

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. **24080**
Permit No. **17077**
District No.

1. Name of Applicant: **H. L. Bassett,**

Postoffice address: **Lago,** 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: **20** cubic feet per second.

3. Source of water supply: **Whiskey Creek** which is a tributary of **Bear River**

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the **SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2)**
of Section **19** , T. **11 S.** , R. **41 E.** , B. M., County of **Bannock.**

5. Water is to be used for: **Light and power purposes.**

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

- (a) Point of use of water: **1730' S. 100 E** feet distant from **NW** corner of Section **19**
T. 11 S. , R. 41 E. B. M., in the **Lot 2** of Section **19** , T. **11 S.** , R. **41 E.** , B. M.

- (b) Amount of power generated: **six** H. P., under **ten** feet head.

- (c) Water is to be returned to **Whiskey Creek** at a point of use feet
distant from the corner of Section , T. , R. , B. M., in the **Lot 2**
of Section **19** , T. **11 S.** , R. **41 E.** , B. M.

7. Estimated cost of works: \$ **200.00**

8. Kind of works: **Flume**

9. Height of dam **2** feet; length of dam at top **25** feet; length of dam at bottom **25**
feet; material used in dam: **concrete**

10. Size of headgate: Width **4** feet; height **2** feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water
feet; dimensions of flume **4 x 2 feet**

Diameter of pipe inches; length of conduit **50 feet** miles.

Average grade per mile feet.

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

13. The time required for the complete application of the water to the proposed use is **one** additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			STATE OF IDAHO DEPARTMENT OF RECLAMATION In the Matter of the Application) of H. L. Bassett for Extension) of Time under Permit No. 17077,) under the Provisions of Section) 5570, Idaho Compiled Statutes.) <u>ORDER GRANTING EXTENSION</u> WHEREAS, H. L. Bassett, of Lago, Idaho, has filed in the Department of Reclamation his application No. 22080 to appropriate 20 cubic feet per second of the waters of Whiskey Creek, and said application having been approved and Permit No. 17077 being granted thereon; and, WHEREAS, Among the provisions in the said permit was one to the effect that the construction work necessary and incident to the appropriation of the said water must begin on or before June 25, 1929; and, WHEREAS, the said applicant, H. L. Bassett, has filed in the office of the Department of Reclamation his motion to extend the time of commencement of construction work and the completion of works contemplated in said permit on the ground and for the reason that he is prevented from proceeding with the actual physical work by reason of the fact that an easement for right-of-way for the physical plant can not be secured except through litigation and condemnation proceedings, the said motion for extension of time as provided in Section 5570, Idaho Compiled Statutes, being accompanied by applicant's affidavit and is regularly on file in the office of the Department of Reclamation; and, WHEREAS, It appears that by reason of the applicant's inability to secure the necessary easement for rights-of-way except through litigation, that he is prevented from proceeding with the work necessary and incident to the contemplated appropriation of water for power purposes and that a material period of time may elapse before the ordinary condemnation proceedings are completed; THEREFORE, It is hereby ordered that the applicant, H. L. Bassett, is relieved from further proceeding under the terms and conditions of said Permit No. 17077 until such time as the preventative measures hereinabove mentioned shall have been removed and that the time or times specified in said permit for the beginning																

of work, the completion of one-fifth of the works of diversion, the completion of works and the application of water to beneficial use, be extended a period of time equal to the time during which the applicant is delayed in proceeding with said work and complying with said requirements, said extension of time to date from July 1, 1929, the date of filing of motion for extension in the Department of Reclamation for said Permit No. 17077; and,

It is further ordered that the applicant herein shall notify the Commissioner of Reclamation of removal of the inability to proceed by reason of the facts set out in the foregoing within thirty (30) days after same has been removed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this first day of July, 1929.

GEO. N. CARTER
Commissioner of Reclamation

(SEAL)

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE MATTER OF THE APPLICATION)	
OF H. L. BASSETT TO EXTEND THE)	
TIME FOR REQUIREMENTS UNDER PERMIT)	
NO. 17077, UNDER THE PROVISIONS OF)	ORDER EXTENDING TIME
SECTION 5570, IDAHO COMPILED)	
STATUTES.)	

WHEREAS, H. L. BASSETT filed in the Department of Reclamation of the State of Idaho an application for extension of time within which to comply with the terms of Permit No. 17077, under the provisions of Section 5570, Idaho Compiled Statutes; and

WHEREAS, On the 1st day of July, 1929, an order was issued by the Commissioner of Reclamation of the State of Idaho, granting such extension of time and that such extension date from July 1, 1929, being the date of the first receipt of the application for said Permit No. 17077, in the office of the Commissioner of Reclamation of the State of Idaho; and

WHEREAS, On the 25th day of January, 1932, the applicant filed in the Department of Reclamation of the State of Idaho, notice of removal of the obstruction for which such extension of time was requested, said notice setting forth the fact that the removal of the obstruction dated back to December 29, 1931; and

WHEREAS, The length of time elapsing between July 1, 1929, the date of the filing of the application for said permit in the office of the Commissioner of Reclamation of the State of Idaho, and December 29, 1931, the date of the removal of the obstruction for which such extension of time was requested, amounts to two years, five months and twenty-nine days:

IT IS, THEREFORE, HEREBY ORDERED, That the dates for complying with the terms of said Permit No. 17077, be and the same are hereby EXTENDED as follows, to-wit:

The time of completion of one-fifth of the work described under said permit be extended from April 26, 1930 to October 25, 1932.

The time for completion of works of diversion described under said permit be extended from April 26, 1931, to October 25, 1933.

The time for beneficial use of water appropriated under said permit be extended from April 26, 1932, to October 25, 1934.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, this 27th day of January, 1932.

(SEAL)

R. W. FARIS
Commissioner of Reclamation

PERMIT NO. 17077

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that H. L. BASSETT of Lago, County of Bannock, and State of Idaho, the holder of Permit No. 17077, issued upon Application No. 24080, bearing date of priority of April 22, 1929, authorizing the diversion of 20 second feet of the waters of Whiskey Creek, County of Bannock, and State of Idaho, ~~the holder of Permit No. 17077, authorizing the diversion of 20 second feet of the waters of Whiskey Creek, County of Bannock, and State of Idaho, for light and power 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 20 second feet of the waters of Whiskey Creek; that the point of diversion of said waters is in the SW¹/₄ NW¹/₄ of Sec. 19, T. 11 S., R. 41 E., B. M., County of Bannock.~~

Witness my hand this 26th day of December, A. D., 1934.

R. W. FARIS
Commissioner of Reclamation.

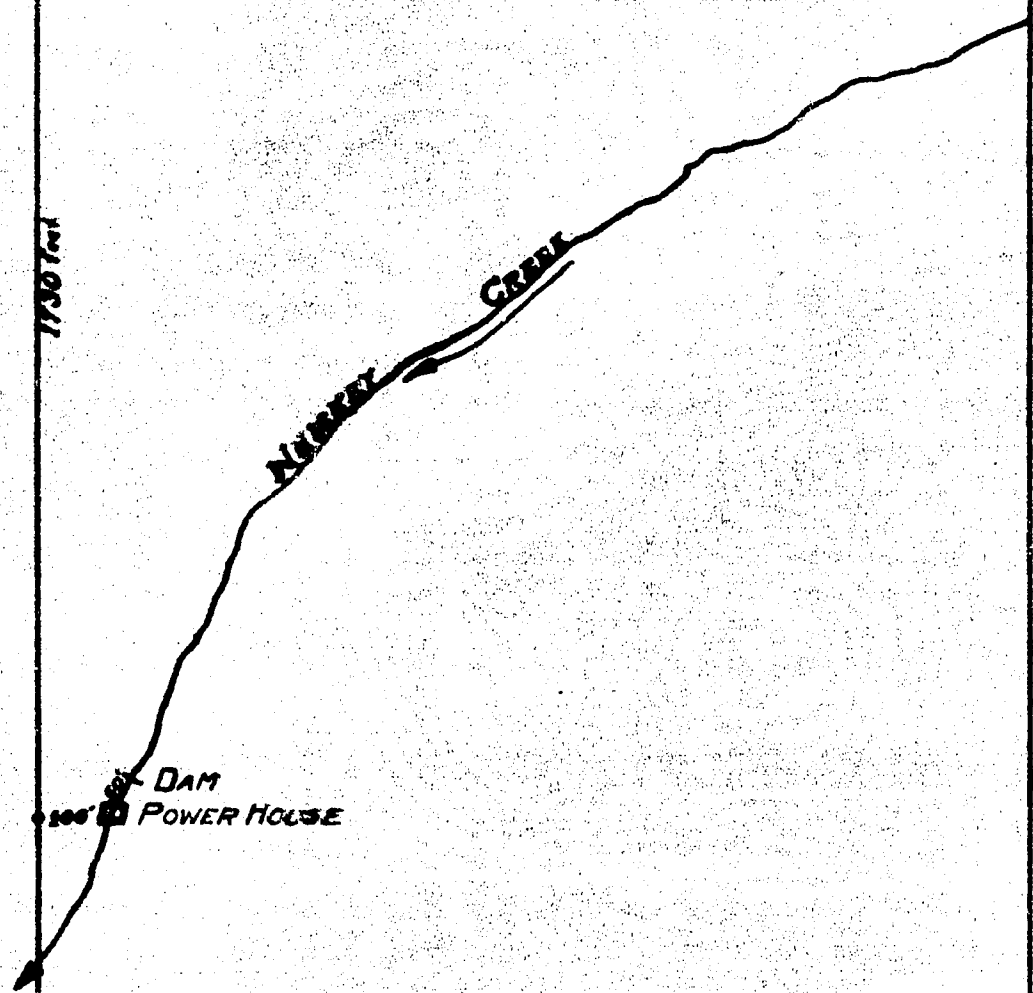
Proof of Completion of Works made October 16, 1933.
Certificate of Completion of Works issued December 26, 1934.

LICENSE ISSUED FOR 20 SEC. FT.

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17077

NW Cor. Sec. 19.



W 1/2 NW 1/4 Sec 19 T11S R41E B1M

17077

Permit Map No. 17077
As Approved

4-26-29

C. D. N. ARTHUR
Commissioner of Reclamation

MAP of POWER SITE
To accompany Application for Permit
By H. L. Bassett

Lago Idaho April 2, 1928
Scale: 1 inch = 300 feet

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17077

Mr. H. L. Bassett
Lago, Idaho

Boise, Idaho, April 26, 1929.

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as
given under approval of the Commissioner of Reclamation on
the third page.

17077

GEO. N. CARTER
Commissioner of Reclamation.

EARL W. CORY
ATTORNEY AT LAW
BLACKFOOT, IDAHO

April 30th,
1929

Hon. Geo. W. Carter, Commissioner
Department of Reclamation
Boise, Idaho

Dear Sir:

In re: Application of Harold Bassett for
appropriation of waters for power purposes
on Lot 2, Sec. 19, Twp. 11 South, Range 41
East, in Bannock County, Idaho.

It is our understanding that an application for appropriation of waters for power purposes in the above matter has either already been made or soon will be. My clients, Joe, Jim, and Hyrum Swenson, brothers, of Lago, Idaho, request that all notices and matters pertaining to this application be forwarded to me as they intend to contest same, the site being private property and any surveys or maps that may have been made by Mr. Bassett have been obtained by trespass as no permission to enter thereon has been given him by the owners.

You may also please send me form of application and also form of protest, together with your rules for making applications and protests against power appropriations.

Thanking you for your attention in this matter, I am,

Yours very truly,

Earl W. Cory
Earl W. Cory

JHA:mh

17077

May 2, 1929

Re: Permit No. 17077-H. L. Bassett

MR. EARL W. CORY
Attorney at Law
Blackfoot, Idaho

Dear Sir:

This is to acknowledge receipt of your letter of April 30, relative to the application for permit by H. L. Bassett, which has been filed and approved under the above-mentioned number.

This permit is for 20 cubic feet per second of the waters of Whiskey Creek, to be diverted in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 2), Section 19, Township 11 South, Range 41 East, for power purposes. The point of use is described as 1730' South 100' East from Northwest corner of Section 19 and is in Lot 2 of said Section 19, the water to be returned to Whiskey Creek at the point of use. Approval of this application was had on April 26, 1929, conditioned on the work to be started on or before July 25, 1929, one-fifth of the work to be completed April 26, 1930, all of the work to be completed before April 26, 1931 and proof of beneficial use to be made before April 26, 1932.

The granting of this permit does not convey to the applicant any property rights and if, as you state, he is a trespasser on the proposed site, I take it that the owner could by appropriate action prevent him from entering on the property.

The statutes do not provide for any appeal from the approval of an application for permit and inasmuch as our constitution provides that the right to appropriate the public waters of the state shall never be denied, I take it that such an appeal would be without effect. This section of the constitution, however, was amended, and legislation putting into force this amendment was had at the last session, but the bill did not contain an emergency clause and will not be in effect until May 15th, it having been approved on March 16th.

This legislation provided for certain limitations on power filings and for holding hearings to determine whether or not irrigation rights which might be in conflict with such power rights would be injured, but in any event, the provisions of this statute are not in effect and the application for permit must stand.

Very truly yours,

17077

Assistant Commissioner of
Reclamation

MS/eq

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

AL. MERRILL
R.D. MERRILL

May 31st, 1929.

Mr. George H. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Carter:

On the 26th day of April, 1929, you gave your approval to the application of H. L. Bassett, Lago, Idaho for the appropriation of 20 cubic feet of water from Whiskey Creek for power purposes. Pursuant to your approval he was to commence work on or before June 25th, 1929. It now appears that he has met difficulty in that it will be necessary for him to condemn an easement in order to transport the water over the route mentioned in the application. Accordingly we are asking if you could extend the time of commencement of the physical work upon the ground pending the conclusion of a suit to condemn part of this right of way. If you are willing to do this and it is necessary for an application to be made on forms provided by you, will you kindly send such forms?

Sincerely yours,

MERRILL & MERRILL,

By *A. L. Merrill*

ALM:F

Per 17077

17077

June 5, 1929

Re: Permit No. 17077

MR. A. L. MERRELL
Attorney at Law
Pocatello, Idaho

Dear Sir:

Reference is had to your letter of May 31st regarding the permit of H. L. Bassett to appropriate 20 cubic feet per second of the waters of Whiskey Creek for power purposes.

Fixing the date upon which work shall commence is statutory, consequently, all permits approved are required to begin work within the statutory period. However, this office does not make an inspection and is not concerned whether the applicant begins the work upon the date fixed or not. The only condition which can arise is that an adverse claimant might file a contest for non-compliance with the terms of the permit. If such contest should be entered, I believe under the conditions you describe that the permit could be defended and its good standing preserved.

Section 5570, Idaho Compiled Statutes, third paragraph, provides for extension of time caused by delays such as litigation. The custom of this department in these cases is to require an affidavit from the permit-holder, setting out fully the nature of the thing which prevents his proceeding, and upon receipt and approval of such affidavit and petition, a pendency of disability is entered upon the record. Upon the removal of such disability, the department should be notified, whereupon, the pendency is removed and the time for compliance with each and every provision of the per-

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MR. A. L. MERRILL, #2,

June 5, 1929

mit computed by excepting the period of disability. In this particular case, if you think the urgency of the case warrants, you might file such notice, affidavit and petition. There is no form prescribed by statute.

Very truly yours,

Commissioner of Reclamation

GNC/eq

17077

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

AL. MERRILL
R.D. MERRILL

June 29, 1929.

Mr. George H. Carter,
Commissioner of Reclamation,
Boise, Idaho.

Re: Permit No. 17077.

Dear Mr. Carter:

Please refer to your letter to us under date of June 5th. It is necessary for Mr. Bassett to institute a suit to condemn his right of way for easement and site which makes it impossible for him to commence the physical construction of work upon the grounds until said suit is terminated. Accordingly, we are making the application which seems to be prescribed by Section 5570. While this section was amended by the 1925 Session Laws providing for notice to the adverse parties, yet, it is to be observed, such amendment was repealed or rather by the terms of the act became ineffective in 1927 and, therefor, appears to us that it is no longer in effect but that we are back to the old Section of 5570.

Sincerely yours,

MERRILL & MERRILL,

By

A. H. Merrill

ALM:F

17077

APPLICATION FOR EXTENSION OF TIME.

STATE OF IDAHO,)
 : SS.
COUNTY OF BANNOCK.)

H. L. Bassett, being first duly sworn, deposes
and says:

That on the 22nd day of April, 1929, he made application to the Commissioner of Reclamation of the State of Idaho to appropriate 20 cubic feet of water per second of time at a point in Lot 2 of Section 19, Township 11, South of Range 41, East of the Boise Meridian in Bannock County, Idaho for light and power purposes.

That said application is Number 24080; that thereafter, to wit: on the 26th day of April, 1929 there issued permit Number 17077 whereby and by the terms whereof said application was approved and there was directed that he begin work on or before June 25th, 1929 and that said work be completed on or before April 26th, 1932.

Your affiant avers that he now finds that it will be necessary to institute legal proceedings for the purpose of condemning a right of way and a site for the power plant which he contemplates constructing, and that such time will delay the commencement of the physical construction of the works upon said lands for a period of approximately one year.

Affiant further avers that he is in good faith in this application; that he only intends to appropriate said waters for the purposes mentioned in said application and that he will prosecute said suit for condemnation and the acquisition of said power site and easement with the greatest possible speed.

17077

H. L. Bassett

Subscribed and sworn to before me this 29th day
of June, 1929.

K. J. Merrill
Notary Public,
Residing at Pocatello, Idaho.

17077

BEFORE THE COMMISSIONER OF RECLAMATION OF THE STATE OF IDAHO.

IN THE MATTER OF THE APPLICATION

OF

H. L. BASSETT, Application No.
24080, Permit No. 17077.

Comes now H. L. Bassett and moves the Commissioner of Reclamation to extend the time of the commencement of physical work and the completion of the works referred to in application for permit No. 24080 and permit No. 17077 upon the ground and for the reason that litigation is necessary to acquire an easement for right of way and power site. This motion is made upon the affidavit of affiant attached hereto.

DATED this 29th day of June, 1929.

H. L. Bassett
By A. L. Merrill attorney

17077

July 1, 1929

Re: Permit No. 17077

MESSRS. MERRILL & MERRILL
Attorneys at Law
Pocatello, Idaho

Gentlemen:

Reference is had to your communication of June 29th enclosing motion to extend time for commencement of work and affidavit supporting said motion, all in connection with Permit No. 17077, H. L. Bassett, holder of said permit.

Enclosed is copy of order which is this day being entered upon the permit record in this office. Will you kindly observe and note that the applicant should notify this Department the date upon which the disability terminates.

Very truly yours,

Commissioner of Reclamation

GHC/eq
Enc.

17077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application)
of H. L. Bassett for Extension)
of Time under Permit No. 17077,)
under the Provisions of Section)
5570, Idaho Compiled Statutes.)

ORDER GRANTING EXTENSION

WHEREAS, H. L. Bassett, of Lago, Idaho, has filed in the Department of Reclamation his application No. 22080 to appropriate 20 cubic feet per second of the waters of Whiskey Creek, and said application having been approved and Permit No. 17077 being granted thereon; and,

WHEREAS, Among the provisions in the said permit was one to the effect that the construction work necessary and incident to the appropriation of the said water must begin on or before June 25, 1929; and,

WHEREAS, the said applicant, H. L. Bassett, has filed in the office of the Department of Reclamation his motion to extend the time of commencement of construction work and the completion of works contemplated in said permit on the ground and for the reason that he is prevented from proceeding with the actual physical work by reason of the fact that an easement for right-of-way for the physical plant can not be secured except through litigation and condemnation proceedings, the said motion for extension of time as provided in Section 5570, Idaho Compiled Statutes, being accompanied by applicant's affidavit and is regularly on file in the office of the Department of Reclamation; and,

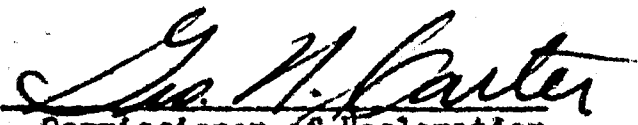
WHEREAS, It appears that by reason of the applicant's inability to secure the necessary easement for rights-of-way except through litigation, that he is prevented from proceeding with the work necessary and incident to the contemplated appropriation of water for power purposes and that a material period of time may elapse before the ordinary condemnation proceedings are completed;

THEREFORE, It is hereby ordered that the applicant, H. L. Bassett, is relieved from further proceeding under the terms and conditions of said Permit No. 17077 until such time as the preventative measures hereinabove mentioned shall have been removed and that the time or times specified in said permit for the beginning of work, the completion of one-fifth of the works of diversion, the completion of works and the application of water to beneficial use, be extended a period of time equal to the time during which the applicant is delayed in proceeding with said work and complying with said requirements, said extension of time to date from July 1, 1929, the date of filing of motion for extension in the Department of Reclamation for said Permit No. 17077; and,

17077

It is further ordered that the applicant herein shall notify the Commissioner of Reclamation of removal of the inability to proceed by reason of the facts set out in the foregoing within thirty (30) days after same has been removed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this first day of July, 1929.


Commissioner of Reclamation

17077

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

April
Twenty-third
1930

AL MERRILL
RD MERRILL

Department of Reclamation,
Boise, Idaho.

Gentlemen:

Will you be kind enough to send
to me a certified copy of the original
order and also of the extension granted
H. L. Bassett for power right. Kindly
have this certified so that I might use it
in Court.

Sincerely yours,

MERRILL & MERRILL,

BY *A. R. Merrill*

AUM:L

17077
C.C.

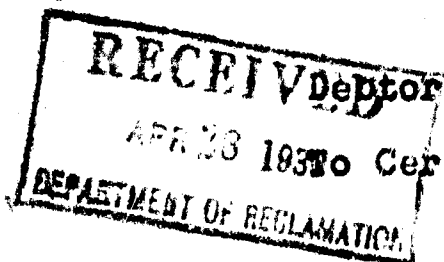
17077

April 25, 1930.

MERRILL & MERRILL
Attorneys at Law
Pocatello, Idaho

Attention: Mr. A. L. Merrill

to GEO. H. CARTER
Commissioner of Reclamation
Boise, Idaho



To Certified Copy of Water Permit No. 17077 \$1.50

17077

EARL W. CORY

ATTORNEY AT LAW

STANDARD BANK BUILDING

BLACKFOOT, IDAHO

May 9th,
1930

Hon. Geo. W. Carter
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

In re: H. L. Bassett Permit No. 17077.

Please advise if application for extension of time to begin work has been filed by Mr. Bassett, also whether or not a permit for an extension of time to begin work has been granted to Mr. Bassett under the above permit number. If so, kindly prepare certified copies of same and forward to me together with statement of your fees and I will promptly remit. The case of Bassett vs. Swenson will probably be called for trial within a very short time and I would appreciate an early reply.

With kindest personal regards to you and members of your Department, I am,

Yours very truly,



Earl W. Cory.

ETC:mh

P. S. I already have a certified copy from your office of the application for permit No. 17077.

E. W. C.

17077

May 10, 1930.

RE: Permit No. 17077

Mr. Earl W. Cory
Attorney at law
Blackfoot, Idaho

Dear Sir:-

Referring to your letter of the 9th inst. would say that application for extension of time under the above numbered permit was filed and the extension granted. We are accordingly mailing you herewith certified copies of the application and order granting extension.

The fees for the above copies amount to \$1.00.

Very truly yours,
GEO. N. CARTER
Commissioner of Reclamation.

By _____
Chief Clerk.

2 enc

17077

EARL W. CORY

ATTORNEY AT LAW

STANDARD BANK BUILDING

BLACKFOOT, IDAHO

May 12th,
1930

Hon. Geo. H. Carter, Commissioner
Department of Reclamation
Boise, Idaho

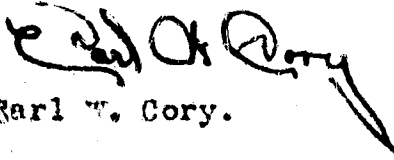
Dear Sir:

In re: Permit No. 17077.

This is to acknowledge receipt of certified copies of the application and order granting extension in the above matter which you prepared at my request. I am handing you herewith my check in the sum of \$2.00 being your fee.

Thanking you for your very prompt attention to this matter and with kindest regards, I am,

Yours very truly,


Earl W. Cory.

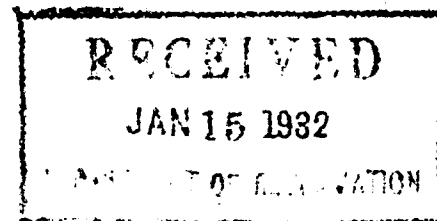
BUC:ah

17077

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

AL. MERRILL
R.D. MERRILL

January
Thirteenth
1932



Mr. George H. Carter,
Commissioner,
Reclamation Department,
Boise, Idaho.

Dear Mr. Carter:

Re: Application H. L. Bassett,
No. 17077

On July 1, 1929, the Department of Reclamation issued an Order in the above matter granting an extension of time to Mr. Bassett for the commencement and completion of works under Permit No. 17077. The closing paragraph required advice to be given you of the removal of the inability to proceed with the work. Please be advised that all legal impediments with the commencement of the work have now seemingly been removed - the last act having been on December 29th, 1931, when the condemnees accepted the payments under the decree. The matter was litigated in the District and Supreme Courts and the right of condemnation upheld.

We are just a little uncertain, however, as to your construction of the Permit. Of course, physical construction work cannot be done on the power site during the inclement weather, nor until spring has broken. It is, therefore, necessary for Mr. Bassett to be given a reasonable time after spring opens to do the initial one-fifth of his work. We are, therefore, respectfully requesting that you fix a time when this work shall commence, and Mr. Bassett will comply therewith. If you wish this done in a more formal way by application and affidavit we will do so, but we assumed that you might still act under the application and affidavit heretofore filed by Mr. Bassett and that the present order would merely be clarifying and establishing the time within which he should commence his work.

Sincerely yours,

MERRILL & MERRILL,

BY *A. R. Merrill*

17077

1/2 - April 26, 1930
6. W. Allen

January 15, 1932

Re: Permit - H. L. Bassett - No. 17077

Mr. A. L. Morrill
Attorney at Law
Pocatello, Idaho

Dear Sir:

In reply to your communication of the 13th inst., we are herewith enclosing an application for extension of time for Completion of Works, as set out under the terms of the above permit. The application should contain ~~the~~ statement setting ^{the} forth date when the last impediment was removed in the legal proceedings.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Office Engineer

PH/LP

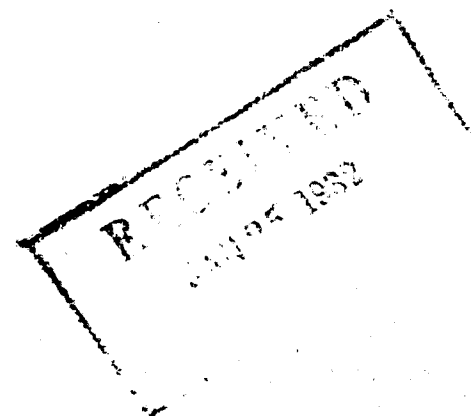
17077

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

AL MERRILL
R.D. MERRILL

January
Twenty-second
1932

17077



Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Enclosed please find application for extension of time by H. L. Bassett in line with letters which have recently passed between us. We trust this Order extending the time might be entered at once.

Sincerely yours,

MERRILL & MERRILL,

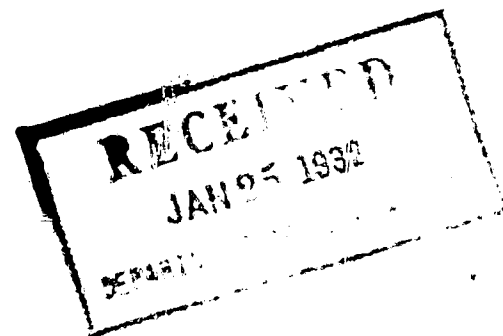
BY *A. L. Merrill*

ALM:L
Encl.

17077

PERMIT NO. 17077

APPLICATION FOR EXTENSION OF TIME



H. L. BASSETT, of Lago, County of Bennecke, State of Idaho, being first duly sworn, upon his oath, says:

He is the owner and holder of Permit to appropriate the public waters of the State of Idaho No. 17077.

Under the terms and conditions of said Permit construction work thereunder was required to be commenced on or before June 25th, 1929, and to be completed on or before April 26th, 1932.

That the point of diversion and the place where said works are to be constructed was at said date upon the lands owned by one Joseph Swensen, now deceased; that said Joseph Swensen refused to permit affiant to begin work and it was necessary for affiant to institute condemnation proceedings; that said proceedings were instituted and prosecuted diligently to final conclusion at a cost to affiant of approximately \$500.00.

That on the 1st day of July, 1929, pursuant to application theretofore made, the Hon. George N. Carter, Commissioner of Reclamation pursuant to the provisions of Section 5570, I. C. S. 1919, made and entered his order relieving affiant from further proceeding under the terms of said Permit until such time as preventative measures should have been removed, and that the times specified in said Permit for the beginning of work, the completion of one-fifth of the works of diversion and the application of the water to a beneficial use be extended for a period of time during which applicant is delayed in prosecuting said work; that affiant diligently prosecuted said condemnation proceedings to conclusion both through

17077

the District Court of Bennecko County and the Supreme Court of the State of Idaho and a rehearing of the decision of the last named Court; that by the decision of said Court his right to condemn said right-of-way was upheld, and the Order granting the extension of time, as aforesaid, was ratified; that the last impediment was removed December 29th, 1931, upon which date the award by the jury and the costs were accepted by the transferee of the said James Swensen, now deceased, to wit: Willis Swensen.

Affiant further avers that at the present time the weather is extremely inclement and he will be unable to commence physical work upon the project until there is a moderation in the temperature.

WHEREFORE, AFFIANT ASKS that the Commissioner of Reclamation extend the time for the commencement and completion of works under said Permit, such that he be required to have finished one-fifth of said work by June 25, 1932, and the balance of said work and the application to a beneficial use within the same period of time thereafter as provided in the original Permit.

W. L. Swensen

SUBSCRIBED AND SWORN TO before me this 21 day
of January, 1932.

(SEAL)

John Whitehead
Notary Public, residing at
Tampa, Idaho.

January 28th, 1932

Re: Permit No. 17077

MR. A. L. MERRILL
Attorney at Law
Pocatello, Idaho

Dear Sir:

Enclosed herewith is a copy of the ORDER extending time on the above permit. You will note that the time has been extended two years, 5 months, and 29 days, dating from July 1, 1929 to December 29, 1931.

Very truly yours,

H. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk

FH/LP
Encl.

17077

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

IN THE MATTER OF THE APPLICATION
OF H. L. BASSETT TO EXTEND THE
TIME FOR REQUIREMENTS UNDER PERMIT
NO. 17077, UNDER THE PROVISIONS OF
SECTION 5570, IDAHO COMPILED
STATUTES.

ORDER EXTENDING TIME

WHEREAS, H. L. BASSETT filed in the Department of Reclamation of the State of Idaho an application for extension of time within which to comply with the terms of Permit No. 17077, under the provisions of Section 5570, Idaho Compiled Statutes; and

WHEREAS, On the 1st day of July, 1929, an order was issued by the Commissioner of Reclamation of the State of Idaho, granting such extension of time and that such extension date from July 1, 1929, being the date of the first receipt of the application for said Permit No. 17077, in the office of the Commissioner of Reclamation of the State of Idaho; and

WHEREAS, On the 25th day of January, 1932, the applicant filed in the Department of Reclamation of the State of Idaho, notice of removal of the obstruction for which such extension of time was requested, said notice setting forth the fact that the removal of the obstruction dated back to December 29, 1931; and

WHEREAS, The length of time elapsing between July 1, 1929, the date of the filing of the application for said permit in the office of the Commissioner of Reclamation of the State of Idaho, and December 29, 1931, the date of the removal of the obstruction for which such extension

of time was requested, amounts to two years, five months and twenty-nine days:

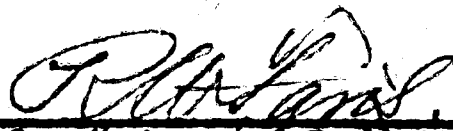
IT IS, THEREFORE, HEREBY ORDERED, That the dates for complying with the terms of said Permit No. 17077, be and the same are hereby EXTENDED as follows, to-wit:

The time of completion of one-fifth of the work described under said permit be extended from April 26, 1930, to October 25, 1932.

The time for completion of works of diversion described under said permit be extended from April 26, 1931, to October 25, 1933.

The time for beneficial use of water appropriated under said permit be extended from April 26, 1932, to October 25, 1934.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office at Boise, Idaho, this 27th day of January, 1932.


Commissioner of Reclamation

17077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Boise, Idaho
August 7, 1933

MR. H. L. BASSETT
Lago, Idaho

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. **17077**.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof **MUST** be on or before **Oct. 25, 1933**. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

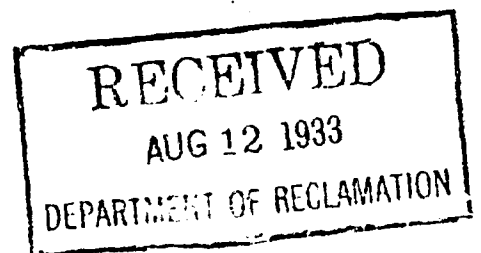
The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

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

Very truly yours,

R. W. FARIS
Commissioner of Reclamation.

17077



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 11-1933
(P. O.) Lago Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

H. L. Bassett

(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.

17077

August 24, 1933

Re: Permit No. 17077

MR. H. L. BASSETT
Lago,
Idaho

Dear Sir:

We are in receipt of your notice in duplicate for publication and also your authorization to have the notice published in the Grace Herald, Grace, Idaho, all in connection with proof of completion of works under the above permit. A copy of the notice will go forward immediately to the newspaper with instructions to publish it for four consecutive weeks prior to October 18, 1933 which is the date when proof will be offered. Since the proof will be taken by Mr. Alvin Whithead, notary public, Grace, Idaho, the necessary depositions will be mailed to him in ample time. These depositions consist of one for the holder and one each for two witnesses. On the above date you should appear at the office of Mr. Whithead to execute the depositions.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

FLB:RC

17077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 17077

Date August 25, 1933

EDITOR, ORAGE HERALD
Grace, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to October 16, 1933, the date set for proof, the expense of the publication to be paid by the applicant,

E. L. Bassett, Lago, 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.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

17077

Notice for Publication

Notice is hereby given that at 9⁰⁰ A.M., on the 18th day of October,
1933 at Crane, County of Bannock, State of Idaho,
 before Alvin Whitehead, Notary Public proof will be submitted of the completion of works
 for the diversion of 20 cubic feet per second of the waters of Whiskey Creek
which is a tributary of Bear River in accordance with the terms and conditions of a
 certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is H. L. Bassett

2. The postoffice address of such person or principal place of business of such corporation is Idaho
County of Bannock, State of Idaho.

3. The number of such Permit is 17077, and the date set for the completion of such work is
October 26, 1933

4. Said water is to be used for power and light purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water
 which said works are capable of conducting to the place of intended use, in accordance with the plans accompany-
 ing the application for such permit, is 20 cubic feet per second.

6. The amount of lands for which said water is available is 170 acres, particularly described as follows:

R. W. FARIS

Commissioner of Reclamation.

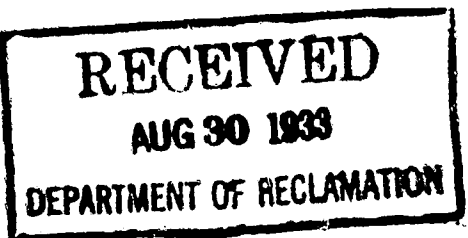
17077

The Grace Herald

"A Friendly Paper in a Friendly Town"

J. F. Whitney
EDITOR AND PUBLISHER

Grace, Idaho



August 29, 1933

R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho

Dear sir:

This is to acknowledge receipt of Notice for Publication for H. L. Bassett of Lago, Idaho.

The same will be published for four weeks prior to October 16, 1933.

In paragraph 6 we note that it says: "The amount of land for which said water is available is 170 acres, particularly described as follows:"

There is no description given. Should there be?

Please advise at once, sending your letter to McCammon, since the Grace Herald is printed at the McCammon News plant.

Yours truly

J. F. Whitney

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August 31, 1933

Re: Permit No. 17077
H. L. Bassett

EDITOR, GRACE HERALD
McCammon, News Plant
McCammon, Idaho

Dear Sir:

In reply to your letter of August 29, we wish to advise that the 170 acres which appears under question 6 on Mr. Bassett's notice for publication in connection with proof of completion of works under the above permit is an error.

The water under this permit is to be used for power and light. It does not include irrigation, therefore, it is not necessary to show a land list. Will you please strike the 170 acres and publish the notice as is.

Very truly yours,

R. M. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RC

17077

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Re: Permit No. 17077
E. L. Bassett

MR. ALVIN WHITEHEAD, Notary Public
Grace, Idaho

Boise, Idaho, October 9, 1933

Dear Sir:

I enclose herewith the following forms to be used in connection with **proof** of completion of works under Permit No. **17077**.....

Deposition of Permit Holder,
Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On October 16, 1933....., the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at Grace, Idaho.....

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly **executed**, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

R. W. PARIS
Commissioner of Reclamation

17077



No. 11179

THE FIRST NATIONAL BANK

C. W. BENNETT, President
ALVIN WHITEHEAD, Cashier



W. M. CORBETT, Vice President
MELVIN WHITEHEAD, Asst. Cashier

GRACE, IDAHO

October 16-1933.

State of Idaho,
Commissioner of Reclamation,
Boise, Idaho.

Gentlemen:

Re; H.L. Bassett,
Permit # 17077.

Reference is made to your letter of the 9th wherein you enclosed two copies for proof for deposition of witness and one copy of deposition of holder.

Acting under your request we have secured and return herewith as follows:

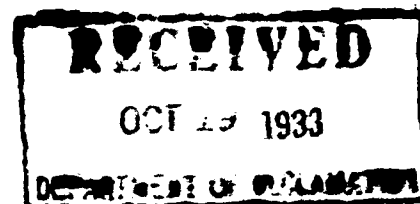
Deposition of witness, Delbert Bennett,
Deposition of witness, Carson Bennett,
Deposition of holder, H.L. Bassett.

We trust that we have complied with your request in every detail.

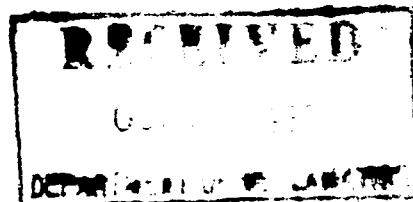
Yours very truly,

Cashier.

17077



PERMIT NO. 17077



Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. H. L. Rossett, 1212 E. 1st St., Boise, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. None.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. 17077; date of permit April 25, 1937; 20 second feet; Hiker

Creek; point of diversion 1000 feet so. and 100 feet east of the

RAHE. Northwest corner of Sec 19, T. 11 S., R. 1 E., S. 1 E. & is in SW NW of Sec 19, T. 11 S., R. 1 E., S. 1 E.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Light and Power.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Water turned into works of diversion one second foot.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Fully completed. Complies with terms of the permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. Complied with.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Concrete dam 20 feet high, 25 feet wide, 100 feet long; wood flume 110 feet long, 10 feet wide, costs 150.00.

(Sign here.) *H. L. Rossett*

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 _____ Grace _____,

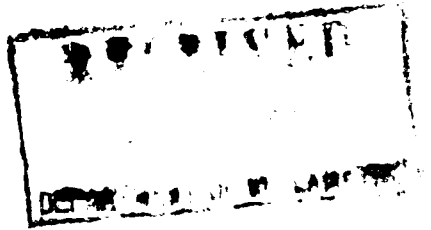
County of _____ Benlow _____, State of Idaho, on this _____ 16th _____ day of _____ October _____ A. D. 19 _____ 37

My Commission expires May 25-1937

Notary Public.
17077 Idaho.

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. 17077



Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Delbert Bennett, Lamo, Idaho, Farmer, Lamo, Idaho.

Ques. 2. Are you acquainted with E. L. Bennett, the holder of Permit No. 17077, authorizing the diversion of 20 second-feet of the waters of Chicken Creek, at Lamo, Idaho, for ^{light} ~~power~~ purposes? How long have you known him, and where does he reside?

Ans. 20 years, Lamo, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17077, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Concrete dam and flume about 110 feet long and six feet wide.

(Sign here.) *Delbert Bennett*

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, at my office in Grace County of Bannock, State of Idaho, on this 16th day of October, A. D. 1953.

17077

John W. T. [Signature]
Notary Public, Grace, Idaho.

The Depositions of two Witnesses, in this form taken separately, required in each case.

Permit No. 17077

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Carson Bennett, Leno, Idaho, Farmer, Leno, Idaho.

Ques. 2. Are you acquainted with H. J. Bennett, the holder of Permit No. 17077, authorizing the diversion of 20 second-feet of the waters of Blaker Creek, at Leno, Idaho, for Light and Power purposes? How long have you known him, and where does he reside? yes

Ans. Leno, Idaho, 21 years.

Ques. 3. Have you read or heard read said Permit No. 17077, and are you familiar with its terms and conditions?

Ans. Yes

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. works completed, Yes

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Concrete dam with flume about 11 ft. long and six feet wide.

Capacity about 25 second feet.

(Sign here.)

Carson Bennett

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, at my office in Grace County of Bannock, State of Idaho, on this 16th day of October, A. D. 19 35

17077

Carson Bennett
Notary Public.
Grace, Idaho.

October 27, 1933

Re: Permit No. 17077

MR. H. L. BASSETT
Lago,
Idaho

Dear Sir:

This will acknowledge receipt of the depositions of yourself and two witnesses which were executed in connection with Proof of Completion of Works under the above permit. These papers have been checked and found to be in satisfactory form. However, before the Certificate of Completion of Works can be issued it will be necessary for the field engineer of this department to make an examination of the works in confirmation of your proof. After this examination has been made you will be further notified as to fees due for this service.

The affidavit of publication, which should have accompanied these depositions, is missing. Will you please contact the newspaper which published your notice and ask them to forward this notice at their earliest convenience?

Very truly yours,

H. V. PARRIS
Commissioner of Reclamation

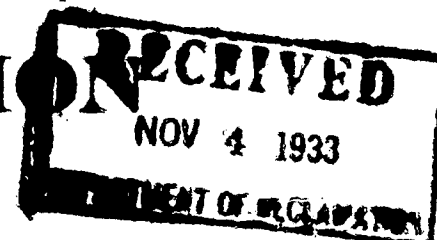
By _____
Chief Clerk's Office - Eng.

PLM:RG

17077

PROOF OF PUBLICATION

COUNTY OF BANNOCK
STATE OF IDAHO



LEGAL ADVERTISEMENT

NOTICE FOR PUBLICATION

Notice is hereby given that on the 10th day of September 1933, at Grace, County of Bannock, State of Idaho, before me, J. F. Whitney, Notary Public, appeared June Nash, being first duly sworn, and deposed and says that he is the Foreman of The GRACE HERALD, a weekly newspaper published in Grace, Bannock County, in the State of Idaho. That the NOTICE, a true copy of which is hereto attached, was published in The GRACE HERALD for Four consecutive weeks, first publication having been made on the 7th day of Sept., 1933, and the last publication having been made on the 28th day of Sept., 1933.

The same of the person or corporation holding said permit is J. F. Whitney.

The postoffice address of said person or principal place of business of such corporation is Lane, County of Bannock, State of Idaho.

The number of such Permit is 17077, and the date set for the completion of such work is October 28, 1933.

4. Said water is to be used for power and light purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 20 cubic feet per second.

R. W. FARIS,
Commissioner of Reclamation.
Published in The Grace Herald—
First publication, Sept 7, 1933
Last publication, Sept. 28, 1933.

June Nash being first duly sworn, deposed and says that he is the Foreman of The GRACE HERALD, a weekly newspaper published in Grace, Bannock County, in the State of Idaho. That the NOTICE, a true copy of which is hereto attached, was published in The GRACE HERALD for Four consecutive weeks, first publication having been made on the 7th day of Sept., 1933, and the last publication having been made on the 28th day of Sept., 1933.

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

June Nash

SUBSCRIBED and SWORN TO before me this 29th day of September, A. D., 1933.

J. F. Whitney,
Notary Public.

17077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

H. L. BASSETT
Lago,
Idaho

August 11, 1934

Dear Sir:—

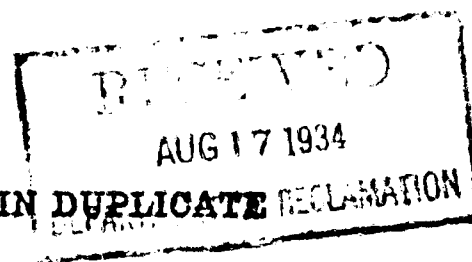
I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. **17077**....., which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is **Oct. 25, 1934**....., and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

R. W. FARIS

R. W. FARIS,
Commissioner of Reclamation.

17077



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 18 1934

(P. O.) Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

H. L. Bassett

A handwritten signature in cursive script that reads "H. L. Bassett". The signature is written in dark ink and is positioned below the printed name.

(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.

17077

September 18, 1934

Re: Permit No. 17077

MR. R.L. BASSETT,
Lago,
Idaho

Dear Sir:

This will acknowledge receipt of notice in duplicate for publication in connection with beneficial use proof and also your authorization to have the notice published in the Grace Herald of Grace, Idaho, all in connection with Permit No. 17077.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to October 20, 1934. About 10 days prior to this date depositions, consisting of one for the holder and one each for two witnesses, will be mailed to Mr. Alvin Whitehead, Notary Public, Grace, Idaho, so that he will have them in ample time for the proof. On the date designated you should appear at Mr. Whitehead's office with two disinterested witnesses, who are familiar with the terms of the permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RC

17077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

17077

Date September 18, 1934

GRACE HERALD
Grace,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to October 20, 1934, the date set for proof, the expense of the publication to be paid by the applicant,

H. L. BASSETT, LICO, 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.

Very truly yours,

H. A. FERIS

Commissioner of Reclamation

17077

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 20th day of October, 1934,
at Grass, County of Bannock, State of Idaho,
before Alvin Whitehead Notary Public, proof will be submitted
of the application to beneficial use of 20 cubic feet per second of the
waters of Whiskey Creek in accordance with the terms and conditions of
Permit No. 17077 heretofore issued by the Commissioner of Reclamation
of the State of Idaho.

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

H. L. Bassett Lago, Idaho

The use to which said water has been applied is Light & Power

The amount applied to beneficial use is 20 cu. ft. per sec.

The place where said water is used (If for irrigation, give full and accurate description of the
lands irrigated) Lot 2 Sec. 19 Tp. 11 Range 41 S. R.R.M.

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

The right to take water from such works is based upon Permit No. 17077

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

The date of the priority which said user is prepared to establish is April 22, 1929

R. W. FARIS

Commissioner of Reclamation.

17077

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, October 10, 1934

Re: Permit No. 17077

MR. ALVIN WHITEHEAD
Notary Public,
Grace, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17077.

DEPOSITION OF PERMIT HOLDER, DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On October 20, 1934, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at

Grace, Idaho before Alvin Whitehead, Notary Public

2. When the depositions have been taken, they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

R. W. FARIS

Commissioner of Reclamation.

17077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 17077

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. H.L. Bassett, Lago, Idaho, farming,

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. none

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 17077 April, 26th 1929. Priority, April, 22nd 1929

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

Ans. Whiskey Creek, 1730 Ft. South, 100 Ft. East from N.W. corner of Sec. 19 Tp. 11S. R. 41 E.B.M. SW⁴NW⁴(lot 2) Sec 19, T. 11S., R. 41E. Bannock Co.

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.

Ans. Damm and Flume. 20 Cub. Ft. per Sec.

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. Light & Power. Used on farm

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

Ans. Power Plant, develops 10 H.P.

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Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 20 Cub. 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.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.
Ans. Used since 1932. For light and power . 20 Cub. Ft.

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)

J. E. Barrett

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 Sanary, County of Blaine, State of Idaho, on this 007 day of 10, A. D. 1933.

James E. Barrett

My commission expires May 25-1937

Notary Public for the State of Idaho

17077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

OCT 22 1934

PERMIT NO. 17077 ----

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. Herlo Bassett - Legs Idaho - Farmer

Ques. 2. Are you acquainted with H. L. Bassett, the holder of Permit No. 17077? How long have you known him and where does he reside?

Ans. Yes - 20 years - Legs Idaho

Ques. 3. Have you read or heard read said Permit No. 17077, 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. Whiskey Creek. 1730 Ft. South, 100 Ft. East from N.W. corner of Sec. 19 Tp. 11 S. R. 41 E.B.M.

Concrete Dam and wood flume

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

Ans. 20 Cub. Ft. Same

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Light & Power on Mr. Bassett's place

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

Ans. Run power plant. Lighted house, buildings and run small machinery

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.

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. Since 1932. As above mentioned

(Signed)

Ed T. Bennett

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 Franklin County of Bern State of Idaho, on this day of June 20 1934, A. D. 1934.

OCT 20 1934

Charles L. ...
Notary Public.

My commission expires

May 25 - 1937

17077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17077

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. Casson Bennett - 58 - Farmer Lago Idaho

Ques. 2. Are you acquainted with H. L. Bassett, the holder of Permit No. 17077? How long have you known him and where does he reside?

Ans. Yes - 32 years Lago Idaho.

Ques. 3. Have you read or heard read said Permit No. 17077, 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. Whiskey Creek, 1750 Ft. South, 100 Ft. East from N.W. corner of Sec. 19 Tp. 11 S. R. 41 E.B.M.

Concrete dam and wood flume

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

Ans. 20 Cub. Ft. Same

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Light & Power on Mr. Bassett's place

17077

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

Ans. Run power plant. Lighted house, buildings and run small machinery

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.

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. Since 1932. As above mentioned

(Signed)

Carson Bennett

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 Grace, County of Danah, State of Idaho, on this day of OCT 20 1934, A. D. 1934.

Carson Bennett
Notary Public.

My commission expires

May 25-1937

17077

PROOF OF PUBLICATION

STATE OF IDAHO
COUNTY OF BANNOCK

SS

RECEIVED
NOV 7 1934
DEPARTMENT OF RECLAMATION

NOTICE FOR PUBLICATION

Notice of Proof Application of Water To Beneficial Use.

NOTICE is hereby given that at 10 a. m. on the 10th day of October, 1934, at Grace County of Bannock, State of Idaho, before Alvin Whitehead, Notary Public, proof will be submitted of the application to beneficial use of 20 cubic feet per second of the waters of Whiskey Creek in accordance with the terms and conditions of Permit No. 17077 heretofore issued by the Commissioner of Reclamation of the state of Idaho.

The name and postoffice address of the person or corporation holding said permit are: H. L. Bassett, Lago, Idaho.

The use to which said water has been applied is Light and Power.

The amount applied to beneficial use is 20 cu. ft. per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) No land is irrigated under the terms of this permit.

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

The right to take water from such works is based upon Permit No. 17077.

The source of supply from which such water is diverted is Whiskey Creek.

The date of the priority which said user is prepared to establish is April 22, 1929.

R. W. FARIS,

Commissioner of Reclamation.

(adv.) S. 27-O. 19.

June Nash being first duly sworn, deposes

and says that he is the Foreman of The GRACE

HERALD, a weekly newspaper published in Grace, Bannock County, in the State of Idaho. That the Notice for Publication

copy of which is hereto attached, was published in The GRACE

HERALD for Four consecutive weeks, first publication having

been made on the 27th day of Sept. 1934, and

the last publication having been made on the 19th day of

October 1934.

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

June Nash

SUBSCRIBED and SWORN TO before me this 31 day of

October A. D. 1934

J. J. Whitney

Notary Public

17077 Residence, McCammon, Idaho

November 28, 1934

Re: Permit No. 17077

MR. H. L. BARNETT
Idaho,
Idaho

Dear Sir:

This will acknowledge receipt of depositions executed in connection with beneficial use proof under the above permit and also the affidavit of publication from the Grace Herald of Grace, Idaho.

As you know, the field engineer of this department made an examination of your works some time ago and, therefore, no further examination will be required at this time. Just as soon as the engineer turns in his report we shall advise you as to fees due in connection with both proofs and upon receipt of these fees we will be in a position to issue the certificate of completion of works and the license.

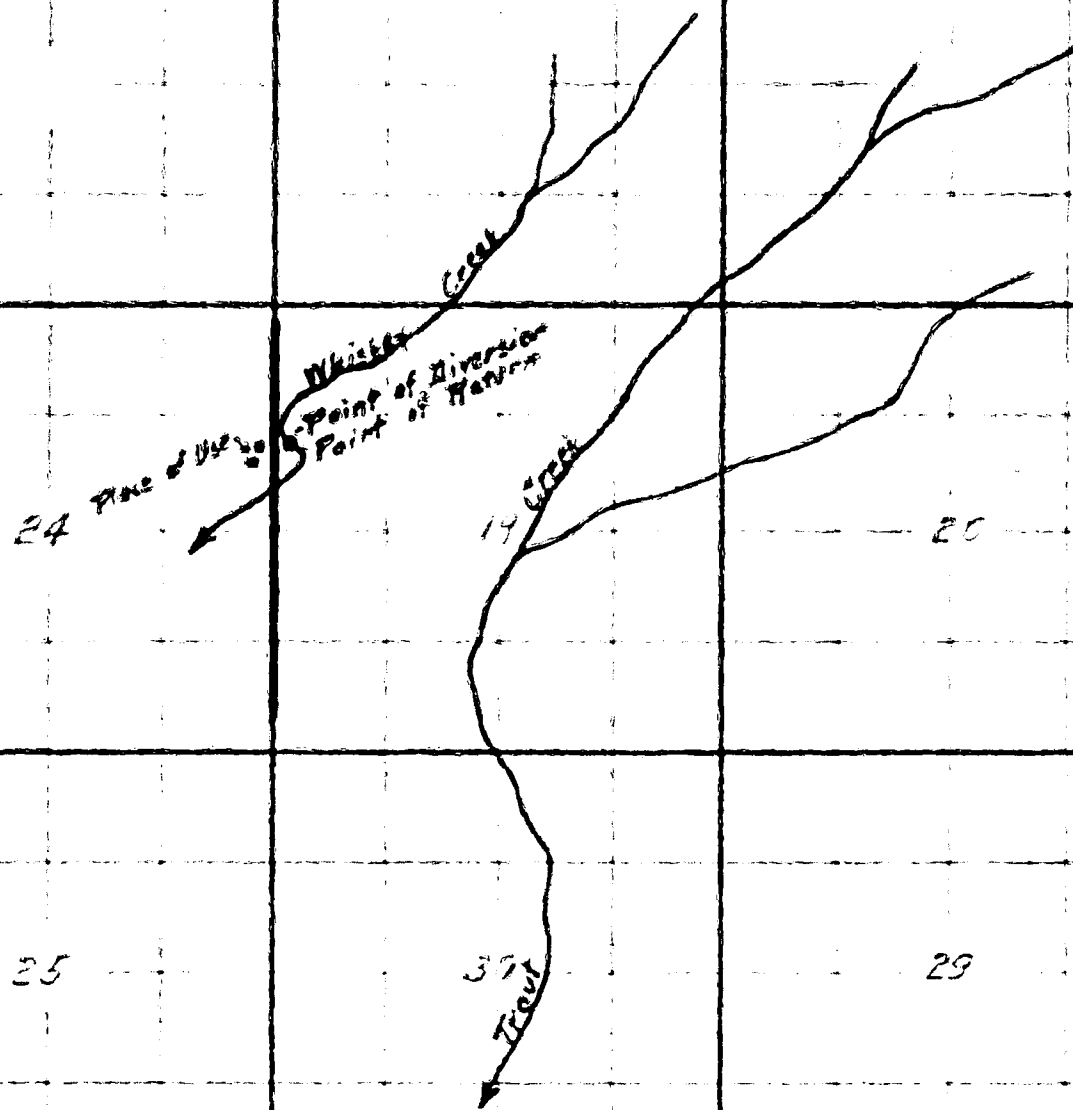
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

17077



17077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17077

This proof is for **Beneficial Use**

In Water District No. _____

1. Name of applicant **H. L. Bassett**

2. Source of water supply: **Whiskey Creek**

3. Location of point of diversion: Is in the **SW $\frac{1}{4}$ NE $\frac{1}{4}$** (Lot 2) of Section 19

T. **11S.** R. **41 E.** County of **Bannock**

4. Describe works as they exist, giving dimensions and capacities of same: *Control dam of concrete & masonry 30 ft long x 3 ft high. Flume inside, 1' deep x 100' long. Flume discharges over an overhanging water wheel of 8 ft diameter & 6 ft wide. Belt connection from wheel to 10. H. P. G. E. generator. Power line runs to house & barn about 200 ft distant.*

5. Water is used for: **Light and Power**

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 for other than irrigation):

Used for lighting house, barn etc, and operation of small farm and domestic machinery

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

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

Remarks

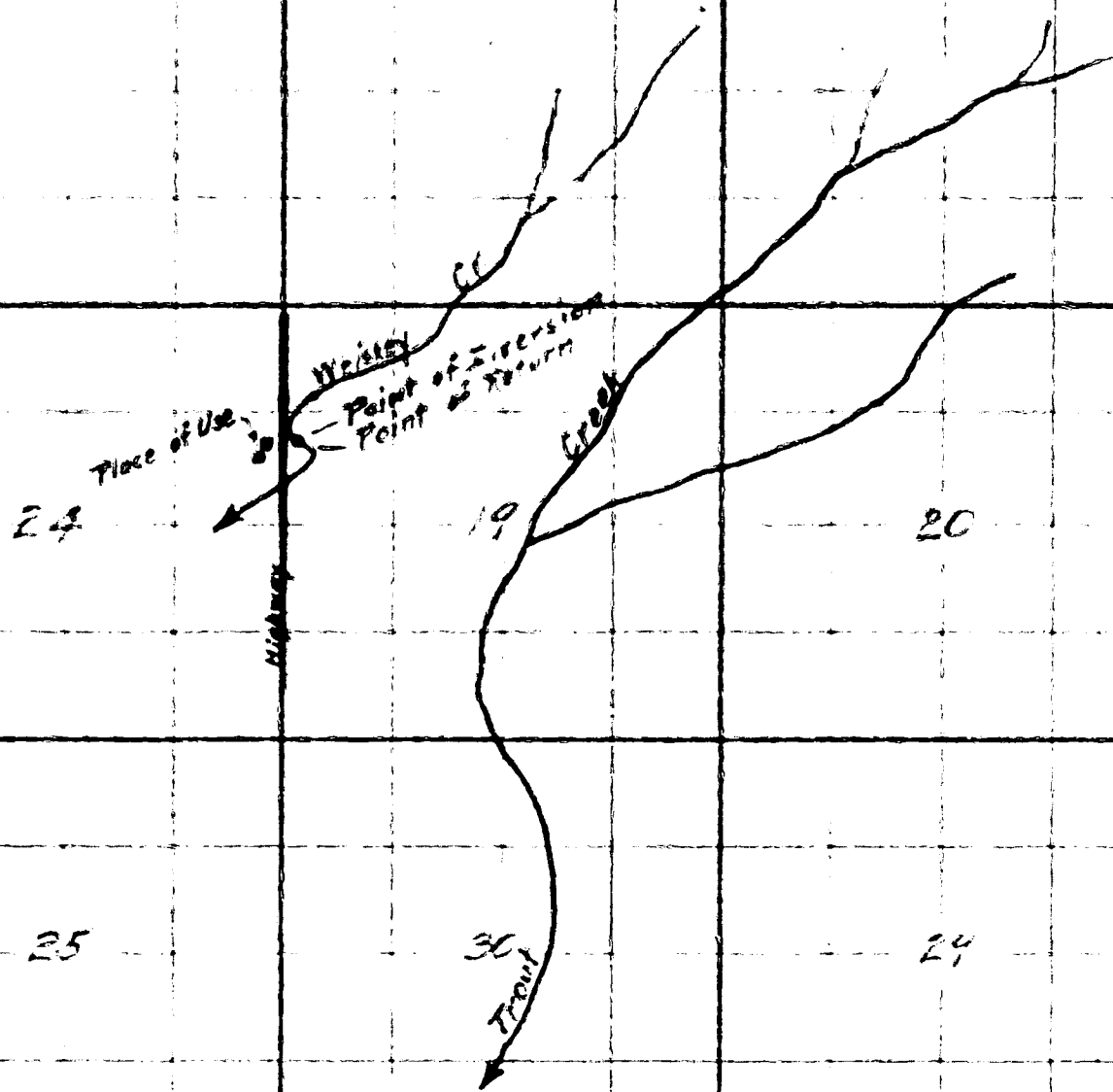
17077

This examination was made on the *16th* day of *November*, 19*34*

(Signed)

Red A. Norman

Examiner.



17077

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17077

This proof is for **Completion of Works**

In Water District No.

1. Name of applicant: **H. L. BASSETT**

2. Source of water supply: **Whiskey Creek**

3. Location of point of diversion: Is in the **SW $\frac{1}{4}$ NW $\frac{1}{4}$** of Section **19**

T. 11 S. R. 41 E. County of **Barnock**

4. Describe works as they exist, giving dimensions and capacities of same: *Works are completed consist of dam of rock & concrete 30 ft long x 3 ft high. A flume 6 ft wide x 1 ft deep x 100 ft long discharging over an overshot water wheel 8 ft in diam and 6 ft wide the shaft of which is belt connected to a 10 H.P. G. E. generator. Capacity of flume about 20 cu. ft. Wiring runs across highway to house & outbuildings*

5. Water is used for **Light and Power 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 for other than irrigation):

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

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

Remarks

17077

This examination was made on the

16th

day of

Nov.

19*34*

(Signed)

Frederick J. Tolman

Examiner

December 11, 1934

Re: Permit No. 17077

MR. H. L. BARNETT
Lago,
Idaho

Dear Sir:

This is to inform you that we now have the field engineer's report covering his inspection of the works constructed under your permit and also the use to which the water has been applied, made in connection with proof of completion of works and also proof of beneficial use of the water. The report submitted in connection with proof of completion of works states that your works have a capacity of about 20 feet which is the quantity claimed in the permit. We will, therefore, issue a certificate of completion of works in the amount of 20 second feet upon receipt of a fee of \$8.00. This fee is calculated at the rate of \$5.00 for the first 10 second feet or less and 30¢ for each additional second foot.

There is also a fee of \$5.00 due in connection with beneficial use proof, making the total due \$13.00. Upon receipt of these fees we shall also issue a license which will be the final certificate in connection with this matter.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

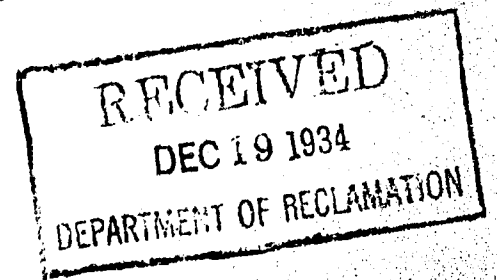
By _____
Chief Clerk & Office Engr.

PLH:RG

17077

H. L. Bassett
Land and Livestock
Lago, Idaho

December 27, 1934



Permit No. 17077

R. W. Farris
Boise, Idaho

Dear Sir:

Complying with your request of December 11,
I am mailing you herewith my check for \$13.00

Yours very truly,

A handwritten signature in cursive script, reading "H. L. Bassett". The signature is written in dark ink and is positioned below the typed name.

17077

December 22, 1934

Re: Permit No. 17077

MR. H. L. BASSETT
Lago,
I d a h o .

Dear Mr. Bassett:

This will acknowledge receipt of your check in the amount of \$13.00, which is in payment of fees due in connection with the proof of completion of works, and also proof of application of water to beneficial use under your permit to appropriate the waters of Whisky Creek.

A certificate of completion of works and also your license will be issued within the next few days, and the originals will be mailed to you for your files.

As we previously stated, the license constitutes the final document under the permit. Our office receipt for the amount of the fees paid, will be attached to these papers when you receive them.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engineer.

PLH:mct

17077

January 3, 1935

Re: Permit No. 17077

MR. H. L. BASSETT
Lagee
Idaho

Dear Sir:

We are enclosing herewith Certificate of Completion of Works, issued under the above numbered permit, confirming the completion of the works of diversion to a capacity of 20 second feet.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

17077

January 14, 1935

Re: License No. 17077

MR. H. L. BASSETT
Lago,
Idaho

Dear Sir:

We are enclosing herewith License and Certificate of Water Right, issued under the above numbered permit, confirming your right to the use of 20 second feet of the waters of Whiskey Creek in Bannock County, Idaho, together with our office receipt in the amount of \$13.00.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

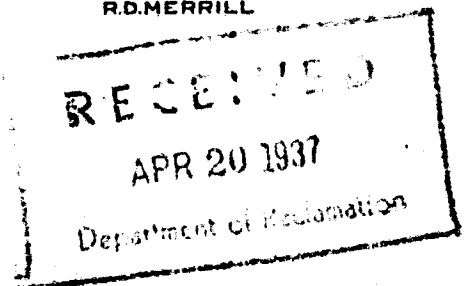
G
Encl.

17077

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

April 19, 1937

A.L.MERRILL
R.D.MERRILL



Department of Reclamation,
Boise, Idaho.

Gentlemen:

Seven or eight years ago a Permit was granted Harold Bassett for a power site on Whiskey Creek in the lower part of Bannock County. Would you be kind enough to advise us whether a license was subsequently issued or if anything other than the original Permit has been issued.

Sincerely yours,

MERRILL & MERRILL,

BY

ALM:L

April 22, 1937

Re: Permit No. 17077
H. L. Bassett

A. L. MERRILL
Attorney at Law
Pocatello, Idaho

Dear Mr. Merrill:

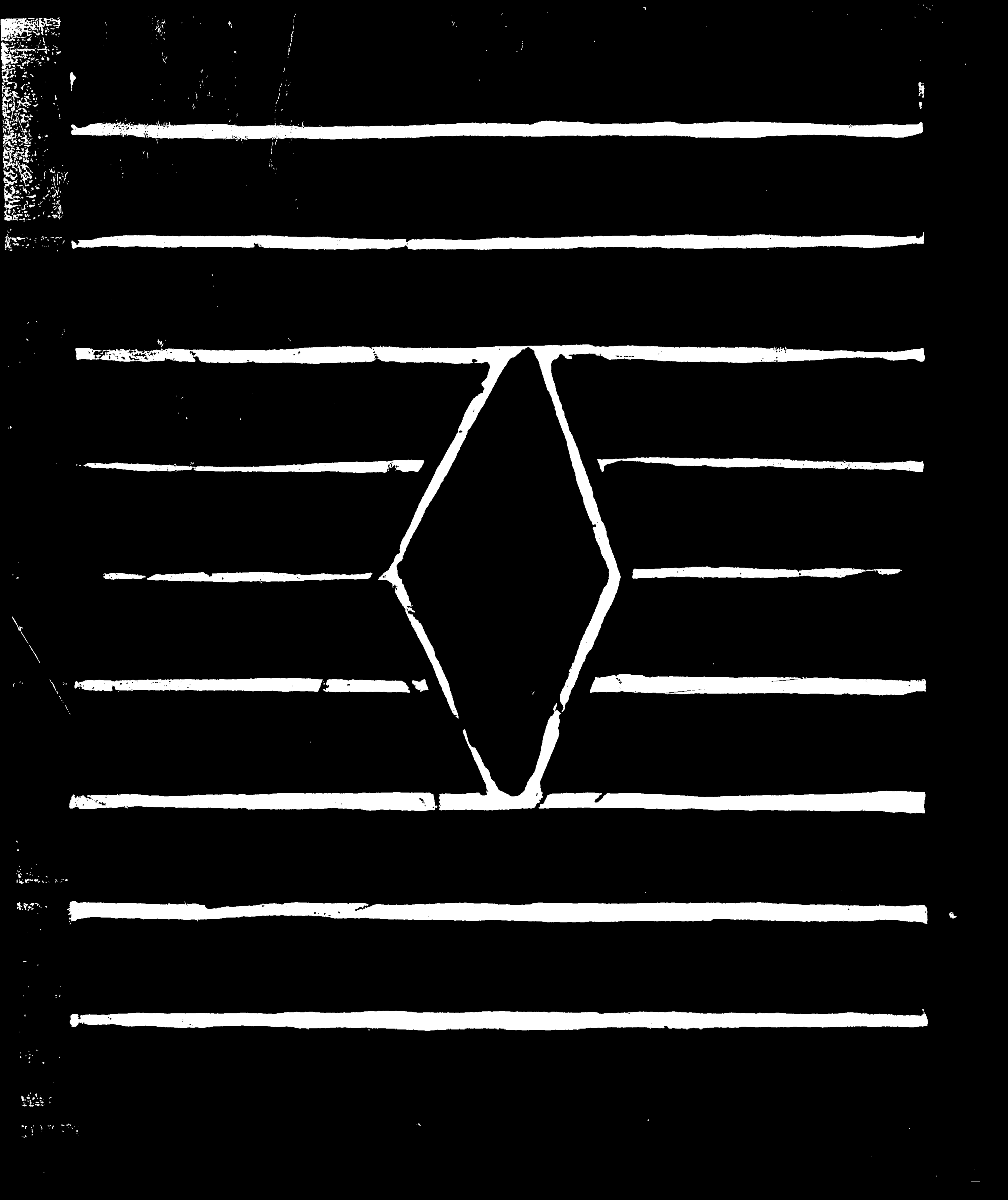
In reply to your letter of April 19th, please be advised that Mr. Bassett offered both of his proofs under the above permit, a field examination was made in regular course, and on the 14th day of January, 1935 a license was issued to him confirming the right to appropriate twenty second feet of water from Whiskey Creek for power purposes.

Very truly yours

Deputy Commissioner of Reclamation

PLH/cj

17077



State of Idaho
License and Certificate of Water Right

Water License No. 17077
Water District No.

Amount 20 Sec. Ft.
Priority April 22, 1929

THIS IS TO CERTIFY that H. L. BASSETT
of Lago, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated April 22, 1929; that Permit No. 17077
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
20 second feet, was issued thereunder on December 26, 1934, showing that said works
were completed on the 16th day of October, 1933; and that on the 20th
day of October, 1934,

H. L. BASSETT

of Lago, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Whiskey Creek
, a tributary of Bear River, for the purpose of light and power
, under Use Permit No. 17077 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 3781, on the 14th day of January, 1935;
The right hereby confirmed dates from April 22, 1929;

The Point of Diversion is located
in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 2, 19, Twp. 11 S., R. 41 E., B. M. Bannock 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 20
cubic feet per second.

Description and location of use: At applicant's farm.

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 14th day of January, 1935.

R. W. FARIS
Commissioner of Reclamation

(SEAL)

13 2113

