

State of Idaho
License and Certificate of Water Right

Water License No. 21880 Amount 0.04 second foot
Water District No. Priority January 19, 1951

THIS IS TO CERTIFY that RAY PARKS
of Pocatello, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 19, 1951; that Permit No. 21880
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.2 second foot, was issued thereunder on March 1, 1951, showing that said works
were completed on the 20th day of February, 1951; and that on the 19th
day of May, 1951,
RAY PARKS
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 old mine
tunnel, tributary of, for the purpose of irrigation and domestic
use, under Use Permit No. 21880 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4954, on the 21st day of July, 1952;
The right hereby confirmed dates from January 19, 1951;

The Point of Diversion is located
in the NW 1/4 NW 1/4, Sec. 34, Tp. 7 S., R. 35 E., B.M. Benneok County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.04 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			NE 1/4 NE 1/4 Section 28, Twp. 7 South, Range 35 East, 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
21st day of July, 1952.

(SEAL) E. N. HUMPHREY
Deputy State Reclamation Engineer

State of Idaho
License and Certificate of Water Right

Water License No. 19859 Amount 0.18 second foot
Water District No. Priority June 24, 1946

THIS IS TO CERTIFY that A. G. IRISH
of Segle, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 24, 1946; that Permit No. 19829
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
One second feet, was issued thereunder on September 14, 1951, showing that said works
were completed on the 22nd day of August, 1951; and that on the 6th
day of October, 1951,
A. G. IRISH
of Segle, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Cocolalla
Creek, a tributary of Bend Oreille River, for the purpose of irrigation and domes-
tic use, under Use Permit No. 19859 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4953, on the 19th day of July, 1952;
The right hereby confirmed dates from June 24, 1946;
The Point of Diversion is located in the SE 1/4 NE 1/4 and
in the NW 1/4 NE 1/4, Sec. 28, Tp. 56 N., R. 3 W., B.M. Bonner County
That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.18 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
56 N.	3 W.	28	NW 1/4 NE 1/4	10	10
			SW 1/4 NE 1/4	4	--
			SE 1/4 NE 1/4	26	12
			Number of Acres Actually Irrigated	- -	22

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
13th day of September, 1952.
(SEAL) MARK R. KULP
State Reclamation Engineer

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

APPLICATION No. 29604
PERMIT No. 21880
DISTRICT No.

1. Name of Applicant: RAY PARKS

Postoffice address: Box 1344 Pocatello

County: Bannock

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: One (1.0)

cubic feet per second.

3. Source of water supply: Old Mine Tunnel

which is a tributary of Non-tributary

4. Location of point of diversion:

feet distant from the

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

of Section 34 , T. 7 S. , R. 35 E. , B.M., County of Bannock

5. Water is to be used for Irrigation and domestic purposes.

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: \$ 3,000.00

8. Kind of works: Galvanized pipe line

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 1200' 2" 3000' 1 1/2" 1800' 1 1/4" inches; length of conduit 1 1/2 miles.

Average grade per mile 1400' 3/4" feet.

12. The time required for the completion of such work is One (1) years.

13. The time required for the complete application of the water to the proposed use is No

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

July 29, 1952

RE: Permit No. 21880

Mr. Ray Parks
Box 1344
Pocatello, Idaho

Dear Mr. Parks:

We enclose License and Certificate of Water Right issued under Permit No. 21880, confirming your right to the use of 0.04 second foot of water from an old mine tunnel in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, Township 7 South, Range 35 East, B.M., with priority of January 19, 1951, for irrigation and domestic use on the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, Township 7 South, Range 35 East, B.M.

We also enclose departmental receipt No. 24675 for the \$5.00 fee paid in connection with proof of beneficial use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

SCANNED

MAY 01 2001

21880

July 15, 1952

RE: Permit No. 21880

Mr. Ray Parks
Box 1344
Pocatello, Idaho

Dear Mr. Parks:

We now have on file the report of our field engineer on examination for beneficial use under your Permit No. 21880.

Therefore upon receipt of the statutory fee of \$5.00, a license will be issued for 0.04 second foot, or 2 inches of water from an old mine tunnel with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, Township 7 South, Range 35 East, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21880

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit N21880

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

1. Name of applicant Ray Parks, P. O. Box 1344, Pocatello, Idaho

2. Source of water supply: An old mine tunnel

3. Location of point of diversion: Is in the NW¹ NW¹ of Section 34

T. 7 S. R. 35 E. County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: Mr. Parks owns the city dump grounds and operates under contract the trash hauling service for Pocatello. This water is used for domestic purposes at the caretakers place and for garden and for the large herd of hogs which Mr. Parks keeps in connection with this business. There is a ^{of tank} 8" pipe line from a pool in the mouth of the mining tunnel to a small concrete check pool that is ^{the} open posed to ~~exerts~~ atmospheric pressure in order to reduce the pressure on the ~~8"~~ at the house. from the concrete box there is a 1" line extending most of the way to the farmstead and hog lots at which point it is cut to 1" pipe and ^{5"} outlets. There are five ^{5"} outlets plus not and cold water in the house. Mr. Parks states that the water has been measured at 20 g.p.m.

5. Water is used for: Irrigation and domestic purposes.

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):

NE¹ NE¹ Section 28; ~~SW¹ SE¹ Section 28~~; Twp. 7 South, Range 35 East, 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: An attempt was made to check the pressure. Pressure gage with capacity of 100 lbs. per square inches was used and was of insufficient capacity. Two inches of water recommended.

This examination was made on the 10th day of July, 19 52

(Signed) E. N. Humphrey Examiner.

21880

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.

Ray Parks
Box 1344, Pocatello, Idaho

Permit No. 21880

Examination for Beneficial use

County Barneck Ph.
34-7S-35E 3273

Q = 140

S = old mine tunnel

P.D. = NW NW. S 34

P. = Spring & dom.

in City bldg Center & 1st Ave. No.

Proof = 240

area = 1 acre... NE NE
528

RECEIVED
JUL 12 1952

Department of Reclamation

1050' of 2" pipe

4000' of 1 1/2" pipe on down

1000' of 1 pipe on bottom

State

#38

20

5-1/2" drilled plus

house has hot & cold water

16

21

22

Portneuf

28

P.D. is the Old Fort Hall Copper Mine, and is a well known land mark.

34

allow 2 inches of water for license

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21889

REPORT ON PROOF OF Beneficial use

RAY PARES, Pocatello, Idaho

app. one cfs

*.04 cfs.
max.*

July 1, 1952

RE: Permit No. 21880

Mr. Ray Parks
Box 1344
Pocatello, Idaho

Dear Mr. Parks:

I intend to call on you Friday, July 11, 1952, to make inspection as required by law in connection with your Permit No. 21880.

I will want you or someone representing you who is familiar with your irrigation system to accompany me on this inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

21880

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 A.M. on the 19th day of May, 1951, at Pocatello, County of Bannock, State of Idaho, before B. D. Reese, Notary Public, proof will be submitted of the application to beneficial use of 0.2 cubic foot per second of the waters of an old mine tunnel in accordance with the terms and conditions of Permit No. 21880 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Ray Parks, P.O. Box 1344, Pocatello, Idaho.

The use to which said water has been applied is Irrigation and domestic purposes.

The amount applied to beneficial use is 0.2 cubic foot per second.

The place where said water is used NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28; SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; Twp. 7 South, Range 35 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 The Ray Parks galvanized iron pipe line.

The right to take water from such works is based upon Permit No. 21880.

The source of supply from which such water is diverted is an old mine tunnel.

The date of priority which said user is prepared to establish is January 19, 1851.

MARK R. KULP
State Reclamation Engineer
Apr 12, 12, 24, May 3, 1951

Edith Beresek

she

being first duly sworn on oath deposes and says: That.....
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:

Apr 12	19 50	19
Apr 19	19 51	19
Apr 26	19 51	19
May 3	19 51	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.

Edith Beresek

Subscribed and sworn to before me this 3rd

day of May 19 51

Charles C. Ruggie

Notary Public, State of Idaho
Residence: Pocatello, Idaho

21880

May 25, 1951

Re: Permit No. 21880

Mr. Ray Parks
P. O. Box 1344
Pocatello, Idaho

Dear Mr. Parks:

We acknowledge receipt of the Affidavit of Publication in the Idaho State Journal, which with the depositions of yourself and two witnesses previously received, completes your Proof of Beneficial Use under Permit No. 21880.

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

We cannot say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, he will try to contact you at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21880

PROOF OF PUBLICATION

STATE OF IDAHO
County of Bannock

ss.

RECEIVED
MAY 24 1951
Department of Reclamation

Edith Berosek

she

being first duly sworn on oath deposes and says: That
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:

Apr 12	19 51	19
Apr 19	19 51	19
Apr 26	19 51	19
May 3	19 51	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.

Edith Berosek

Subscribed and sworn to before me this 3rd

day of May 19 51

Muriel J. Ruggles

Notary Public, State of Idaho
Residence: Pocatello, Idaho

**NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE**
It is hereby given that at 10
A.M. on the 13th day of May, 1951, at
Pocatello, County of Bannock, State
of Idaho, before E. D. Reese, Notary
Public, proof will be submitted for
application to beneficial use of 0.3
cubic foot per second of the waters
of an old mine tunnel in accordance
with the terms and conditions of Per-
mit No. 21880 heretofore issued by the
Department of Reclamation of the
State of Idaho.
The name and postoffice address of
the person or corporation holding said
permit are Ray Parks, P.O. Box 1344,
Pocatello, Idaho.
The use to which said water has
been applied is irrigation and domes-
tic purposes.
The amount applied to beneficial
use is 0.3 cubic foot per second.
The place where said water is used
NE 1/4 NE 1/4 Section 28; SW 1/4 SE 1/4
Section 21; Twp. 7 South, Range 35
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 The
Ray Parks galvanized iron pipe line.
The right to take water from such
works is based upon Permit No. 21880.
The source of supply from which
such water is diverted is an old mine
tunnel.
The date of priority which said user
is prepared to establish is January 19,
1951.
21880
MARK R. KULP
State Reclamation Engineer
Apr 12, 13, 26, May 3, 1951.

21880

✓
May 21, 1951

Re: Permit No. 21880

Mr. Ray Parks
P. O. Box 1344
Pocatello, Idaho

Dear Mr. Parks:

We acknowledge receipt of the depositions of yourself and two witnesses in Proof of Beneficial Use under Permit No. 21880.

However, the Affidavit of Publication is a necessary part of this proof, and if you have not received same from the Idaho State Journal, we suggest that you take the matter up with them as they were instructed to send the affidavit to you when publication was completed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bb

21880

May 21, 1951

Re: Permit No. 21880

Mr. Ray Parks
P. O. Box 1344
Pocatello, Idaho

Dear Mr. Parks:

We acknowledge receipt of the depositions of yourself and two witnesses in Proof of Beneficial Use under Permit No. 21880.

However, the Affidavit of Publication is a necessary part of this proof, and if you have not received same from the Idaho State Journal, we suggest that you take the matter up with them as they were instructed to send the affidavit to you when publication was completed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21880

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAY 21 1951
Department of Reclamation

Permit No. 21880

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Ray Parks, 535 West Gould St., Pocatello, Idaho. Contractor, Transfer
business, P.O. Box 1344, Pocatello, 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. Permit No. 21880. Date of Priority, Jan. 19, 1951.

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

Ans. The source is an old mine tunnel dug about 1900. I believe very little, if any, ore was shipped. Point of diversion on Gov't. land NW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 34, T7S, R35 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.

Ans. I laid 1200 ft. of 2" gal. iron pipe from entrance of tunnel to a pressure relief box about 3'x3'x3' built of 6" concrete. I continued 6200 ft. down the canyon using unions about every 1000 ft. with 1 $\frac{1}{2}$ ", 1" and 3/4" gal. pipe, which line carries 0.2 sec. ft. of water and I named it "The Ray Parks Galvanized Iron Pipe Line".

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

Ans. The water is conducted for domestic use, watering stock and irrigation. About one acre of garden and lawn is cultivated in the NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 28, T7S, R35 E.B.M. Other improvements consist of a 4 room Cement block house, sheds for stock and tools, fences, etc.

21880

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

Ans. No horse power is generated, the water is used for irrigation after the needs of the house and stock are taken care of.

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

Ans. All that the spring will supply about, about 0.2 sec. ft.

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. I am the person.

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

Ans. The water has been used as above stated since Aug. 1949.

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.

(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 Laurel, County of Parma State of Idaho, on this 19 day of May, A. D. 1957,

My commission expires 7-21-58

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21880

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. Ervin L. Anderson, I am 28 years old, I reside at 132 Toponce, Pocatello, Idaho..
My occupation is truck driver and Post Office address is same as residence.

Ques. 2. Are you acquainted with Ray Parks, the
holder of Permit No. 21880? How long have you known him and where does
he reside?

Ans. I have known him for 15 years, more or less, and he now resides at 535 West
Gould St., Pocatello, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21880, 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 con-
veying water from point of diversion to place of use.

Ans. The source of supply is an old mine tunnel; the place of diversion is in the
NW $\frac{1}{4}$, NW $\frac{1}{4}$ Sec. 34, T7S, R35 E.B.M. The "works" include a small earth and rock dam at mouth
of tunnel; 1200 ft. of 2" pipe to a 3'x3' conc. pressure relief box and about 6200 ft.
of 1 $\frac{1}{2}$ ", 1" and 3/4" gal. iron pipe.

Ques. 5. How many second feet of water do you estimate said works will safely con-
duct to place of use, and how much water have you seen being so conveyed?

Ans. About 0.2 second feet of water and I have seen that amount so conveyed.

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

Ans. Pumps are not needed, this is a gravity supply line.

21880

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for domestic purposes, for watering stock and irrigating about one acre of lawn and garden which is located in the NE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 28 T7S, R35 E.B.M.

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

Ans. For watering stock, the water is allowed to run freely into water troughs.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The character of the land benefitted is sandy loam and all water not used in the house and for stock can be used for profitable cultivation.

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

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I helped lay this pipe line and since Aug. 1949, I have seen it functioning at least once a week.

(Signed)

Ernest L. Anderson

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 Ponderosa, County of Damoc, State of Idaho, on this 19 day of May, A. D. 1951.

[Signature]
Notary Public.

My commission expires 7-21-52

21880

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21880

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. Elia J. Cornelson, I am 33 years old, I reside on Route 1 Sd., Pocatello, Idaho.
My occupation is truck driver and Post Office address is same as residence.

Ques. 2. Are you acquainted with Ray Parks, the holder of Permit No. 21880? How long have you known him and where does he reside?

Ans. I have known him for 25 years, more or less, and he now resides at 535 West Gould St., Pocatello, Idaho.

Ques. 3. Have you read or heard read said Permit No. 21880, 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. The source of supply is an old mine tunnel; the place of diversion is in the NW 1/4, NW 1/4 Sec. 34, T7S, R35 E.B.M. The "works" include a small earth and rock dam at mouth of tunnel; 1200 ft. of 2" pipe to a 3' conc. pressure relief box and about 6200 ft. of 1 1/2", 1" and 3/4" gal. iron pipe.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. About 0.2 second feet of water and I have seen that amount so conveyed.

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

Ans. Pumps are not needed, this is a gravity supply line.

21880

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. The water is used for domestic purposes, for watering stock and irrigating about one acre of lawn and garden which is located in the NE¹/₄, NE¹/₄, Sec. 28 T7S, R35 E.B.M.

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

Ans. For watering stock, the water is allowed to run freely into water troughs.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The character of the land benefitted is sandy loam and all water not used in the house and for stock can be used for profitable cultivation.

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

Ans. No.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I helped lay this pipe line and since Aug. 1949, I have seen it functioning every day.

(Signed) Ellis J. Connelion

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 Connelion, County of Parma, State of Idaho, on this 19 day of May, A. D. 1947.

[Signature]
Notary Public.

My commission expires 7-21-52

21880

PARKS TRANSFER

Ray Parks

Box 1344

POCATELLO, IDAHO

April 10, 1951

RECEIVED
APR 11 1951

Department of Reclamation

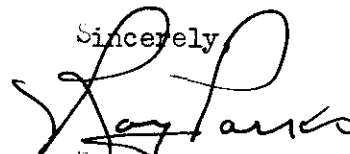
21880

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

Dear Mr. Kulp;

Acknowledging your letter of March 31, 1951,
regarding publication of Permit No. 21880. I have contacted
our local newspaper, The Idaho State Journal, and they report
they have not received notice for publication. I am calling
this to your attention since the time is short for proof of
completion of filing.

Sincerely,


Ray Parks

21880

April 9, 1951

Re: Permit No. 21880

Mr. Ray Parks
P. O. Box 1344
Pocatello, Idaho

Dear Mr. Parks:

In accordance with office letter addressed you on March 21, 1951, we have corrected the Notice of Beneficial Use Proof to be made on May 19, 1951, on your Permit No. 21880 and have sent a copy to the Idaho State Journal of Pocatello, with instructions to publish it once a week for four consecutive weeks prior to May 19, and to send you the Affidavit of Publication, together with statement of costs.

We enclose the necessary forms of deposition to be used in making this proof, consisting of one for yourself and one for each of two witnesses, and at the time set, you should appear before Mr. B. D. Reese, 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 depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21880

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 21880

Date: April 9, 1951

Idaho State Journal

Pocatello, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to May 19, 1951 the date set for proof, the expense of the publication to be paid by the applicant, Ray Parks of P.O.Box 1344, 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

21880

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

Notice is hereby given that at 10 A. M. on the 19 th day of May, 1951,
at Pocatello, County of Bannock, State of Idaho, before
B. D. Reese, proof will be submitted of the
application to beneficial use of 0.2 cubic feet per second of the waters of an old mine
tunnel in accordance with the terms and conditions of Permit No. 21880
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person ~~or corporation~~ holding said permit ~~and~~ is
Ray Parks, P.O. Box 1344, Pocatello, Idaho

The use to which said water has been applied is Domestic, watering live stock ^{for} and irrigation.

The amount applied to beneficial use is 0.2 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) is, for domestic and irrigation purposes, the NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 28 and for ^{+ SW SE Sec. 21}
watering live stock the NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 33, the E $\frac{1}{2}$, SE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 28 all in
Township 7 South Range 35 EBM.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is The Ray Parks Galvanized Iron Pipe Line

The right to take water from such works is based upon Permit No. 21880

The source of supply from which such water is diverted is an old mine tunnel

The date of priority which said user is prepared to establish is January 19, 1951

State Reclamation Engineer.

21880

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

Notice is hereby given that at 10 A. M. on the 19th day of May, 1951,
at Pocatello, County of Bannock, State of Idaho, before
B. D. Reese, Notary Public, proof will be submitted of the
application to beneficial use of 0.2 cubic ~~foot~~ per second of the waters of an old mine
tunnel in accordance with the terms and conditions of Permit No. 21880
heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Ray Parks, P. O. Box 1344, Pocatello, Idaho

The use to which said water has been applied is Irrigation and domestic purposes.

The amount applied to beneficial use is 0.2 cubic foot per second

The place where said water is used (if for irrigation, give full and accurate description of the
~~lands irrigated~~ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, Twp. 7 South, Range 35 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 The Ray Parks galvanized iron pipe line.

The right to take water from such works is based upon Permit No. 21880

The source of supply from which such water is diverted is an old mine tunnel

The date of priority which said user is prepared to establish is January 19, 1951

MARK R. KULP

State Reclamation Engineer.

21880

March 21, 1951

Re: Permit No. 21880

Mr. Ray Parks
P. O. Box 1344
Pocatello, Idaho

Dear Mr. Parks:

We acknowledge receipt of Notice of Beneficial Use Proof to be made on May 19, 1951, and authorization to have the notice published in the Idaho State Journal.

This notice states that the water has been used for domestic, irrigation and watering livestock, but the Permit does not include stock watering; neither does it include as place of use, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33 and the E $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28, Township 7 South, Range 35 East, for stock watering. It only includes the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21.

We shall therefore correct the notice accordingly, and send a copy to the Idaho State Journal with instructions in regard to publishing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21880

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)..... March 13, 1951

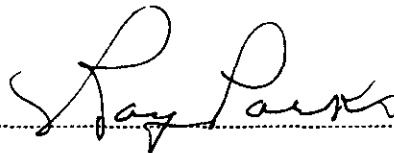
(P. O.)..... Pocatello, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Idaho State Journal of Pocatello, Idaho published in
the county in which the works are situated.



(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

.....
Engineer.

21880

✓
March 7, 1951

Re: Permit No. 21880

Mr. Ray Parks
Box 1344
Pocatello, Idaho

Dear Mr. Parks:

We enclose Certificate of Completion of Works issued under Permit No. 21880 for the diversion of 0.2 of a second foot of water from an old mine tunnel with point of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34, Township 7 South, Range 35 East, B.M. for irrigation and domestic use on approximately one acre of land in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, Township 7 South, Range 35 East, B.M.

We also enclose Departmental Receipt No. 23166 for the \$5.00 fee paid in connection with this proof.

Proof of Beneficial Use requires publication once a week for four consecutive weeks in a county newspaper prior to making proof. This notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the Notary Public before whom the proof is to be made.

The time, of course, should be set sufficiently far ahead to allow for four weeks publication and the proof may be made at any place convenient for you and your two witnesses.

Both copies of Form 10 are to be returned to this Department together with Form 11 which is your authorization for us to have the notice published in the county newspaper at your expense.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A:bh
Enc.

Chief Clerk

21880

PARKS TRANSFER

Ray Parks

Box 1344

POCATELLO, IDAHO

February 28, 1951

RECEIVED
MAR 1 1951
Department of Reclamation

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

Dear Mr. Kulp;

To acknowledge receipt of your letter of February 23, 1951, herewith check for \$5.00, I want to make final proof of beneficial use of all the water that comes from that mine just as soon as possible. The mine is not on my land but all the water now coming from it is carried in a 2 inch pipe to my property.

I have spent some \$3,000.00 to pipe that water for domestic use and to water my hogs, and incidently to irrigate the amount of garden and lawn that is practical. I am feeding over 100 hogs and expect to increase that number considerably in the future. I also plan on drilling a well and irrigating part of the 80 acres shown on the permit sketch.

When I learned that I could not prove up on Permit No. 19966, I thought it advisable to file again for the same amount and for the same acreage, which I did under Permit No. 21880, changing only the "Point of Diversion" and the method of conducting the water to the land. I thought, however, in submitting proof of the beneficial use of the water that I should give the actual facts.

The person from whom I bought the land said there was about 10 inches of water flowing from the mine and I feel sure he thought he had title to it when he made the sale to me. Mr. Clinton tells me that 10 inches of water figures approximately 90 gallons per minute. I think I should proceed with the papers as they are unless you suggest that I make certain changes.

Yours truly,



Ray Parks

RP/emp

21880

✓
February 23, 1951

Re: Permit No. 21880

Mr. Ray Parks
Box 1344
Pocatello, Idaho

Dear Mr. Parks:

We acknowledge receipt of your letter of February 20, 1951, enclosing Proof of Completion of Works under Permit No. 21880.

We note that you are only proving up on 0.2 of a second foot of water instead of the one (1) second foot of water applied for, and that you only describe one acre in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28, Township 7 South, Range 35 East, B.M., instead of the larger acreage including land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, same Township and Range. Is it your intention to only prove up on the smaller amount?

The Statutes require a \$5.00 fee in connection with Proof of Completion of Works, which please remit.

Do we understand from your letter that you wish to proceed with the final proof, or Beneficial Use Proof? If so, we will be glad to send you the necessary forms for the notice which the Statutes require to be published once a week for four consecutive weeks prior to making this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21880

PARKS TRANSFER

Ray Parks

Box 1344

POCATELLO, IDAHO

Feb. 20, 1951

RECEIVED
FEB 23 1951

Department of Reclamation

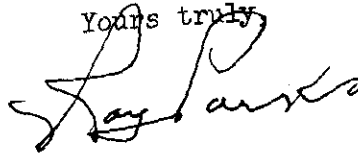
Mr. Mark Kulp
Dept. of Reclamation
State House
Boise, Idaho

Dear Sir;

Herewith "Proof of Completion of Works" for Permit
No. 21880, properly signed and notarized.

Please send further instructions.

Yours truly,



Ray Parks

21880

Permit No. 21880

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Bannock

ss.

Ray Parks

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. 21880, and that his postoffice address is Box 1344, Pocatello, State of Idaho

Second: That the name of the stream which said water is to be directed is
Stream not named

Third: That the point of diversion of said water is NW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 34 T.7, South, Range 35 E.B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Jan. 26, 1952, 19.

Fifth: That the use for which said water is intended is Domestic and Irrigation

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

I. Kind of works: Galvanized Pipe Line
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work: ~~100 feet~~

(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 pipe width at bottom feet, width at water line
(State whether ditch, flume or pipe)

feet, depth of water feet; diameter of pipe 2", 1 $\frac{1}{2}$ ", 1" inches, average grade per mile is 100 feet. Length of conduit is 1 $\frac{1}{2}$ miles.

Seventh: That said works are capable of conducting to the place of intended use 0.2 second feet of water.

Eighth: That water appropriated under said permit is available for 1.0 (more or less) acres of land described as follows: NE $\frac{1}{4}$, NE $\frac{1}{4}$ Sec. 28 T. 7 So., R. 35 E.B.M.

Ninth: Remarks: That this Pipe line was completed Aug. 1949, under the misapprehension that Permit No. 19966 had been "proved up" on and that title to the water had been passed from the State to the land described.

(Sign Here)

Subscribed and sworn to before me this 20 day of July, 1951

My commission expires 7-21-52

Notary Public.

21880

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. 21880

Date February 13, 1951

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. Ray Parks
Box 1344
Pocatello, Idaho

MARK R. KULP
State Reclamation Engineer

21880

21880 ✓

February 12, 1951

Mr. Ray O. Shurtliff
9010 S. E. Lincoln
Portland, Oregon

Dear Mr. Shurtliff:

Ray Parks made application for permit to appropriate 1.0 cubic foot per second of the public waters of the State of Idaho. Source - Old Mine Tunnel; Use - Irrigation and Domestic; under "Remarks" - This water is developed from old mine developed by H. M. Palmer and deeded to the land described in this application. The application was in proper form and was approved and Permit issued on January 26, 1951.

The only case in which we inquire into the ownership of land described in an application is when the source is given as a spring as we can not approve an application for permit to appropriate waters of a spring on deeded land without the written permission of the owner. The sketch submitted with the application shows the mine on Government Land.

The permit is only applicable to public waters and does not grant right-of-way. The matter of right-of-way or trespass must be settled by the parties involved.

One Supreme Court decision was to the effect that a water right initiated through trespass is invalid. This is the law if it applies to this particular situation, but some other items might make it inapplicable.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

21880

Portland, Ore
Feb 2 - 1951

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

Dear sir;

It has been called to my attention that one, Ray Parks of Pocatillo, Idaho has made application to use water in an abandoned mine tunnel adjacent to his property.

To begin with, this is not an abandoned mine & has not been abandoned, to my knowledge, since 1943. It so happens that I am co-owner of this property. It is the Fort Hall Mine in the Fort Hall Mining district.
21880

This man Barke has all ready put his pipe line into the Portal of the tunnel and by virtue of the work done at that point - caused a portal to cave that had stayed standing for 50 years. According to the laws - one who diverts water and puts it to use by aid of trespass does not, pursuant to such trespass, acquire a water right.

It is the intention of my partner & myself to have opened & cause this property to be mined - which is not a phosphate but a copper mine.

Pursuant to this information, I trust that the water right will not be allowed in so far as taking it from the mine is concerned. It will hinder

21880

our development of subject
property.

Whereas the proposal
is not ~~to~~ only to pipe the
water for irrigation purposes
but also for domestic purposes.
This water is so being used
in the home of Mr. Ray Parks
Care taker & being a copper
water will eventually be very
detrimental to the user.

My partner Mr. J. W. McMahon
& myself have only recently
returned from the mine after
spending 3 months at Boratello
Idaho perfecting our work.
It is our intention to return
within the next 30 days to
continue our work. We
Trust that nothing will be
allowed that will impede the
progress of a very important
industry to the Southern Part
of Idaho.

Will you kindly advise
me as to the action that
is taken on this property
& the water rights, there to,

Respectfully yours
Ray O. Shurtliff
9010 S.E. Lincoln
Portland, Oregon

RECEIVED
FEB 5 1951
Department of Reclamation

21880

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN
UNION

JOSEPH L. EGAN
PRESIDENT

1201

SYMBOLS

DL=Day Letter

NL=Night Letter

LC=Deferred Cable

MLT=Cable Night Letter

Ship Radiogram

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

PRA708

1951 JAN 30 PM 11 25

PR=LLE346 NL PD=PORTLAND ORG 30=

MARK CULP=

STATE RECLAMATION ENGINEER=BOISE IDA=

PROTEST GRANTING RAY PARKS OF POCA TELLO WATER PERMIT AT
SOURCE. MINE IS NOT ABANDONED OWNED BY US WATER MAN MADE
CAN BE PICKED UP IN CREEK BELOW MINE LETTER IN EXPLANATION
FOLLOWS=

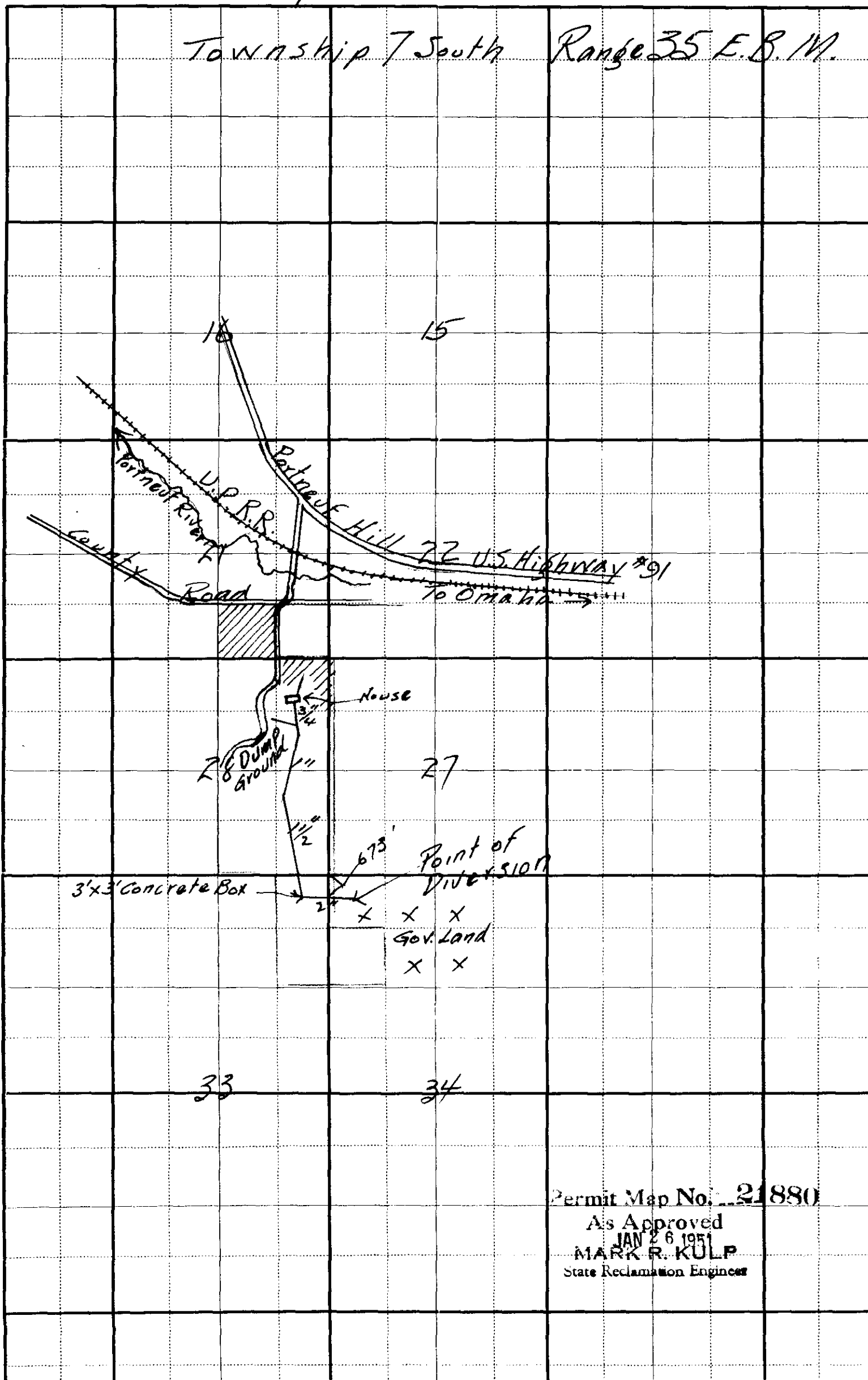
JAMES W MCMAHAN RAY O SHUTLIFF 2169 NW HOYT ST
PORTLAND ORG=

2/880

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

Ray Parks

Township 7 South Range 35 E.B.M.



Permit Map No. 21880

As Approved

JAN 26 1951

MARK R. KULP

State Reclamation Engineer

4-12-51

Legal Advertisement

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

Notice is hereby given that at 10 A.M. on the 18th day of May, 1951, at Pocatello, County of Bannock, State of Idaho, before B. D. Reese, Notary Public, proof will be submitted of the application to beneficial use of 0.2 cubic foot per second of the waters of an old mine tunnel in accordance with the terms and conditions of Permit No. 21880 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Ray Parks, P.O. Box 1344, Pocatello, Idaho.

The use to which said water has been applied is Irrigation and domestic purposes.

The amount applied to beneficial use is 0.2 cubic foot per second.

The place where said water is used NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28; SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; Twp. 7 South, Range 35 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 The Ray Parks galvanized iron pipe line.

The right to take water from such works is based upon Permit No. 21880.

The source of supply from which such water is diverted is an old mine tunnel.

The date of priority which said user is prepared to establish is January 19, 1951.

MARK R. KULP
State Reclamation Engineer
Apr 12, 19, 26, May 3, 1951