffice address is Lewiston R. 2, State of Idaho.Second: That the name of the stream which said water is to be directed is Lindsey Creek.Third: That the point of diversion of said water is Approx 3240 ft. from the S.E. corner of Sec. 17, T. 35 N., R. 4 W. B.M. in the S.E. 1/4 S.W. 1/4, Sec 17.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Oct 6, 1950.Fifth: That the use for which said water is intended is Irrigation & Stock.Sixth: That on the date above mentioned, the works constructed under said permit were (~~over~~ not) fully completed and consisted of the following:I. Kind of works: Ditches & Pipe
(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 18 in feet, height 2 feet.(d) Conduit ditch width at bottom 1 feet, width at water line 2
(State whether ditch, flume or pipe)feet, depth of water 1/2 feet; diameter of pipe 2 inches, average grade per mile is feet. Length of conduit is 1/4 miles.Seventh: That said works are capable of conducting to the place of intended use 50 second feet of water.Eighth: That water appropriated under said permit is available for 40 A. acres of land described as follows: 20 A. in the NW 1/4 of the SW 1/4 also SW 1/4 of the SW 1/4 of Sec. 17, Range 4 W, Twp. 35 N.Ninth: Remarks: That The water has been used on parts of this land for approx 40 yrs.Elliott Bros. by Leo Elliott (Partner)
(Sign Here)Subscribed and sworn to before me this 5th day of Sept, 1950.My commission expires 1-10-51Russell Staudall
Notary Public.

21565

September 8, 1950

Re: Permit No. 21565

Mr. Russell S. Randell
Butler Building
405¹/₂ Main Street
Lewiston, Idaho

Dear Mr. Randell:

We acknowledge receipt of your letter of September 5, 1950, enclosing Affidavit of Elliott Brothers in Proof of Completion of Works under Permit No. 21565, accompanied by your check for the fee of \$5.00 in connection therewith.

However, the proof is incomplete, and we are returning it for correction as follows:

1. Question 6 should state whether the works were or were not completed.

2. Question 7 should state the amount of water the works are capable of conducting to the place of intended use.

Since Beneficial Use Proof is due on or before October 6, 1950, and will not be made until October 23, 1950, we enclose a form of Application for Extension of Time for making such proof which should be executed by Elliott Brothers and returned to this Department for approval.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21565

RUSSELL S. RANDALL
LAWYER
Butler Building - 405½ Main Street
LEWISTON, IDAHO

September 5, 1950

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Permit No. 21565

Gentlemen:

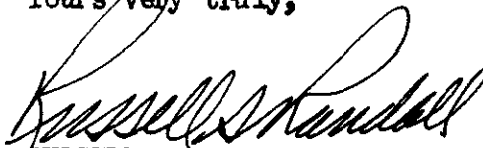
At the request of Elliott Brothers, I am enclosing herewith Proof of Completion of Works, form 6, Notice of Proof Application of Water to Beneficial Use, form 10 in duplicate and Form 11 signed by Elliott Brothers.

In your letter of July 11, you stated you were allowed three months or to October 6 to submit the statutory proofs. It will be impossible to give the proper notice and have the hearing on this matter prior to October 6, and I would appreciate your extending that time.

Leo Elliott will be out of town during part of October and we have set the date of hearing for October 23rd.

My check in the sum of \$5.00 is enclosing for filing.

Yours very truly,


RUSSELL S. RANDALL

RECEIVED
SEP 7 1950
Department of Reclamation

21565

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Sept 5, 1950
(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.

Elliott Bros.
By L. Elliott (Partner)

(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.

21565

July 11, 1950

Re: Permit No. 21565

Elliott Brothers
Rt. 2 Box 1012
Lewiston, Idaho

Gentlemen:

We enclose Permit No. 21565 which we have completed to the best of our ability from the information you sent us, and we also enclose Departmental Receipt No. 22420 for the \$5.00 filing fee.

Since your application states that the works have been completed and the water used for the past forty years or more, we have allowed three months, or until October 6, 1950, within which to make the two statutory proofs necessary to complete the water right. These proofs, however, may be made at any time prior to that date.

The first proof or proof of completion of works is made by executing Form 6 enclosed before a Notary Public, and returning to this Department with a statutory fee of \$5.00, upon receipt and approval of which, a Certificate of Completion of Works will be issued.

The final or beneficial use proof requires publication once a week for four consecutive weeks in a county newspaper, prior to the date set for making proof. Notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the Notary Public before whom proof is to be made. Both copies of the notice to be returned to this Department together with Form 11 which is your authorization for us to have the notice published in the designated newspaper at your expense.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing, and on the date set, you should appear before the Notary Public together with two disinterested witnesses to execute depositions of proof on forms furnished by this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A:bn
Enc.

21565
Chief Clerk

12. 12.12.20

[illegible]

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

✓

June 22, 1950

Re: Application No. 29245

Elliott Brothers
Rt. 2, Box 1012
Lewiston, Idaho

Dear Sirs:

We are still not able to definitely locate the land on which you wish to use the water for which you are applying out of Crites Creek. The application described 20 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 20 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 35 North, Range 4 West, B.M., but this does not entirely agree with your sketch map.

Please give us the exact legal description by subdivision, Section, Township and Range on which the water has been applied.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21565



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

June 22, 1950

Re: Application No. 29245

RECEIVED
JUL 5 1950
Department of Reclamation

Elliott Brothers
Rt. 2, Box 1012
Lewiston, Idaho

Dear Sirs:

We are still not able to definitely locate the land on which you wish to use the water for which you are applying out of Crites Creek. The application described 20 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and 20 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, Township 35 North, Range 4 West, B.M., but this does not entirely agree with your sketch map.

Please give us the exact legal description by subdivision, Section, Township and Range on which the water has been applied.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:bh

Dear Sirs:-

The land on which we wish to use the water applied for, is the NW $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Sec. 17, TWP 35 N, R. 4 W. This is the right location according to surveyors. My sketch map is not quite correct. Hoping this gives needed information, we are,
Sincerely,
Elliott Bros.

Lewiston, Ida.
July 3, 1950



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

May 8, 1950

Elliott Brothers
Rt. 2, Box 1012
Lewiston, Idaho

Gentlemen:

We are in receipt of your application for Permit to appropriate .25 of a second foot of water from Crites Creek.

However, we are not able to determine either the point of diversion or the land to be irrigated from the sketch map which you enclose.

We have therefore drawn on another sketch map, the location of Lindsay Creek, and the road, in relation to Sections 17 and 18 described in your application, but we are unable to locate Crites Creek as it is not shown on the county map.

Please trace in the course of Crites Creek, mark plainly your point of diversion, and block in the land to be irrigated.

There is a filing fee of \$5.00 required in connection with this filing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:bh
Enc.

21565

Lewiston, Ida,
June 10, 1950.

Dept of Reclamation:

Dear Sirs:- I am enclosing sketch map showing point of diversion of irrigation water, and land to be irrigated is marked ####.

This is the upper end of Lindsey Creek. The early settlers called it Crites Creek but for many years it has been known as Lindsey Creek. There are actually three prongs which join to form the main Lindsey Creek. This stream from which we use water is the middle prong altho I do not believe they are so designated on the Map.

I am enclosing a check for five dollars for filing fee.

Sincerely,
Elliott Bros.

21565

RECEIVED
JUN 14 1950
Department of Reclamation

See letter on reverse
side.

May 8, 1950

Elliott Brothers
Rt. 2, Box 1012
Lewiston, Idaho

Gentlemen:

We are in receipt of your application for Permit to appropriate .25 of a second foot of water from Crites Creek.

However, we are not able to determine either the point of diversion or the land to be irrigated from the sketch map which you enclose.

We have therefore drawn on another sketch map, the location of Lindsay Creek and the road in relation to Sections 17 and 18 described in your application, but we are unable to locate Crites Creek as it is not shown on the county map.

Please trace in the course of Crites Creek, mark plainly your point of diversion, and block in the land to be irrigated.

There is a filing fee of \$5.00 required in connection with this filing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21565