

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

Address communications to:

J. N. Larnen Co.

Preston, Idaho.

Application No. 24418.

Permit No. 17364.

District No.

1. Name of Applicant: Oscar M. Seamons.

Postoffice address: Preston, R.F.D. #2,

County: Franklin,

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: ten cubic feet per second.

3. Source of water supply: Battle Creek, which is a tributary of Bear River.

4. Location of point of diversion: 70 rds. N. & 60 rds. E. feet distant from the N. E. corner of Section 8, T. 15 S., R. 39 E., B. M., and is in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 4, T. 15 S., R. 39 E., B. M., County of Franklin.

5. Water is to be used for: irrigation.

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

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

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

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

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

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

7. Estimated cost of works: \$ canal and works are completed except dam.

8. Kind of works: cement dam.

9. Height of dam 10 feet; length of dam at top 10 feet; length of dam at bottom 10 feet; material used in dam: cement concrete.

10. Size of headgate: Width 10 feet; height 6 feet.

11. Ditch: Width at bottom 4 feet; width at water line 10 feet; depth of water 4 feet; dimensions of flume

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

Average grade per mile 20 feet.

12. The time required for the completion of such work is 3 years.

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

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

15. (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 waters of the State of Idaho as herein set forth.

Oscar M. Seamons,

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9 A. M., August 27, 1930.

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17364.

Recorded in Book 63, Page 17364, Approved August 30, 1930.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before October 29, 1930, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before **February 30, 1932.**

The whole of said work to be completed on or before August 30, 1933.

Beneficial use of water appropriated in accordance herewith, to be made on or before August 30, 1934.

Witness my hand this 30th day of August, 1930.

GEO. N. CARTER
Commissioner of Reclamation.

By Myron Swendsen, Assistant.

Remarks: This application is made for the flood waters or spring freshets. During this time of the year this water carries with it a great amount of sediment or soil which is wanted to cover over alkaline land making it fit for production as well as using the sediment for the leveling up of the land, I have used the waters each year for several years for this purpose with very marked success.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
15 S.	39 E.	8 9	40			40										40			40	160 340
Total Number of Acres to be Irrigated																				500
PERMIT NO. 17364 EXTENSION OF TIME FOR COMPLETION OF WORKS "Upon proper request of the holder of the above numbered permit, I have this 30th day of August, 1933, extended the time for completion of works thereunder to the 30th day of August 1934. R. W. FARIS Commissioner of Reclamation PERMIT NO. 17364 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that OSCAR M. SEAMONS of Preston, R. F. D. # 2, County of Franklin, and State of Idaho, the holder of Permit No. 17364, issued upon Application No. 24418, bearing date of priority of August 27, 1930, authorizing the diversion of 10 second feet of the waters of Battle Creek, tributary of Bear River, County of Franklin, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 10 second feet of the waters of Battle Creek, that the point of diversion of said waters is in the SW¼ SW¼, Sec. 4, T. 15 S., R. 39 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: E½ NE¼ & E½ SE¼ Sec. 8; NW¼, SW¼ & W½ SE¼ Sec. 9, T. 15 S., R. 39 E., B. M. Witness my hand this 4th day of December, A. D. 1935. R. W. FARIS Commissioner of Reclamation Proof of completion of works made September 30, 1933. Certificate issued December 4, 1935.																				

J. N. LARSEN

J. S. LARSEN

J. N. LARSEN COMPANY

Bonded Real Estate Brokers And Abstractors

Farm And City Loans

FIRST NATIONAL BANK BUILDING

PRESTON, IDAHO

August 4, 1930

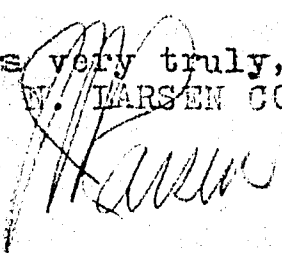
State Reclamation Engineer,
Boise, Idaho.

Dear Sir:

Inclosed please find Application for the appropriation of flood waters, made by O. M. Seamons, together with his check of \$1.90 for filing fees.

If this is not correct, please advise and the balance will be forth-coming.

Yours very truly,
J. N. LARSEN COMPANY

By 

JNL-MFN-Inc.

17364

August 9, 1930.

Re: Application for Permit, - O. M. Seamons.

Mr. J. N. Larsen
First Natl. Bank Bldg.
Preston, Idaho

Dear Sir:

We are returning herewith the application for permit made by Mr. O. M. Seamons to be completed as follows:

Answer paragraphs 4 and 11.

Submit fee in the sum of \$7.25, it being now at the rate of \$5 for the first second foot or fraction and 25 cents additional for each second foot or fraction thereafter, as set by the last session of the legislature.

Check land list as shown in red under paragraph 14.

Upon receipt of this application with these corrections it will be allowed to pass to permit.

Very truly yours,

GEO. N. CARTER
Commissioner of Reclamation

By

SL/co
Encl.--Check \$1.90.

17364

J. N. LARSEN

J. S. LARSEN

J. N. LARSEN COMPANY

Bonded Real Estate Brokers And Abstractors

Farm And City Loans

FIRST NATIONAL BANK BUILDING

PRESTON, IDAHO

Aug. 26. 1930.,

Department of Reclamation,
Boise. Ida.,

Re : Application to appropriatr waters
By O.M. Seamons/.

Gentlemen:-

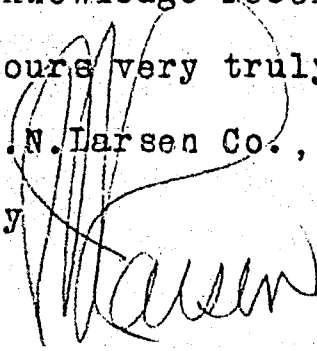
Inclosed please find the application made by
Mr. Seamons corrected as per your request also filing fee
of \$725 represented by cashiers check.,

Please acknowledge receipt.,

Yours very truly

J.N. Larsen Co.,

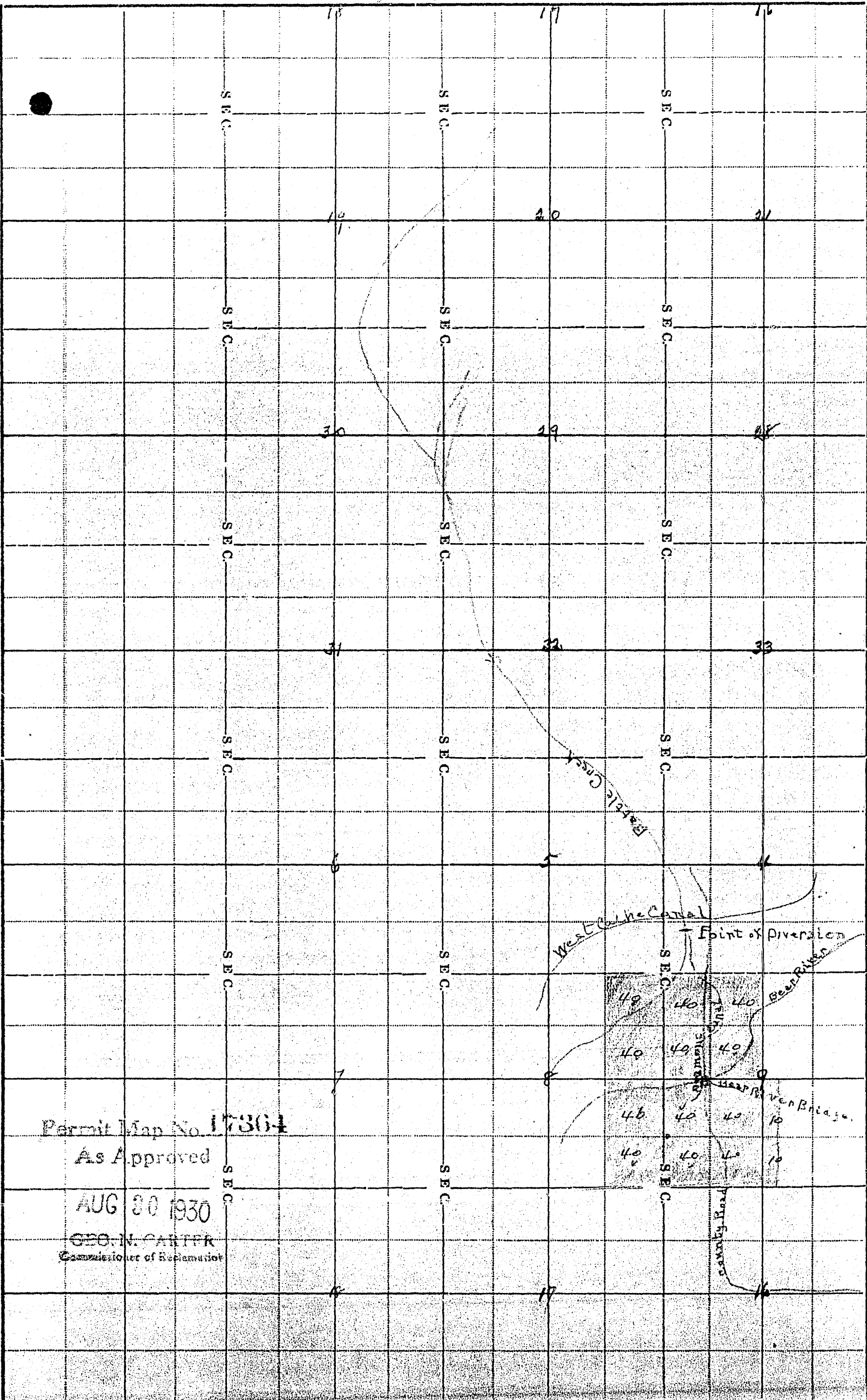
by



17364

NAME OF APPLICANT *W. H. R. 3976. H.*

W. H. R. 3976. H.



Permit Map No. 17364

As Approved

AUG 30 1930

GEO. W. CARTER
Commissioner of Reclamation

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK.

17364

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17364 - O. M. Seamons.

Boise, Idaho,
August 30, 1930.

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.

J. N. Larsen Co.
Preston, Idaho

GEO. N. CARTER

Commissioner of Reclamation.

17364

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

J. N. LARSEN CO, AGENTS
Oscar M. Seamons
Preston, Idaho

Boise, Idaho

June 10, 1933

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. 17364

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 August 30, 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.

IF PROOF IS NOT OFFERED BY DATE WHEN DUE PERMIT BECOMES SUBJECT TO CANCELLATION

17364

J. N. LARSEN

PAUL B. LARSEN

J. N. LARSEN COMPANY

Bonded Real Estate Brokers and Abstractors

Titles and Title Insurance

Farm and City Loans

GREAVES BUILDING.

PRESTON, IDAHO

August 19, 1933

P.D. Aug 30, 1933

1 yr. ext.

Mr. R. W. Ferris
Commissioner of Reclamation
Department of Reclamation
Boise, Idaho

Dear Sir:

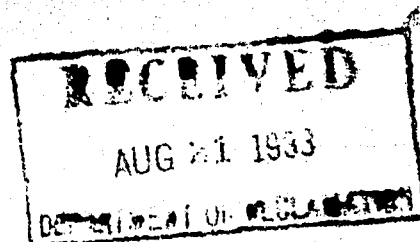
I am herewith enclosing the blanks that you sent me under date of June 10th. I advised Mr. Seamons when I received these as to when he would have to be in and execute them. He came in to do this August 7th and asked me to hold them until he advised me when to mail them to you. I have just received his word to mail them and he wished me to explain to you that it was an oversight and he neglected to repair these in due time. He asks if it be permissible that you extend the time and for this reason we have left the date blank in the Notice of Publication, so if you can see your way clear to extend the time and give notice, please advise.

Very truly yours,

J. N. LARSEN COMPANY

J. N. Larsen
By *J. N. Larsen*

JNL/kl
Enc



17364

August 24, 1933

Re: Permit No. 17384
Oscar M. Seamons

MR. J. M. LARSEN
Attorney at Law,
Greaves Bldg.,
Preston, Idaho

Dear Sir:

Upon receipt of Mr. Seamons's papers for publication in connection with proof of completion of works under the above permit we find that there is not sufficient time for the publication prior to the date when proof will be due. Therefore, we have prepared an application for extension of time which we are enclosing with the request that Mr. Seamons complete it and return it to this department prior to August 30, 1933. You will note that the application provides for an extension of one years time. This does not mean that Mr. Seamons could not offer proof before the expiration of the year. On the other hand, if he makes the proof any time within the year it will be satisfactory. This application cannot be approved if it is returned after the date when proof will be due.

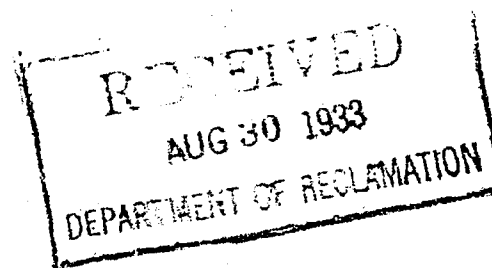
Very truly yours,

H. S. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PIH:RC
Encl.

17364



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Preston Idaho Aug. 7-1933
(P. O.) Preston 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 Franklin County Citizen of Preston Idaho, published in the county in which the works are situated.

Oscar M. Seamans

(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.

17364

Notice for Publication

Notice is hereby given that at 10:00 A. M., on the 30th day of September
1955, at Preston, County of Franklin, State of Idaho,
 before J. N. LARSEN, Notary Public proof will be submitted of the completion of ~~works~~
 for the diversion of 10 cubic feet per second of the waters of Battle Creek

in accordance with the terms and conditions of a
 certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Oscar M. Seamons

2. The postoffice address of such person or principal place of business of such corporation is

Preston, County of Franklin, State of Idaho.

3. The number of such Permit is 17364, and the date set for the completion of such work is

August 30, 1955

4. Said water is to be used for Irrigation 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 10 cubic feet per second.

6. The amount of lands for which said water is available is 500 acres, particularly described as follows:

E $\frac{1}{2}$ NE $\frac{1}{4}$ & E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 8; NW $\frac{1}{4}$ SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 9, all in T. 15 S., R. 39

E., B. M.

R. W. YARIS

Commissioner of Reclamation.

17364

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date August 30, 1933

Re: Permit No. 17364

EDITOR, FRANKLIN COUNTY CITIZEN
Preston, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two}~~four~~ consecutive weeks prior to September 30, 1933, the date set for proof, the expense of the publication to be paid by the applicant, OSCAR M. STAMONS, Preston, 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.

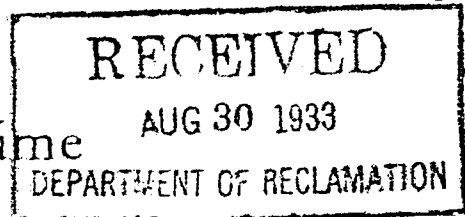
Very truly yours,

R. E. HARRIS
Commissioner of Reclamation

17364

Permit No. 17364

Application for Extension of Time FOR COMPLETION OF WORKS



OSCAR M. SEAMONS, of Preston

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

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 17364

Under the terms and conditions of said permit, construction work thereunder was required to be completed by August 30, 1933

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

I have completed all of my work, but haven't sufficient to offer proof in accordance with the terms of the permit.

costing \$

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

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the completion of construction work under said permit, to August 30, 1934

Oscar M. Seamons

Subscribed and sworn to before me this 28th day of May, 1933

My commission expires May 1-1937

Notary Public

Date of receipt at Department of Reclamation.

APPROVAL OF COMMISSIONER OF RECLAMATION

I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the completion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 17364 to August 30, 1934.

Witness my hand this 30th day of August, 1933

17364

R. W. FARIS

Commissioner of Reclamation.

By *Harold Coffey*
Director of Water Resources

J. N. LARSEN

J. N. LARSEN COMPANY

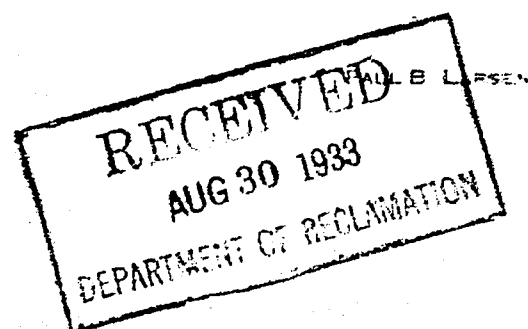
Bonded Real Estate Brokers and Abstractors

Titles and Title Insurance

Farm and City Loans

GREAVES BUILDING.

PRESTON, IDAHO



Aug. 28. 1933.

Mr. R.W. Ferris,
Commissioner,
Department of Reclamation
Boise, Idaho.

Re Permit # 17364 Oscar M. Seamons.

Dear Mr. Ferris:

I am herewith inclosing Application for extension of time for completion of works made by Oscar M. Seamons, the works as requested in his permit he tells me that he has completed, the blanks that have been left open you are authorized to insert what you think should be placed in, as you know the fact in the matter.

Yours very truly

A handwritten signature in dark ink, appearing to be "J. N. Larsen". The signature is written over the typed name "J. N. Larsen" which is printed below the signature line.

J. N. Larsen

17364

September 6, 1933

Re: Permit No. 17364
Oscar M. Seemons

MR. J. W. LARSEN
Notary Public,
Preston, Idaho

Dear Sir:

Under date of August 28, 1933, we received an application for an extension of time under the above mentioned permit, in which to complete the required works and also notice in duplicate for publication of Mr. Seemons' intentions to offer proof of completion of works. The application has been approved and recorded. Under date of August 30, 1933, a copy of the notice was forwarded to the Editor of the Franklin County Citizen, Preston, Idaho, since this is the newspaper designated by Mr. Seemons. Date for proof has been set for 10:00 A. M. September 30, 1933. The notice will be published once a week for 4 consecutive weeks prior to this date.

Depositions, one for the holder and one each for two witnesses, will be mailed to you about September 20 so that you will have them in ample time. Will you please inform Mr. Seemons that he should appear at your office on the date set for proof with two disinterested witnesses, who are familiar with the terms of the permit and the works thereunder, to execute these depositions. Immediately after the proof has been taken the depositions should be forwarded to this department accompanied by an affidavit of proof of publication from the newspaper.

Very truly yours,

R. W. FLEMING
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

17364

September 6, 1933

RE: Permit No. 17364

MR. OSCAR M. SEAMONS
Preston,
Idaho

Dear Sir:

We are enclosing herewith approval of Commissioner of Reclamation for extension of time for completion of works under the above numbered permit. The time for proof of completion of works has been extended to August 30, 1934, as per your request.

Very truly yours,

R. W. MARIS
Commissioner of Reclamation

By _____

C
Encl.

17364

September 6, 1933

Re: Permit No. 17364
Oscar M. Seamons

EDITOR, FRANKLIN COUNTY CITIZEN
Preston, Idaho

Dear Sir:

Under date of August 30, 1933, a notice was mailed from this office with our form letter requesting its publication for a period of two consecutive weeks prior to September 30, 1933. The instructions were in error in as much as the notice should be published once a week for four consecutive weeks prior to the 30th of September, rather than for two weeks. Will you please communicate with this office at once and let us know whether or not there is sufficient time for the four weeks insertion.

Very truly yours,

E. W. FARR
Commissioner of Reclamation

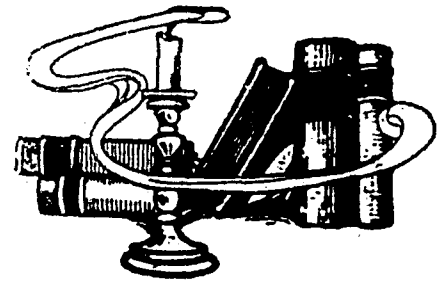
By _____
Chief Clerk & Office Mgr.

PH:RG

17364



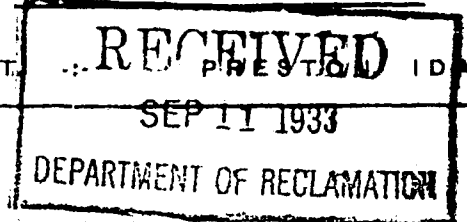
FRANKLIN COUNTY
CITIZEN
PUBLISHING AND ART PRINTING



ROE & ROE, OWNERS

OFFICE AND PLANT

27 SOUTH STATE ST.



17364

Sept. 9, 1933

State of Idaho
Department of Reclamation
R. W. Faris, Commissioner.

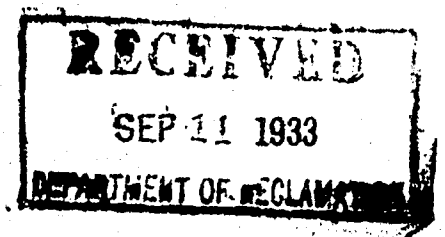
Gentlemen;

In reference to your letter of Sept. 6th., we are pleased to inform you that there will be sufficient time for the four consecutive insertions of your Notice for Publication. The last issue will be Sept. 27th.

Very truly yours,

Franklin County Citizen
Ree and Ree

RR/IRM



17364

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

MR. J. N. LARSEN, Notary Public
Preston, Idaho

Boise, Idaho, September 27, 1933

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. 17364

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 Sept. 30, 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 Preston, 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. FARIS

Commissioner of Reclamation

17364

J. N. LARSEN

PAUL B. LARSEN

J. N. LARSEN COMPANY

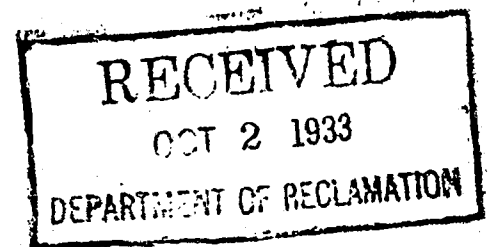
Bonded Real Estate Brokers and Abstractors

Titles and Title Insurance

Farm and City Loans

GREAVES BUILDING.

PRESTON, IDAHO



Sept.30.1933.

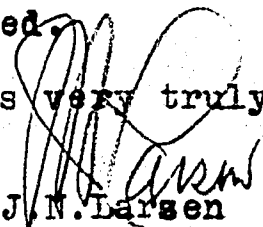
Mr. R.W.Faris
Commissioner of Reclamation.
Boise, Idaho.

Dear sir:

This will acknowledge receipt of yours of the
27th inst . inclosing the necessary blanks in the matter of
proof of Completion of works, under permit #17364
Oscar M Seamons.

I am herewith returning to you completed
Two depositions of Witnesses and one deposition of holder
No protest has been filed.

Yours very truly

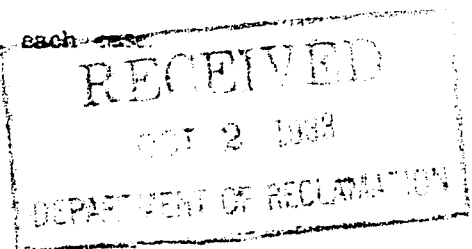

J. N. Larsen

P.S.Please acknowledge receipt.

J.N.L.

17364

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

Permit No. 17364

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Herbert J. Nichols, Preston, B. E. D. #2, Idaho, Farmer

Ques. 2. Are you acquainted with Oscar M. Seamons, the holder of Permit No. 17364, authorizing the diversion of ten second-feet of the waters of Battle Creek, at Banida, Ida. for irrigation purposes? How long have you known him, and where does he reside?

Ans. Four years

Ques. 3. Have you read or heard read said Permit No. 17364, 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. Yes, land is full of holes and water asked for carries much silt and by flooding land holes are filled up and land is reclaimed, and makes first class land, when water is used it flows into Bear River.

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. a plank dam sufficiently strong to divert all of the water asked for

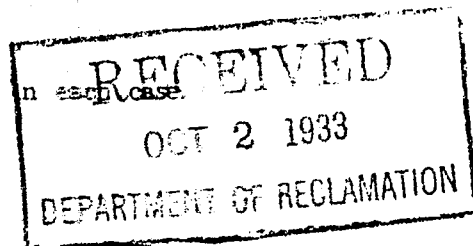
(Sign here.)

Herbert J. Nichols

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 Preston County of Franklin, State of Idaho, on this 30th day of September, A. D. 1933.

[Signature]
Notary Public

17364



Permit No. 17364

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. E.E. Lauritzen, Winder, Ida. Farmer, Preston R.F.D. #2, Idaho

Ques. 2. Are you acquainted with Oscar M. Seamons, the holder of Permit No. 17364, authorizing the diversion of ten second-feet of the waters of Battle Creek, at Winder, Ida. reclamation and irrigation for purposes? How long have you known him, and where does he reside?

Ans. Ten Years.

Ques. 3. Have you read or heard read said Permit No. 17364, 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. Yes, if land is leveled it makes first class land, and the water applied for is full of silt, and by its use land is easily leveled and all holes filled with soil, after water is used on the land it flows into bear river.

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. A plank dam sufficiently large to divert all water asked for.

(Sign here.)

E. E. Lauritzen

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 Preston County of Franklin, State of Idaho, on this 30th day of September, A. D. 1933.

[Signature]
Notary Public

17364

October 5, 1933

Re: Permit No. 17364

MR. OSCAR M. SEAMONS
Preston, Idaho

Dear Sir:

This will acknowledge receipt of the deposition of the holder and the depositions of two witness, all in connection with proof of completion of works under the above permit.

The affidavit of proof of publication has not, as yet, been received from the Franklin County Citizen of Preston. Will you kindly contact the editor of this newspaper and request him to mail the affidavit to this department, at your earliest convenience.

Very truly yours,

R. W. PARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

17364

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

J. N. Larsen Company, Agent

OSCAR M. SEAMMONS
Preston, Idaho

June 9, 1934

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 17364, 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 Aug. 30, 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. V. PARIS

~~RECEIVED~~
Commissioner of Reclamation.

17364

J. N. LARSEN

PAUL B. LARSEN

J. N. LARSEN COMPANY

Bonded Real Estate Brokers and Abstracters

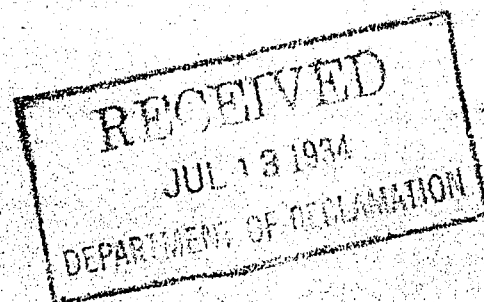
Titles and Title Insurance

Farm and City Loans

GREAVES BUILDING.

PRESTON, IDAHO

July 10th, 1934



Department of Reclamation
Boise, Idaho

Gentlemen:

Enclosed please find Notice for Publication--
Proof of Application of Water for Beneficial Use--Oscar
M. Seamons under permit #17364.

Yours very truly,

J. N. LARSEN COMPANY

By

A handwritten signature in dark ink, appearing to be "J. N. Larsen", written over the printed name.

JNL:CL
Enc

17364

July 20, 1934

Re: Permit No. 17364
Oscar M. Seamons

MR. J. N. LARSEN, Agent
Preston,
Idaho

Dear Sir:

Under date of July 13th, we received your papers consisting of notices in duplicate for publication in regard to beneficial use proof and also your authorization to have the notice published in the Franklin County Citizen of Preston, all in connection with the above permit. A copy of this notice will go forward to the newspaper, immediately, with proper instructions for its publication. You have been designated as the Notary Public before whom proof will be offered and we will, therefore, mail the necessary depositions to you about 10 days prior to the date set for proof. Will you kindly contact Mr. Seamons and instruct him to appear at your office with two witnesses for the purpose of executing the depositions.

In checking through the files, we note that Mr. Seamons' depositions for proof of completion of works were received October 2, 1933, but the affidavit of proof of publication did not accompany them. Since this affidavit must be on file before a certificate can be issued, you are urgently requested to get in touch with the newspaper and request them to forward this affidavit at their earliest convenience.

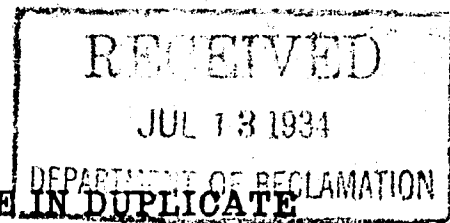
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

17364



NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)

July 9 - 1934

(P. O.)

Preston 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

Franklin County Citizen

of

Preston Idaho

, published in

the county in which the works are situated.

Oscar M. Seaman

(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.

17364

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 30th day of August, 1934,
at Preston, County of Franklin, State of Idaho,
before J. W. Larren, Notary Public, proof will be submitted
of the application to beneficial use of ten cubic feet per second of the
waters of Battle Creek in accordance with the terms and conditions of
Permit No. 17364 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

Oscar W. Seamon, Preston, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 10 cubic feet per second of time

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of
Section 8, and NW $\frac{1}{4}$ and N $\frac{1}{4}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, and con-
taining 500 acres, all located in Township 15 South, Range 39 East of
the Boise Meridian.

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

The right to take water from such works is based upon Permit No. 17364

The source of supply from which such water is diverted is 70 rods North and 60 rods
East from the NE corner of Sec. 8, Township 15 South, Range 39 E.B.M.

The date of the priority which said user is prepared to establish is August 30, 1930

R. W. FARIS

Commissioner of Reclamation.

17364

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

17364

Date July 20, 1934

EDITOR, FRANKLIN COUNTY CITIZEN
Preston,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 30, 1934, the date set for proof, the expense of the publication to be paid by the applicant,

Oscar M. Seemons, Preston, 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

17364

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, August 22, 1934

MR. J. N. LARSEN, Notary Public
Preston,
Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17364

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 August 30, 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 Preston, Idaho before J. N. Larsen, Notary Public

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

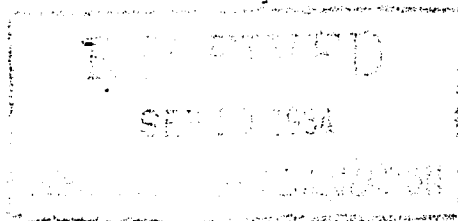
When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

R. W. FARIS
Commissioner of Reclamation.

17364

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 17364

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Oscar H. Seamons Preston Idaho Farmer Preston Ida.

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. No corporation

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

Ans. #17364 August 30 1930. Date of Priority Aug. 29 1930.

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

Ans. Battle Creek 72 rods North and 50 rods East of the Northeast corner of Section Eight Township 15 South Range 39 East of the Boise Meridian.
& is in the SWSW 1/4, Sec. 4, T. 15 S., R. 39 E., Franklin County

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. I have a diversion dam made of timber which is 10 feet high and 5 feet wide to divert the water from Battle Creek into what is known as the Seamons Canal.

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 and flood waters used to catch silt and reclaim waste land and is used on the East half of the Northeast quarter and the East half of the Southeast quarter of Section 8, and the South half of the Northwest quarter and the Northwest quarter of the Southwest quarter and part of the SW quarter of the Southwest quarter of Section 9, Township 15 South, Range 39 East of the Boise Meridian.

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

Ans. ---

17364

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 12 cubic feet per second of time.

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. It has been used for the past several years for irrigation as well as flooding for silt.

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. Have a water right for regular irrigation not referred to in this application. Water referred to in this application is used mostly before time for irrigation and after time for irrigation. The water is muddy and carries a great amount of silt. Silt is left on the land and water finds its way to Bear River.

(Sign)

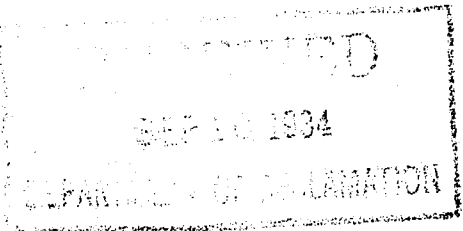
Oscar M. Seamon

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 Preston, County of Franklin, State of Idaho, on this 6th day of September, A. D. 1934.

[Signature]
Notary Public

My commission expires May 1, 1937.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 17364

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. John H. Barch age 61 yrs. Residence Preston, Idaho.

Ques. 2. Are you acquainted with Oscar M. Seamons, the holder of Permit No. 17364? How long have you known him and where does he reside?

Ans. over 30 years. he resides on his farm at Preston, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17364, and are you familiar with its provisions and conditions? yes.

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. Battle Creek, 50 rods North and 60 rods East of the Northeast corner of Section 8, Township 15 South, Range 39 East of the Boise Meridian. Dam made of timbers 10 feet wide and 5 feet high. Canal large enough to carry 10 cubic feet per second of time.

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. 10 cubic feet per second of time.

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. Irrigation and flood waters used to catch silt and reclaim waste land and is used on the East half of the Northeast quarter and the East half of the Southeast quarter of Section 8, and the South half of the Northwest quarter and the Northwest quarter of the Southwest quarter and part of the Southwest quarter of the Southwest quarter of Section 9 Township 15 South, Range 39 East of the Boise Meridian.

17364

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

Ans. For irrigation

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

Ans. 10 second feet used on this land should silt the land over and this is what this water right is for. Water all finds its way back into Bear River.

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

Ans. No

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

Ans. I have passed this farm at various and numerous times and have seen Mr. Seamons using the water.

(Signed)

John W. Bench

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 Preston, County of Franklin, State of Idaho, on this day of September 6th, A. D. 1934.

Notary Public.

My commission expires May 1, 1937

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17364

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. P. Talbot 45 years Winder Idaho Farmer Preston R.F.D. #2

Ques. 2. Are you acquainted with Oscar M. Seamons, the holder of Permit No. 17364? How long have you known him and where does he reside?

Ans. about 30 years Preston Idaho

Ques. 3. Have you read or heard read said Permit No. 17364, 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. Battle Creek, 70 rds. North and 60 rods East of the N.E. corner of section 8 Twp. 15 South Range 39 East of the Boise Meridian.

Dam made of timbers, ten feet wide and five feet high, canal large enough to carry carry 10 cu.ft. per second of time.

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. Ten Cu. Ft. per second of time. I have seen him carry in this ditch this amount.

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. Irrigation and flood waters is used to catch silt and reclaim waste land and is used on the East half of the Northeast quarter and the East half of the Southeast quarter of Section 8, and the South half of the Northwest quarter and the Northwest quarter of the Southwest quarter and part of the Southwest quarter of the Southwest quarter of Section 9, Township 15 South, Range 39 East of the Boise Meridian.

17364

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

Ans. for irrigation

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

Ans. 10 second feet used on this land should silt the land over
and this is what this water right is for. Water all finds its way
back into Bear River.

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. We have passed this land almost weekly and have seen
Mr. Seamons using the water nearly every time that we pass his
farm in irrigation season.

(Signed)

E P Talbot

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 Preston, County of Franklin, State of Idaho, on this day of September 6th, A. D. 1934.

Harren
Notary Public.

My commission expires May 1, 1937

NOTICE FOR PUBLICATION

Notice of Proof Application of Water To Beneficial Use.

Notice is hereby given that at 10 o'clock a.m. on the 30th day of August, 1934, at Preston, County of Franklin, State of Idaho, before J. M. Larsen, Notary Public, proof will be submitted of the application to beneficial use of ten cubic feet per second of the waters of Battle Creek in accordance with the terms and conditions of Permit No. 17364 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:

Oscar M. Seamons, Preston, Idaho.

The use to which said water has been applied is: Irrigation.

The amount applied to beneficial use is 10 cubic feet per second of time.

The place where said water is used (If for irrigation, give full and accurate description of the lands irrigated) NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8 and NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, and containing 500 acres, all located in Township 15

South Range 39 East of the Boise Meridian.

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

The right to take water from such works is based upon Permit No. 17364.

The source of supply from which such water is diverted is 70 rods north and 60 rods east from the Northeast corner of Section 8, Township 15 South, Range 39 E.B.M.

The date of the priority which said user is prepared to establish is August 30, 1930.

AFFIDAVIT OF PUBLICATION

I, Mada Morrison
F. Seaman
(Publisher or Foreman)

of the Franklin County Citizen, a newspaper published weekly at Preston, Idaho, do solemnly swear that the notice as per clipping attached was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

(4) four consecutive weeks, commencing with the issue dated

July 25, 1934

and ending with the issue dated

Aug. 15, 1934

Mada Morrison
(Publisher) (Foreman)

Subscribed and sworn to before me

this 11 day of September

A. D. 1934

[Signature]
Notary Public, Preston, Idaho.

17364

J. N. LARSEN

PAUL B. LARSEN

J. N. LARSEN COMPANY

Bonded Real Estate Brokers and Abstractors

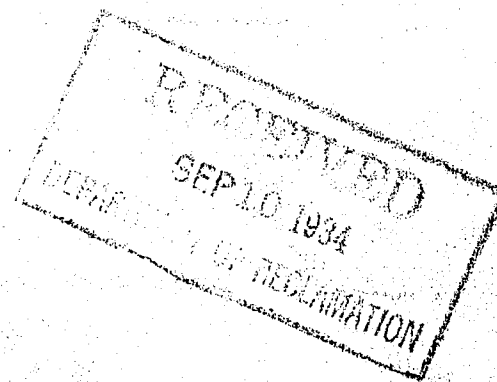
Titles and Title Insurance

Farm and City Loans

GREAVES BUILDING.

PRESTON, IDAHO

September 8th, 1934



R. W. Ferris
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

Re: Permit No. 17364 Oscar M. Seamons

Enclosed please find one Deposition of Holder and two Depositions of Witnesses, also Affidavit of Publication.

Yours very truly,

J. N. LARSEN COMPANY

By

JNEG
Enc

17364

October 9, 1934

Re: Permit No. 17364

MR. OSCAR M. SEAMONS
Preston,
Idaho

Dear Sir:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses and the affidavit of proof of publication from the newspaper, all in connection with beneficial use proof under the above permit, which were filed by Mr. J. N. Larsen, Preston, Idaho.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made since the department has but one field engineer who makes examinations all over the state. However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination so that you may show him over the grounds. After his report is on file in this office you will be further notified as to fees due before the issuance of your license.

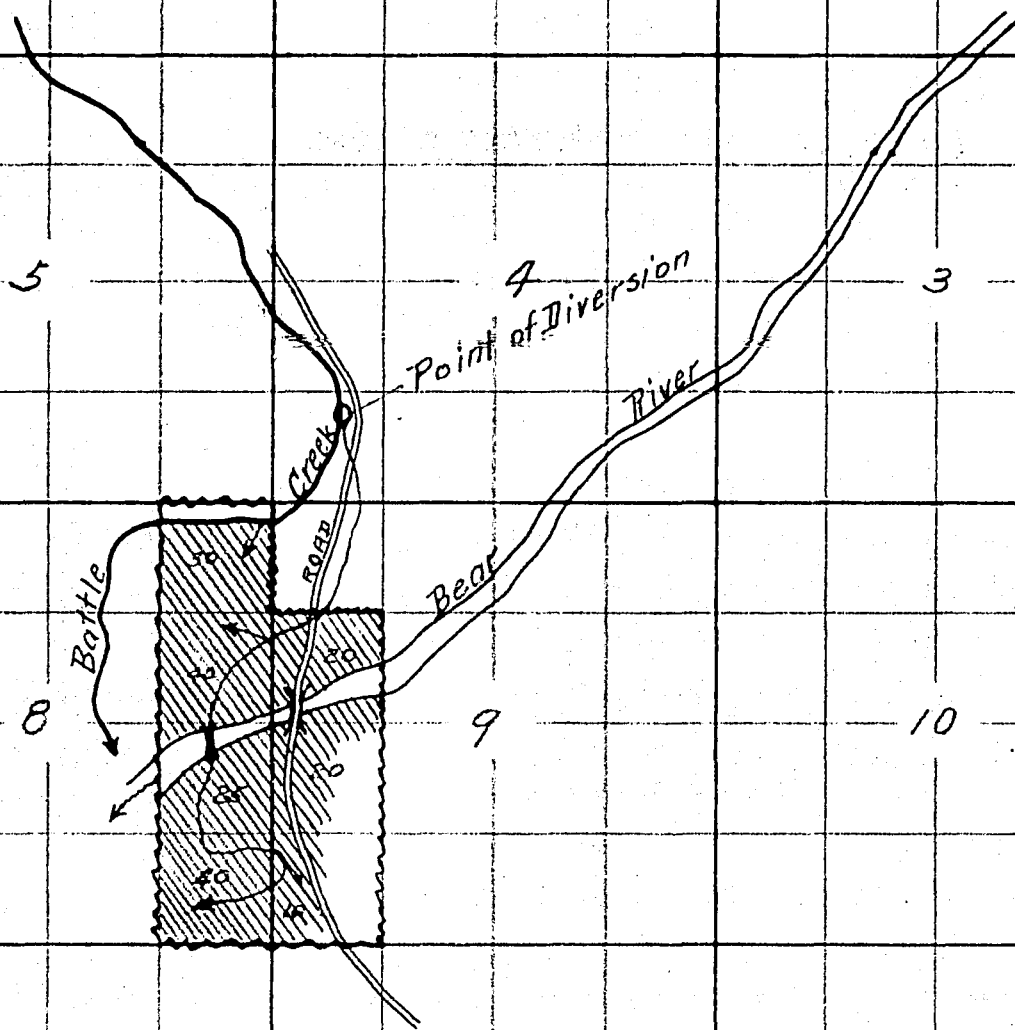
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:FG

17364



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. **17364**

This proof is for **Completion of Works**

In Water District No. _____

1. Name of applicant **OSCAR M. SEAMONS**

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

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

T. **15 S.** R. **39 E.**, County of **Franklin**

4. Describe works as they exist, giving dimensions and capacities of same: *Plank dam 18 ft. long, 7 ft. high. Head gate 3 ft. wide, 3 ft. high and 8 ft. long. Ditch 3 ft. wide and 2 ft. deep*

5. Water is used for: **Irrigation**

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): **E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8; SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$**

Sec. 9, all in Twp. 15 S., R. 39 E. B. M.

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

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

Remarks:

The soil upon this land has been materially deepened by trapping silt washed from higher lands.

This examination was made on the

16th

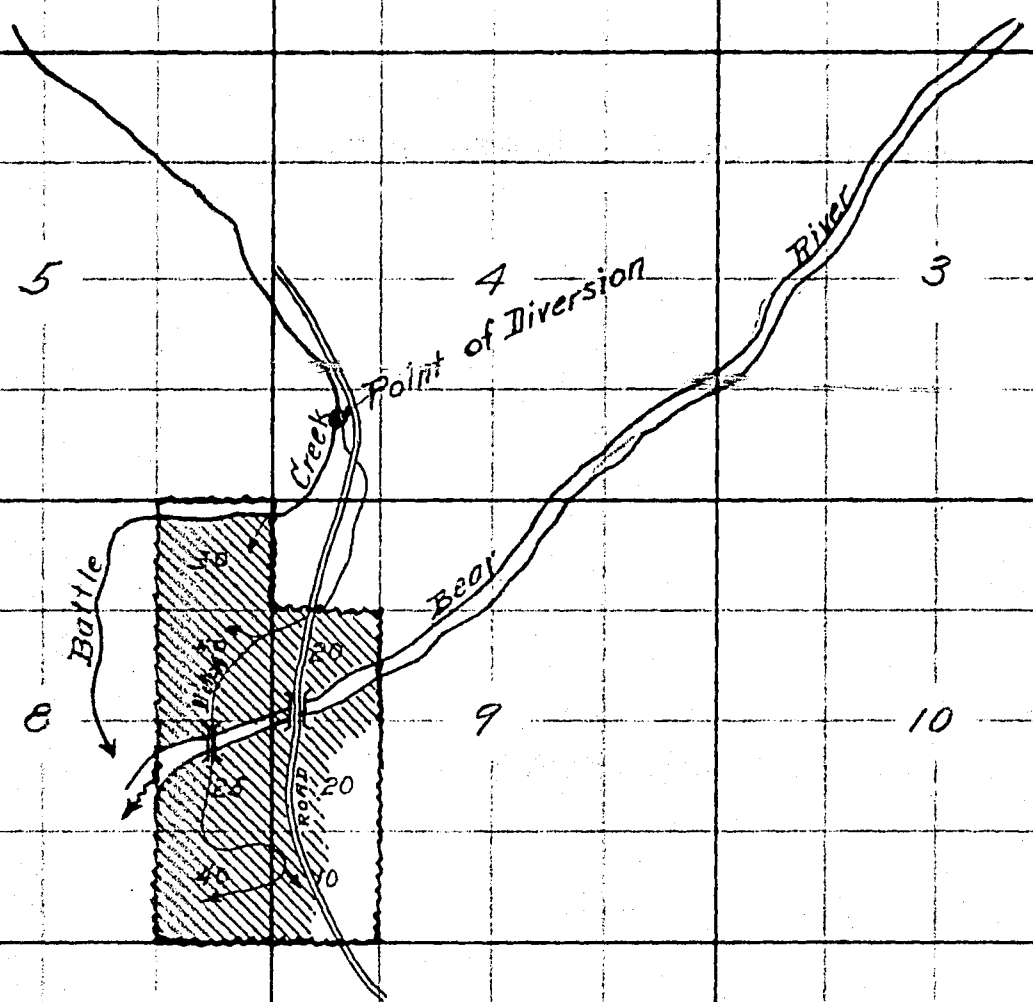
day of

Nov

19 *34*

(Signed)

Edith Polman
Examiner



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17364

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant Oscar M. Seamons

2. Source of water supply: Battle Creek

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

T. 15 S. R. 39 E., County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: Diversion works consist of a Plank dam 18 ft long x 7 ft high, Head gate 3 ft high x 8 ft long. Ditch 3 ft wide and 2 ft deep

5. Water is used for: Irrigation

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8; SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, all in Twp. 15 S., R. 39 E., B. M.

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

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

Remarks:

This examination was made on the 16th day of Nov., 1934

(Signed)

Fred H. Johnson
Examiner

January 8, 1935

Re: Permit No. 17364

MR. OSCAR M. SEAMONS
Preston,
Idaho
R. F. D. # 2

Dear Sir:

This is to inform you that we are now in receipt of the engineer's report covering his inspection of your works constructed under the above permit and that upon receipt of a fee in the amount of \$5.00 a Certificate of Completion of Works will be issued to you.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

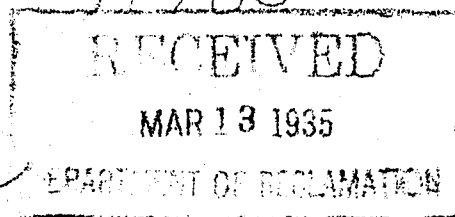
PLH:RO

17364

Preston, Idaho

March 11, 1935

State of Idaho
Department of Reclamation
R. W. Davis, Commissioner
Boise



Dear Sir:

In answer to your letter of
January 8, I am sending you \$5.00
for Certificate of Completion of
works on permit no. 17364.

yours truly,

Oscar M. Seamons

Preston, Idaho

17364

March 13, 1935

Re: Permit No. 17364
Oscar M. Seamons

EDITOR, FRANKLIN COUNTY CITIZEN
Preston,
Idaho

Dear Sir:

Under date of August 30, 1933, we mailed a notice to you for publication in connection with proof of completion of works under the above permit. The form letter which accompanied the notice requested a two weeks publication which was an error. On September 6th, 1933, we wrote to you advising that the notice should be published for four consecutive weeks instead of two weeks. On September 9th, 1933, you acknowledged receipt of our letter of September 6th stating that the notice would be published the necessary number of times. Proof was made in accordance with the publication and we received the depositions which were executed in support of such proof but the affidavit of publication from your paper did not accompany it. During the past several months we have written a number of times attempting to have Mr. Seamons procure this affidavit for us, but to date we have not received it.

Will you kindly refer to your files, by way of checking the above statements, and execute an affidavit in accordance therewith. It would be very much appreciated if we might have this affidavit at the earliest possible date since Mr. Seamons' certificate of completion of works is pending its receipt.

Very truly yours,

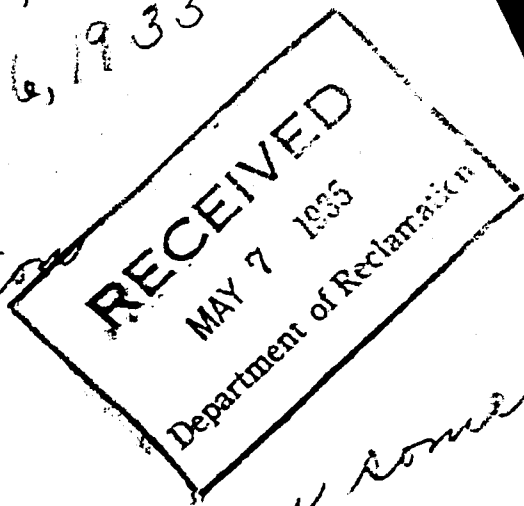
R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH:RG

17364

Preston, Idaho
May 6, 1935



R. W. Davis
Department of Reclamation
Boise, Idaho

Dear Sir:

I wrote a letter to you some
time ago, in answer to your
letter of January 8, 1935. Your
letter of the 18th asked me to
send you five dollars, for which
you would send me a certificate
of completion of work on permit
no. 17364. I sent you a green
back, no. A 27208063A, for five
dollars, but I have not as yet
received the certificate. I would
like to know why the certificate
as been delayed in coming?
Yours truly,
Oscar M. Pearson

17364

May 10, 1935

Re: Permit No. 17364

MR. OSCAR M. SEAMONS
Preston,
Idaho

Dear Sir:

Reference is made to your letter of May 6th wherein you request to be advised as to the reason your certificate of completion of works has not been issued, under the above permit.

On March 13th we received currency in the amount of \$5.00 in payment of the fee due in connection with this proof and we issued our office receipt for this amount. Upon going through the files, preparatory to the issuance of your certificate, we found that the affidavit from the newspaper, in connection with this matter, had never been filed in the department. As you will recall, the publication in question was run during September 1933 in the Franklin County Citizen of Preston. Since that time we have written to you and also to the editor of the newspaper several times attempting to get this affidavit, but for some reason, unknown to us, it has never been received. The affidavit is merely for the purpose of showing that the publication was run the required number of times and certainly there should be no reason why the editor of the newspaper should refuse to send it upon being paid for the publication.

Please do not confuse this matter with your final proof, publication for which was run during July and August of last year, since these papers are on file, as we previously stated. As the matter now stands, your fee has been paid for completion of works, the engineer's report is on file and immediately upon receipt of the affidavit in question we shall issue the certificate of completion of works. Therefore, will you kindly get in touch with the editor of the newspaper, procure this affidavit and mail it to us at your earliest convenience, since we too are anxious to dispose of this matter.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

17364

August 15, 1935

Re: Permit No. 17364
Oscar M. Seamons

FRANKLIN COUNTY CITIZEN
Preston,
Idaho

Attention: Mada Larsen

Gentlemen:

We received your affidavit of publication, made in connection with proof of completion of works under the above permit, this morning. As you will recall, this affidavit was executed in connection with a publication which was run in September, 1933. We are very much surprised to note that the publication in question was, apparently, run for only two insertions of your paper whereas, it should have been run once a week for four consecutive weeks.

Under date of August 30, 1935, a copy of the notice to be published was mailed to you from this office with a form letter requesting publication once a week for two consecutive weeks prior to September 30th. On September 6th we discovered the error in the instructions which were mailed to you and wrote to you, as of that date, correcting our instructions to read four weeks instead of two weeks. You were also requested to let us know at once whether or not there would be sufficient time for the four weeks publication before September 30th. You replied, under date of September 9th, stating that you were pleased to inform us that there would be sufficient time for the four consecutive insertions of the notice, and that the last issue would be September 27th. Consequently, we were very much surprised to receive your affidavit stating that the notice had been published for only two consecutive weeks, having appeared in the issues of September 6th and September 13th.

If this was actually the case, it will cause Mr. Seamons a great deal of additional expense and possibly result in the loss of his right and certainly he is in no way responsible for this situation. During the past two years we have written letters to both your paper and to Mr. Seamons, advising that the affidavit of publication would have to be filed in this office before any action could be taken toward the issuance of a certificate of completion of works and had this affidavit been furnished within a reasonable time we would have known the status of the affair at a much earlier date.

We are enclosing herewith a copy of your letter of September 9th and we shall appreciate a prompt reply, advising us as to whether or not the publication was run for only two weeks. If you find, on checking into your files,

17364

2. Franklin County Citizen, Preston, Idaho

8-15-35

that it was run the required number of time, will you kindly execute a new affidavit to that effect and mail it to us with your reply.

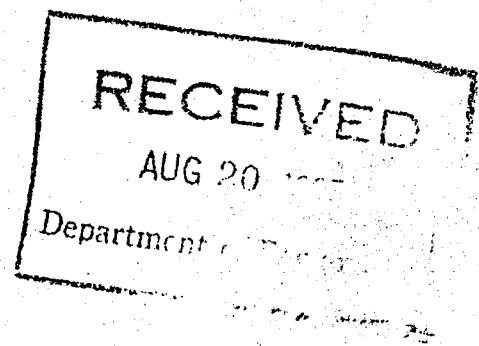
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg
Encl.

17364



Preston, Idaho
Aug. 19, 1935

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

It is impossible for us to understand why the "Notice of Publication" of Oscar M Seamons; Permit No. 17364, was only run the two issues.

It was no negelect on our part that the Affidavits of Publication were not sent to you sooner.

We have made several trips out to Mr. Seamons home; Called him on the phone several times and tried to get him to settle on the Notices so that Affidavits could be sent to you.

On Tuesday, Aug. 13, 1935, Mr. Seamons came in to see about the affidavits.

Had Mr. Seamons called in after the Notices were published, as we tried to get him to, the error could of been found and corrected long before now.

The only thing we can suggest to do, in the way of correction, is to rerun the Notice of Publication again, four issues, without cost for same.

If this meets your approval, let us know so we may start at once.

Yours very truly,

Franklin County Citizen
Per *Mada Larsen*

17365-

August 22, 1935

Re: Permit No. 17364
Oscar M. Seamons

FRANKLIN COUNTY CITIZEN
Preston,
Idaho

Attention: Mada Larsen

Gentlemen:

We have your letter dated August 19th and note what you say with reference to the publication which was made in connection with proof of completion of works under the above permit in 1933.

The date when proof of completion of works was due, under this permit, is long past and we could not authorize another publication to be run the required number of times. Thus, the matter will have to rest as it now stands and in the event that the right is ever questioned because of the fact that the notice was run only twice, instead of the required four times, it will be Mr. Seamons' bad fortune. We are inclined to agree with you, however, that if he had called at your office within a reasonable time, after the publication, that this thing could have been corrected within due time. So, apparently, he is more to blame for the error than your paper.

This matter has been discussed with the Commissioner and he is of the opinion that if it ever came to a question of a court trial, the court would, likely, hold that ample notice had been given, even though the publication had not run the required number of times. However, this is purely an opinion and cannot be construed as approving the proceedings.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

17364

Preston Idaho
Nov. 23, 1935

State Engineer
Boise Idaho
Gentleman:

On August 13 we mailed to
you Affidavits of publication on
Battle Creek water.

As yet we haven't received the
water certificates.

At your earliest convenience we
would like to receive the said
water certificates.

Respectfully yours,
O. M. Seamons

By B. Seamons

Address.

Mr. O. M. Seamons

Route 2

Preston Idaho

17364

NOTICE FOR PUBLICATION

Notice is hereby given that at 10 a.m. on the 30th day of September 1933, at Preston, County of Franklin, State of Idaho, before J. N. Larsen, Notary Public, proof will be submitted of the completion of works for the diversion of 10 cubic feet per second of the waters of Battle Creek in accordance with the terms and conditions of a certain permit heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Oscar M. Seamons.

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

3. The number of such Permit is 17364, and the date set for the completion of such work is August 30, 1934.

4. Said water is to be used for Irrigation 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 10 cubic feet per second.

6. The amount of lands for which said water is available is 500 acres, particularly described as follows: E $\frac{1}{2}$ N $\frac{1}{2}$ E $\frac{1}{4}$ and E $\frac{1}{2}$ S $\frac{1}{2}$ E $\frac{1}{4}$ of Sec. 8; NW $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 9, all in Twp. 15 S., Range 39 E. B. M.

R. W. FARIS,

Commissioner of Reclamation
s6 s13 2t.

RECEIVED

AUG 15 1933

DEPARTMENT OF RECLAMATION
AFFIDAVIT OF PUBLICATION

1. Made Larsen

Foreman

(Publisher or Foreman)

of the Franklin County Citizen, a newspaper published weekly at Preston, Idaho, do solemnly swear that the notice as per clipping attached was published in the regular and entire issue of said newspaper, and not in any supplement thereof, for

10 consecutive weeks, commencing with the issue dated

Sept. 6, 1933
and ending with the issue dated

Sept 13, 1933

Made Larsen

(Publisher) (Foreman)

Subscribed and sworn to before me this 13 day of

Aug. A. D. 1933

P. M. Bondie

Notary Public, Preston, Idaho

17364

December 2, 1935

Re: Permit No. 17364

MR. OSCAR M. SEAMONS
Preston,
Idaho

Dear Sir:

Reference is made to your letter of November 23rd.

As you know, your certificate of completion of works has been held up for a matter of a couple of years. This delay has been caused entirely by the publication which was made in connection with proof of completion of works. In the first place the affidavit was not furnished this office until August 15, 1935. Upon its receipt we discovered that the publication had not been run four times, as is required by law, but had only been published in two issues of the newspaper. As quickly as we noticed the error we wrote to the foreman of the Franklin County Citizen, Mr. Mada Larsen, requesting to be advised why the notice had not been published the required number of times, in accordance with our instructions. He replied under date of August 19th and we are enclosing herewith a copy of his letter. We are inclined to agree with Mr. Larsen that had you paid for the cost of the publication at a reasonable time, the error would have been discovered and the notice could have been re-run at no extra cost to you. However, you apparently refused to pay for the publication until shortly before the date when it was received in this office and at that time it was too late to republish.

I have discussed this matter with the commissioner and while this office cannot, in any sense, approve the procedure relating to the publication of the notice, it is his opinion that if the matter were ever taken into court, it would probably hold that ample notice had been given. At any rate, if the right is ever questioned because of this fact, it will likely have to be taken into court to be settled.

We shall issue your certificate of completion of works immediately and you may expect to receive it within the next four or five days, together with our office receipt in the amount of \$5.00, which you submitted last March.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLR/r8

17364

December 11, 1935

Re: Permit No. 17364

MR. OSCAR M. SEAMONS
Preston, Idaho
R. F. D. # 2

Dear Sir:

We are enclosing herewith Certificate of Completion of Works, issued under the above numbered permit, together with our office receipt in the amount of \$5.00, which was the fee due in connection therewith.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

G
Encl.

17364

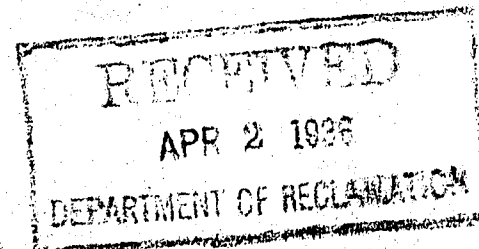
BEN B. JOHNSON

LAW OFFICES

GREAVES BUILDING

PRESTON, IDAHO

April 1, 1936



Mr. Paul T. Henry
Department of Reclamation
State of Idaho
Boise, Idaho

Dear Mr. Henry:

Will you please advise me if O. M. Seamons Permit No. 9454 has had the proof of completion of works filed and if it is completed in every detail. Will you also advise me of the number of second feet of water that the permit covers and the property on which this filing is submitted.

At the same time will you please advise me if Oscar H. Seamons Permit No. 17364 is properly completed and if all the necessary affidavits and proof are made. Also the number of second feet that the permit and filing calls for.

Paul, if it isn't too much trouble would you please advise me of any other filings which have been made by O. M. Seamons or Oscar H. Seamons that are completed or otherwise, and the dates of those filings and the number of second feet and the property involved. This may be a big order in itself to ask for this information but maybe you can answer an old school friend's request.

Paul, if you are ever down this way, I would be glad to have you call at my office. I have been practising law since the first of the year. I think the last time I saw you in Boise I was working for the Federal Land Bank.

With every good wish for your continued success,

Sincerely your friend,

Ben B. Johnson
Ben B. Johnson

BBJ:DJ

17364

April 8, 1936

Re: Permits Nos. 9153 & 17364

MR. BEN B. JOHNSON, Lawyer
Preston,
Idaho

Dear Mr. Johnson:

My reply to your letter of April 1st has been delayed, due to the fact that I had to await the return of the Field Engineer in order to check up with him on the examination required in connection with final proof under Permit No. 17364.

An examination of the records shows the following:

Permit No. 9404, issued to Mr. C. E. Seamons, claimed 1 second foot of water from springs in Section 9, T. 15 S., R. 39 E. This permit was cancelled on November 5, 1927, because of the failure of the holder to submit his proof of completion of works.

Permit No. 9153, claiming 3 second feet of water from Battle Creek, was also issued to Mr. Seamons. This permit was properly completed a number of years ago and a license issued for 2.64 second feet, which was made appurtenant to a total of 132 acres of the following described lands: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 8; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, T. 15 S., R. 39 E., B. M.

Permit No. 17364 claims 10 second feet of water from Battle Creek for the following described lands: E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 8, NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec. 9, T. 15 S., R. 39 E., B. M. Proof of completion of works was offered under this permit and after a field examination had been made a certificate of completion of works was issued to Mr. Seamons for the amount of water claimed. Final proof has also been offered and the examination has been made but to date the field engineer's report has not been filed. However, upon contacting him yesterday, I found that the examination had been made and that the report would be filed immediately. As quickly as I receive it, Mr. Seamons will be notified as to fees due, in connection with the proof, prior to the issuance of his license.

There has been considerable trouble over this permit and it all started with the fact that publication, in connection with proof of completion of works, was not properly made. In other words, the newspaper should have published the notice in four weekly issues and instead of following out our instructions to that effect, they published it only twice. To further complicate the matter, Mr. Seamons did not pay for the publication for considerably more than a year after it was completed and thus we were unable to obtain an affidavit from the paper. When we finally did receive this instrument we determined what had happened and after writing a number of letters, attempting to find out why the error occurred,

17364

2, Mr. Ben B. Johnson, Preston, Idaho

4-8-36

we decided to pass the matter and issue the certificate of completion of works with the understanding that if it were ever questioned, it would be up to Mr. Seamons to protect his right.

I merely mention this to you at the present time so that you will be fully informed as to the reason for the delay in connection with Permit No. 17364, since, no doubt, Mr. Seamons has told you something of the mix up.

If there is any other information you desire, in connection with any of these permits, I shall be only too glad to attempt to furnish it, furthermore Ben, if you should get to Boise, don't fail to call and see me.

With my kindest regards, I am

Very sincerely yours,

Chief Clerk & Office Engr.

PLH/rg

17364

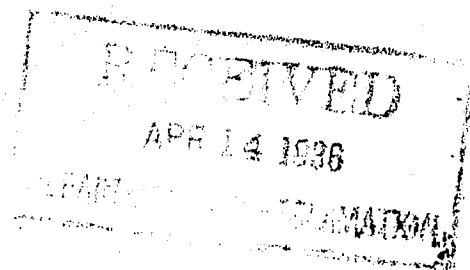
BEN B. JOHNSON

LAW OFFICES

GREAVES BUILDING

PRESTON, IDAHO

April 13, 1936



Mr. Paul L. Henry
Chief Clerk and Office Engineer
Department of Reclamation
State of Idaho
Boise, Idaho

Dear Mr. Henry:

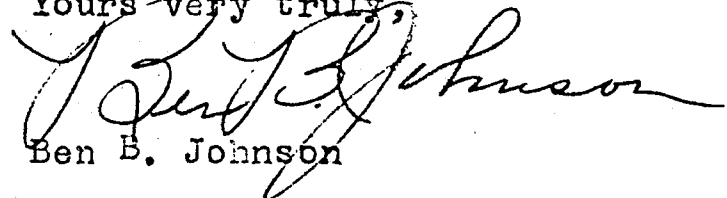
Let me thank you for your letter of April 8th relative to the O. M. Seamon's water permits. I appreciate the completeness of your report to me.

Would it be possible to have the newspaper publish "Proof of Completion of Works" at this time so as to satisfy permit No. 17364 more fully and thereby get an absolute license for the water claimed by this permit. If this can be done, the newspaper said that in view of the fact that it was their fault primarily that they would publish this again or sufficient times to make up the necessary publication. However, if the newspaper will publish this four times in succession as called for by the statute, will this suffice if done at this time.

What would be necessary to complete permit No. 9454, which I understand was cancelled on November 5, 1927 because of the failure of the holder to submit his Proof of Completion of Works. The owner, O. M. Seamons, has used the water in a beneficial way, having used it for irrigation and culinary use for approximately twenty years. Will you advise me what can be done to reinstate this permit and if it can't be reinstated, will you give me your suggestions in keeping this. Is it sufficient to rely on the mere appropriation without going through the necessary steps to get a license and filing on the water.

I may say that O. M. Seamons died in December of 1935 and that his matters are being checked up by his administrator and, therefore, we would like the above information so that his administrator can complete the necessary steps to make the water rights absolutely sure and permanent.

Yours very truly,


Ben B. Johnson

BBJ:DJ

17364

April 17, 1936

Re: Permit No. 17364

MR. BEN B. JOHNSON, Attorney
Preston,
Idaho

Dear Mr. Johnson:

I have your letter of April 13th with further reference to the above permit and proper steps for the completion of the right.

The statutory time is long past due when anything further can be offered in connection with proof of completion of works. Therefore, a new publication could not be run in connection with this proof. Nevertheless, I believe you have very little to fear in this connection, since at the time when final proof was offered the publication was run the required number of times and had anyone any objections to the granting of a license, under this permit, certainly protests would have been filed at that time. Furthermore, we now have the field engineer's report submitted in connection with final proof and he gives Mr. Seamons credit for having made beneficial use of the water from Battle Creek on a total of 185 acres of land, under this right, and upon receipt of a statutory fee in the amount of \$14.00 we shall issue a license for 3.7 second feet, which will be the final certificate from the state. This fee is calculated at the rate of \$2.00 for each 40 acre subdivision, or portion thereof, that is being irrigated with the water in question.

Even though what you say is true, with respect to Permit No. 9454, that is that Mr. Seamons has applied the water claimed thereunder to beneficial use for approximately 20 years, there is nothing in the statutes which will permit us to revive this right, nor do we believe that a new filing would be of any value at this time, since the priority could only date from the date of first receipt of the application in this office.

It appears to me that the heirs of Mr. Seamons should have little difficulty in obtaining a court decree to the waters that were formerly claimed under Permit No. 9454 upon a prescriptive basis, which means nothing more nor less than continuous usage over a number of years. In the event that you do initiate an action to obtain a decree for that water, I believe it would be well to also obtain a decree for Permit No. 17364, since as you probably know a court decree takes precedence over a license issued by the state, although the license could be introduced as evidence to obtain the decree. The only bad feature in going into court to have these rights adjudicated is that you would also bring any other users on the stream in as defendants and in this way perhaps entail con-

17364

2. Mr. Ben B. Johnson, Preston

4-17-36

siderable expense, which possibly could be forestalled until some future date.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

17364

BEN B. JOHNSON

LAW OFFICES

GREAVES BUILDING

PRESTON, IDAHO

April 20, 1936

Mr. Paul T. Henry
Dept. of Reclamation
State of Idaho
Boise, Idaho

Dear Mr. Henry:

I have your letter of April 17th in regard to O. M. Seamons' permit No. 17364. Is the \$14.00 which you refer to in your letter necessary to pay for the license on the ten second feet which I understand is applied for under permit No. 17364. Under what permit No. is the 3.7 second feet of water approved on? I understand that under permit No. 17364 they applied for ten second feet of water. Was only 3.7 second feet approved under permit No. 17364?

I notice from the Certificate of Completion of Works under permit No. 17364 dated December 4, 1935, it authorizes the diversion of ten second feet from Battle Creek. Along with your letter of December 11, 1935 you enclosed a Certificate of Completion of Works and your office receipt in the amount of \$5.00, which was referred to as the fee in connection therewith. Is the \$14.00 additional to the \$5.00 and if so, is this for the final license?

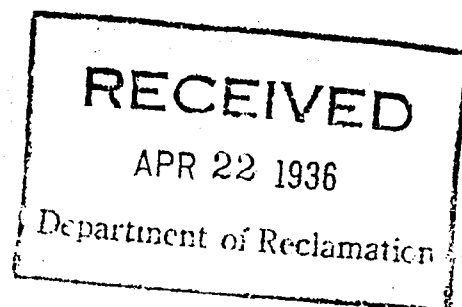
Will you please answer me these questions.

Yours very truly,

Ben B. Johnson
Ben B. Johnson

BBJ:DJ

17364



May 7, 1936

Re: Permit No. 17364
O. M. Seamons

MR. BEN B. JOHNSON, Attorney
Preston,
Idaho

Dear Mr. Johnson:

Reference is made to your letter of April 22nd.

I am sorry for the delay in our answering this letter but it was lost temporarily with a number of other papers.

It is true that Permit No. 17364 was issued for 10 second feet of water from Battle Creek. Mr. Seamons also offered proof of completion of works on this quantity and in due time was issued a certificate for the 10 second feet. At a later date he offered his proof of application of water to beneficial use and our field engineer made an examination with respect to such usage. We did not receive his report until a short time ago, consequently, it was not until I wrote to you on April 17th, that we were in a position to determine the fee due in connection with final proof. This fee is \$14.00 and is due solely in connection with final proof. It has nothing whatsoever to do with any fee paid previously and is calculated at the rate of \$2.00 for each subdivision, or fraction thereof, that is being irrigated. Mr. Seamons was given credit by the field engineer for having used this water on a total of 185 acres of land in 7 different subdivisions. Please refer to Sec. 41-215, Idaho Code Annotated. The reason that the quantity must be limited to 3.7 second feet is due to the fact that any license must be limited to one miners inch for each acre of land that is being irrigated, regardless of the quantity for which the permit was issued. This is consistent with the procedure all the way through, however, since at the time when Mr. Seamons filed his application for a permit, he showed a land list of 500 acres. Had he put the water on all of that land he would then have received a license for the total amount, but since he failed to apply it to more than 185 acres he is entitled to a license for only 185 inches or its equivalent which is 3.7 second feet.

The license is the final certificate from the state.

17364
Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Chief Clerk & Office Engr.

PLH/rg

BEN B. JOHNSON
LAW OFFICES
GREAVES BUILDING
PRESTON, IDAHO

May 20, 1936

Mr. Paul T. Henry
Dept. of Reclamation
State Capitol Bldg.
Boise, Idaho

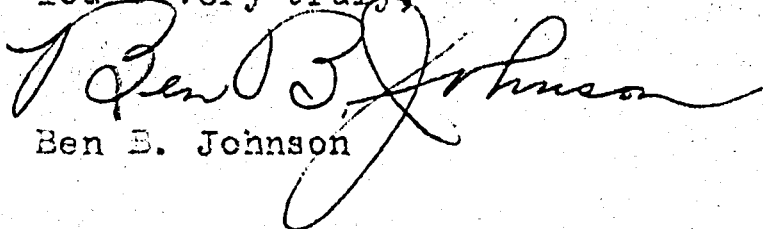
Dear Mr. Henry:

Re: Permit No. 17364
O. M. Seamons

Enclosed is \$14.00 for final certificate as per your letter
of April 17th in regard to permit No. 17364.

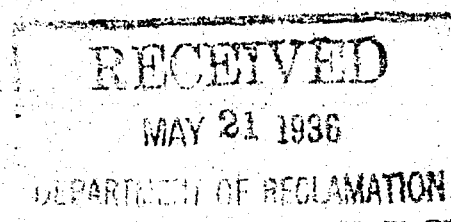
Please send receipt of same and license and final certifi-
cate to me.

Yours very truly,


Ben B. Johnson

BBJ:DJ
Enc.

17364



May 26, 1936

Re: Water License No. 17364
Oscar M. Seamons

MR. BEN B. JOHNSON
Attorney at Law
Preston, Idaho

Dear Mr. Johnson:

We are enclosing herewith Water License No.
17364 for 3.7 second feet of the waters of Battle Creek
in Franklin County, together with office receipt in the
amount of \$14.00. These are being sent to you in accord-
ance with your request.

Very truly yours,

Chief Clerk & Office Engr.

T

Encls. 2

17364

STATE OF IDAHO
LICENSE AND CERTIFICATE OF WATER RIGHT

Water License No. 17364

Amount 3.7 sec. ft.

Water District No.....

Priority August 27, 1930

THIS IS TO CERTIFY that OSCAR M. SEAMONS, of Preston, R. F. D. # 2, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 27, 1930; that Permit No. 17364 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 10.0 second feet, was issued thereunder on December 4, 1935, showing that said works were completed on the 30th day of September, 1935; and that on the 30th day of August, 1934,

OSCAR M. SEAMONS

of Preston, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Battle Creek, a tributary of Bear River, for the purpose of irrigation, under Use Permit No. 17364 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 3843, on the 23rd day of May, 1936;

The right hereby confirmed dates from August 27, 1930;

The point of diversion is located in the SW $\frac{1}{2}$ SW $\frac{1}{2}$, Sec. 4, Tp. 15 S., R. 39 E., B.M. Franklin 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 3.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres	
				Described in Permit	Actually Irrigated
15 S.	39 E.	8	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	30
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	25
			SE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
		9	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	30
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	40	20
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	10

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 23d day of May, 1936.

(SEAL)

R. W. FARIS
Commissioner of Reclamation

17364

LAW OFFICES

GEE, HARGRAVES & MUIR
FIRST SECURITY BANK BUILDING
PRESTON, IDAHO

RECEIVED
MAY 8 1958
Department of Reclamation

6 May, 1958

17364

Mark R. Kulp
State Reclamation Engineer
Statehouse
Boise, Idaho

Dear Mr. Kulp:

Would you please send me information on whether a Mr. Oscar Seamons ever made any filing through your office on water in Section 9, Township 15 South, Range 39 EEM, County of Franklin, Idaho?

If either a permit to appropriate, or a water license was issued to Mr. Seamons would you send me the pertinent data on same?

From information I have, such filing, if made, probably was on water from an unnamed spring rising in said Section 9 and used to water lands in said section.

Very truly yours,

GEE, HARGRAVES & MUIR

Dana Muir
Dana Muir

DM:mm

P-9454 - cancelled

17364

May 8, 1958

Re: Permit No. 9454
Permit No. 17364

Gee, Fargraves & Muir
Attorneys At Law
First Security Bank Building
Preston, Idaho

Attention: Mr. Dana Muir

Dear Mr. Muir:

Permit No. 9454 was issued to C. M. Seamons on June 7, 1913 for 1.0 cubic feet per second from unnamed springs in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 15 South, Range 39 East, E. M., to be used on the SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 9, Township 15 South, Range 39 East, E. M.

Mr. Seamons never made proofs and the permit was cancelled on November 5, 1927.

Permit No. 17364 and License 9153 were issued to Oscar M. Seamons but they were from a different source and with point of diversion in a different section.

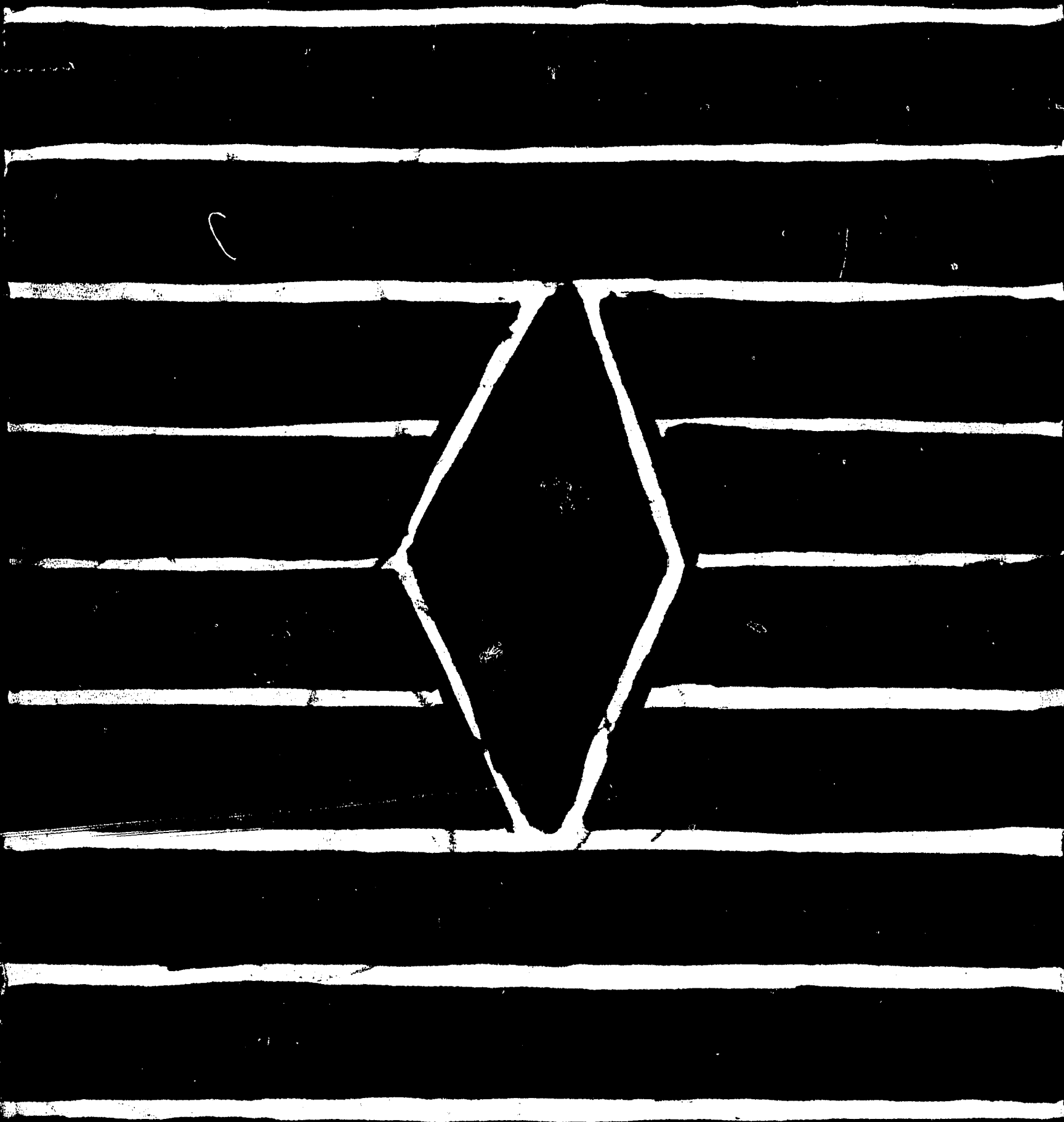
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. H. Humphrey
Deputy
State Reclamation Engineer

17364
BNH:lw

see letter in file #9454



State of Idaho
License and Certificate of Water Right

Water License No. 17364
Water District No.

Amount 3.7 Sec. Ft.
Priority August 27, 1930

THIS IS TO CERTIFY that OSCAR M. SEAMONS
of Preston, R. F. D. #2, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 27, 1930; that Permit No. 17364
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
10.0 second feet, was issued thereunder on December 4, 1935, showing that said works
were completed on the 30th day of September, 1933; and that on the 30th
day of August, 1934,

OSCAR M. SEAMONS
of Preston, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of
Battle Creek, a tributary of Bear River, for the purpose of irrigation
, under Use Permit No. 17364 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 3843, on the 23d day of May, 1936;
The right hereby confirmed dates from August 27, 1930;

The Point of Diversion is located
in the SW 1/4 SW 1/4, Sec. 4, Tp. 15 S, R. 39 E, B. M. Franklin 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 3.7
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S	39 E	8	NE 1/4 - NE 1/4	40	30
			SE 1/4 - NE 1/4	40	40
			NE 1/4 - SE 1/4	40	25
			SE 1/4 - SE 1/4	40	40
		9	SW 1/4 - NW 1/4	40	20
			NW 1/4 - SW 1/4	40	20
			SW 1/4 - SW 1/4	40	10
					78 5

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 23d day of May, 1936

R. W. FARIS
Commissioner of Reclamation

(SEAL)

