

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 29978/29-2451 Priority July 14, 1961 Amount 0.04 cfs

THIS IS TO CERTIFY, that Lynn D. Weller & Lauretta Weller
of Pocatello, Idaho, have, ~~xxx~~ complied with the terms and conditions of Permit
No. 29978/29-2451 issued pursuant to Application for Permit dated July 14, 1961,
and has submitted proof to the Department of Water Administration on July 15, 1966,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 0.04 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from an unnamed creek
tributary of Rapid Creek, is hereby confirmed in the following amounts:

Amount 0.04 cfs for Domestic from Jan. 1 to Dec. 31 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at
any one time, said waters to be diverted within the _____

NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp. 6 S, Rge. 36 E, B.M.

in the county of Bannock; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 2.4 acre feet per year ~~xx~~ _____

~~acre feet per acre~~

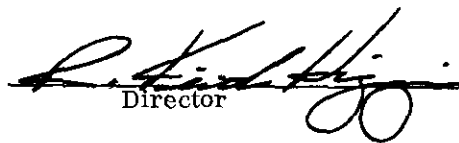
Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 S	36 E	35									X								

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of
December, 19 73.


Director

29 2451

Receipt # 1337.2

APPLICATION FOR AMENDMENT

RECEIVED
NOV 29 1973
Department of Water Administration

Comes now Lynn D. & Laurretta Weller of (address) _____

4724 Ponderosa, Pocatello, Idaho, and represents to the Director of
the Idaho Department of Water Administration:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29978/29-2451, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35 Twp. 6 S
Rge. 36 E, B.M., County of Bannock. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 0.04 for Domestic purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 Amount for purposes from to (both dates inclusive)
 Amount for purposes from to (both dates inclusive)
 Amount for purposes from to (both dates inclusive)
 (cfs or acre feet per annum) TOTAL: 0.04 cfs

3. Place of use or land to be irrigated:

[illegible]

Total number of acres to be irrigated

Agnes D. Miller

29 2451

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.

Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at _____, this _____ day of _____, 19 ____.

(see signature at bottom of first page)

(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 29978/29-2451.

Witness my hand this 4 day of December, 19 73.

R. Keith Higginson
Director

Application For Permit To Appropriate the Public Waters of the State of Idaho

29-2451

APPLICATION No. 37967
PERMIT No. 29978
DISTRICT No.

Assigned to Lynn D. Weller
and Lauretta Weller
Pocatello, Ida

1. Name of Applicant: Arthur L. Watson

Postoffice address: P.O. Box 413, Pocatello

County: Bannock

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) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 0.04

cubic feet per second.

3. Source of water supply: Unnamed creek

which is a tributary of

Rapid Creek

4. Location of point of diversion:

feet distant from the

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

of section 35 , T. 6 S. , R. 36 E. , B. M., County of Bannock

5. Water is to be used for Garden, berries, and fruit and other trees

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 of , 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: \$ No cost

8. Kind of works: Diversion and ditch

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 1 feet; height 1 feet.

11. Ditch: Width at bottom 1/3 feet; width at water line Av 7 in. feet; depth of water 1/3 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 5 years.

13. The time required for the complete application of the water to the proposed use is 0 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

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

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

s/ Arthur L. Watson Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 8:30 A.M. July 14, 1961

Returned to applicant for correction: July 14, 1961

Corrected application received: 8:00 A.M. July 24, 1961

Approval of State Reclamation Engineer

The number of this permit is 29978
Recorded in Book 105 Page 29978 Approved July 28, 1961
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before Sept. 28, 1961 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before January 28, 1964
The whole of said work to be completed on or before July 28, 1966
Beneficial use of water appropriated in accordance herewith, to be made on or before July 28, 1966

WITNESS My hand this 28th day of July, 1961

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 28th day of July, 1961.

STATE OF IDAHO

Countersigned:
(SEAL) By s/ ARNOLD WILLIAMS Secretary of State. By s/ ROBERT E. SMYLLIE Governor.

REMARKS: I have a small spring which furnishes drinking water for the house; its just a short ways from the house. A spring on my property is the head of the un-named creek.

14.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals	
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄		
6 So.	36 EBM	35	ASSIGNMENT ✓ For value received, I hereby assign all of my right, title and interest in and to Permit to appropriate the Public Waters of the State of Idaho, No. 29978 to Lynn D. Weller and Lauretta Weller, husband and wife of Pocatello, Idaho /s/ ARTHUR L. WATSON Permit Holder State of Idaho) : County of Bannock) On this 18th day of May, 1966, before me, a Notary Public for the State of Idaho, residing at Pocatello, Idaho personally appeared Arthur L. Watson, a bachelor, known to me to be the person whose name is subscribed to the within instrument and duly acknowledged to me that he executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal, the day and year in this certificate first above written. My commission expires: August 2, 1969 /s/ R. D. MERRILL Notary Public, residing at Pocatello, Idaho																2	2

LICENSE ISSUED FOR .04 SEC. FT.
LICENSE PAGE NO.

LICENSE ISSUED FOR .04 SEC. FT.
LICENSE PAGE NO.

December 5, 1973

Re: Permit No. 29978/29-2451

C
Lynn D. Weller & Laretta Weller
4729 Ponderosa
Pocatello, Idaho 83201

O
Dear Mr. & Mrs. Weller:

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

We are also enclosing a copy of the approved amendment along with Receipt #13373 in the amount of \$15.00.

P
Sincerely,

BOBBY D. FLEENOR
Assistant Director

Y
jfr

Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 13, 1973

Re: Permit No. 29978/29-2451

Lynn D. Weller & Lauretta Weller
~~2501 1st Avenue~~
Pocatello, Idaho 83201
H729 Pocatello
Dear Mr. & Mrs. Weller:

Let #12373

A representative of this Department has made an examination of the works covered by your Permit No. 29978/29-2451 and has found the following:

Quantity of water diverted: 0.04 cfs (unnamed creek)

Amount of water that can be recognized as beneficially used under Idaho law: 0.04 cfs

The maximum quantity diverted shall not exceed 2.4 acre feet per year.

Beneficial use: Domestic use within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp. 6 S, Rg. 36 E

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp. 6 S, Rge. 36 E, B.M.

Priority date established: July 14, 1961

The point of diversion and place of use found by our examiner differs from that listed under the permit, therefore, it will be necessary to amend the permit before a water license can be issued. We have enclosed a partially completed application for amendment for your use. Please sign and return the application along with a \$10.00 filing fee.

Please be advised that there is also a \$5.00 licensing fee due. Therefore we must receive the completed amendment application and a fee totaling \$15.00 within 30 days of the date of this letter in order to be able to issue your water license as set forth above.

If you do not concur with these findings or have any questions, please contact this office within the 30 day period.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Assistant Director

Enclosure

208 2451

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 13, 1973

Re: Permit No. 29978/29-2451

Lynn D. Weller & Lauretta Weller
2501 S. 5th Avenue
Pocatello, Idaho 83201

Dear Mr. & Mrs. Weller:

A representative of this Department has made an examination of the works covered by your Permit No. 29978/29-2451 and has found the following:

Quantity of water diverted: 0.04 cfs (unnamed creek)

Amount of water that can be recognized as beneficially used under
Idaho law: 0.04 cfs

The maximum quantity diverted shall not exceed 2.4 acre feet per year.

Beneficial use: Domestic use within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp. 6 S, Rg. 36 E

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 35, Twp. 6 S, Rge. 36 E, B.M.

Priority date established: July 14, 1961

The point of diversion and place of use found by our examiner differs from that listed under the permit, therefore, it will be necessary to amend the permit before a water license can be issued. We have enclosed a partially completed application for amendment for your use. Please sign and return the application along with a \$10.00 filing fee.

Please be advised that there is also a \$5.00 licensing fee due. Therefore we must receive the completed amendment application and a fee totaling \$15.00 within 30 days of the date of this letter in order to be able to issue your water license as set forth above.

If you do not concur with these findings or have any questions, please contact this office within the 30 day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

Enclosure

29 2451

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 29978 / 29-2451

REPORT ON PROOF OF Completion of Works & Beneficial Use

Rye 3' E.

Aug 6 L

35 10 + P.U.
* 0

P.D.
20

Volume

1 1/2 irrig

1/2 stock domestic

Q measured

Not measured

Q recommended

0.09 cfs based on system & current usage

Volume

2 A-E/YR

Acreage -

Found

1/2 acre

recommended

1/2

Subdv.

1

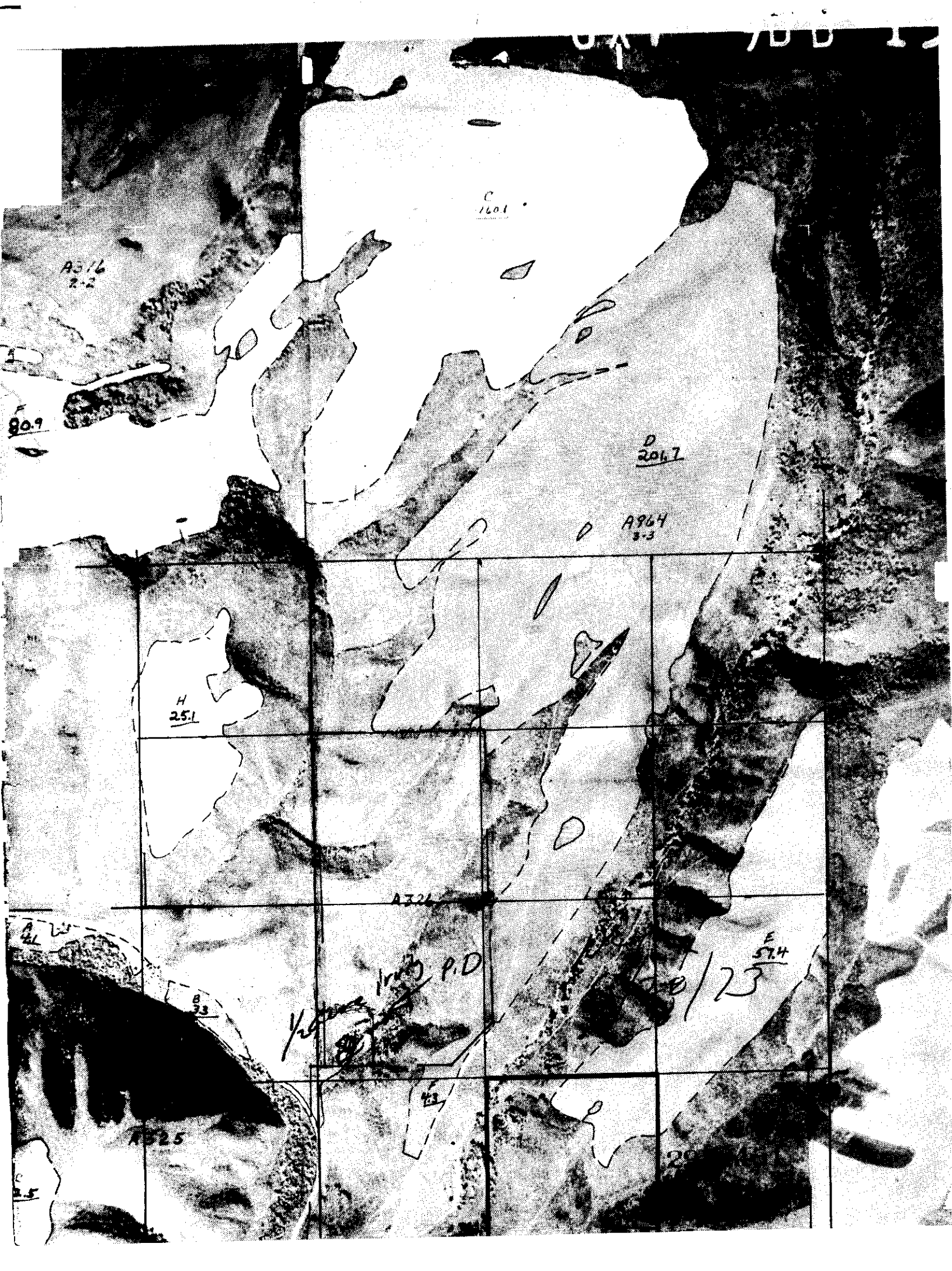
Amendments

☐ Nitro

☒ 2

☒ P.D. of use

☒ PURPOSE



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

Permit No. 29978 / 29-2451

This proof is for Completion of Works & Beneficial Use in Water District No.

1. Name of applicant Lynn D. & Lauretta Weller
2. Source of water supply: Unnamed Creek
3. Location of point of diversion: Is in the SW 1/4, Sec. 35, T. 6 S., R. 36 E., B.M.
T. R. County of Bannock
4. Describe works as they exist, giving dimensions and capacities of same:

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion:

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):
SW 1/4, Sec. 35, T. 6 S., R. 36 E., B.M.

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

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

Remarks: Renter Gary King accompanied on exam
13 head of stock - horses & mules drink
from ditch.
House with one family user water from
spring in same subdivision.
300' pipe - 1 1/2" to 1 1/4" inch steel & 2" plastic mixed
with estimated 20-30 ft fall. Also occasionally
used thru ditch. No flow measurement made.
I recommend that purpose be changed to
Domestic & Lic issued for 0.04 cfs

This examination was made on the 28th day of June, 1973

(Signed)

Norman C. Young
P.E.
Examiner.

Mr. Weller lives in Pocatello and
someone else is renting his place.

Aug 5-71 - rate was locked & unable to
examine at this time

1555-1212
Weller, V. H.
Alto 1
1000 Thors
5/2/72
EMR
2501 S. 5th
233-0494

Mr. Weller & I went to examine
water & use after he had told me
water was being used. He had
only about 0.08 acre under
cultivation & no water being
used 5/3/72 EMR (said he was
going to plow more ground up & irrigate.)

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.

29 2451

Lynn D. Weller
2501 South 5th Avenue
Pocatello, Idaho

Ditch? 233-3253
237 - 2785

Permit No. 29978 /29-2451

Examination for Completion of Works & Beneficial Use

County Bannock

Quantity: 0.04 c.f.s. Sec. 35 T. 6 S. R. 36 E., B.M.

Source: Unnamed Creek

P.D.: SW 1/4 Sec. 35, T. 6 S., R. 36 E., B.M.

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: none

Filed: July 14, 1961

Due: July 28, 1966

Made: July 15, 1966

May 16, 1967

Re: Permit 29978
Mr. Weller

R. D. Merrill
Merrill & Merrill
Attorneys at Law
Pocatello, Idaho

Dear Mr. Merrill:

In reply to your letter of May 11, 1967, our records indicate that permit 29978 is awaiting a field examination by this department, prior to licensing. The examination of this permit is anticipated for the 1967 irrigation season.

Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:nw

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

A. L. MERRILL (1886-1961)
R. D. MERRILL
W. F. MERRILL

May 11, 1967

RECEIVED
MAY 12 1967

Department of Reclamation

Mr. Carl E. Tappan
State Reclamation Engineer
107 State House
Boise, Idaho 83701

Attn: Mr. R. Keith Higginson

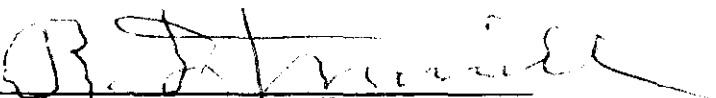
In re: Permit 29978

Dear Mr. Higginson:

Final proof of use of water was made in the above entitled matter in July, 1966, and on July 22, 1966, you advised us that after field examination the issuance of the license would then be considered. Mr. Weller advises that so far he has not received the license under this Permit. I do not know whether or not the Department made any field examination but could you advise in regards to same.

Respectfully yours,

MERRILL & MERRILL

By 
R. D. Merrill

RDM:tb

29978

Re: Permit No. 29978

July 22, 1966

R. D. Merrill
Attorney at Law
Spaulding Bldg.
Pocatello, Idaho

Dear Mr. Merrill:

We acknowledge receipt of the depositions of holder and two witnesses, also affidavit of publication in the Idaho State Journal all submitted in proof of completion of works and beneficial use on Permit No. 29978.

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 to contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

Deputy State Reclamation Engineer

RKH:mr

P.S. We are returning the receipt for the publication cost.

cc: Lynn D. Weller
2501 South 5th Avenue
Pocatello, Idaho

29978

DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 29978

* * * * *

RECEIVED
JUL 18 1961

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF HOLDER

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

Lynn D. Weller, 2501 South 5th Avenue, Pocatello, Idaho--Motel Manager (Assignee of Arthur L. Watson)

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

none

Ques. 3. State number, approval date of permit, and date of priority: _____

Permit 29978. Approval date of permit was approximately 28th of July, 1961, Date of priority July 28th, 1961

Ques. 4. State source of water supply: small spring on property owned by Lynn D. Weller which is the head of a small unnamed creek.

Give location of point of diversion, showing subdivision, section, township and range

In the SW 1/4 SE 1/4 of Section 35, Township 6S Range 36 E. B. M. Bannock County, Idaho

Ques. 5. Describe your works of diversion: From spring which is the head of a small unnamed creek. 2 minor inches or more.

_____ ; state amount of water they are capable of conveying from point of diversion to place of use: 2 minor inches ; Give name of canal or ditch or other works by which water is conducted to such place of use: ditch constructed from the unnamed creek to the land which is irrigated. Land irrigated planted to fruit and shade trees & lawn and during year 1961 a garden well, state depth of well ; depth and size of

casing _____ ; depth to water _____ ; if pump is used,

state discharge of pump: _____ ; tell how it was measured or determined _____

_____ ; if sprinkler irrigation, give number and size

of nozzles and operating pressure: _____

Ques. 6. State for what purpose water is used: irrigating fruit and shade trees and lawn

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

29978

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: None

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

None

Ques. 8: 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:

None

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: First used in year 1949. - Time used since first use:

This was considerably prior to the application for permit. At that time and subsequently it was used on the land for a large garden, for watering fruit trees, etc. Water under permit was used prior to and immediately after permit was issued July 28, 1961

Ques. 10. Describe all other water rights appurtenant to same place of use: None

(sign) [Signature]

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

[Signature], County of Blaine Co.
State of Idaho, on this 17th day of July, A. D. 1966

My commission expires: Aug 2, 1969

[Signature]
Notary Public
Blaine Co., Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 29978

RECEIVED
JUL 18 1966
Department of Reclamation

and Completion of Works
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:

Arthur L. Watson Age: 68, Residence: 3830 Nora Aven. (P.O. Box 413) Pocatello, Idaho

Occupation: Retired--on pension.

Ques. 2 Are you acquainted with Lynn D. Weller, the holder of
Permit No. 29978? How long have you known him and where does he reside?

Yes. Known him approximately 25 years and he lives at 2501 South 5th Avenue, Pocatello, Idaho

Ques. 3. Have you read or heard said Permit No. 29978 read, and are you familiar
with its provisions and conditions: Yes X No.

Ques. 4. State source of water supply: small unnamed creek about 50 feet from a small
spring which is the source of the water

Give location of place of diversion, showing subdivision, section, township and range
SW1/4 SE 1/4 section 35, Township 6S Range 36 E.B.M. Bannock County, Idaho

Describe works for conveying water to place of use: small ditch from unnamed creek to
place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 2 minor inches How much water have you seen being so
conveyed? 2 minor inches..all of the water in the creek above point of diversion which is
approximately 2 minor inches.

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Approximately 2 acres located within the SW 1/4 SE 1/4 Section 35, Township 6S. Range
36, E.B.M. Bannock County, Idaho

29978

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

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.

black loam soil and approximately 2 minor inches used for irrigation.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? NO

If so, in what way and to what extent? I formerly owned the land and made the original

application for permit. I sold the land and assigned the permit to Lynn D. Weller

Ques. 10. When did you first see this water used? The water was being used upon this land when

I purchased the place in about 1949 and from 1949 upon the land above described until I sold the
Other times you have seen such use: property to Lynn D. Weller

I examined the property several times during the spring and summer of 1966. The last time was
about July 1, 1966. The water was then being used by Mr. Weller to irrigate the fruit trees,
shade trees and lawn.

(Signed):

Arthur L. Watson

* * * * *

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

Pocatello, County of Bannock, State of Idaho, on
this 15th day of July, A. D. 1966

[Signature]
Notary Public for the State of Idaho

Residing [Signature]

My commission expires Aug 2, 1968

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. _____

* * * * *

RECEIVED
JUN 18 1966
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

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:

Donald McKay Pugmire, Age: 37, 520 South 5th Avenue, Pocatello, Idaho: Photographer

at 520 South 5th Avenue, Pocatello, Idaho

Ques. 2 Are you acquainted with Lynn D. Weller, the holder of

Permit No. 29978? How long have you known him and where does he reside?

Known him since November of 1951. He resides at 2501 South 5th Avenue, Pocatello, Idaho

Ques. 3. Have you read or heard said Permit No. 29978 read, and are you familiar

with its provisions and conditions: Yes X No. _____

Ques. 4. State source of water supply: A small spring on the property owned by Lynn D. Weller
which is the head of a small unnamed creek.

Give location of place of diversion, showing subdivision, section, township and range

SW 1/4 SE 1/4 Section 35, Township 6S, Range 36 E. B. M. Bannock County, Idaho

Describe works for conveying water to place of use: small ditch running from creek about

50 feet down from a spring to place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct

to place of use: 2 minor inches How much water have you seen being so

conveyed? 2 minor inches

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving full legal description:

the small stream of water used for irrigating the household garden and fruit trees, the same

being located on the SW 1/4 SE 1/4 Sec. 35, Township 6S Range 36 E. B. M. Bannock County, Idaho

29978

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.
used just for irrigation purposes.

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.
a level stretch of land of approximately 60 feet by 150 feet together with a small tract of slopping land where the fruit trees are located, two minor inches

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned? If so, in what way and to what extent? No.

Ques. 10. When did you first see this water used? October of 1965
Other times you have seen such use: on the afternoon of Tuesday, July 12th, 1966

(Signed): *Edward J. [Signature]*

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 _____

Pocatello, County of Bannock, State of Idaho, on this 13th day of July, A. D. 1966

[Signature]
Notary Public for the State of Idaho
Residing Pocatello, Idaho

My commission expires Aug 2, 1969

PROOF OF PUBLICATION

RECEIVED
JUL 18 1966
Department of Reclamation

STATE OF IDAHO
County of Bannock

ss.

Arleen Turner

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

June 10, 19 66
June 17, 19 66
June 24, 19 66
July 1, 19 66
_____, 19____, 19____

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Arleen Turner

Subscribed and sworn to before me this 1st day of July, 19 66

Roberta E. Squatieri

Notary Public, State of Idaho
Residence: Pocatello, Idaho

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

Arleen Turner

NOTICE OF PROOF OF COMPLETION OF WORKS

and APPLICATION OF WATER TO BENEFICIAL USE

NOTICE is hereby given that on the 15th day of July, 1966, at Pocatello, County of Bannock, State of Idaho, before R. D. Merrill, Notary Public, at 504-505 Spaulding Building, Pocatello, Idaho proof will be submitted of the completion of works for the diversion of .04 cubic feet (two Miner's Inches) per second of the waters of an unnamed creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 29978, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is: Lynn D. Walker and Lauretta Weller, 2501 South 5th Ave., Pocatello, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is .04 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes and the amount applied to beneficial use is .04 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 35, Township 6 South, Range 36 East, Boise Meridian.

5. The place where said water is used is SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 35, Township 6 South, Range 36 East, Boise Meridian. Total two acres.

6. The date of priority which said water is required to establish is June 10, 1966.

CARL E. TAPPAN
State Reclamation Engineer
June 10, 17 24, July 1, 1966

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

June 10, 1966, 19____
June 17, 1966, 19____
June 24, 1966, 19____
July 1, 1966, 19____
_____, 19____, 19____

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Subscribed and sworn to before me this 1st day of July, 1966

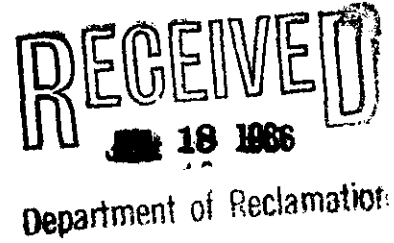
Notary Public, State of Idaho
Residence: Pocatello, Idaho

29978

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

A. L. MERRILL (1886-1961)
R. D. MERRILL
W. F. MERRILL

July 15, 1966



Mr. Carl E. Tappan
State Reclamation Engineer
Boise, Idaho

Re: Proof of Application of Water to Beneficial Use
Permit No. 29978 - Lynn D. Weller

Dear Mr. Tappan:

We are enclosing herewith the following Proof in the above-entitled matter.

1. Deposition of Lynn D. Weller, Holder of Permit
2. Deposition of Witness Donlad McKay Pugmire
3. Deposition of Witness Arthur L. Watson

We are also enclosing herewith Proof of Publication Notice together with a bill stamped paid.

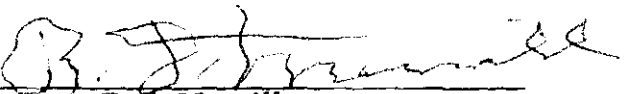
We presume these are all that are necessary in this matter, but if there is anything else, would you be good enough to advise us.

We would appreciate it if you would send all papers pertaining to this matter to our office and we will see that they are delivered to Mr. Weller.

Note

Respectfully yours,

MERRILL & MERRILL

By 
R. D. Merrill

RDM:or
Encl.

29978

July 12, 1966

Re: Permit No. 29978
Lynn D. Weller

Mr. R. D. Merrill,
c/o Merrill & Merrill,
Attorneys at Law,
Spaulding Building,
Pocatello, Idaho.

Dear Mr. Merrill:

Pursuant to your letter of July 8, 1966, we are forwarding the requested deposition forms for the above referenced permit. The file on Permit No. 29978 indicates we mailed the first set of depositions to the permit holder.

Please contact us if we may be of further assistance.

Very truly yours,

DONALD W. McELDOWNY
State Water Rights Clerk

Encl: Deposition of Holder
Deposition of Witness (2)
DWMc:pmk

29978

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

A. L. MERRILL (1886-1961)
R. D. MERRILL
W. F. MERRILL

July 8, 1966

RECEIVED
JUL 11 1966

Department of Reclamation

Reclamation Engineer
Room 107 - State House
Boise, Idaho 83701

Re: Permit Number 29978
Lynn D. Weller Assignee of Arthur L. Watson

Dear Sir:

Proof of Completion of Works in the above-entitled matter is to be had in my office on July 15th, 1966, pursuant to notice published in the Idaho State Journal. Would you kindly send to me the necessary forms for this Proof; that would be the deposition of the owner or applicant and the deposition of two witnesses. I would appreciate it very much if you could get me these forms prior to the 15th.

Respectfully yours,

MERRILL & MERRILL

By 
R. D. Merrill

RDM:or

29978

May 20, 1966

RE: Permit No. 29978
Mr. and Mrs. Lynn D. Waller

Merrill and Merrill
Attorneys at Law
Pocatello, Idaho
Attn: R. D. Merrill

Dear Mr. Merrill:

Enclosed herewith is assignment on the above numbered permit which has been recorded in this office.

Also enclosed is departmental receipt No. 33217 in the amount of \$.50 cents which covers the recording fee.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:ejw
Encl: Assignment
Receipt

29978

RECEIVED
JUN 10 1968

1968

Wife of Permit Holder

On this 18th day of May, 1966, before me, a Notary Public
for the State of Idaho, residing at Pocatello, Idaho
personally appeared Arthur L. Watson, a bachelor
known to me to be the person whose name is subscribed to the within instru-
ment, and duly acknowledged to me that he executed the same.

My commission expires August 67

*
If fractional part of permit is to be assigned, the same fractional part of the land to which the assigned fraction is appurtenant should be shown.

29978

May 19, 1966

Re: Permit No. 29978

Lynn D. Weller
2501 South 5th Avenue
Pocatello, Idaho

Dear Mr. Weller:

This acknowledges the Notice of Proof of Completion of Works and Application of Water to Beneficial Use under Permit No. 29978. The proofs are to be made ~~at the place, on the date, and at the time and before the Notary, as advertised.~~ on the 15th day of July, 19 66, before E.D. Merrill 504-505 Spaulding Bldg. Notary Public.

As of this date, we have mailed the Notice to the Idaho State Journal, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof then mail the Affidavit of Publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the AFFIDAVIT OF PUBLICATION

Very truly yours,

M. Russell Bosch
Office Manager

Encl.

cc: Notary

29978

May 19, 1966

Re: Permit No.
29978

Idaho State Journal
Pocatello, Idaho

Gentlemen:

Enclosed you will find a legal notice which we wish to have published for four consecutive weeks prior to July 15, 1966. The expense of the publication is to be paid by Lynn D. Weller of 2501 South 5th Avenue, Pocatello, Idaho to whom you should furnish proof of publication on or prior to the above date.

Please acknowledge receipt of this notice and furnish this office with a copy or tear sheet of the notice for checking at least one week prior to the first publication.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:mr

Enc. legal notice

29978

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USENOTICE is hereby given that at 10:00 A. M., on the 15th day of July1966, at Pocatello, County of Bannock, State of Idaho, before
R. D. Merrill, Notary Public, at (address) 504-505 Spaulding Building,Pocatello, Idaho, proof will be submitted of the completion of works for the diversion of
.04 ^(two minor's inches) cubic feet/per second of the waters of an unnamed creek_____, and of the application to beneficial use of said water, in accordance with
the terms and conditions of Permit No. 29978, heretofore issued by the Department of
Reclamation of the State of Idaho.1. The name and postoffice address of the person or corporation holding said permit
is: Lynn D. Weller and Lauretta Weller, husband and wife, 2501 South 5th Ave., Pocatello, Ida.2. Said works of diversion will be fully completed on the date set for such completion
and the amount of water which said works are capable of conveying to the place of use is
.04 cubic feet per second.3. The use to which said water has been applied is irrigation
_____, purposes, and the amount applied to beneficial use is .04 cubic
feet per second.4. The point of diversion of said water is SW 1/4 of SE 1/4, Section 35 Township 6 South,
Range 36 East Boise Meridian.5. The place where said water is used is SW 1/4 of SE 1/4, Section 35, Township 6 South,
Range 36 East, Boise Meridian.6. The date of priority which said user is prepared to establish is June 14, 1961
_____.
Total two acres.

State Reclamation Engineer

29978

RECEIVED
MAY 19 1966

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 17, 1966

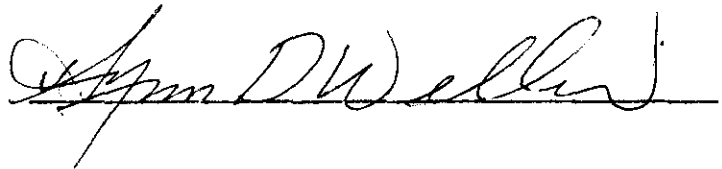
(P. O.) 2501 South 5th Ave., Pocatello, Idaho

TO THE STATE RECLAMATION ENGINEER

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published
at my expense in the IDAHO STATE JOURNAL of
Pocatello, 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

29978

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

A. L. MERRILL (1886-1961)
R. D. MERRILL
W. F. MERRILL

May 18, 1966

MAY 19 1966
Department of Reclamation

Mr. Carl Tappan
State Reclamation Engineer
Room 107 - State House
Boise, Idaho

In re: Permit No. 29978 - Lynn D. Weller,
Assignee of Arthur L. Watson

Dear Mr. Tappan:

We are enclosing herewith the following papers in the above entitled matter:

Assignment of Permit No. 29978 from Arthur
L. Watson, a bachelor, to Lynn D. Weller
and Laurretta Weller, husband and wife.

Authorization to publish Notice in the Idaho
State Journal.

Notice of Proof of Completion of Works, in
duplicate.

Our check of fifty cents for the recording of
the Assignment.

In checking this matter with Mr. Weller we find a rather peculiar situation. The Permit covers a spring on the land which Lynn D. Weller purchased from Mr. Watson. The water from this spring, we understand, measures about two Miner's Inches, or .04 cubic feet. When the water is not used on the land it goes down a little gully and finally goes into Rapid Creek. It is out understanding that Watson used this spring upon the land for many years for the purpose of growing a small garden. Somehow he was advised that he should file upon the spring, which he did, which resulted in Permit No. 29978. After this Permit was issued Watson continued to use the water on the land until the 27th day of August, 1963, at which time he sold the land, together with the water right and the permit No. 29978, to Lynn D. Weller. Lynn D. Weller intended to build a home on the property and use the water for a small garden, lawn and domestic use. However, he never got around to building the house

29978

MAY 19 1966

Department of Reclamation

Mr. Carl Tappan
State Reclamation Engineer
May 18, 1966
Page No. 2

and has not used the water since he bought it from Watson. The question that now arises is - whether or not the fact that Watson used the water upon this land from the time of the Permit and many years prior thereto to the time he sold it to Lynn D. Weller, would be sufficient proof in this matter. If this is sufficient proof then we would suggest that you have the Notice of Proof of Completion of Works published in the usual way. If this is not sufficient then there isn't any need of wasting the money on the publication.

If you determine that the use of the water by Watson is insufficient would it be possible for you to grant to Mr. Weller an extension of time for two or three years, during which time he will again use the water upon the land. It is our understanding the ditches and things of that sort from the spring to the land are still usable and were used by Watson before and after he filed upon this water, and until he sold to Weller on the 27th day of August, 1963.

Could you advise us in regards to this?

Respectfully yours,

MERRILL & MERRILL

By 
R. D. Merrill

RDM:tb
Encls.

*Mr. R.D. Merrill was contacted by Telephone 5-19-1966,
at 11:20 AM. His intent to advertise.*

Don McElroy

29978

May 17, 1966

RE: Permit No. 29978
Arthur L. Watson

Mr. Lynn Weller
2501 South 5th Avenue
Pocatello, Idaho 83201

Dear Mr. Weller:

We received a letter from Mr. Watson informing us that he had sold his farm to you. That he thought you would be interested in this permit. If you desire to retain this water permit you will have to have it assigned in your name. We are enclosing the forms for making this assignment and there is a 50¢ recording fee required.

This permit requires the completion of works not later than July 28, 1966, otherwise it will be cancelled. So, we are forwarding the form for the completion of works affidavit also.

Hope to hear from you in this matter.

Very truly yours,

M. RUSSELL BOSCH
Office Manager

MRB:efw
Encl: Forms 6

29978

Pocatello Idaho
May 17 h. 1966

Mr. Kaplan
Dear Sir:

As I said in my other letter. I mailed the letter you sent to me to Mr. Lynn Weller 2501 South 5th. Ave. Pocatello Idaho 83201, who now owns the dry farm. But I do not know what action he will take, so maybe it would be best if you sent him the papers about the water permit direct, thank you.

Sincerely
Arthur L. Watson
P.O. Box 413
Pocatello Idaho 83201

RECEIVED
MAY 17 1966

Department of Reclamation

29978

.04 C.F.S.
UNNAMED CREEK
SWSE 35-65-36E

SWSE 35

2 ACRE DRY FARM ?
7/28/66

29978

May 5, 1966

C
O
P
Y

Mr. Lynn Weller,
2501 South 5th Ave.,
Pocatello, Idaho 83201

Dear Mr. Weller:

We are in receipt of a letter from Mr. Arthur L. Watson stating he has sold his farm and water Permit No. G-29978 to you. Pleased be advised, if you wish to perfect the water right, you would be required to obtain an assignment from Mr. Watson, assigning all rights under Permit No. 29978 to you. A form for assignment is enclosed, and a \$.30¢ recording fee is required. In addition, proof of completion of the works and application of the water to beneficial use is due on or before July 28, 1966. We are enclosing instructions and forms to make this required proof. Should you be unable to make proof within the required time, the Idaho Code allows you to file an application for extension of time. This application must be received on or before July 20, 1966.

Please contact us if we may be of further assistance.

Very truly yours,

DONALD W. McELDOWNEY
State Water Rights Clerk

encl. - Form 5A
Form 36A in duplicate
Form 11
Assignment Form
DWMc:pmk

29978

Pocatello Idaho
May 4th 66

Dear Sir;

I am writing to let you know
I sold the dry farm August 29th 1963
to Mr Lynn Weller 2501 South 5th
Avenue Pocatello Idaho 83201 I have
mailed your letter to him.

Permit no
29978

Sincerely
Arthur L Watson
P.O. BX 413
Pocatello Idaho

RECEIVED
MAY 5 1966

Department of Rehabilitation

29978

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

Re: Permit No. **29978**

Date:

May 2, 1966

**Arthur L. Watson
Box 413
Pocatello, Idaho**

Dear **Mr. Watson:**

Under the terms of your Permit No. **29978** you are required to make proofs of completion of works and application of water to beneficial use on or before **July 28, 1966**

Before this proof can be made, the statutory requirement is that a notice of your intention of proof be published once a week for four consecutive weeks in a newspaper in the county.

We enclose Form 36-A in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date and/or before the time you intend to make proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use, or lands which are irrigated - - by legal description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your notice is published, or you may have to readvertise and complete another set of proof forms.

Also enclosed is Form 11, which is the authorization for us to have the notice published in the designated county newspaper, at your expense. This is to be returned with Forms 36-A

At the time we send the notice to the newspaper we will send you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set, and at the place named, before the Notary Public as advertised in the publication notice.

The amount of water allowed in a license cannot be more than is actually produced and measured and put to beneficial use, and cannot be more than the statutory amount allowable per acre of land actually found by the field inspection to have been irrigated at the time of proof.

Very truly yours,

Carl E. Tappan
CARL E. TAPPAN
State Reclamation Engineer

Enc. **Form 36A and 11**
cc:

29978

August 8, 1961

Re: Permit No. 29978

Mr. Arthur L. Watson,
P. O. Box 413,
Pocatello, Idaho.

Dear Mr. Watson:

We enclose Permit No. 29978 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Departmental Receipt No. 30650, which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit, was mailed to you with our letter of July 14, 1961.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

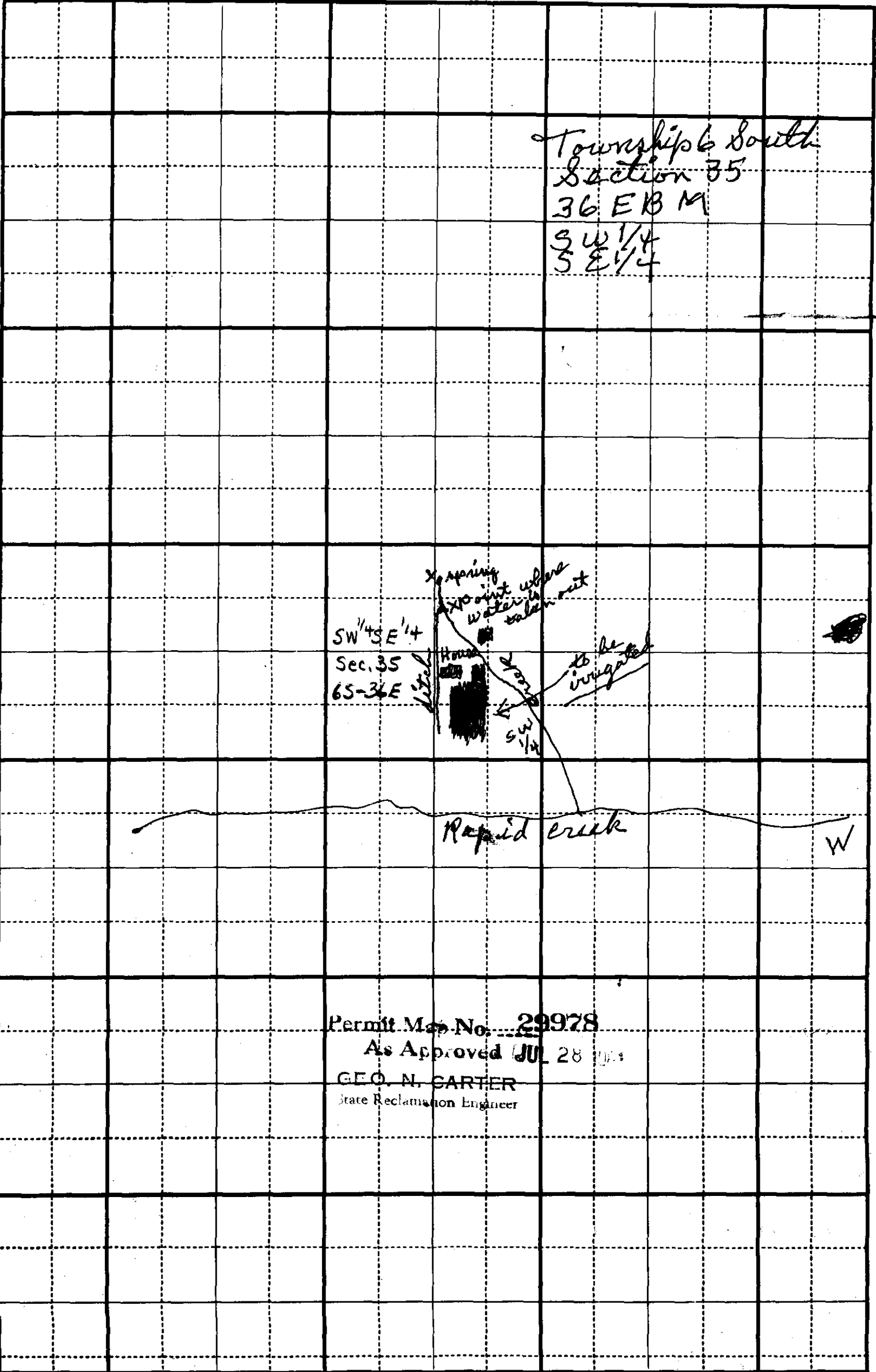
(Mrs.) Edna P. Rule
Chief Clerk

Encl.
EPR:pak

29978

NAME OF APPLICANT Arthur L. Watson

Form No. 0



SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.
2 in Equal 1/4 mile

29978

Pocatello Idaho
July 20th 61

Dear Mr Thomas:

Thank you a lot, for the information
you sent me about water rights. I
have corrected my application, so I am
sending it in with this letter. Best
regards

RECEIVED
JUL 24 1961

Department of Reclamation

Sincerely
Arthur L. Watson
P.O. BX 413
Pocatello Idaho

July 14, 1961

RE: Application No. 37967

Arthur L. Watson
Box 413
Pocatello, Idaho

Dear Mr. Watson:

Returned herewith is your application for permit to divert 0.04 cubic foot per second from an unnamed stream, source of which is a spring on your land, with receipt No. 30650 attached.

There have been a number of changes and additions in red pencil which you should check.

The map shows your point of diversion is from the creek and not from the spring; see note under remarks.

Your application is worded to indicate that you have used the water for irrigation and the other small spring for domestic use for some time past. A spring which lies entirely on a person's property is private water and can be used with or without a permit. If some of the water runs off from the property, the portion running off is public water to fill prior water rights, or another person can file an application to appropriate.

A "Use Right" obtained by diversion and beneficial use of the water is a legal right, however it is not a right of record.

In your case, any water which would run into Rapid Creek would be available to fill the water rights downstream.

Kindly check and return the application within 60 days.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Ralph W. Thomas
Deputy State Reclamation Engineer

RWT:mr
Enc. application, receipt

29978

Pocatello Idaho
July 12th 61

Dear Mr Thomas:

Inclose find m.o. for \$5 as filing fee. I would like to get information about what is the law, when a small spring is on ones land, and there is practically no run off or creek of any kind, does it require filing. Thanking you.

Sincerely
Arthur L. Watson
P.O. Box 413
Pocatello Idaho

JUL 14 1961
Department of Agriculture

July 7, 1961

Re:
Application for Permit

Arthur L. Watson
Box 413
Pocatello, Idaho

Dear Mr. Watson:

Enclosed is Form 1, Application for Permit with instructions.

We find no record of a permit with the point of diversion from a spring or unnamed stream in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 35, Twp. 6 S., Rge. 36 E. You did not show the township as being south, that is assumed by your address. Our map does not show a named stream in that location. Rabbitt Creek, apparently, does not cross that land.

Provided the spring or stream is a tributary of Rabbitt Creek, a water right obtained would be subsequent to prior water rights from Rabbitt Creek below the junction of the streams.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

Enc. Form 1 - application
& instructions

29978

Pocatello Idaho
Ju. 6th. 1961

Dear sir:

I would like to get the following information, about
filing on water, Leaflet of instruction, permit and form. Also
to find out if anyone ever filed on a spring or ~~xxxx~~ water
in the following area, which is part of my land.

S.E.1/4 S.W.1/4

Section 35

Township 6

South Range 36 E.B.M.

Any information will be appreciated, thank you.

Sincerely
Arthur L. Watson
P.O. Box 413
Pocatello Idaho

RECEIVED
JUL 7 1961

Department of Reclamation

29978

AFTER FIVE DAYS RETURN TO
DEPARTMENT OF RECLAMATION
ROOM 107, STATE HOUSE
BOISE, IDAHO 83701

Mr. Lynn Weller,
2501 South 5th Ave.,
Pocatello, Idaho 83201

LEGAL 2

**NOTICE
OF PROOF OF COMPLETION
OF WORKS**

**and
APPLICATION OF WATER TO
BENEFICIAL USE**

NOTICE is hereby given that on the 15th day of July 1966, at Pocatello, County of Bannock, State of Idaho, before R. D. Merrill, Notary Public, at 504-505 Spaulding Building, Pocatello, Idaho, proof will be submitted of the completion of works for the diversion of ~~0.1~~ cubic feet (two Miner's Inches) per second of the waters of an unnamed creek, and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 29978, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and post office address of the person or corporation holding said permit is: Lynn D. Weller and Laurretta Weller, 2391 South 5th Ave., Pocatello, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion and the amount of water which said works are capable of conveying to the place of use is .04 cubic feet per second.

3. The use to which said water has been applied is irrigation purposes and the amount applied to beneficial use is .04 cubic feet per second.

4. The point of diversion of said water is SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 35, Township 6 South, Range 36 East, Boise Meridian.

5. The place where said water is used is SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 35, Township 6 South, Range 36 East, Boise Meridian, Total two acres.

6. The date of priority which said user is prepared to establish is July 14, 1961.

CARL E. TAPPAN
State Reclamation Engineer
June 10, 17, 24, July 1, 1966

29978