

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

Mrs. Edith Wuthrich
Box 762
Montpelier, Idaho

APPLICATION No. 35218
PERMIT No. 27289
DISTRICT No.

1. Name of Applicant: MRS. EDITH WUTHRICH

Postoffice address: Box 762, Montpelier

County: Bear Lake State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: No
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

11. The financial resources of the applicant are:

- (a) Cash on hand:
(b) Treasury stock:

(c) Bond to be issued:
(d) Other resources:

2. Quantity of water claimed: One

cubic feet per second.

3. Source of water supply: Yeaman Creek

which is a tributary of Montpelier Creek

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R.

, B.M., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$

of section 15 , T. 12 S. , R. 45 E. , B. M., County of Bear Lake

Bear Lake

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 of

, T. , R.

, B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T. , R.

, B.M., in the

of Section

, T. , R.

, B.M.

7. Estimated cost of works: \$ ---

8. Kind of works: Ditch

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom

1

feet; width at water line

2.8

feet; depth of water

0.6

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile

12

feet.

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

One

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

16. (a) Is reservoir to be used? **No** If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

/s/ Mr. Ed Murchison
Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. March 20, 1958

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 27289
Recorded in Book 96 Page 27289 Approved March 21, 1958

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 May 21, 1958 and to continue diligently and uninterruptedly to completion.

Work to begin on or before May 21, 1958 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 September 21, 1958

The whole of said work to be completed on or before March 21, 1959

Beneficial use of water appropriated in accordance herewith, to be made on or before March 21, 1959

Witness My hand this 21st day of March, 1958

/s/ MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SWITIE

, Governor of the State of Idaho,

and JAS. H. YOUNG

, 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 March 19 58.

Countersigned:

STATE OF IDAHO

(SEAL) By /s/ JAS. H. YOUNG

By /s/ ROBERT E. SWITIE

Governor.

Secretary of State.

REMARKS:

This ground has been irrigated with water from what is locally called "Yeaman Canyon" for many, many years but no application for right has been filed until the present time.

14.

Twp.	Range	Sec.	NE 1/4		NW 1/4		SW 1/4		SE 1/4		Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12 S.	45 E.	15	13	10					19	8	50
Permit No. 27289											
Certificate of Completion of Works											
TO ALL WHOM IT MAY CONCERN:											
This is to certify that, MR. EDWIN MURCHISON of Montpelier, County of Bear Lake, and State of Idaho, the holder of Permit No. 27289, issued upon Application No. 39218 having date of priority of March 20, 1958, authorizing the diversion of one second foot of waters of Yeaman Creek, tributary to Montpelier Creek County of Bear Lake, State of Idaho, for Irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one second foot of the waters of Yeaman Creek that the point of diversion of said waters SW 1/4 Section 15, Township 12 South, Range 45 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE 1/4 and SE 1/4 (23 acres), NE 1/4 and SE 1/4 (27 acres) all in Section 15, Township 12 South, Range 45 East, B.M. Proof of Completion of Works made: January 26, 1959											
Witness my hand this 20th day of January, A.D. 1959											
/s/ Geo. N. Carter State Reclamation Engineer											
Proof of Completion of Works made: January 26, 1959											
Certificate of Completion of Works issued: January 28, 1959.											

RECEIVED FOR 1-0

Page 6720

NAME OF APPLICANT Mrs. Edith Wuthrich

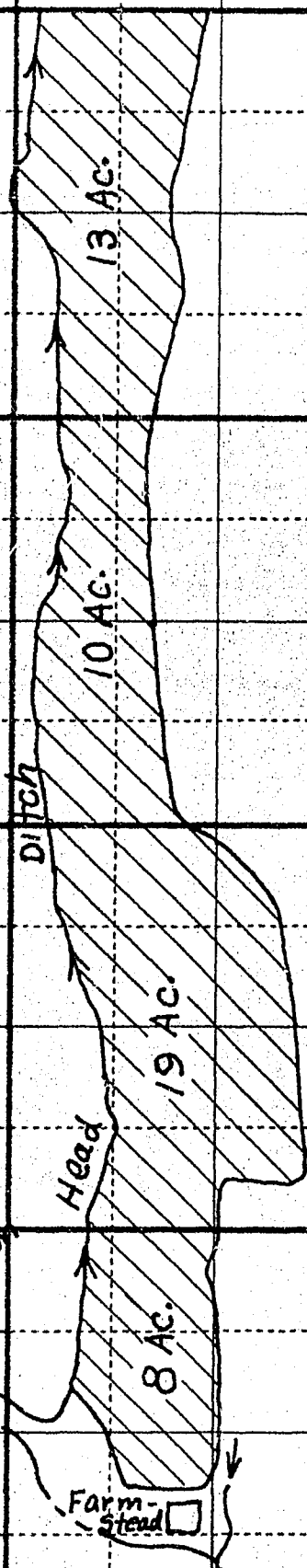
Form No. 0

T12S, R45E, B.M.

10 11
15 14



ctr.
Sec. 15



15 14
22 23

Permit Map No. 27289
As Approved
MARK R. KULP
State Reclamation Engineer
MAR 1 1958

SCALE: 1/8" = 1 Mile. Draw Plan in Ink.

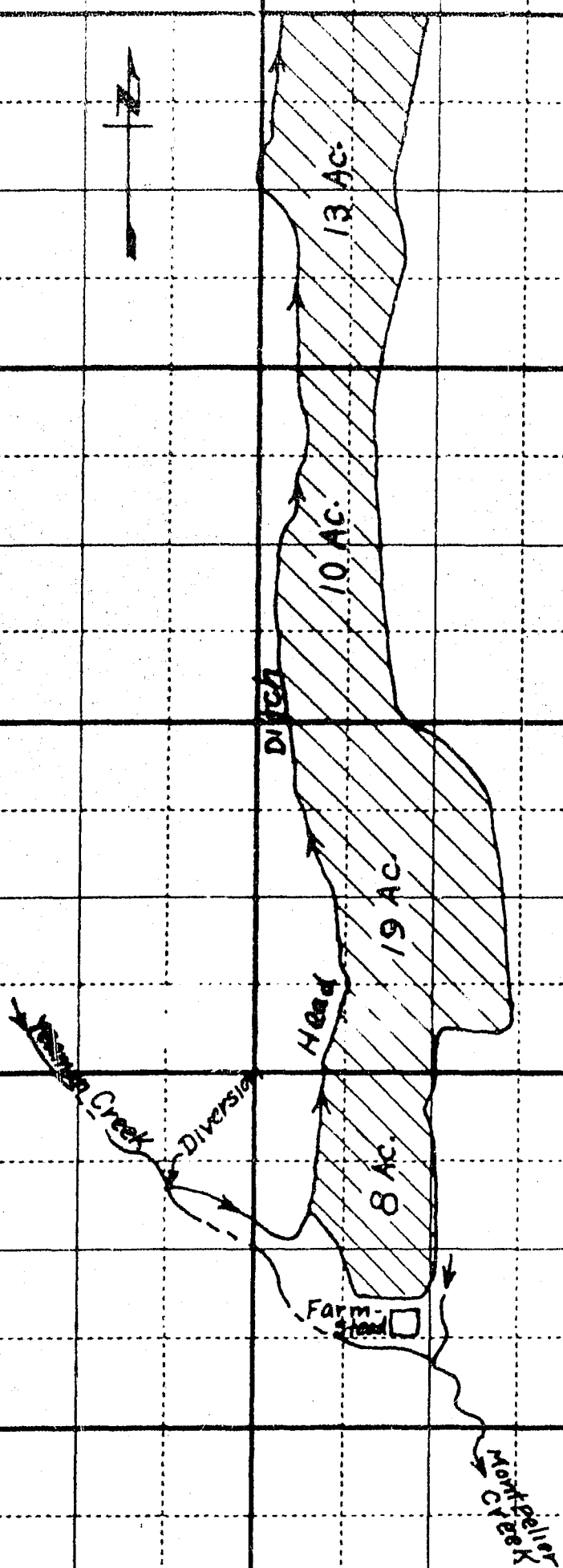
27289

T12S, R45E, B.M.

10 11
15 14



ctr.
Sec. 15



15 14
22 23

Permit Map No. 27289
As Approved
MARK R. KULP
State Reclamation Engineer
MAR 1 1958

March 31, 1958

Re: Permit No. 27289

Mrs. Edith Wuthrich
Box 762
Montpelier, Idaho

Dear Mrs. Wuthrich:

We enclose Permit No. 27289 in which we direct your 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. 29028, which was issued covering payment in the amount of \$5.00 for the filing fee of the above mentioned permit.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Edna P. Rutledge (Mrs.)
Chief Clerk

EP:lw
Encls. (2)

27289

STATE OF IDAHO
DEPARTMENT OF RECLAMATIONRE: Permit No. 27289Date January 1, 1959Mrs. Edith Wutherish
Box 762
Montpelier, Idaho

Dear Sir:

Under the terms of your Permit No. 27289 you are required to make proofs of completion of works and application of water to beneficial use on or before March 21, 1959.

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

We enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc.

27289

RECEIVED
JAN 27 1959

Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) January 26, 1959

(P. O.) Box 762, Montpelier, 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

News-Examiner

of Montpelier

published in

the county in which the works are situated.

Bear Lake Co. ✓

x Edith Wathrick

(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.

RECEIVED
JAN 27 1958

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 25th day of March, 1959,
at Montpelier, County of Bear Lake State of Idaho, before
Gertrude McCarty, a notary public, proof will be submitted of the
application to beneficial use of one (1) cubic feet per second of the waters of Yeaman's
Creek in accordance with the terms and conditions of Permit No. 27269
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 Mrs. Edith

Wuthrich, Box 762, Montpelier, Idaho

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

The amount applied to beneficial use is one (1) cubic feet per second

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

NE 1/4 NE 1/4 and SE 1/4 NE 1/4 (93 acres), NE 1/4 SE 1/4 and SE 1/4 SE 1/4 (87 acres), all in Sec. 15, Tp. 12 S.,
Range 45 E. Boise Meridian, County of Bear Lake, State of Idaho

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

The right to take water from such works is based upon Permit No. 27269

The source of supply from which such water is diverted is from Yeaman's Creek at point
of diversion which is SW 1/4 SE 1/4 of Section 15, Tp. 12 South, Range 45 East, Boise Meridian,
County of Bear Lake, State of Idaho

The date of priority which said user is prepared to establish is March 20, 1958
1942 and prior thereto

State Reclamation Engineer.

27269

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

Notice is hereby given that at 10:00 A. M. on the 25th day of March, 1959,
at Montpelier, County of Bear Lake, State of Idaho, before
Gertrude McCart, Notary Public, proof will be submitted of the
application to beneficial use of One (1) cubic feet per second of the waters of Yeaman's
Creek in accordance with the terms and conditions of Permit No. 27289
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
Mrs. Edith Wuthrich, Box 762, Montpelier, Idaho

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

The amount applied to beneficial use is One (1) cubic feet per second

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

E1NE1, E1SE1 Sec. 15, Twp. 12 S., Rge. 45 E.B.M.

~~The purpose of the said work is to provide water for irrigation and domestic purposes.~~

The right to take water from such works is based upon Permit No. 27289

The source of supply from which such water is diverted is Yeaman's Creek - Point of
Diversion is SW1SE1 of Sec. 15, Twp. 12 So., Rge. 45 E.B.M.

The date of priority which said user is prepared to establish is March 20, 1958

ORO. N. CARTER

State Reclamation Engineer.

27289

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

Notice is hereby given that at 10:00 A. M. on the 25th day of March, 1959,
 at Montpelier, County of Bear Lake, State of Idaho, before
Gertrude McCart, a notary public, proof will be submitted of the
 application to beneficial use of one (1) cubic feet per second of the waters of Yeaman's
Creek in accordance with the terms and conditions of Permit No. 27289
 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 Mrs. Edith
Wutherich, Box 762, Montpelier, Idaho

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

The amount applied to beneficial use is one (1) cubic feet 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 $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ (23 acres), NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ (27 acres), all in Sec. 15, Tp. 12 S.,
Range 45 E. Boise Meridian, County of Bear Lake, State of Idaho

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

The right to take water from such works is based upon Permit No. 27289

The source of supply from which such water is diverted is from Yeaman's Creek, a
tributary of Montpelier Creek at point
of diversion which is SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Tp. 12 South, Range 45 East Boise Meridian,
County of Bear Lake, State of Idaho

The date of priority which said user is prepared to establish is 1942 and prior thereto

State Reclamation Engineer.

27289

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

DEPARTMENT OF RECLAMATION
Boise, Idaho

Re: Permit No. 27289
Mrs. Edith Wuthrich

Date: January 27, 1959

~~News-Examiner~~
Montpelier, Idaho

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to March 25, 1959 the date set for proof;

the expense of the publication is to be paid by the applicant

Mrs. Edith Wuthrich of Box 762, Montpelier, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

Geo. N. Carter
State Reclamation Engineer
By
(Mrs.) Edna P. Rutledge

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

27289

January 27, 1959

Re: Permit No. R-885

Mr. Ralph Groefsema
Mountain Home, Idaho

Dear Mr. Groefsema:

This acknowledges the Notice of Proof of Application of Water to Beneficial Use under Permit No. R-885. The proof is to be made at 10:30 A. M. on the 24th day of February, 1959, before E. B. Medaris, Notary Public, at Mountain Home, Idaho.

In compliance with your request while in our office yesterday, you took the Notice for Publication to the newspaper, the Mountain Home News, to be published once a week for four consecutive weeks prior to the date set for final proof and then to mail the affidavit of publication and statement of costs to you.

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

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

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw

Encls. (3)

cc: E. B. Medaris
Mountain Home, Idaho

January 27, 1959

Re: Permit No. 27289

Mrs. Edith Wuthrich
Box 762
Montpelier, Idaho

Dear Mrs. Wuthrich:

This acknowledges the Notice of Proof of Application of Water to Beneficial Use on Permit No. 27289. The proofs are to be made at 10:00 A. M. on the 25th day of March, 1958, before Gertrude McCart, Notary Public, at Montpelier, Idaho.

As of this date we have mailed the Notice to the News-Examiner, with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then to mail the affidavit of publication and statement of costs to you.

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

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw

Encls. (3)

cc: Gertrude McCart
Notary Public
Montpelier, Idaho

27289

STATE OF IDAHO
Department of Reclamation

JAN 27 1959

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

SS.

County of.....Bear..Lake.

✓ Edith Wutherich....., being first duly sworn, upon ^{her} oath deposes and says:

First: That ^{she} ~~he~~ is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 27289, and that ^{her} ~~his~~ postoffice address is Montpelier State of Idaho.

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

Third: That the point of diversion of said water is SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Tp. 12 South, Range 15 E, Boise Meridian, County of Bear Lake, State of Idaho

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 21, 1959.

Fifth: That the use for which said water is intended is irrigation & domestic purposes

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

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

II. Dimensions of work:.....
 (a) Height of dam xxxxxx feet, length of dam at top xxxxxx feet, length of dam at
 bottom xxxxxx feet. Material used in construction xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.....

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir xxxxxxxxxxxxxxxxx were feet.

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

(d) Conduit...ditch...width at bottom...one (1) foot, width at water line two and 8/10
(State whether ditch, flume or pipe)

feet, depth of water 6/10 feet; ~~diameter of pipe~~ xxxx inches, average grade
per mile is 12 feet Length of conduit is ---- miles.

Seventh: That said works are capable of conducting to the place of intended use ~~one~~
~~cubic~~ **second** feet of water.

Eighth: That water appropriated under said permit is available for 50 acres of land described as follows: NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ (23 acres), NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ (27 acres) all in Sec. 15, Tp. 12 S., Range 45 E. Boise Meridian, County of Bear Lake, State of Idaho.

Ninth: Remarks: That...the subject property upon which water is to be applied was homesteaded by Jake Hanggie in 1905, purchased by Richard and Edith Yeaman in 1942... Richard Yeaman died in 1951 and Edith Yeaman married Walter Wuthrich subsequently. To the knowledge of permittee water has been appropriated since 1905.

Edith Wuthrich
(Sign Here)

Subscribed and sworn to before me this 26 day of January, 1959.

My commission expires 9-16-61

Notary Public.

27289

January 28, 1959

Re: Permit No. 27289

Mrs. Edith Wuthrich
P. O. Box 762
Montpelier, Idaho

Dear Mrs. Wuthrich:

Enclosed is the Certificate of Completion of Works issued under
Permit No. 27289, and, departmental receipt #27469 for fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

27289

The News-Examiner

ROBINSON AND TAYLOR, PUBLISHERS

FEB 1 0 1959

Advertising & Commercial Printing

Department of

MONTPELIER, IDAHO

February 9, 1959

Department of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

We have received Notice for Publication Re: Permit No. 27289, Mrs. Edith Wuthrich, and are beginning publication with issue of February 12.

Very truly yours,
The News-Examiner

By Ruth Taylor

27289

D. E. HADDOCK
ATTORNEY AT LAW

PARIS, IDAHO, March 12th 1959

RECEIVED
MAR 13 1959
Department of Reclamation

Department of Reclamation
Boise, Idaho

Gentlemen:

Inclosed herewith you will find sworn protest of Montpelier Irrigation Company against issuing license to Mrs Edith Wuthrich to appropriate water from Yeaman Creek in Bear Lake county, Idaho.

Will you kindly acknowledge receipt of protest.

Very Truly Yours,

D. E. Haddock

PROTEST AGAINST LICENSE

RECEIVED
MAR 1 3 1959
Department of Reclamation

DEPARTMENT OF RECLAMATION

Boise, Idaho

Gentlemen:

The Montpelier Irrigation Company, a corporation of Montpelier, Bear Lake County, Idaho, hereby files its protest against the issuance of a License to Mrs Edith Wuthrich to appropriate one cubic foot of water per second of time of the waters of Yeaman,s Creek, in Bear Lake County, Idaho, upon the following grounds:

1st. Protestant alleges that Yeaman,s Creek in Bear Lake county, Idaho, is a direct tributary of Montpelier Creek and there is no unappropriated water of Montpelier Creek or any of its tributaries, for agricultural purposes. That all of the water of said Montpelier Creek and its tributaries have heretofore been appropriated and applied to beneficial use by protestant and others, and that the right to the use of the water of said Montpelier Creek for agricultural purposes were heretofore adjudicated and Decreed by the District Court of the Fifth Judicial District of the state of Idaho, In and for the County of Bear Lake, in a certain action entitled E. Strong, R. Livingston & Sidney Stevens, Plaintiffs vs. The Montpelier Irrigation Company, a corporation, et al. said Decree being dated the 20th day of February, 1902, and that since the entry of said Decree all the waters of said Montpelier Creek and its tributaries have been used and applied to a beneficial use during each and every year, during the irrigation season, since said time.

2nd. Protestant denies that said Edith Wuthrich has applied to beneficial use, for agricultural and domestice purposes, I cubic foot per senond of time of the waters of said Yeaman Creek in accordance with the terms and conditons of permit No 27289. Protestant admits that said applicant diverted water from said Yeaman Creek under said permit on approximately 10 acres of land but denies that said applicant had a right to do so for the reason that said water has heretofore been appropriated and that there is no unappropriated water for irrigation purposes flowing in said Yeaman Creek.

WHEREFORE protestant prays that said applicant be denied a license to appropriate any of the water of said Yeaman Creek.

DATED This 12th day of March, 1959.

MONTPELIER IRRIGATION COMPANY,
a Corporation,

By Jesse Orchard
Its President.

STATE OF IDAHO)
) ss.
COUNTY OF BEAR LAKE,)

Jesse Orchard, being first duly sworn, upon oath deposes and says:

That he is the president of Montpelier Irrigation Company, a corporation, the protestant named in the foregoing protest, and makes this verification for and on its behalf; That he has read the above and foregoing protest and knows the contents thereof and that the matters stated therein are true as he verily believes.

Jesse Orchard

Subscribed and sworn to before me this 12 day of March, 1959.

L. Hugh Stephens
Notary Public for Idaho
Residing at Paris

*My Commission
Expires Oct 10 - 1962*

PROTEST AGAINST LICENSE

DEPARTMENT OF RECLAMATION

Boise, Idaho

Gentlemen:

The Montpelier Irrigation Company, a corporation of Montpelier, Bear Lake County, Idaho, hereby files its protest against the issuance of a License to Mrs. Edith Wuthrich to appropriate one cubic foot of water per second of time of the waters of Yeaman Creek, in Bear Lake County, Idaho, upon the following grounds:

1st. Protestant alleges that Yeaman Creek, in Bear Lake County, Idaho is a direct tributary of Montpelier Creek and there is no unappropriated water of Montpelier Creek or any of its tributaries, for agricultural purposes. That all of the water of said Montpelier Creek and its tributaries have heretofore been appropriated and applied to beneficial use by protestant and others, and that the right to the use of the water of said Montpelier Creek for agricultural purposes were heretofore adjudicated and decreed by the District Court of the Fifth Judicial District of the state of Idaho, in and for the County of Bear Lake, in a certain action entitled E. Strong, R. Livingston & Sidney Stevens, Plaintiffs vs. The Montpelier Irrigation Company, a corporation, et al. said decree being dated the 20th of February, 1902, and that since the entry of said decree all the waters of said Montpelier Creek and its tributaries have been used and applied to a beneficial use during each and every year, during the irrigation season, since said time.

2nd. Protestant denies that said Edith Wuthrich has applied to beneficial use, for agricultural and domestic purposes, 1 cubic foot per second of time of the waters of said Yeaman Creek in accordance with the terms and conditions of Permit No. 27289. Protestant admits that said applicant diverted water from said Yeaman Creek under said permit on approximately 10 acres of land but denies that said applicant had a right to do so for the reason that said water has heretofore been appropriated and that there is no unappropriated water for irrigation purposes flowing in said Yeaman Creek.

WHEREFORE, protestant prays that said applicant be denied a license to appropriate any of the water of said Yeaman Creek.

DATED this 12th day of March, 1959

MONTPELIER IRRIGATION COMPANY,
a corporation,

By: Jesse Orchard
Its President.

STATE OF IDAHO)
County of Bear Lake) ss.

Jesse Orchard, being first duly sworn, upon oath deposes and says:

That he is the president of Montpelier Irrigation Company, a corporation, the protestant named in the foregoing protest, and makes this verification for and on its behalf; that he has read the above and foregoing protest and knows the contents thereof and that the matters stated therein are true as he verily believes.

s/ JESSE ORCHARD

Subscribed and sworn to before me this 12th day of March, 1959.

s/ L. Hugh Shepherd
Notary Public for Idaho
Residing at Paris.

(SEAL)

My Commission expires Oct. 10, 1962

PROTEST AGAINST LICENSE

DEPARTMENT OF RECLAMATION

Boise, Idaho

Gentlemen:

The Montpelier Irrigation Company, a corporation of Montpelier, Bear Lake County, Idaho, hereby files its protest against the issuance of a License to Mrs. Edith Wuthrich to appropriate one cubic foot of water per second of time of the waters of Yeaman Creek, in Bear Lake County, Idaho, upon the following grounds:

1st. Protestant alleges that Yeaman Creek, in Bear Lake County, Idaho is a direct tributary of Montpelier Creek and there is no unappropriated water of Montpelier Creek or any of its tributaries, for agricultural purposes. That all of the water of said Montpelier Creek and its tributaries have heretofore been appropriated and applied to beneficial use by protestant and others, and that the right to the use of the water of said Montpelier Creek for agricultural purposes were heretofore adjudicated and decreed by the District Court of the Fifth Judicial District of the state of Idaho, in and for the County of Bear Lake, in a certain action entitled F. Strong, R. Livingston & Sidney Stevens, Plaintiffs vs. The Montpelier Irrigation Company, a corporation, et al. said decree being dated the 20th of February, 1902, and that since the entry of said decree all the waters of said Montpelier Creek and its tributaries have been used and applied to a beneficial use during each and every year, during the irrigation season, since said time.

2nd. Protestant denies that said Edith Wuthrich has applied to beneficial use, for agricultural and domestic purposes, 1 cubic foot per second of time of the waters of said Yeaman Creek in accordance with the terms and conditions of Permit No. 27269. Protestant admits that said applicant diverted water from said Yeaman Creek under said permit on approximately 10 acres of land but denies that said applicant had a right to do so for the reason that said water has heretofore been appropriated and that there is no unappropriated water for irrigation purposes flowing in said Yeaman Creek.

WHEREFORE, protestant prays that said applicant be denied a license to appropriate any of the water of said Yeaman Creek.

DATED this 12th day of March, 1959

MONTPELIER IRRIGATION COMPANY,
a corporation,

BY: Jesse Orchard
Its President.

STATE OF IDAHO }
County of Bear Lake }

Jesse Orchard, being first duly sworn, upon oath deposes and says:

That he is the president of Montpelier Irrigation Company, a corporation, the protestant named in the foregoing protest, and makes this verification for and on its behalf; that he has read the above and foregoing protest and knows the contents thereof and that the matters stated therein are true as he verily believes.

s/ JESSE ORCHARD

Subscribed and sworn to before me this 12th day of March, 1959

s/ L. Hugh Shepherd
Notary Public for Idaho
Residing at Paris

(SEAL)

My Commission expires Oct. 10, 1962

March 16, 1959

Re: Permit No. 27269
Mrs. Edith Wuthrich

Mr. D. E. Haddock
Attorney at Law
Paris, Idaho

Dear Sir:

We acknowledge receipt of the protest of the
Montpelier Irrigation Company against issuing a license
to Mrs. Edith Wuthrich from Yeaman's Creek in Bear
Lake County, Idaho.

After inspection by the field engineer for this
department the protest will be taken up for consideration
by the State Reclamation Engineer.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

EP:ew

March 19, 1959

Re: Permit No. 27289

Mrs. Edith Wuthrich
Box 762
Montpelier, Idaho

Dear Mrs. Wuthrich:

Enclosed is a copy of a protest against issuance of a license for water from Yeaman Creek under Permit No. 27289.

A field examination of your works will be made after which you will be notified of further action.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

GNC:RT:ew
Enc.

27289

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

SPECIAL ASSISTANT
ATTORNEY GENERAL

ELBERT E. GASS
ATTORNEY AT LAW
FIRST SECURITY BANK BUILDING
MONTPELIER, IDAHO

March 27, 1959

RECEIVED
MAR 30 1959
Department of Reclamation

Mr. Geo. N. Carter
State Reclamation Engineer
Department of Reclamation
Statehouse
Boise, Idaho

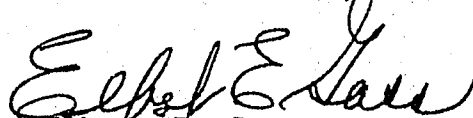
Re: Permit No. 27289
Edith Wuthrich

Dear Mr. Carter:

I am enclosing two Form 17's, Deposition of Witnesses,
and one Form 16, Deposition of Holder. Also enclosed are
three affidavits pertinent to the permit.

I am also enclosing Proof of Publication.

Very truly yours,


Elbert E. Gass

EEG:la

Encls. (7)

27289

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

MAR 3 1959
Department of Reclamation

Permit No. 27289

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Edith Wuthrich, Box 762, Montpelier, Idaho; housewife

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. 27289, March 20, 1958; September 28, 1914 & 3-20-58

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

Ans. a spring, Yeaman Creek Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15,
Township 12 South, Range 45 East of Boise Meridian

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. irrigation and domestic purposes, capable of conveying one cubic foot per
second of water, conducted by Yeaman Creek, a tributary of Montpelier Creek

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. Irrigation NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ (23 acres), NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ (27 acres)
all in Section 15, Township 12 South, Range 45 East, B.M.
Twelve acres have been cultivated, remainder is wild hay

NE $\frac{1}{4}$?

Ans.done

Ans. one cubic feet per second

Ans.

Ans. Irrigation and domestic purposes, has been used since 1914, one cubic foot per second.

Ans. There have been no other waters used

(Sign) Edith Wuthrich

and sworn to before me, at my office in Monkton, County of Gloucester.

State of Idaho, on this 25 day of March, A. D. 1969

Getrock & McCook

My commission expires

9-16-61

27289

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 30 1959
Department of Reclamation

PERMIT NO. 27289

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. E. J. Hansen, age 76, Montpelier, Idaho, retired veterinarian, Box 255

Ques. 2. Are you acquainted with Edith Wuthrich, the holder of Permit No. 27289? How long have you known ^{her} ~~him~~ and where does ^{she} ~~he~~ reside?

Ans. Yes 16 years Montpelier, Idaho

Ques. 3. Have you read or heard read said Permit No. 27289, and are you familiar with its provisions and conditions?

Ans. Yes 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. Yeaman Creek, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 12 South, Range 45 East, B.M.
ditch

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. 1.5 cubic feet per second 1 cubic feet per second

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. Irrigation and domestic purposes; NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ (23 acres), NE $\frac{1}{4}$ SE $\frac{1}{4}$
and SE $\frac{1}{4}$ SE $\frac{1}{4}$ (27 acres), all in Section 15, Township 12 South, Range 45 East, B.M.

Twelve acres have been cultivated, remainder is wild hay. Thirty acres have been
improved from wasteland to meadow.

NE 2

27289

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

Ans. none

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

Ans. cultivated meadow land, one cubic feet per second

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

Ans. No

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

Ans. I personally know that the said water from Yeaman Creek has been used for irrigation purposes for 26 years.

(Signed)

E. J. Hansen

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 Montpelier, County of Bear Lake, State of Idaho, on this 25 day of March, A. D. 1959.

Leatrice A. McLean

Notary Public.

My commission expires Sept. 16, 1961

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Department of Reclamation

PERMIT NO. 27289

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. Ernest Loertscher, age 46, Montpelier, Idaho, occupation: railroad clerk
Box 241

Ques. 2. Are you acquainted with Edith Wutherich, the
holder of Permit No. 27289? How long have you known ^{her} ~~him~~ and where does ^{she} ~~he~~ reside?

Ans. Yes Approximately 20 years Montpelier, Idaho

Ques. 3. Have you read or heard read said Permit No. 27289, and are you familiar with its provisions and conditions?

Ans. Yes 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. Yeaman Creek, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 12 South, Range 45 East, B.M.
ditch

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. 1.5 cubic feet per second 1 cubic feet per second

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. Irrigation and domestic purposes, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ (23 acres), NE $\frac{1}{4}$ SE $\frac{1}{4}$
and SE $\frac{1}{4}$ SE $\frac{1}{4}$ (27 acres), all in Section 15, Township 12 South, Range 45 East, B.M.
Twelve acres have been cultivated, remainder is wild hay. Thirty acres have been
improved from wasteland to meadow.

NE $\frac{1}{4}$?

27289

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

Ans. none

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

Ans. cultivated meadow land, one cubic feet per second

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

Ans. No

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

Ans. I know that Mrs. Wutherich has used said water from Yeaman Creek for irrigation purposes for approximately 17 years. I personally knew that the person who owned the land prior to 1942 used said water for irrigation purposes also. It is used each year from the 1st of May to the last of September.

(Signed)

Ernest Laestehue

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 Ward Valley

County of Ben Lape, State of Idaho, on this 25 day of March, A. D. 1959.

Leah A. McEck

Notary Public.

My commission expires 9-16-61

THE NEWS-EXAMINER

MONTPELIER, IDAHO

RECEIVED
MAR 3 0 1959

Department of Reclamation

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,)
County of Bear Lake,) ss.

A. M. Robinson

being first duly sworn, deposes and says
he is Publisher and Foreman of the
News-Examiner; that the said News-Examiner
is a weekly newspaper published at Montpelier,
County of Bear Lake, State of Idaho, of general
circulation in said County and State.

That the notice attached was published in
the said News-Examiner, and not in a supple-
ment, for four
successive weeks, commencing with the issue
dated February 12, 1959
and ending with the issue
dated March 5, 1959

Marguerite Robinson
Publisher and Foreman.

Subscribed and sworn to before me this 23rd day of

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at
10.00 a. m. on the 25th day of
March, 1959, at Montpelier,
County of Bear Lake, State of
Idaho, before Gertrude McCart,
Notary Public, proof will be sub-
mitted of the application to bene-
ficial use of One (1) cubic feet
per second of the waters of Yea-
man's Creek, in accordance with
the terms and conditions of Per-
mit No. 27289 heretofore issued
by the Department of Reclama-
tion of the State of Idaho.

The name and post office ad-
dress of the person or corpora-
tion holding said permit are Mrs.
Edith Wuthrich, Box 762, Mont-
pelier, Idaho.

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

The amount applied to benefi-
cial use is One (1) cubic feet per
second.

The place where said water is
used, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 15,
Twp. 12 S., Rge. 45 E. B. M.

The right to take water from
such works is based upon Permit
No. 27289.

The source of supply from
which such water is diverted is
Yeaman's Creek - Point of Diver-
sion is SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 15,
Twp. 12 So., Rge. 45, E. B. M.

The date of priority which said
user is prepared to establish is
March 20, 1958.

GEORGE N. CARTER
State Reclamation Engineer
(f-12|19|26; m-5)

Notary Public.

RUTH ALAND
Notary Public
Montpelier, Idaho
My Commission Expires
March 6, 1960

27289

March 20, 1959

RE: Permit No. 27289

Mrs. Edith Wuthrich
P. O. Box 762
Montpelier, Idaho

Dear Mrs. Wuthrich:

We acknowledge receipt of the Deposition of Holder and two witnesses, also affidavit of publication in the News-Examiner, all submitted in proof of beneficial use on Permit No. 27289.

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.

GEO. H. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR

cc: Elbert E. Cass
Attorney At Law
First Security Bank Building
Montpelier, Idaho

27289

BEFORE THE DEPARTMENT OF RECLAMATION, STATE OF IDAHO

In the Matter of the Completion
of Works and Application of Water
to Beneficial Use by Edith Wutherich.

RECEIVED
MAR 3 0 1959
Department of Reclamation

E. J. Hansen, being first duly sworn, deposes and
says:

That this deposition is made for the purpose of assisting Edith Wutherich
to obtain a license from the State of Idaho to appropriate the waters from
Yeaman Creek, a tributary of Montpelier Creek.

That your deponent knows of his own knowledge that the said waters of
Yeaman Creek have been applied for irrigation and domestic purposes and put
to beneficial use to the lands as follows:

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the
SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 15, Township
12 South, Range 45 East of the Boise Meridian, County
of Bear Lake, State of Idaho.

That the said waters have been applied to the said lands for 28
years; and that Edith Wutherich and her then husband, Richard Yeaman, purchased
the lands in question from Jacob Hanggie in the year 1942 and which Jacob Hanggie
had previously owned the lands in question and which Jacob Hanggie had home-
steaded the said lands beginning in the year 1905.

IN WITNESS WHEREOF I have hereunto set my hand this 25 day of March,
1959.

E. J. Hansen

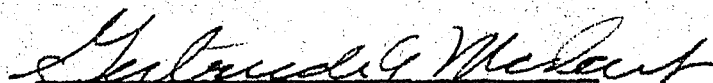
STATE OF IDAHO,)
County of Bear Lake.) ss.

On this 25 day of March, 1959, at or about 10:00 A.M., personally
appeared before me, Gertrude A. McCart, a notary public in and for said State
and County, E. J. Hansen who is a non-interested witness
for and on behalf of Edith Wutherich and who is known to me and acknowledged
to me that the statements heretofore made by him in the foregoing instrument
are true to the best of his knowledge. This instrument further acknowledges

that I witnessed the signature of E. J. Hansen.

IN WITNESS WHEREOF I have hereunto set my hand and seal this 25-day
of March, 1959.

(SEAL)


Notary Public for Idaho
Residence: Montpelier, Idaho
My comm. expires 9-66-61

BEFORE THE DEPARTMENT OF RECLAMATION, STATE OF IDAHO

In the Matter of the Completion
of Works and Application of Water
to Beneficial Use by Edith Wutherich.

Ernest Loertscher, being first duly sworn, deposes and
says:

That this deposition is made for the purpose of assisting Edith Wutherich
to obtain a license from the State of Idaho to appropriate the waters from
Yeaman Creek, a tributary of Montpelier Creek.

That your deponent knows of his own knowledge that the said waters of
Yeaman Creek have been applied for irrigation and domestic purposes and put
to beneficial use to the lands as follows:

The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the
SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, all in Section 15, Township
12 South, Range 45 East of the Boise Meridian, County
of Bear Lake, State of Idaho.

That the said waters have been applied to the said lands for 28
years; and that Edith Wutherich and her then husband, Richard Yeaman, purchased
the lands in question from Jacob Hanggie in the year 1942 and which Jacob Hanggie
had previously owned the lands in question and which Jacob Hanggie had home-
steaded the said lands beginning in the year 1905.

IN WITNESS WHEREOF I have hereunto set my hand this ____ day of March,
1959.

Ernest Loertscher

STATE OF IDAHO,)
County of Bear Lake.) ss.

On this 20 day of March, 1959, at or about 10:00 A.M., personally
appeared before me, Gertrude A. McCart, a notary public in and for said State
and County, Ernest Loertscher who is a non-interested witness
for and on behalf of Edith Wutherich and who is known to me and acknowledged
to me that the statements heretofore made by him in the foregoing instrument
are true to the best of his knowledge. This instrument further acknowledges that

I witnessed the signature of Ernest Loertscher.

IN WITNESS WHEREOF I have hereunto set my hand and seal the 25 day
of March, 1959.

(SEAL)

Arthur G. McDevitt

Notary Public for Idaho

Residence: Montpelier, Idaho

My comm. expires 9-6-61

BEFORE THE DEPARTMENT OF RECLAMATION, STATE OF IDAHO

In the Matter of the Completion
of Works and Application of Water
to Beneficial Use by Edith Wutherich.

RECEIVED
MAR 30 1959

U. S. DEPARTMENT OF RECLAMATION

Edith Wutherich, upon being first duly sworn, deposes and says:

1. That your deponent's post office address is Box 762, Montpelier, County of Bear Lake, State of Idaho.

2. That under date of March 21, 1958, your deponent was issued Permit No. 27289, recorded in Book 96, page 27289 in the records of the Department of Reclamation, State of Idaho, to appropriate the public waters of the State of Idaho.

3. That prior to the said date of March 21, 1958, your deponent had made application for permit, Application No. 35218, to appropriate one(1) cubic feet per second of water from Yeaman Creek, which is a tributary of Montpelier Creek and which water was to be used for irrigation and domestic purposes; that in accordance with the application your deponent was going to irrigate the total of fifty (50) acres from the said waters of Yeaman Creek, a tributary of Montpelier Creek, and the lands to be irrigated, were all in Section 15, Township 12 South, Range 45 East of the Boise Meridian, being particularly described as follows:

Thirteen (13) acres of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, ten (10) acres of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, nineteen (19) acres of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, and eight (8) acres of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$;

and that said waters from Yeaman Creek, a tributary of Montpelier Creek, were to be diverted by a ditch which has the dimensions of one (1) foot width at the bottom, 2.8 feet width at the water line, 0.6 feet depth of the water in the ditch, at an average grade per mile of 12 feet. The point of diversion is in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, Township 12 South, Range 45 East of the Boise Meridian, County of Bear Lake, State of Idaho.

4. That in the year 1942 your deponent and her then husband, Richard Yeaman, who died in 1951, purchased the lands to be irrigated by the said waters of Yeaman Creek and which lands are described in this deposition and the application for permit; and that your deponent from her own personal knowledge and

ownership of said lands knows, and therefore alleges, that the said waters for which application has been made and which waters are claimed, have been applied for irrigation and domestic purposes to the lands in question.

5. That the diversion works and the ditch have been completed prior to March 21, 1958, in that said diversion and ditch were completed on the 14th day of September, 1914.

6. That your deponent and her then husband, Richard Yeaman, purchased the lands which have been described in this affidavit and in the application for permit and to which and on which the waters of said Yeaman Creek have been applied for beneficial use from a person by the name of Jacob Hanggie, who homesteaded the land from the year 1905 and who had a continuous ownership from said year 1905 to 1942; and that your deponent further alleges of her own personal knowledge that said Jacob Hanggie has for 28 years applied said waters of Yeaman Creek to the lands heretofore described in this deposition and in the application for permit and which lands and upon which lands the said waters of Yeaman Creek have been applied for beneficial use.

7. That the application for permit and other instruments of record in regard to the application for permit are made a part of this deposition and approved by reference hereto.

8. That attached hereto and incorporated herein by reference is a certified deed from the United States Government to Jacob Hanggie, which deed by attachment and reference hereto is incorporated herein in full.

IN WITNESS WHEREOF I have hereunto set my hand this 25 day of March, 1959.

Edith Wutherich
Edith Wutherich

STATE OF IDAHO,)
) ss.
County of Bear Lake.)

On this 25 day of March, 1959, before me, Gertrude A. McCart, a

notary public in and for said State and County, appeared Edith Wutherich, who made the foregoing deposition of proof as to the beneficial use and application of water appropriated from Yeaman Creek, a tributary of Montpelier Creek, and which water is to be used for irrigation and domestic purposes, upon the lands described in the said deposition. Said Edith Wutherich is known to me to be the person whose name is subscribed to the foregoing instrument; that the said Edith Wutherich duly deposed and acknowledged that the foregoing statements and allegations are true to the best of her knowledge; and that I witnessed her signature to the foregoing instrument.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Arthur C. Melant
Notary Public for Idaho
Residing at Montpelier, Idaho
My comm. expires 9-16-61

Sep. 28, 1914

4-1006

Blackfoot 03208

THE UNITED STATES OF AMERICA

To All To Whom These Presents Shall Come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of JACOB HENGGI has been established and duly consummated, in conformity to law, for the east half of the northeast quarter and the east half of the Southeast quarter of Section fifteen in Township twelve South of Range fourth-five east of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Nineteenth day of September in the year of our Lord one thousand nine hundred and fourteen and of the Independence of the United States the one hundred and thirty-ninth.

By the President: Woodrow Wilson.

By M. P. LeRoy, Secretary.

John O'Connell
Recorder of the General Land Office

RECORDED: Patent Number 432124

27289

con't.

The southeast quarter of the southeast quarter of the lands above described is subject to all rights under an application by the Oregon Short Line Railway Company, approved September 18, 1883, under the Act of March 3, 1875, being an application for right of way for Railroad purposes

ELBERT E. GASS
ATTORNEY AT LAW
FIRST SECURITY BANK BUILDING
MONTPELIER, IDAHO

May 28, 1959

RECEIVED
JUN 1 1959

Department of Reclamation

PROSECUTING ATTORNEY
BEAR LAKE COUNTY

XXXXXXXXXX
XXXXXXXXXX

Mr. George N. Carter
State Reclamation Engineer
Statehouse
Boise, Idaho

Re: Permit No. 27289

Dear Mr. Carter:

This is to advise you that Mrs. Edith Wuthrick, the applicant in re above captioned subject matter, and the Montpelier Irrigation Company, the protestant in re the above captioned matter, are negotiating settlement in regard to the water rights involving Yeaman Creek. At present the terms and conditions of the settlement have been agreed upon verbally, but will be resolved and reduced to an agreement in writing.

Thus, at the present time, if the settlement is agreed upon and accepted by all parties concerned, it will be unnecessary to have a field engineer examine the premises, the land, etc. At this time request is made that you cease arrangements for a field examination, and please acknowledge the request.

If you so desire, we shall be happy to give you a copy of the agreement entered into by the parties concerned in order for you to close your file.

EEG:la

Very truly yours,
Elbert E. Gass
Elbert E. Gass

27289

June 1, 1959

Re: Permit No. 27289
Mrs. Edith Wuthrich

Mr. Elbert E. Gass
Attorney at Law
Montpelier, Idaho

Dear Mr. Gass:

I am glad to learn that Mrs. Edith Wuthrich and the Montpelier Irrigation Company have reached an agreement which will obviate the necessity of holding a hearing or somehow dispose of the protest.

The requirement of an examination by a field engineer is statutory and applies to all permits whether protested or not, consequently the field engineer in due course will make this examination, but it will not be because of the protest filed against this permit.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

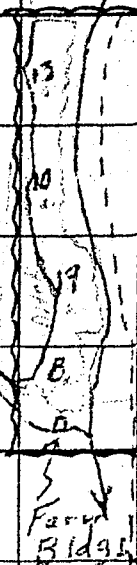
GHC:ew

27289

R-45E.

T.
12
S.

15



Sub Divisions = 4

Area = 56 acres

Q = 1/4

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

Permit No. 27289

This proof is for Beneficial Use

In Water District No.

1. Name of applicant: Edith Wuthrich

2. Source of water supply: Yeaman Creek

3. Location of point of diversion: Is in the SW 1/4 of Section 15

T. 12 S R. 45 E. B. M. County of Bear Lake

4. Describe works as they exist, giving dimensions and capacities of same: Small rock and earth diversion dam. All water of creek is turned into the ditch on this date. Ditch can carry 200" of water. Lot of fall. Permit map was made by R. Stoker, Bear River water master. It is essentially correct.

5. Water is used for: irrigation and domestic

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):

E 1/2 NE 1/4 and E 1/2 SE 1/4 of Sec. 15., Twp. 12 S., Rge. 45 E. B. M.

If protest is not withdrawn, it should be as an agreement has been drawn up and signed giving them 15 shares in the Montpelier Irrig. Co. and all the water of Yeaman Creek. In return they are taken into the company and subject to O. & M. charges.

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

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

Remarks:

Agreement was signed and notarized on July 7-59

Actually it looks like water has been delivered thru Wuthrich's ditch for many years.

This examination was made on the 9 day of Sept, 1959

(Signed) E. M. Humphrey Examiner.

27289

Mrs. Edith Wutherich
P. O. Box 762, Montpelier, Idaho

Water Permit No. 27289

Examination for Beneficial Use

County Bear Lake

Q- 1.0 c.f.s.

G- Yeaman Creek

P.D. - SW, SE., Sec. 15, T. 12S. - R. 45E.

See Dringdon & Sonnet

Montpelier Irrig Co.
gave 15 shares in
this stream.

Filed - March 22, 1958

Rec'd - March 21, 1958

Signed Jy 7-59 before
a notary in Montpelier
(Karlome)

W.D. - 1-28-59

no other way to

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
SEP 1 11959

Department of Reclamation

27289

Sept. 1, 1959

Re: Permit # 27289

Mrs. Edith Wutherich
P. O. Box 762
Montpelier, Idaho

Dear Mr. Wutherich:

Statutes requires a field inspection in connection with the proofs on Permit # 27289 before license and certificate of water right can be issued.

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

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

September 10, 1959.

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

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

E. N. Humphrey
Deputy

ENH:ew

September 14, 1959

RE: Permit No. 27289

Mrs. Edith Wutherich
Box 762
Montpelier, Idaho

Dear Mrs. Wutherich:

Our field engineer's report on his inspection of the beneficial use of the water under the terms of Permit No. 27289 shows that the works is capable of conveying 50 miner's inches (1.0 c.f.s.) of water for irrigation of 50 acres.

Upon receipt of the statutory fee, \$8.00 at the rate of \$2.00 for each 40-acre subdivision, we will issue the License and Certificate of Water Right, confirming the right with priority of March 24, 1958, to the use of 1.0 second feet of the water of Yeaman Creek, with point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, Township 12 S., R. 45 E.B.M, for irrigation of 50 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 15, Township 12 South, Range 45 E.B.M.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:RT:mr

cc to Elbert E. Gass, Attorney
Montpelier

27289

RT

RECEIVED

SEP 23 1959

Department of Reclamation

Montpelier, Ida.

Sept. 22, 1959.

Dear Sir:—

Inclosed is \$8.00 for the
License and Certificate of
water Right.

Yours Very Truly,
Mrs Edith Wuthrich
Box 762
Montpelier, Idaho

October 5, 1959

Re: Permit No. 27289

Mrs. Edith Wuthrich
Box 762
Montpelier, Idaho

Dear Mrs. Wuthrich:

We enclose License and Certificate of Water Right
issued on Permit No. 27289.

We also enclose departmental receipt No. 29787 in
the amount of \$8.00, covering fees.

Very truly yours,

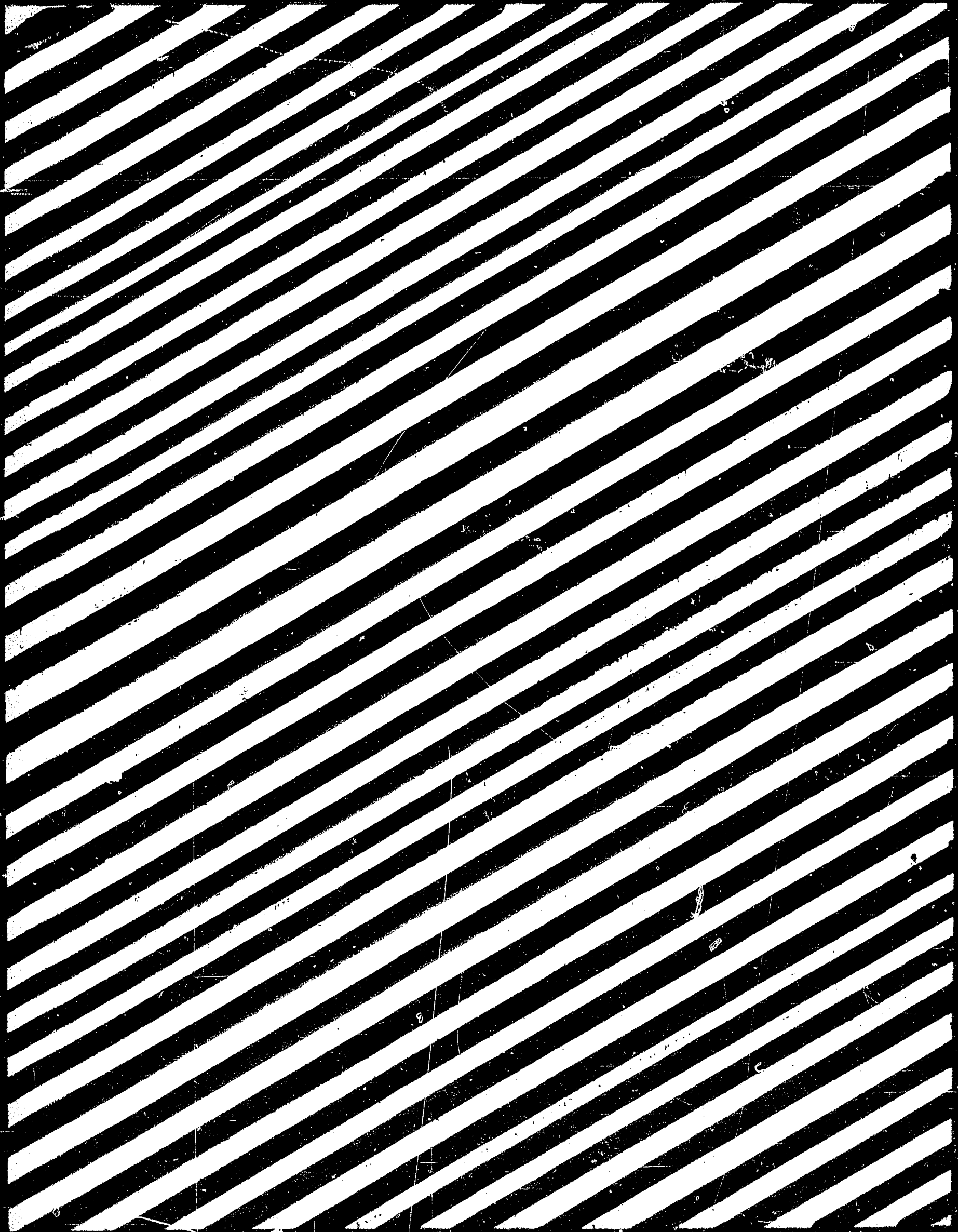
GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR:ew
Enc, license
receipt

27289
RT



State of Idaho

License and Certificate of Water Right

Water License No. 27289

Amount 1.0 c.f.s.

Water District No.

Priority March 24, 1958

THIS IS TO CERTIFY that EDITH WUTHRICH
 of Montpelier, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated March 20, 1958; that Permit No. 27289
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 1.0 second feet, was issued thereunder on January 28, 1959, showing that said works
 were completed on the 26 day of January, 1959; and that on the 25
 day of March, 1959, EDITH WUTHRICH

of Montpelier, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Yeaman Creek
 a tributary of Montpelier Creek, for the purpose of irrigation and domestic use
 under Use Permit No. 27289 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

11 of Licenses at page 6770, on the 5th day of October, 1959;

The right hereby confirmed dates from March 24, 1958, 1959;

The Point of Diversion is located

in the SE 1/4 SE 1/4 Sec. 15, Twp. 12 S., R. 45 E., B. M. County Bear Lake

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
 not exceed 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	14 E.	15	NE 1/4 NE 1/4	13	13
			SE 1/4 NE 1/4	10	10
			NE 1/4 SE 1/4	19	19
			SE 1/4 SE 1/4	8	8

Total number of acres to be irrigated 50

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

5 day of October, 1959.

/s/ GEO. N. CARTER

State Reclamation Engineer.

(SEAL)

