

APR 30 2001

State of Idaho License and Certificate of Water Right

Water License No. 24599

Amount .24 c.f.s.

Water District No.

Priority March 18, 1954

THIS IS TO CERTIFY that

GEORGE A. STEWART

of Arbon, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 4, 1953; that Permit No. 24599 was issued under said application; that Certificate of Completion of works, with a carrying capacity of .80 second feet, was issued thereunder on February 20, 1959, showing that said works were completed on the 17 day of February, 1959; and that on the 24th day of March, 1959,

GEORGE A. STEWART

of Arbon, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Muddy Creek, a tributary of sinks, for the purpose of irrigation, under Use Permit No. 24599 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

12 of Licenses at page 7772, on the 1st day of November, 1963;

The right hereby confirmed dates from March 18, 1954;

The Point of Diversion is located 3 points in

in the SE 1/4 NE 1/4, Sec. 13, Tp. 9 S, R. 34 E., B. M. County Power

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 .24 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S.	34 E.	13	SE 1/4 NE 1/4	18	12

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

1st day of November, 1963.

RALPH W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

29 2343

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 32402
PERMIT No. 24599
DISTRICT No.

29-2343

1. Name of Applicant: GEORGE A. STEWART

Postoffice address: Arbon

County: Power

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:
(b) Treasury stock:
(d) Other resources:

- (a) Cash on hand:
(c) Bonds to be issued:

2. Quantity of water claimed: 40 inches or .80 cubic feet per second.

3. Source of water supply: Muddy Creek which is a tributary of Non-tributary (Sinks)

4. Location of point of diversion: feet distant from the

Two or three points of diversion all in
corner of Section , T. , R. , B. M., and is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 13 , T. 9 S. , R. 34 E. , B.M., County of Power

5. Water is to be used for Irrigation

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

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 2,000.00

8. Kind of works: Two small dams and sprinkler system

9. Height of dam 10 feet; length of dam at top 50 feet; length of dam at bottom 20

feet; material used in dam: Earth (Just small over night holding ponds)

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

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is None 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.

GEORGE A. STEWART

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 11:00 a.m. December 4, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 24599

Recorded in Book 87 Page 24599 Approved December 10, 1953

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 February 10, 1954 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 June 10, 1956

The whole of said work to be completed on or before December 10, 1958

Beneficial use of water appropriated in accordance herewith, to be made on or before December 10, 1958.

WITNESS My hand this 10th day of December, 1953

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE.....LEN JORDAN....., Governor of the State of Idaho;

and IRA H. MASTERS, 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 10th

day of December, 19 53.

STATE OF IDAHO

Countersigned:

(SEAL) IRA H. MASTERS

By **LEN JORDAN**

Governor.

Secretary of State.

REMARKS:

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	
9 S.	34 E.	13	12	10		18												40	
			Permit No. 24599 CERTIFICATE OF COMPLETION OF WORKS ✓																
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that GEORGE A. STEWART of Arbon, County of Power, and State of Idaho, the holder of Permit No. 24599, issued upon Application No. 32402 bearing date of priority of December 4, 1953, authorizing the diversion of .80 second feet of waters of Muddy Creek, County of Power, State of Idaho, for irrigation purposes has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use .80 second feet of the waters of Muddy Creek, non-tributary, (sinks) that the point of diversion of said waters, three points in SE ¹ / ₄ NE ¹ / ₄ , Sec. 13, Twp. 9 S., R. 34 E., B. M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: N ¹ / ₂ NE ¹ / ₄ , SE ¹ / ₄ NE ¹ / ₄ , Section 13, T. 9 S., R. 34 E., B. M.																			
Proof of Completion of Works Made: February 17, 1959																			
Witness my hand this 20th day of February, 1959, A.D.																			
			s/ GEO. N. CARTER State Reclamation Engineer																
			LICENSE ISSUED FOR .24 SEC. FT. page 7772																

SCANNED
APR 30 2001

November 1, 1963

Re: Permit No. 24599

Mr. George A. Stewart
Arbon, Idaho

Dear Mr. Stewart:

Enclosed is the License and Certificate of
Water Right issued on Permit No. 24599.

Also enclosed is departmental receipt No.
31890 in the amount of \$2.00 covering fees.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

ERR:ew

Enc. certificates
receipt

24599

Boise, Idaho

Oct 30, 1963

Carl E. Tappan
State Reclamation Engineer
Dept. of Reclamation
Boise, Idaho

RECEIVED
NOV 1 1963

Department of Reclamation

Dear Sir:

In accordance with the letter received
from your department, dated October 28, 1963,
I am enclosing \$2.00 for the License and
Certificate of Water Right applied for March
18, 1954, under terms of Permit No. 24599.

Sincerely,

George A. Stewart

24599

400 - June 20-62

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

October 28, 1963

Re: Permit No. 24599

George A. Stewart
Arbon, Idaho

Dear Mr. Stewart:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 24599 shows the ponds and ditches are ~~xxx~~ capable of conveying 12 miner's inches, or .24 c.f.s. of water for irrigation of 12 acres.

Upon receipt of the statutory fees of \$ 2.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of March 18, 1954 to the use of .24 second feet of surface water, with the point of diversion three points in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 9 S., R. 34 E., B.M. from Muddy Creek, Beaver Pond, and Constructed Pond for irrigation of 12 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T. 9 S., R. 34 E., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer

CET:mr

24599

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

Permit No. 24599This proof is for Beneficial Use In Water District No. _____1. Name of applicant George A. Stewart2. Source of water supply: Muddy Creek3. Location of point of diversion: 2 or 3 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13T. 9 S R. 34 E.B.M. County of Power

4. Describe works as they exist, giving dimensions and capacities of same: No headgate or Control works. #1 pond opposite out of Creek. #2 ditch out of Beaver Pond. #3 Constructed Pond - Dam 100' long, 6' high, 9' wide - 1:1 slope downstream, 1:1 1/2 upstream slope. No outlet Conduit. Spillway 1 1/2' deep x 5' wide x 20' long Northside. 1 1/2' freeboard. Pond L shaped - 200' long Northside, 100' wide at dam. 30' long Southside. - #2 Pond is a Beaver Pond 100' dam length, ~~150'~~ 100' long ~~egg shaped~~ egg shaped.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

N $\frac{1}{2}$ NE $\frac{1}{4}$ & SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13., Twp. 9 S., Rge. 34 E. B. M.

can only irrigate 12 acres by gravity in SE $\frac{1}{4}$ NE $\frac{1}{4}$ section 13

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

8. What large stream would the water here appropriated finally reach? Snake RiverRemarks: Mr George Stewart. along

Estimate 1/2 acre foot storage both ponds. Ponds were to be used with a sprinkler system, but have not purchased the sprinkler system yet.

This examination was made on the 15th day of October, 19 63(Signed) Lynne Johnson

Examiner.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
OCT 25 1953

Department of Reclamation

down
CD
me
Phone
George A. Stewart
Arbon, Idaho
Permit No. 24599
Fri. Oct 9.
Examination for Beneficial Use

County _____ Power _____
13-9S.-34E.

Q = 0.8 c.f.s.

S = Muddy Creek

P.D. = 2 dams across creek in the area
SE. NE, Sec. 13, T. 9S. - R. 34E

Use = Irrigation

Filed = Dec. 4, 1953

Due = Dec. 10, 1958

Delayed priority date to
3-18-54

O/W = 2-20-59

no other rights

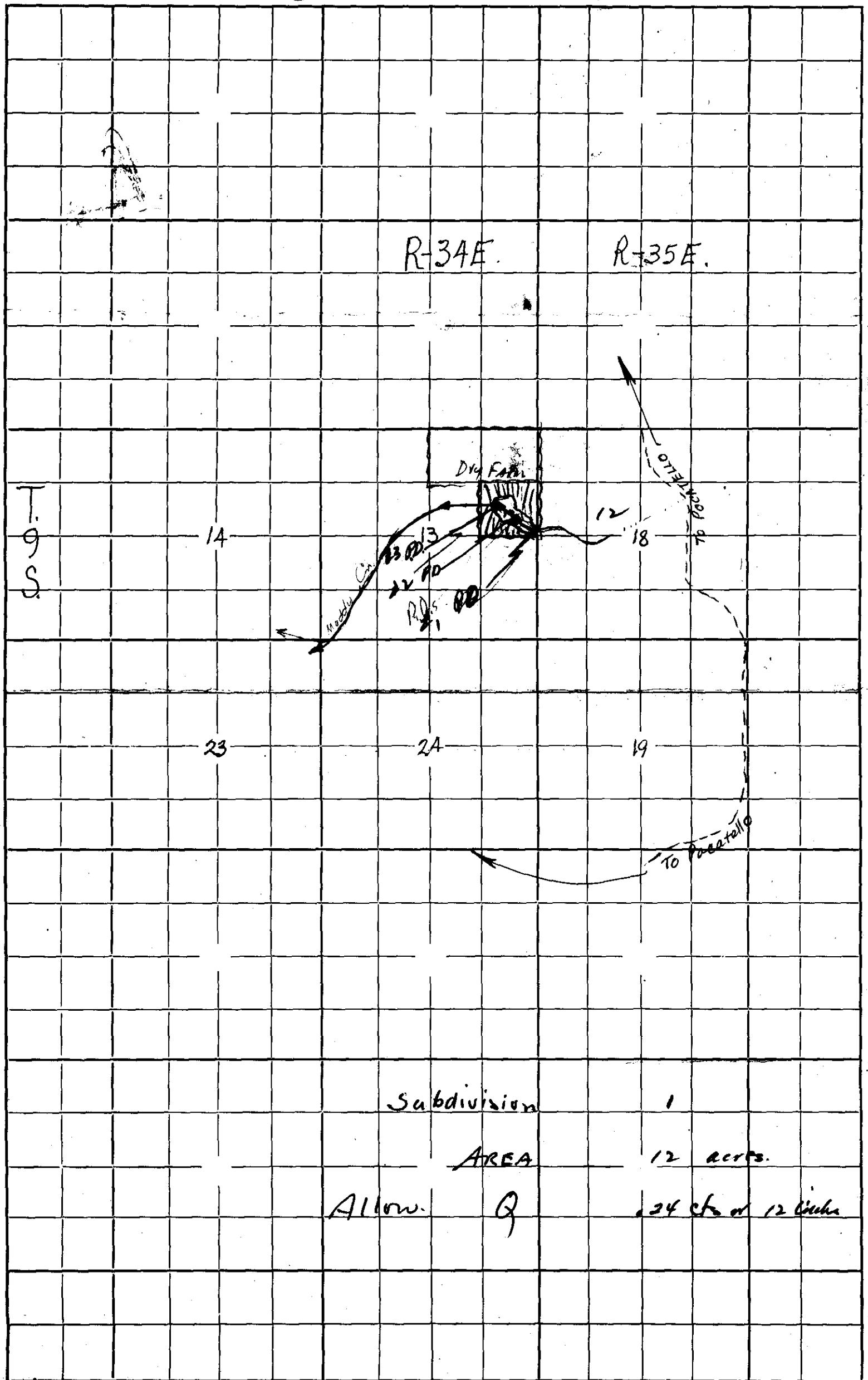
any *down*
100' X 6' high 9' wide
111 down the
111 1/2 up the
no outlet pipe
1 1/2' freeboard
Spilling pipe X 5' wide
span


U r p
Beaver Pond *down*

4' X 100' 150



Beaver keep water well controlled
to



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

24599

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 24599

REPORT ON PROOF OF Beneficial Use

George A. Stewart, Arbon, Idaho

October 9, 1959

Re: Permit No. 24599

Mr. George A. Stewart
Arbon, Idaho

Dear Mr. Stewart:

Due to getting caught in a snow storm in Eastern Idaho I was thrown off schedule and unable to be at your place on the 9th of October as promised.

The next trip will probably be scheduled for summer time so as to be more certain regarding the weather.

Yours truly,

GEO. N. CARTER
STATE RECLAMATION ENGINEER

By:

E. N. HUMPHREY, Deputy
State Reclamation Engineer

ENH:ev

24599

September 29, 1959

Re: Permit # 24599

Mr. George A. Stewart
Arbon, Idaho

Dear Mr. Stewart:

Statutes requires a field inspection in connection with the proofs on Permit # 24599 before license and certificate of water right can be issued.

Such inspection and report on same is required for any and all permits being brought to license within this State.

An inspecting Engineer from this Department requests that you or someone familiar with the terms of the permit and representing you be prepared to accompany him on the inspection, on Friday, October 9, 1959

_____.

If he cannot get in touch with you by phone or otherwise he will drive to the well location or point of diversion given in the permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

E. N. Humphrey
Deputy

24599

Sept. 1, 1959

Re: Permit # 24599

Mr. George A. Stewart
Arbon, Idaho

Dear Mr. Stewart:

Statutes requires a field inspection in connection with the proofs on Permit # 24599 before license and certificate of water right can be issued.

Such inspection and report on same is required for any and all permits being brought to license within this State.

An inspecting Engineer from this Department requests that you or someone familiar with the terms of the permit and representing you be prepared to accompany him on the inspection, on Friday morning,

September 11, 1959.

If he cannot get in touch with you by phone or otherwise he will drive to the well location or point of diversion given in the permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

E. N. Humphrey
Deputy

ENH:ew

24599

March 26, 1959

RE: Permit No. 24599

Mr. George A. Stewart
Arbon, Idaho

Dear Mr. Stewart:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the Power County Press, all submitted in proof of Beneficial Use on Permit No. 24599.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR

cc: W. C. Lookbournow
Attorney At Law
American Falls, Idaho

24599

W. C. LOOFBOURROW
ATTORNEY AT LAW
American Falls, Idaho

RECEIVED
MAR 25 1959
Department of Reclamation

March 24, 1959

Department of Reclamation
State House
Boise, Idaho

Sirs:

Re: George A. Stewart, Permit No. 24599
SE $\frac{1}{4}$ NE $\frac{1}{4}$, 13-9S-34 E

Enclosed Affidavit of Publication
Deposition of Holder
Depositions of two witnesses.

Yours truly,

W. C. Loofbourrow
W. C. Loofbourrow

L1
enc's 4

24599

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 2 5 1959
Department of Reclamation

Permit No. 24599

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. George A. Stewart, Arbon, Idaho, farmer, Arbon, Idaho

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. 24599, Dec. 10, 1953. 12-4-53

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

Ans. Muddy creek, two points of diversion all in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T. 9, S.,
R. 34, E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Two dams across Muddy Creek, in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T. 9, So., R. 34, EBM.
.80 cubic feet per second can be conveyed, private ditch conducts water from
Muddy creek to place of use.

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. Waters ten acres of land in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T. 9, So., R. 34, EBM.,
ten acres have been watered; and have watered 50 head of livestock
during the summers.
Cultivated land; the only change has been irrigated land, instead of dry land
crops.

24599

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

Watered about 50 head of ~~in~~ live stock during the summers

Ans. _____

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

Ans. _____ .80 cubic feet per second _____

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

Ans. _____

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

Ans. by ditch and gravity flow, during the season of 1956 and subsequent
irrigating seasons; and watered 50 head of stock during the summers
full amount of .80 cubic feet per second

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

Ans. none.

(Sign) _____

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 American Falls, County of Power, State of Idaho, on this 24th day of March, A. D. 1959.

My commission expires Jan. 3, 1963.

Notary Public, State of Idaho
Residing at American Falls, Idaho.

24599

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 25 1959
Department of Reclamation

PERMIT NO. 24599

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. Joseph Lloyd Brower, 53, Arbon, Idaho, farmer, Arbon, Idaho

Ques. 2. Are you acquainted with George A. Stewart, the holder of Permit No. 24599? How long have you known him and where does he reside?

Ans. Yes. Have known him for over 40 years, resides at Arbon, Idaho

Ques. 3. Have you read or heard read said Permit No. 24599, 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. Muddy Creek, two points of diversion all in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T. 9, S., R. 34, E. B. M.

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. .80 cubic feet per second, will carry, and have seen it conveyed.

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

Ans. stock watering, and for irrigation, ten acres are watered in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T. 9, S., R. 34, E. B. M.

24599

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

Ans. Watered. fifty head of stock, during summer.

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

Ans. rolling land, black loam soil; .80 cubic feet per second

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

Ans. No

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

Ans. Have seen approximately the .80 cubic feet per second applied to the land during the irrigation season of ~~1955~~ 1956 and each year since.

(Signed) Joseph Lloyd Brower

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 American Falls,
County of Power, State of Idaho, on this 24 day of March,
A. D. 1959.

W. Chaffin

Notary Public.

My commission expires Jan. 3, 1963.

Residing at

American Falls, Idaho.

24599

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
Department of Reclamation

PERMIT NO. 24599

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. Ralph B. Lusk, 38, Arbon, Idaho, farmer, Arbon, Idaho

Ques. 2. Are you acquainted with George A. Stewart, the holder of Permit No. 24599? How long have you known him and where does he reside?

Ans. Known him 14 years; and he resides at Arbon, Idaho

Ques. 3. Have you read or heard read said Permit No. 24599, 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. Muddy Creek, two points of diversion all in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T. 9, S., R. 34, E. B.M.

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. .80 cubic feet per second, will carry, and have seen it conveyed.

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

Ans. stock watering, and for irrigation, ten acres are watered in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, T. 9, S., R. 34, E. B. M.

24599

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

Ans. Watered fifty head of stock, during summer

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

Ans. rolling land, black loam soil; .80 cubic feet per second

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

Ans. no

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

Ans. Have seen approximately the .80 cubic feet per second applied to the land during the irrigation season of 1956 and each year since.

(Signed)

Ralph B. Lusk

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 American Falls,
County of Power, State of Idaho, on this 24 day of March,
A. D. 19 59.

W. Chas. Bourson

Notary Public.

My commission expires Jan. 3, 1963.

Residing at
American Falls, Idaho.

24599

Affidavit of Publication

County of Power,

ss.

State of Idaho,

Phyllis Rinpe being first duly sworn
on oath, states:

That she is the chief clerk of the Power

County Press, a newspaper of general circulation in Power
County, Idaho, published weekly at American Falls in said
county; that said newspaper has been published in said coun-
ty uninterruptedly and continuously for over seventy-eight
consecutive weeks, prior to the first publication of the an-
nexed notice or advertisement:

That the annexed notice or advertisement was published
as per clipping attached in the regular and entire edition of

said newspaper and not in any supplement thereof for 4
successive weekly issues thereof, the date of the first publi-
cation being the 26th day of February 1959
the date of last publication being the

10th day of March 1959

(Signed)

Subscribed and sworn to before me this

24th day of March 1959

Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL) 3d day of January 1963.

RECEIVE
MAR 25 1959
Department of Reclama

Notary Public, residing at American Falls, Idaho, has submitted of the application for a permit to divert water from Muddy Creek to the Power County Press, a newspaper of general circulation in Power County, Idaho, published weekly at American Falls in said county; that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

The name and address of the person or corporation holding said permit are: Power County Press, American Falls, Idaho.

The use to which said water has been applied is: for the printing of the newspaper.

The amount of water to be diverted is 10 cfs.

The date of priority of use is 10 cfs.

The source of water is Muddy Creek.

The date of priority of use is 10 cfs.

24599

Affidavit of Publication

County of Power,

State of Idaho,

SS. 1

.....being first duly sworn
on oath, states:

That.....is the.....of the Power

County Press, a newspaper of general circulation in Power
County, Idaho, published weekly at American Falls in said
county; that said newspaper has been published in said coun-
ty uninterruptedly and continuously for over seventy-eight
consecutive weeks, prior to the first publication of the an-
nexed notice or advertisement:

That the annexed notice or advertisement was published
as per clipping attached in the regular and entire edition of

said newspaper and not in any supplement thereof for.....
successive weekly issues thereof, the date of the first publi-
cation being the.....day of....., 19.....
the date of last publication being the

.....day of.....19.....

(Signed) *[Signature]*

Subscribed and sworn to before me this

24th day of March 1959

[Signature]
Notary Public, residing at American Falls,
Idaho.

My Commission expires the

(SEAL) 30 day of January 1963.

NOTICE OF PROOF APPLI- CATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at
10:00 A. M. on the 24th day of
March, 1959, at American Falls,
County of Power, State of Ida-
ho, before W. C. Loofbourrow,
Notary Public, proof will be
submitted of the application to
beneficial use of .80 cubic feet
per second of the waters of
Muddy Creek in accordance with
the terms and conditions of Per-
mit No. 24599 heretofore issued
by the State Reclamation En-
gineer of the State of Idaho.

The name and postoffice ad-
dress of the person or corporation
holding said permit are George
A. Stewart, Arbon, Idaho

The use to which said water
has been applied is Irrigation

The amount applied to bene-
ficial use is .80 cubic feet per
second

The place where said water is
used ten acres in SE 1/4 NE 1/4 Sec.
13, 9 So., Rge. 34 E. B. M.

Points of Diversion: 3 points
in SE 1/4 NE 1/4 Sec. 13, Twp. 9
So., Rge. 34 E. B. M.

The name of the canal or dit-
ch or other works by which said
water is conducted to such place
of use is: Private ditch

The right to take water from
such works is based upon Per-
mit No. 24599

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

The date of priority which said
user is prepared to establish is
March 18, 1954

RETURN RECEIPT

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

1 George A. Stewart
(Signature or name of addressee)

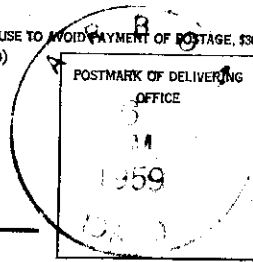
2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery Jan 31st, 1959

24599

Post Office Department
OFFICIAL BUSINESS

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



245-99

Return to Department of Reclamation

(NAME OF SENDER)

Street and Number,
or Post Office Box,

Room 107 Statehouse

REGISTERED ARTICLE

Certified

Post Office Boise, Idaho

No.

~~REGISTERED~~
INSURED PARCEL

No.

19840

16-12421

245-99

Feb. 20, 1959

Re: Permit 24599
Geo. A. Stewart

Mr. W. C. Loofbourrow
Attorney at Law
American Falls, Idaho

Dear Mr. Loofbourrow:

We enclose Certificate of Completion of Works
issued on Permit No. 24599 in the name of George A.
Stewart.

We also enclose departmental receipt No. 29498
covering fees.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

Chief Clerk

EPR:ew
Enc. 2

24599

W. C. LOOFBOURROW
ATTORNEY AT LAW
American Falls, Idaho

Enc 23

RECEIVED
FEB 20 1959
Department of Reclamation

Feb. 19, 1959

Department of Reclamation
Room 107
State House
Boise, Idaho

Sir:

Re: Permit 24599 - George A. Stewart, Arbon, Idaho

Enclosed \$5.00 check for permit fee, of which you reminded me in
yours of the 18th.

Yours truly,

W. C. Loofbourrow
W. C. Loofbourrow

L

enc

24599

Feb. 18, 1959

Re: Permit 24599
Geo. A. Stewart

Mr. W. C. Loofbourrow
Attorney at Law
American Falls, Idaho

Dear Mr. Loofbourrow:

You sent in the Proof of Completion of Works
for Mr. Stewart without the fee of \$5.00 which is set
by statute for issuance of a certificate of completion
of works.

Kindly send the fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By:

Chief Clerk

EPR:ew

24599

February 18, 1959

Re: Permit No. 24599
George A. Stewart

Mr. W. C. Loofbourrow
Attorney At Law
American Falls, Idaho

Dear Mr. Loofbourrow:

This acknowledges the Notice of Proof of Application of Water to Beneficial Use under Permit No. 24599, in the name of George A. Stewart. Final proof is to be made before you, as Notary, on the 24th day of March, 1959, at 10:00 A. M., at American Falls, Idaho.

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

It is important that the enclosed depositions be executed by the permit holder and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the time, on the date, and before you, as Notary, as stated in the publication notice. 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, that your 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,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Encls. (3)
cc: George A. Stewart
Arbon, Idaho

24599

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

DEPARTMENT OF RECLAMATION
Boise, Idaho

Date: February 18, 1959

Re: Permit No. 24599
George A. Stewart

Power County Press
American Falls, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to **March 24, 1959** the date set for proof; the expense of the publication is to be paid by the applicant's Attorney

W. C. Loofbourrow of **American Falls, 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 or tear-sheet of the first publication.**

see letter in 3-22-59

Very truly yours,

Geo. N. Carter
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

24599

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

Notice is hereby given that at 10:00 A. M. on the 24th day of March, 19 59,
at American Falls, County of Power, State of Idaho, before
W. C. Loofbourrow, Notary Public, proof will be submitted of the
application to beneficial use of .80 cubic feet per second of the waters of Muddy Creek
in accordance with the terms and conditions of Permit No. 24599
heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

George A. Stewart, Arbon, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is .80 cubic feet per second

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

ten acres in SE¹NE¹ Sec. 13, Twp. 9 So., Rge. 34 E.B.M.

Points of Diversion: 3 points in SE¹NE¹ Sec. 13, Twp. 9 So., Rge. 34 E.B.M.

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

Private ditch

The right to take water from such works is based upon Permit No. 24599

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

The date of priority which said user is prepared to establish is March 18, 1954

Geo. N. Carter

State Reclamation Engineer.

24599

Permit No. 24599

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of PowerGeorge A. Stewart,

ss.

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. 24599, and that his postoffice address is Arbon State of Idaho

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

Third: That the point of diversion of said water is three points of diversion in SE 1/4 NE 1/4 Sec. 13, Twp. 9, So., R. 34, E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Dec. 10, 1958.

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

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

I. Kind of works: Two dams about eight feet high.

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: two dams, each of which is

(a) Height of dam 8 feet, length of dam at top 50 feet, length of dam at bottom 30 feet. Material used in construction earth

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width no head gate, run it out on ground feet, height feet.

(d) Conduit ditch width at bottom 2 feet, width at water line 3 ft.

(State whether ditch, flume or pipe)

ditch
feet, depth of water 1/3 feet; diameter of pipe 1 inches, average grade per mile is 50 feet. Length of conduit is 1/8 miles, each ditch

Seventh: That said works are capable of conducting to the place of intended use .80 second feet of water.

Eighth: That water appropriated under said permit is available for ten acres of land described as follows: ten acres in SE 1/4 NE 1/4, Sec. 13, Twp. 9, So., R. 34 EBM

Ninth: Remarks: That land as shown on permit

George A. Stewart
(Sign Here)

Subscribed and sworn to before me this 17th day of February, 1959.

My commission expires Jan. 3, 1963.

H. C. Chubb
Notary Public.
Residing at American Falls, Idaho.

24599

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

Notice is hereby given that at 10 A. M. on the 24th day of March, 19 59,
 at American Falls, County of Power, State of Idaho, before
W. C. Loofbourrow, Notary Public, proof will be submitted of the
 application to beneficial use of .80 cubic feet per second of the waters of Muddy Creek
 in accordance with the terms and conditions of Permit No. 24599
 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
George A. Stewart, Arbon, Idaho,

The use to which said water has been applied is / irrigation and watering livestock.
~~irrigation in SE 1/4, Sec. 13, Twp. 9, So., R. 34, E. B. M.~~
~~34, E. B. M.~~
 The amount applied to beneficial use is .80 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
ten acres in SE 1/4, Sec. 13, Twp. 9, So., R. 34, E. B. M.

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

The right to take water from such works is based upon Permit No. 24599

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

The date of priority which said user is prepared to establish is July 1st, 1956.

24599

State Reclamation Engineer.

W. C. LOOFBOURROW
LAWYER
American Falls, Idaho

RECEIVED
FEB 18 1959
Department of Reclamation

Feb. 17, 1959.

Department of Reclamation
State House
Boise, Idaho

Sirs:

Re: Permit No. 24599, George A. Stewart, Arbon, Idaho.

Enclosed Forms

6

two forms 10

and

11.

Yours truly,

W. C. Loofbourrow
W. C. Loofbourrow.

L
enc's 5

24599

RECEIVED
FEB 18 1959
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Feb. 17, 1969.

(P. O.) American Falls, 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

Power County Press of American Falls, Idaho, published in

the county in which the works are situated.

Power Co. ✓

George A. Stewart
George A. Stewart

(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.

24599

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

Notice is hereby given that at 10 A. M. on the 24th day of March, 1959,
at American Falls, County of Power, State of Idaho, before
W. C. Loofbourrow, Notary Public, proof will be submitted of the
application to beneficial use of .80 cubic feet per second of the waters of Muddy Creek
in accordance with the terms and conditions of Permit No. 24599
heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
George A. Stewart, Arbon, Idaho.

The use to which said water has been applied is irrigation and water for livestock.
34.5 x 34.5 ft.
The amount applied to beneficial use is .80 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)
ten acres in SE 1/4 NE 1/4, Sec. 13, Twp. 9, So., R. 34, E. B. M.

Points of Diversion: 3 point in SE 1/4 NE 1/4 Sec. 13, Twp. 9, So., R. 34, E. B. M.

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

The right to take water from such works is based upon Permit No. 24599

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

The date of priority which said user is prepared to establish is July 1st, 1956. 3-18-59

State Reclamation Engineer.

24599

8
14

Feb. 12, 1959

Re: Permit No. 24599
Geo. A. Stewart

Mr. W. C. Loofbourrow
Lawyer
American Falls, Idaho

Dear Mr. Loofbourrow:

Enclosed are the regular forms No. 10 and 11 to start proof of beneficial use and Form 6, proof of completion of works.

Form 6 must be completed and returned to this office prior to date given in the notice, 40 days after January 27, 1959.

Proof of beneficial use will be late and the priority date will be advanced the number of days the proof is past December 10, 1958.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:
RT:ew

24599

RT

W. C. LOOFBOURROW
LAWYER
American Falls, Idaho

RECEIVED
FEB 11 1959
Department of Reclamation

Feb. 9, 1959

Department of Reclamation
State House
Boise, Idaho

Sirs:

Re: Permit No. 24599
Geo. A. Stewart, Arbon, Idaho

Your form 24, dated January 27, 1959, was received from Mr. Stewart, in this evening's mail, and letter dated this date from Arbon says:

"I've used this water for three years, what do I do to show completion of works and beneficial use proofs. Please advise or do whatever is required."

I believe your department has some sort of form that can be filled out for an extension of time to make final proof. If so, please send it. And if possible to do both at the same time, please send the proper blanks for notice of hearing on completion of works.

Yours truly,

W. C. Loofbourrow
W. C. Loofbourrow

L

Copy to
Geo. A. Stewart
Arbon, Idaho.

24599

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

January 27, 1959

Re: Permit No. 24599

To Geo. A. Stewart

Arbon, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 24599
to appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of Works & Beneficial Use Proofs which were due December 10, 1958

you are hereby notified in compliance with Sec. 42-311, Idaho code that said Permit No. 24599

is hereby held for cancellation.

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

Said Permit No. 24599 claims the use of .80 cubic feet per second of the
waters of Muddy Creek with point of diversion located
2 or 3 - all in SE 1/4 Section 13, Twp. 9 So., Rge. 34 E.B.M., and
was approved December 10, 1953

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

27th day of January, 1959

Geo. H. Carter

State Reclamation Engineer.

By _____

Assistant.

24599

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

DEPARTMENT OF RECLAMATION

RE: Permit No. 24599Date October 1, 1958

Mr. George A. Stewart
Arben, Idaho

Dear Sir:

Under the terms of your Permit No. 24599 you are required to make proofs of completion of works and application of water to beneficial use on or before December 10, 1958.

We enclose Form 6 to be filled in and sworn to by you before a Notary Public, and returned to this department on or before the above date, for making proof of completion under the permit. Upon receipt of this affidavit, provided same satisfactorily shows the completion of works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of 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 40-acre legal land 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.

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 10.

At the time we send the notice to the newspaper will will send to 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.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc.

24599

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

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

B O I S E

Permit No. 24599

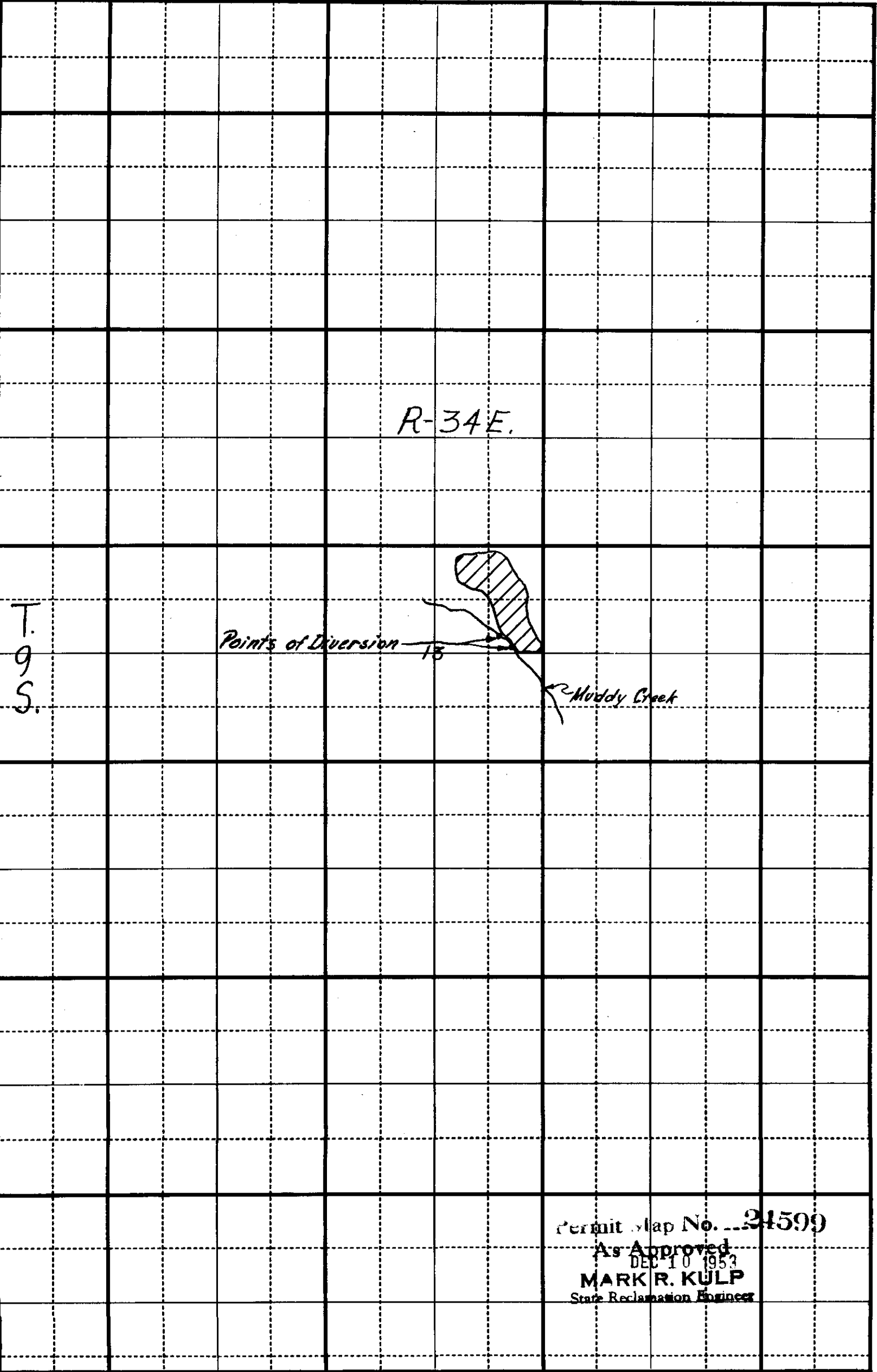
Date December 14, 1953

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

Mr. George A. Stewart
Arbon
Idaho

MARK R. KULP
State Reclamation Engineer

24599



Permit Map No. **24599**
As Approved
DEC 10 1953
MARK R. KULP
State Reclamation Engineer

Published in The Power County
Press Feb. 26, March 5, 12, 19,
1959

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 24th day of March, 1959, at American Falls, County of Power, State of Idaho, before W. C. Looftbourrow, Notary Public, proof will be submitted of the application to beneficial use of .80 cubic feet per second of the waters of Muddy reek in accordance with the terms and conditions of Permit No. 24599 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are George A. Stewart, Arbon, Idaho

The use to which said water has been applied is Irrigation
The amount applied to beneficial use is .80 cubic feet per second

The place where said water is used ten acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, 9 So., Rge. 34 E. B. M.

Points of Diversion: 3 points in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 13, Twp. 9 So., Rge. 34 E. B. M.

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

The right to take water from such works is based upon Permit No. 24599

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

The date of priority which said user is prepared to establish is March 18, 1954

GEO. N. CARTER
State Reclamation Engineer