

State of Idaho
License and Certificate of Water Right

SCANNED

APR 30 2001

Water License No. 24109

Amount .02 c.f.s.

Water District No. _____

Priority May 13, 1953

THIS IS TO CERTIFY that ALBERT ANDERSON and EDITH ANDERSON, Husband and wife, of Pocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 13, 1953; that Permit No. 24109 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.20 second feet, was issued thereunder on June 3, 1955, showing that said works were completed on the 24th day of May, 1955; and that on the 26th day of April, 1957, Albert Anderson

of Pocatello, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed springs, a tributary of _____, for the purpose of domestic, irrigation, stockwatering under Use Permit No. 24109 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 10 of Licenses at page 6221, on the 26th day of November, 1957; The right hereby confirmed dates from May 13, 1953;

The Point of Diversion is located in the NW 1/4 SW 1/4, Sec. 33, Tp. 6 S., R. 34 E., B. M. County Bannock 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 .02 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			IRRIGATION, STOCKWATERING and FOR DOMESTIC USE in the SW 1/4 of Section 33, Township 6 South, Range 34 E., B.M.		

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 26th day of November, 1957.

(SEAL)

MARK R. KULP

State Reclamation Engineer.

By: E. M. Humphrey
Deputy State Reclamation Engineer

29 2354

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

29-2334

APPLICATION No. 31891
 PERMIT No. 24109
 DISTRICT No.

Albert Anderson
 1423 N. Hayes Ave.
 Pocatello, Idaho

1. Name of Applicant: ALBERT ANDERSON and EDITH ANDERSON, Husband and wife,

Postoffice address: 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:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: .20

cubic feet per second.

3. Source of water supply: Springs

which is a tributary of

4. Location of point of diversion: Approx. 1320 feet

feet distant from the NW

corner of Section 33, T. 6 S., R. 34 E., B.M., and is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Tp. 6 S. R. 34 EBM.

of Section, T., R., B.M., County of Bannock

5. Water is to be used for domestic, stockwatering and 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: \$ 200.00 - \$500.00

8. Kind of works: Pipes and (possibly) small reservoir

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

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

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

dimensions of flume:

Diameter of pipe 1 $\frac{1}{2}$ inches; length of conduit 1/10 miles.

Average grade per mile Approx. 528 feet.

12. The time required for the completion of such work is 1/12 years.

13. The time required for the complete application of the water to the proposed use is 1-3 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

reservoir

16. (a) Is reservoir to be used? Possibly a very small one 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.

ALBERT ANDERSON
EDITH ANDERSON

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 a.m. May 13, 1953

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 24109

Recorded in Book 86 Page 24109 Approved May 21, 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 July 21, 1953 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 November 21, 1953

The whole of said work to be completed on or before May 21, 1954

Beneficial use of water appropriated in accordance herewith, to be made on or before May 21, 1957

WITNESS My hand this 21st day of May, 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 21st

day of May, 1953.

STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

By

LEN JORDAN

Governor.

Secretary of State.

REMARKS: This land is unsurveyed, but it seems that one spring is approximately on the boundary between the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$. This spring is at present being used on the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for stock watering. There are also several other springs lying just south of this used spring which can be readily developed and used on the SW $\frac{1}{4}$ NW $\frac{1}{4}$ for domestic, stock watering and irrigation purposes. This will require piping the water for a few hundred feet. The NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Tp. 6 S. R. 34 E. B.M., is Government owned land.

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.	34 E.	33							10										10

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 24109 to June 1, 1955.

Witness my hand this 17th day of May, 1954.

MARK R. KULP
State Reclamation Engineer

Permit No. 24109 CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that ALBERT ANDERSON and EDITH ANDERSON of Pocatello, County of Bannock, and State of Idaho, the holders of Permit No. 24109, issued upon Application No. 31891 bearing date of priority of May 13, 1953, authorizing the diversion of 0.20 second foot of the waters of un-named springs, County of Bannock, State of Idaho, for irrigation, domestic and stock watering purposes, have 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 0.20 second foot of the waters of said springs; that the point of diversion of said waters is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 6 South, Range 34 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 6 South, Range 34 East, B.M.

Witness my hand this 3rd day of June, A. D. 1955.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made May 24, 1955

Certificate of Completion of Works issued June 3, 1955

UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF RECLAMATION
WASHINGTON, D. C. 20250

Page 6221

December 9, 1957

SCANNED

APR 30 2001

Re: Permit No. 24109

Mrs. Edith Anderson
1423 N. Hayes Ave.
Pocatello, Idaho

Dear Mrs. Anderson:

We return herewith your License and Certificate of Water Right No. 24109, to which has been added under description and location of use "Irrigation, stockwatering". This addition was recorded in the Department of Reclamation on the record of License No. 24109 in Book 10 of Licenses at Page 6221.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

24109

RECEIVED
DEC 6 1957

1423 N. Hayes Ave.
Pocatello, Idaho
December 4, 1957
Department of Reclamation

Hon. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. 24 109

Attention E. N. Humphrey, Deputy

Dear Sir:

This will acknowledge receipt of your letter of November 26, 1957, in the above entitled matter together with License and Certificate of Water Right.

We note that the certificate recites that the use is "for domestic use" only. The water is used for agricultural (irrigation) purposes also in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33 Tp. 6 S.R. 34 E.B.M., and we would like to have the certificate show this use. We are returning the certificate herewith for this addition. We believe the proof heretofore submitted will show this use.

Very truly yours,

Edith Anderson

P.S. You will note that the Application for Permit reads "domestic, stock watering and irrigation," and the water has been used for irrigation purposes every year and we believe the proof presented showed such use.

E.A.

24109

November 26, 1957

Re: Permit No. 24109

Mr. Albert Anderson
1423 N. Hayes Ave.
Pocatello, Idaho

Dear Mr. Anderson:

Enclosed is the License and Certificate of Water Right issued under Permit No. 24109 confirming the right with priority of May 13, 1953, to your use of .02 second foot of water from unnamed springs, with the point of diversion in the NW 1/4 SW 1/4 of Section 33, for domestic use in the SE 1/4 NW 1/4 of Section 33, Township 6 South, Range 34 East, B..

Enclosed also is departmental receipt #28876 for \$5.00, issued as receipt of the fee for the license.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

24109

cf Encl. #502

Edith Anderson, Lawyer
1423 North Hayes Avenue
Pocatello, Idaho

Pocatello, Idaho
1423 N. Hayes Ave.
November 22, 1957

RECEIVED
NOV 25 1957
Department of Reclamation

Hon. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. 24109
Albert Anderson and Edith Anderson

Dear Sir:

Through oversight we have failed to mail to your office the statutory fee of \$5.00 mentioned in the letter which we received from your office under date of September 30, 1957, and we believe this is the reason we have not as yet received the License and Certificate of Water Right under the above numbered Permit. Herewith please find the \$5.00 fee.

Very truly yours,

Edith Anderson

Edith Anderson

24109

October 7, 1957

Re: Permit No. 24109

Mr. Albert Anderson
1423 N. Hayes Ave.,
Pocatello, Idaho

Dear Mr. Anderson:

Please disregard the request for amendment to point of diversion on Permit No. 24109 in our letter of September 30, 1957.

Mr. Marr concurs in your statements entirely.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:lw

24109

RECEIVED
OCT. 4 1957

Department of Reclamation

1423 N. Hayes Ave.
Pocatello, Idaho
October 2, 1957

Hon. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Attention Edna P. Rutledge, Chief Clerk

Re: Permit No. 24109

Dear Miss Rutledge:

I am in receipt of your letter of September 30, 1957, in reference to the above numbered Permit, wherein you say that your field engineer's report on the inspection and the application of water to beneficial use under the terms of the above numbered permit shows that the point of diversion is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 33, T. 6 S.R. 34 E.B.M., whereas the application and notice state that the points of diversion are in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33. The points of diversion are actually in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, T. 6 S.R. 34 E.B.M. as stated in the application and notice. It is true that one point is almost on the line and at the time of Mr. Marr's inspection no fence had been erected but as to the other point the water is conveyed some distance in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, T. 6 S.R. 34 E.B.M.

Please advise.

Very truly yours,

Albert Anderson

Albert Anderson

E.A.

P.S. The use is in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33 T. 6 S.R. 34 E.B.M.

Gentlemen:

Mr. Marr, at the time he filled out his report of inspection, questioned me, Edith Anderson, as to the location of the point of diversion, and I told him at that time it was as stated in the application, but that I did not at that time have the legal descriptions before me.

Very truly yours,

Edith Anderson
Edith Anderson

24109

September 30, 1957

Re: Permit No. 24109

Mr. Albert Anderson
1423 N. Hayes Avenue
Pocatello, Idaho

Dear Mr. Anderson:

Our field engineer's report on the inspection of the application of water to beneficial use under the terms of Permit No. 24109 shows that your works are capable of conveying one miner's inch (.02 c.f.s.) of water for domestic use and that the point of diversion is in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 6 South, Range 34 East, B.M. The record of the permit shows the point of diversion to be in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, therefore, it is necessary that it be amended. We have enclosed an application for amendment for this purpose and ask that you complete and return it.

Upon receipt of the amendment, mentioned above, and the statutory fee of \$5.00, we will issue to you the License and Certificate of Water Right, confirming the right with priority of May 13, 1953, to your use of .2 second feet of water from un-named springs, with the points of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, for domestic use in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 6 South, Range 34 East, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

24109

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

Permit No. 24109This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Albert Anderson2. Source of water supply: unnamed springs3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33T. 6 S. R. 34 E., B.M. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: Spring 8x8'x2' curbed and covered with redwood plank - 1120' of galvanized 2" pipe from spring to point of use - During August the flow is sufficient only for 6 head of cattle. It is intended to develop more

5. Water is used for: Stock watering, irrigation of garden spot and culinary

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):

SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 33., Twp. 6 S., Rge. 34 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: Mr. Anderson was present during the engineers examination.

This examination was made on the 17th day of August, 1957(Signed) Charles H. Mann

Examiner.

24109

Albert Anderson
1423 N. Hayes Ave., Pocatello, Idaho

Permit No. 24109

Examination for Beneficial Use

County Bannock

33-6 S.-34 E

Q = 0.2 c.f.s.

S = Springs

P.D. = NW. 1/4, Sec. 33, T. 6 S. - R. 34 E

Irrigation, Domestic
and Stock

Filed = May 13, 1953

Done = May 21, 1957

Q = 19 ft in 18 sec
1 gal in 72 sec

Q/W = 6-3-55

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
AUG 29 1957

Department of Reclamation

1 gal in 72 s.
.8359 in = .09 inches

R-34E.

Pocahontas

P.O.

T.
6
S.

Metal $\frac{1}{4}$ Cor. with post found.

P.D.

33

Land subdivisions 1
Garden and domestic use

Quantity of water .09 Miners Inches
as measured volumetrically
x 1 qt. in 18 seconds.

Subdivisions = One
Use = domestic
 $Q = 1$ inch
.02 cfs.

1 gal in 72 sec.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 24109

REPORT ON PROOF OF Beneficial Use

Albert Anderson, 1423 N. Hayes Ave., Pocatello, Idaho

app. .21 cfs
flow .0.20 cfs
sub
across Dammed

.02 cfs
max

May 2, 1957

RE: Permit No. 24109

Mr. Albert Anderson
1423 N. Hayes Ave.
Pocatello, Idaho

Dear Mr. Anderson:

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in The Idaho State Journal, all submitted in proof of Beneficial Use on Permit No. 24109.

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,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

ER:vm

24109

Pocatello, Idaho
1423 N. Hayes Ave.
April 26, 1957

RECEIVED
APR 29 1957
Department of Reclamation

Hon. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Re: Permit No. 24109

Dear Mr. Kulp:

Enclosed please find the following papers in
regard to the above numbered permit:

1. Deposition of Holder - Albert Anderson.
2. Deposition of Witness Leo D. Adamson.
3. Deposition of Witness H. R. Kraft.
4. Proof of Publication.

If there is anything further, please advise.

Very truly yours,

Edith Anderson
Edith Anderson

24109

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

RECEIVED
APR 6 1957
Department of Reclamation

Darlene Rice

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:

Mar. 21, 1957, 19____
Mar. 28, 1957, 19____
Apr. 4, 1957, 19____
Apr. 11, 1957, 19____
_____, 19____, 19____

That said paper has been continuously and uninterruptedly pub-
lished 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 12th
day of April, 1957

Muriel L. Ruggles
Notary Public, State of Idaho
Residence: Pocatello, Idaho

24109

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M. on the 26th day of April, 1957, at Pocatello, County of Bannock, State of Idaho, before O. R. Baum, Notary Public for Idaho, proof will be submitted of the application to beneficial use of 0.20 cubic feet per second of the waters of springs in accordance with the terms and conditions of Permit No. 24109 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 Albert and Edith Anderson, husband and wife, Pocatello, Idaho.

The use to which said water has been applied is irrigation, domestic and stock watering.

The amount applied to beneficial use is 0.20.

The place where said water is used plot in SW1/4 NW1/4 Section 33, Township 6 South, Range 34 East, E.M.

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

The right to take water from such works is based upon Permit No. 24109.

The source of supply from which such water is diverted is springs in NW1/4SW1/4 Sec. 33, Tp. 6 S. R. 34 E.B.M.

The date of priority which said user is prepared to establish is May 13, 1953.

MARK R. KULP
State Reclamation Engineer
March 21, 28, April 4, 11, 1957.

Darlene Rice

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:

Mar. 21	19.57	19
Mar. 28	19.57	19
Apr. 4	19.57	19
Apr. 11	19.57	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 12th day of April, 1957

Notary Public, State of Idaho
Residence: Pocatello, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 29 1957
Department of Reclamation

PERMIT NO. 24109

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. H. R. Kraft, age 52 years, residence Pocatello, Idaho,
Kraft Cheese Company

Ques. 2. Are you acquainted with Albert Anderson and Edith Anderson, the holder of Permit No. 24109? How long have you known him and where does he reside?

Ans. Ten years. They reside at 1423 N. Hayes Ave. Pocatello, Idaho

Ques. 3. Have you read or heard read said Permit No. 24109, 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. Water arises from spring and seepage in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33 T6 S.R.
which is Government land

34 E.B.M. / almost on division line between NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 33- 6 S.R. 34 E.B.M. and

SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 33-6 S.R. 34 E.B.M. water is conveyed by pipe to place of use from
place of diversion.

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. 20 c.f.s.

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

Ans. Water is used for watering stock and for irrigation of garden spot -
about 1/2 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ -33-6-34 E.B.M.

24109

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

Ans. Stock watering, and for irrigation.

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. Garden spot has been developed - berry patch, fruit trees have been set out.

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. I have observed the water being used since 1953; I helped with the connecting and installation of the pipes; observed the digging of trenches for the pipeline; and have observed the garden each year; I also have observed the watering of stock.

(Signed) H. R. Kraft

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 26th day of April,
A. D. 1957.

My commission expires

May 15 - 1960

[Signature]
Notary Public.

24109

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 29 1957
Department of Reclamation

Bannock

Permit No. 24109

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Albert Anderson, 1423 N. Hayes Ave., Pocatello, Idaho.

Carpenter

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. Permit No. 24109, dated May 21, 1953, Date of priority May 13, 1953

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

Ans. unnamed springs in NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, Tp. 6 S.R. 34 E.B.M., which is
U.S. Government land,

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. _____

1120 feet steel pipe; 560 feet 2" pipe - 560 feet 1" pipe

400 feet 2" wooden pipe.

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. Stock watering, irrigation of garden spot,

culinary. The land on which the water is being used is described as

tract in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, Tp. 6 S.R. 34 E.B.M., Bannock County,

Idaho.

24109

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

Ans. Stock watering - piped to barrel, also irrigation purposes

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

Ans. 20 c.f.s.

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. Permit has been used constantly for stockwatering since purchase of SW $\frac{1}{4}$ NW $\frac{1}{4}$ -33-6 S.R. 34 E.B.M. in 1953, and has been used during growing season each year for the raising of garden, raspberries, strawberries, watering of fruit trees - and culinary purposes when other source is not available.

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. Waters from spring in NE $\frac{1}{4}$ SE $\frac{1}{4}$ -32 T6 S.R. 34 E.B.M. - used for domestic purposes for house on SW $\frac{1}{4}$ NW $\frac{1}{4}$ S. 33 T 6 S.R. 34 E.B.M.

(Sign) *Albert Anderson*

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 Pocatello, County of Bannock, State of Idaho, on this 26th day of April, A. D. 1957.

O. R. Baum

My commission expires

Aug 15-1960

Notary Public
Residing at Pocatello, Idaho

24109

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 29 1957
Department of Reclamation

PERMIT NO. 24109

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Leo D. Adamson, age 59 years, W. of City, Pocatello, Idaho,
Employee of Garrett Freightlines

Ques. 2. Are you acquainted with Albert Anderson and Edith Anderson, the holder of Permit No. 24109? How long have you known him and where does he reside?

Ans. Ten years. They reside at 1423 N. Hayes Ave., Pocatello, Idaho

Ques. 3. Have you read or heard read said Permit No. 24109, 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. Water arises from spring and seepage in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33 T 6 S.R. 34
E.B.M., which is government land almost on division line between NW $\frac{1}{4}$ SW $\frac{1}{4}$ -33-6 S.R. 34 E.B.M. and
SW $\frac{1}{4}$ NW $\frac{1}{4}$ -33-6 S.R. 34 E.B.M. water is conveyed by pipe to place of use from
place of diversion.

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. .20 c.f.s.

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

Ans. Water is used for watering stock and for irrigation of garden spot -
about 1/2 acre in SW $\frac{1}{4}$ NW $\frac{1}{4}$ -33-6-34 E.B.M.

24109

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

Ans. Watering of stock, and for irrigation.

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. Garden spot has been developed - berry patch; fruit trees have been
set out.

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. I have observed the preparation of the pipeline for conveying the
water and also the application of the water on several occasions during the
years since 1953 when the land was purchased by Mr. Anderson; I have also observed
the water being used for the watering of horses and other livestock.

(Signed) Leo D. Adams

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 26th day of April,
A. D. 19 57.

O. J. Adams

Notary Public.

My commission expires Aug 15 1960 Residing at Pocatello, Idaho

24109

March 18, 1957

RE: Permit No. 24109

Albert and Edith Anderson
1423 N. Hayes Ave.
Pocatello, Idaho

Dear Mr. & Mrs. Anderson:

We are in receipt of Notice in proof of Beneficial Use on Permit No. 24109 to be made April 26th, 1957, before Mr. O.R. Baum, Notary Public.

We shall send a copy of the Notice to the Idaho State Journal with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set, you should appear before Mr. Baum, Notary Public, together with two disinterested witnesses who are familiar with the terms of the Permit and the work done thereunder for the purpose of executing the enclosed depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

MR:ven
Encl. (3)
cc. O.R. Baum
Pocatello, Idaho

24109

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. 24109
Albert and Edith Anderson

Date: March 18, 1957

Idaho State Journal
Pocatello, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 26th, 1957 the date set for proof, the expense of the publication to be paid by the applicant, Albert and Edith Anderson of Pocatello Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

RPR:ven
Encl. (1)

24109

RECEIVED
MAR 15 1957
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 13, 1957

(P. O.) Pocatello, Idaho, 1423 N. Hayes Ave.

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.

x Albert Anderson

(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.

Albe

Engineer.

24109

RECEIVED
MAR 15 1957

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

Department of Reclamation

Notice is hereby given that at 10:00 A. M. on the 26th day of April, 1957, at Pocatello, County of Bannock, State of Idaho, before O. R. Baum, Notary Public for Idaho, proof will be submitted of the application to beneficial use of 0.20 cubic feet per second of the waters of ~~unnamed~~ springs in accordance with the terms and conditions of Permit No. 24109 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

1423-71 *Hayes Ave*
Albert and Edith Anderson, husband and wife, Pocatello, Idaho

The use to which said water has been applied is irrigation, domestic and stock watering

The amount applied to beneficial use is 0.20

The place where said water is used ~~at the intersection of Highway 1 and Highway 200, 1/2 mile S. of Pocatello, Idaho~~
plot in SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, Township 6 South, Range 34 East, B.M.

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

~~unimproved~~ Pipeline

The right to take water from such works is based upon Permit No. 24109

The source of supply from which such water is diverted is ~~unimproved~~ springs in NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, Tp. 6 S.R. 34 E.B.M.

The date of priority which said user is prepared to establish is May 13, 1953

MARK R. KULP

State Reclamation Engineer.

24109

1423-71

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

Boise, Idaho

RE: Permit No. 24109

March 1, 1957

Mr. & Mrs. Albert Anderson
1423 N. Hayes Ave
Pocatello, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 24109. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than May 21, 1957, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

24109

✓
June 7, 1955

RE: Permit No. 24109

Mr. Albert Anderson
1423 N. Hayes Avenue
Pocatello, Idaho

Dear Mr. Anderson:

We enclose Certificate of Completion of Works issued on Permit No. 24109 in the name of yourself and Edith Anderson for the diversion of 0.20 second foot of water from unnamed springs with point of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, Township 6 South, Range 34 East, B.M. for irrigation, domestic and stock watering use on the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section.

We also enclose departmental receipt No. 27367 for the \$5.00 fee in connection with completion of works.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl1
Enc.

24109

Permit No. 24109

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

Bannock

County of

ss.

Albert Anderson

, 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. 24109, and that his postoffice address is Pocatello
State of Idaho

Second: That the name of the stream from which said water is to be diverted is - -
springs and some underground seepage water

Third: That the point of diversion of said water is Approx 1320 feet distant from NW cor. of Sec. 33 T. 6 S R 34 E.B.M. and is in the NW 1/4 SW 1/4 - 33 T6 SR 34 EBM
as per extension

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 1, 1955

Fifth: That the use for which said water is intended is domestic, stock watering, irrig. of garden and trees.

Sixth: That on the date above mentioned, the works constructed under said permit were (over and over) fully completed and consisted of the following:

I. Kind of works: gal. pipes, some wooden pipes
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

(d) Conduit width at bottom feet, width at water line feet, depth of water feet; diameter of pipe inches, average grade per mile approx. feet. Length of conduit is miles.

400 ft. wooden pipe - 2"
210 ft - 1" gal. pipe 290 ft. 3/4" gal. pipe

Seventh: That said works are capable of conducting to the place of intended use 20 second feet of water.

Eighth: That water appropriated under said permit is available for 2 1/2 acres of land described as follows: Cultivation of small amount of land in SW 1/4 NW 1/4, Sec. 33 T 6 S R 34 E B M - approx 2 acres

Ninth: Remarks: That

Albert Anderson
(Sign Here)

Subscribed and sworn to before me this 24th day of May, 1955

My commission expires

Residing at Pocatello, Idaho Notary Public.

24109

✓
May 25, 1955

RE: Permit No. 24109

Mr. Albert Anderson
1423 N. Hayes Ave.
Pocatello, Idaho

Dear Mr. Anderson:

We return your Affidavit in proof of Completion of Works on Permit No. 24109 in order that you may complete same by answering Question 2 as to the source of the water which your Permit indicates to be Springs, also Question 8 should give the acreage.

There is also a \$5.00 fee required by statute in connection with your proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

24109

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
April 1, 1955

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Albert & Edith Anderson
1423 N. Hayes Avenue
Pocatello, Idaho

Boise, Idaho

Dear Sir:-

Under the terms of your permit No. 24109 you are required to complete your diversion works on or before June 1, 1955. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

24109

May 17, 1954

RE: Permit No. 24109

Edith Anderson
1423 North Hayes
Pocatello, Idaho

Dear Madam:

We enclose approval of the State Reclamation Engineer of your Application for Extension of Time for Completion of Works on Permit No. 24109 to June 1, 1955.

This should be attached to the original permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

24109

Permit No.

Application for Extension of Time

FOR COMPLETION OF WORKS

Edith

~~Albert~~ Anderson

, of Pocatello,

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

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

No. 24109

Under the terms and conditions of said permit, construction work thereunder was required to be completed by May 21, 1954.

That he has heretofore performed the following work described under said permit:

700 feet trench 4' deep, 360' galvanized pipe 2", 106' galvanized pipe 1",
680 feet galvanized pipe 3/4", to carry water from springs to place of use.
Additional digging and backfilling to be done.

costing \$ 500.00

That he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

All of the ground through which the pipeline extends is rocky in character which makes digging very difficult. It is inaccessible to mechanical diggers and the work must, therefore, be done by hand. In addition to the foregoing reasons there is the further fact that, until the pipeline is completed and the water brought down from the springs, the location of the reservoir or storage tank cannot be ascertained efficiently.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the completion of works under said permit to June 1, 1955.

Subscribed and sworn to before me this 15 day of May, 1954

My commission expires Nov. 1957

Date of receipt at office of Department of Reclamation May 17, 1954

STATE RECLAMATION ENGINEER.
APPROVAL OF COMMISSIONER OF RECLAMATION

I, Mark R. Kulp, State Engineer of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 24109

June 1, 1955

Witness my hand this 17th day of May, 1954

24109

Mark R. Kulp
State Reclamation Engineer

April 28, 1954

RE: Permit No. 24109

Mrs. Edith Anderson
1423 N. Hayes Ave.
Pocatello, Idaho

Dear Mrs. Anderson:

We have your letter of April 27 requesting an extension of time for completion of works on Permit No. 24109.

We enclose a form of application for such extension, which should be executed before a Notary Public and returned to this department for approval.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

2 4109

RECEIVED

APR 28 1954

Department of Reclamation

1423 N. Hayes Ave.
Pocatello, Idaho
April 27, 1954

Mr. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Kulp:

Re: Permit No. 24109

Under the terms of the above numbered permit, we are required to complete our diversion works under said permit on or before May 21, 1954. Because of the inaccessibility of a portion of the ground through which the pipeline must run, necessitating the use of manual labor for the excavation therefor, and also the fact that before the location of the reservoir can be beneficially determined it will be required to make certain tests as to the flow of the water, it will not be possible to wholly complete the diversion works as recited in our original application and permit. To fully complete the same would require, we estimate, another year. Would it be possible for you to grant this extension?

In the event the extension cannot be granted, the pipeline portion of the project, we believe, can be sufficiently completed so as to comply with the proof requirements of May 21, 1954, pertaining thereto. However, it would be greatly to our advantage to have the additional time.

We will appreciate hearing from you.

Sincerely yours,

Edith Anderson

24109

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Albert & Edith Anderson
1423 N. Hayes Ave.
Pocatello, Idaho

Boise, Idaho March 1, 1954

Dear ~~Mr.~~ Mr. and Mrs. Anderson:

Under the terms of your permit No. 24109 you are required to complete your diversion works on or before May 21, 1954. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Yours truly,

MARK R. KULP

State Reclamation Engineer

24109

✓
October 13, 1953

Mrs. Edith Anderson
1423 N. Hayes Avenue
Pocatello, Idaho

Dear Mrs. Anderson:

In reply to your letter of October 12, 1953, in which you inquire if Howard Armstrong has filed application for permit for water from a spring located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, Township 6 South, Range 34 East, B.M.

Our records show no filing by Mr. Armstrong on the waters of the spring in the above stated location.

We might add that there is no legal procedure to protest a water filing with this department until the time applicant advertises his intention to make beneficial use proof on said filing.

Since you have a prescriptive right (or use right) only, and no record right to the use of water from said spring, your only recourse, if your right is molested, is through the court, as this department would have no jurisdiction over the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg

24109

File with permit 24109

October 13, 1953

Mrs. Edith Anderson
1423 N. Sugar Avenue
Pocatello, Idaho

Dear Mrs. Anderson:

In reply to your letter of October 12, 1953, in which you inquire if Howard Armstrong has filed application for permit for water from a spring located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, Township 6 South, Range 34 East, B.M.

Our records show no filing by Mr. Armstrong on the waters of the spring in the above stated location.

We might add that there is no legal procedure to protest a water filing with this department until the time applicant advertises his intention to make beneficial use proof on said filing.

Since you have a prescriptive right (or use right) only, and no record right to the use of water from said spring, your only recourse, if your right is molested, is through the court, as this department would have no jurisdiction over the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fg

24109

RECEIVED
OCT 13 1953

Department of Reclamation

1423 N. Hayes Avenue
Pocatello, Idaho
October 12, 1953

Hon. Mark R. Kulp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Kulp:

It is our information that Mr. Howard Armstrong has, or will in the very near future, file an application for permit to use the flow of water from springs arising in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, Tp. 6 S.R. 34 E.B.M., and, as I have heretofore written you (In connection with Permit No. 24109), we use certain of these waters from a pipeline extending from the springs above mentioned on the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, Tp. 6 S.R. 34 E.B.M. If no allowance is made in his application for our use of the water, we will want to file a protest to his being granted a permit to the entire output of the springs.

We would appreciate being advised whether or not Mr. Armstrong has made application for the permit. In the event he has filed such application, would you kindly send to us necessary forms of Protest.

Thanking you, I am

Sincerely yours,
Edith Anderson
(Mrs. Albert Anderson)

24109

✓
August 10, 1953

RE: Permit No. 24109

Mrs. Albert Anderson
1423 No. Hayes Ave.
Pocatello, Idaho

Dear Mrs. Anderson:

We acknowledge receipt of your letter enclosing application for Permit to appropriate water from a well.

However, applications for subterranean water are made on a different form which we enclose herewith with the request that your application be re-submitted on form three.

Meanwhile, we hold to your credit the \$2.00 filing fee.

In regard to Permit No. 24109, if you will return same we will make the correction suggested. However, this is not really important as the sketch map shows the location of the springs in the NW 1/4 SW 1/4 Section 33, Township 6 S, Range 34 E. B.M.

Also, we corrected the description of the township on the record as it was a typographical error in the application and should have been 6 South instead of 34 South and you may correct it on the original permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A: pj
Enc.

24109

July 28, 1953

RE: Permit No. 24109

Mrs. Albert Anderson
1423 No. Hayes Ave.
Pocatello, Idaho

Dear Mrs. Anderson:

Your letter of May 29, 1953, has been in the active file for about two months and has been set back many times in favor of more urgent although not necessarily more important duties.

A use for seventeen and one-half to forty years would probably create a right to have the use continue but the court would have to fix a priority and amount and state conditions such as part of the cost of replacing pipes as they deteriorate through time.

You may file on unappropriated water at any time, but the fact that you have filed does not keep anyone who thinks he has a case against you from taking you into court.

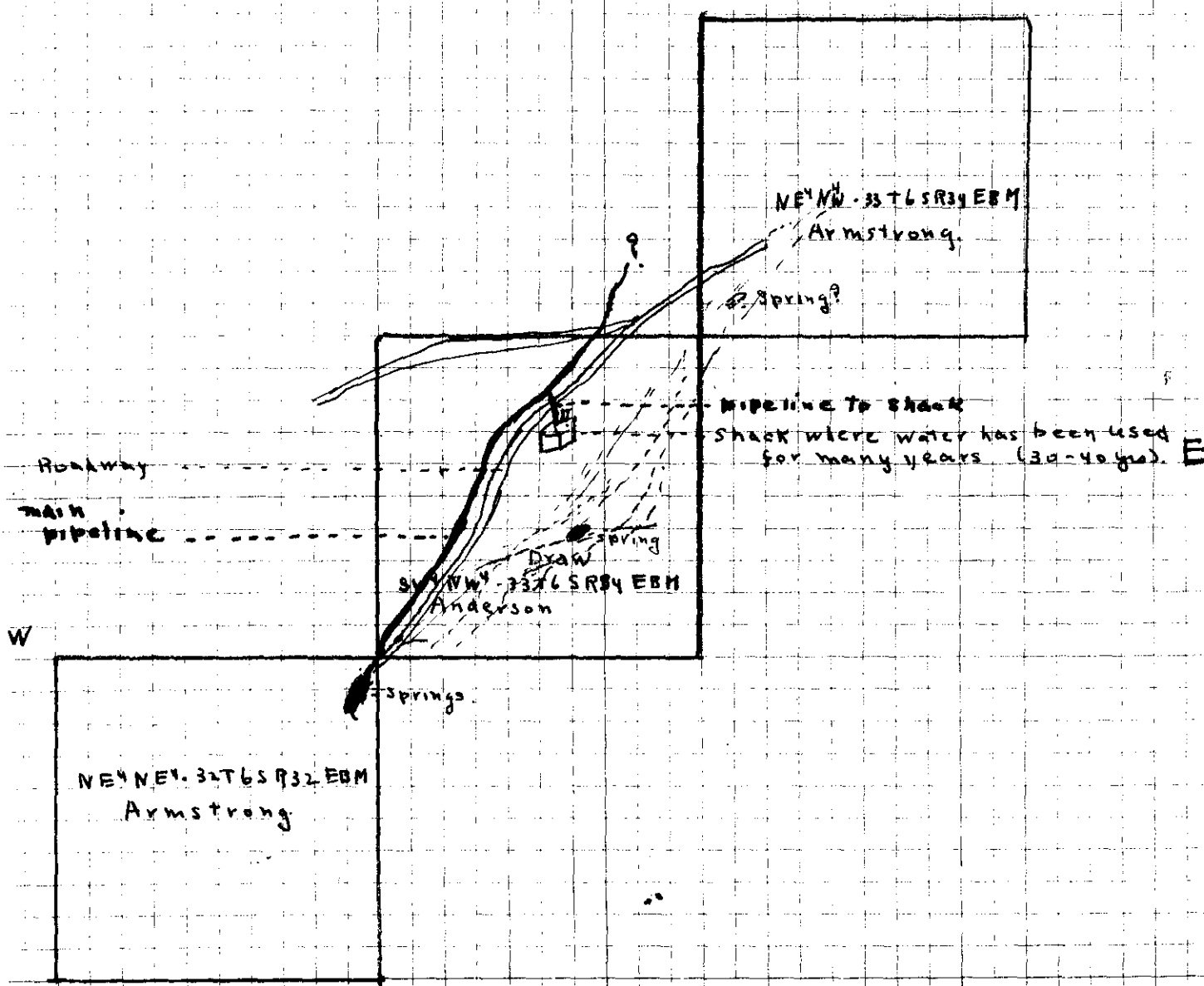
Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:pj

24109

2



24109

S

RECEIVED
JUN 1 1953

Department of Reclamation
1423 N. Hayes Ave.
Pocatello, Idaho
May 29, 1953

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

Your letter of May 28, 1953, enclosing Permit No. 24109 and Receipt No. 25914 for filing fee has been received. We have noted the limitations and conditions as given on the fourth page under the Approval of the State Engineer, to which you call our attention, and shall endeavor to fully comply therewith.

We also want to thank you for your letter of the same date written in response to our recent inquiry regarding a right to a small portion of the flow of spring arising in the NE 1/4 SE 1/4 T6-SR 34 EBM. Because I apparently did not make myself very clear in my former letter I am writing you again in an attempt to more fully explain the situation, in hopes that with this additional information, you may be able to give us some further suggestions. I am also enclosing a rather crude sketch indicating my understanding of the matter.

For some years the waters from this spring, and apparently some others, were used by the Idaho Loan & Development Co. to supply residents of West Pocatello, a part of the City of Pocatello, Idaho, with water. Because of the inadequacy of the supply, this system was later abandoned and the property owners connected with the main lines of the City of Pocatello. I do not know where the main flow from the spring was used during the intervening years, but a small quantity was, during the time the plan was in operation and continuously since, which covers a period of thirty or forty years, piped into a small shack located on the forty acres of land now owned by us. The building has been occupied by a so-called caretaker, that is, a man has been permitted to live there rent free in consideration of his caring for the place. The same family that is now there has been on the place for seventeen and one-half years and will continue on for the time being; and we have just recently installed a new pipe-line from the main line into the building. It is my thought that perhaps we have acquired some right in the main flow even though it might be impossible for us to file directly on the spring itself. Would you kindly advise us on this point.

24109

Mr. Mark R. Kulp

-2-

May 29, 1953

There is one other matter upon which we are needing advice, and that is this: We have found out, although we did not know it at the time we purchased this property, that there are some springs located there on which could possibly be utilized except for the fact that our grantors insist that it might interfere in some manner with the flow of their springs, particularly the one on the lower forty, which so far as we know is undeveloped and unappropriated. Is it not possible for us to make application for a permit to use these springs for such purposes as may appear possible? Our grantors also attempted to exact a promise from us that we would drill no well or otherwise try to develop any water on the forty acres which we have acquired and we are almost fearful to make any move at all because of possible costly litigation which might ensue unless our rights are previously protected in some manner. We will appreciate any comments you may care to make.

Thanking you for your further consideration of this matter,
I am

Sincerely yours,

Edith Anderson

(Mrs. Albert Anderson)

24109

May 28, 1953

RE: Permit No. 24109

Mrs. Albert Anderson
1423 North Hayes Avenue
Pocatello, Idaho

Dear Mrs. Anderson:

Your letter of May 22, 1953, referring to water rights, has some interesting questions that require legal interpretations which I am not competent to give.

Water rights are conveyed by deed just as is real estate and if the grantors had a water right and conveyed part of it to you by warranty deed, you have a right. We have no record of their right, but that does not mean that they do not have a right that could be confirmed in court. The fact that the water is collected and conveyed through a pipe line would indicate that the water is appropriated and could be conveyed.

We do not know the status of the water which they reserved. They would have no right to reserve unappropriated public water. If any of the water is unappropriated, it is subject to appropriation, but as was explained in our letter of May 9, we cannot approve a permit for appropriation of spring water on patented land without the consent of the owner of the land.

This leaves the questions as to what the grantors had to convey or to reserve to be determined and that determination cannot be made by this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:fg

24109

1423 N. Hayes Ave.
Pocatello, Idaho
May 21, 1953

RECEIVED
MAY 22 1953

Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

I have heretofore written you and filed application for permit to use the waters of certain springs on the SW $\frac{1}{4}$ NW $\frac{1}{4}$ -33-T 6 S. R. 34 E.B.M., which property is now owned by my husband and myself. I am now writing you in regard to our rights in certain springs located on the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 6 S. R. 34 EBM, which is presently owned by the grantors in our deed to the forty first above described, Howard L. Armstrong and Ruth C. Armstrong.

24109

Our deed of conveyance, a warranty deed, reads as follows:

Southwest quarter of the Northwest Quarter of Section Thirty three (33), Township Six (6) South, Range Thirty-four (34) East of the Boise Meridian; excluding, however, any water or springs which arise on said premises and which feed the springs located on NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 6 South, Range 34, E.B.M., granting, however to the said grantees sufficient water for domestic use and for watering their animals.

The Grantors reserve, however, a right-of-way through said property for a pipeline as the same now exists with right of ingress and egress for the maintenance and repair of said line so long as the same does not in any way interfere with the rights of the said Grantees, and also a right of way as the same now exists through said property for ingress and egress to NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 32, Township 6 South, Range 34, EBM, which is owned by the said Grantors.

The water for "domestic use," although the deed does not so recite, comes from a pipeline from the springs arising on the NE $\frac{1}{4}$ SE $\frac{1}{4}$ -32 6 S.R 34, and it is our desire to protect this right by proper procedure, since we are fearful this right may be jeopardized in the event the entire flow of said springs is granted to someone else. Will you kindly advise just what procedure we should follow in accomplishing our purpose.

Sincerely yours,

Edith Anderson

(Mrs. Albert Anderson)

own some of spring
on water parcel in
32 or 33

24109

May 28, 1953

RE: Permit No. 24109

Mrs. Albert Anderson
1423 North Hayes Avenue
Pocatello, Idaho

Dear Mrs. Anderson:

We enclose Permit No. 24109 in the name of yourself and Albert Anderson and direct attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 25914 for the \$5.00 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

fg
Enc.

24109

NAME OF APPLICANT

Albert Anderson and Edith Anderson, husband and wife

Form No. 9

SW 1/4 Sec 33 - Irrigation
water watering
spring
NW 1/4 Sec 33

Sec 33 - T6 S R 34 C 13 M.
Bannock County

Permit Map No. 34109
As Approved
MARK R. KULP
State Reclamation Engineer

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

24109

RECEIVED
MAY 13 1953
Department of Reclamation

1423 W. Hayes Ave.
Pocatello, Idaho
May 11, 1953

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

Dear Mr. Kulp:

Enclosed please find Application for Permit to develop and file on the waters of certain springs located in the NW¹ SW¹, Sec. 33, Tp. 6 S.R. 34 E.B.M., signed by my husband and myself. On checking we found that there were several small additional springs located near the spring which is presently being used on the forty we have recently purchased and which can readily be piped to join the water of the used spring. We would like, if possible, to include these in our application. We do not, however, know their capacity, and it is possible that some of them are not permanent springs, but at least one of them is. I was not aware of the existence of these springs at the time I first wrote you on May 7, but if they could be included it would perhaps double the amount of water which could be used on our forty acres.

I trust that the application is filled out in due form, but if not, kindly advise and we will make any corrections necessary.

Thanking you, we are

Sincerely yours,

Edith Anderson

(Mrs. Albert Anderson)

P.S. We are enclosing Cashier's Check in the amount of \$5.00 to cover the application fee.

24109

May 9, 1953

Mrs. Albert Anderson
1423 N. Hayes Ave.
Pocatello, Idaho

Dear Mrs. Anderson:

We are enclosing a form of application for permit with instructions as requested in your letter of May 7, 1953.

At the bottom of page 3, the affidavit must be filled out, signed and notarized if the spring is on patented land, other than your own. It is not necessary if it is on your own land or on the public domain.

As the two 40's are contiguous, and there is doubt as to the actual description, it is suggested that you describe the point of diversion as in the NW¹SW¹, Section 33, and later amend the location if found to be wrong.

Very truly yours,

Mark H. Kulp
State Reclamation Engineer

K:cp
Enc.

24109

RECEIVED
MAY 9 1953
Department of Reclamation

1423 N. Hayes Ave.
Pocatello, Idaho
May 7, 1953

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Sir:

My husband, Albert Anderson, and I are the owners of SW $\frac{1}{4}$ NW $\frac{1}{4}$, S. 33, T. 6 S, R. 34 E.B.M. in Bannock County, State of Idaho. It is our desire to acquire rights to the waters of a certain spring, the waters of which have for some years last past been appropriated and used upon the forty acres above described. Would you be kind enough to send us the necessary application blanks and instructions as to how to proceed.

There is some question as to whether the spring itself arises on this particular forty or in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, S. 33, T. 6 S., R. 34 E.B.M. It is very near the border line between the two quarter sections. The U. S. Government owns the forty acres last above described. The land is at the present time unsurveyed except for the government markers and we have been advised by a surveyor that the cost of a survey, because of the rough terrain of the country (this land lies in the hill region just west of Pocatello), would be excessively high for the value of the property. However it seems impractical that the waters could be used on any other land than ours without considerable development work and in any event could not possibly interfere with the rights of any other person at the present time. We are addressing an inquiry to the Bureau of Land Management to ascertain if it would be possible to purchase this other forty acres from the Government.

Sincerely yours,

Edith Anderson
(Mrs. Albert Anderson)

24109

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

Notice is hereby given that at 10:00 A.M. on the 26th day of April, 1957, at Pocatello, County of Bannock, State of Idaho, before O. R. Baum, Notary Public for Idaho, proof will be submitted of the application to beneficial use of 0.20 cubic feet per second of the waters of springs in accordance with the terms and conditions of Permit No. 24109 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 Albert and Edith Anderson, husband and wife, Pocatello, Idaho.

The use to which said water has been applied is irrigation, domestic and stock watering.

The amount applied to beneficial use is 0.20.

The place where said water is used is plot in SW¹/₄ NW¹/₄ Section 33, Township 6 South, Range 34 East, B. M.

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

The right to take water from such works is based upon Permit No. 24109.

The source of supply from which

such water is diverted is springs in NW¹/₄ NW¹/₄ Sec. 33, Tp. 6 S. R. 34 E.B.M.

The date of priority which said user is prepared to establish is May 13, 1953.

MARK R. KULP
State Reclamation Engineer
March 21, 28, April 4, 11, 1957.