

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

Address all communications to:
GEORGE E. BURGI,
147 N. 1st West St., Preston, Idaho

Application No. 26872
Permit No. 19377
District No.

1. Name of Applicant: WILLIAM E. FELLOWS AND ORIN V. FELLOWS

Postoffice address: Preston

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: Partners - Father and Son

II. The financial resources of the applicant are:

- (a) Cash on hand: Private individuals
- (b) Treasury stock
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: ~~Varies from 1 to 2~~ second feet (solid) feet per second.

3. Source of water supply: County and City Drain which is a tributary of Finally empties into Bear River

4. Location of point of diversion: 120 rods No. 80 rods West and 20 rods N. Westerly / feet distant from the Southeast corner of Section 16, T. 15 So., R. 39 E., B. M., and is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T. 15 So., R. 39 E., B. M., County of Franklin, Idaho

5. Water is to be used for: Irrigation of 95 acres land

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: \$ 950.00

8. Kind of works: Dam ditch and Drain

9. Height of dam 15 feet; length of dam at top 75 feet; length of dam at bottom 10
It is a wash and is already filled in with earth
feet; material used in dam: earth

10. Size of headgate: Width 2 $\frac{1}{2}$ feet; height 2 $\frac{1}{2}$ feet.
With waste gate flume 60 feet long.

11. Ditch: Width at bottom One feet; width at water line 2 foot feet; depth of water Varies 1 ft to 2 ft.
feet; dimensions of flume: 2 feet wide 1 $\frac{1}{2}$ feet high
Diameter of pipe 12 inches; length of ~~conduit~~ ditch 790 rods (Ditch) miles.
Average grade per mile Ditch 1 inch feet.

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

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

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

15. (a) Is reservoir to be used? none 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.

WILLIAM E. FELLOWS /s/ Applicant.

Orin V. FELLOWS /s/ Applicant ~~Agent~~

Date of first receipt at Department of Reclamation: November 13, 1942
at 9:00 A. M.

GEO. E. BURCI, Preston, Idaho /s/
Agent

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 19377
Recorded in Book 70 Page 19377 Approved November 13, 1942.

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 Completed 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

The whole of said work to be completed on or before January 13, 1943.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 13, 1943.

Witness my hand this 13 day of November, 1942.

E. V. BERG /s/
Commissioner of Reclamation.

Remarks: We began this work in 1913 building about 350 rods of ditch and the dam, and in 1914 we completed 150 additional rods of ditch. In 1938 we completed 200 rods of additional laterals and leveled the land about 30 acres, and in 1939 we completed another 100 rods of ditch and leveled 10 acres additional lands to make it susceptible to irrigation. In 1940 we finished the additional 90 rods of ditch and leveled the land at a cost of \$950. We also completed some levees in 1939 at a cost of about \$200 in labor.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	39	16									40	20	20	10					90

IN WITNESS WHEREOF, We, CHASE A. CLARK, Governor of the State of Idaho, and GEORGE H. CURTIS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 13 day of November, 1942.

Countersigned:

BY: GEORGE H. CURTIS /s/
Secretary of State.

STATE OF IDAHO

BY: CHASE A. CLARK /s/
Governor.

PERMIT NO. 19377 CERTIFICATE OF COMPLETION OF WORKS.

TO ALL WHOM IT MAY CONCERN:

This is to certify that William E. Fellows and Orin V. Fellows of Preston, County of Franklin and State of Idaho, the holders of Permit No. 19377, issued upon application No. 26872 bearing date of priority of November 13, 1942 authorizing the diversion of 2.0 second feet of the WATERS OF County and City Drain, 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 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 Two second feet of the waters of County and City Drain, that the point of diversion of said waters 120 rods North, 80 rods West and 20 rods North Westerly from the Southeast corner of Section 16, Twp. 15.S. Rge. 39.E. B.M. and is in the NW 1/4 Section 16, Twp. 15.S. Rge. 39.E. B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to wit: NE 1/4 SW 1/4, NW 1/4 SW 1/4, SW 1/4 SW 1/4 AND SE 1/4 SW 1/4 Section 16, Twp. 15.S. Rge 39.E. B.M. Witness my hand this 31, day of December 1942

Completion of Works proof made December 8, 1942
Certificate of completion of Works issued December 31, 1942

E.V. Berg /s/
Commissioner of Reclamation

APPROVAL OF COMMISSIONER OF RECLAMATION

I, James Spofford, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of completion of works under Permit to appropriate the Public waters of the State of Idaho, No. 19377, to January 23, 1943. Witness my hand this 13th day of January, 1943.

(sd.) JAMES SPOFFORD
Commissioner of Reclamation

PERMIT ISSUED FOR 2 SEC. FT.

P. 4198

U. S. COMMISSIONER
GEORGE E. BURGI

147 North 1st West St.
PRESTON, IDAHO

10/31/42.

Department Of Reclamation,
Boise, Idaho.

Dear Sirs;

Enclosed application for permit to appropriate the
public waters of the State of Idaho., for Mr. Wm E. and Corri
V. Fellows of Preston, Idaho.

Would you please return to me for correction.

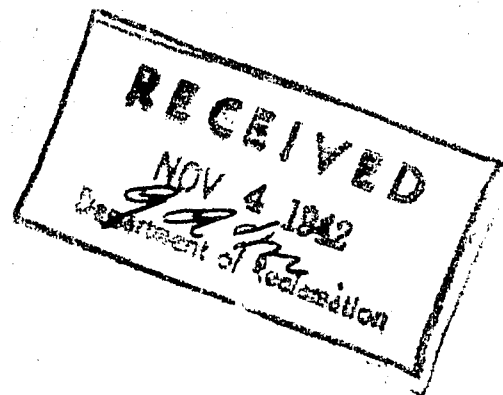
Enclosed also fee check for \$5.00/.

Yours very truly.



George E. Burgi.

Preston, Idaho.



19377

November 5, 1942

Mr. George E. Burgi
U.S. Commissioner,
147 No. 1st West Street,
Preston, Idaho.

Dear Mr. Burgi:-

We are in receipt of your letter of October 31, enclosing Application for Permit to appropriate the Public Waters of the State of Idaho, in the name of Fellows & Fellows as applicants.

This application is in due form except for the answer given under question No. 2, where you state the quantity of water claimed varies from $\frac{1}{2}$ to two second feet. The amount of water filed on under this question must show the exact amount of water that the applicant wishes to file on instead of an indefinite amount. According to the amount of fee enclosed with the application we would assume that that the amount of filing would be one second foot, however for 95 acres of land to be irrigated at one inch per acre you would be allowed to prove up on nearly two second feet based on one inch per acre, which amount would cover the approximate maximum flow of the drain.

Please let us know the correct amount of water to be filed on and if the amount is over one second foot it will be necessary to remit more filing fees. Fees are based on \$5.00 for the first second foot and 25¢ additional for each second foot or fraction thereof.

Very truly yours,

E.V. Berg
Commissioner of Reclamation.

HWT.

By, Roy W. Thompson
Deputy Commissioner.

19377

U. S. COMMISSIONER
GEORGE E. BURGI

147 North 1st West St.
PRESTON, IDAHO

RECEIVED
NOV 13 1942
Department of Reclamation

Department of Reclamation,
Roy W. Thompson, Deputy Comm.
Boise, Idaho.

November, 10, 1942.

Dear Sir;

Receipt of your letter of Nov. 5th is
acknowledged and inquiry of the Mr. Fellows indicated that
they desire to file on the maxium flow of the drain or
two second feet or fraction thereof to irrigate 95 acres.

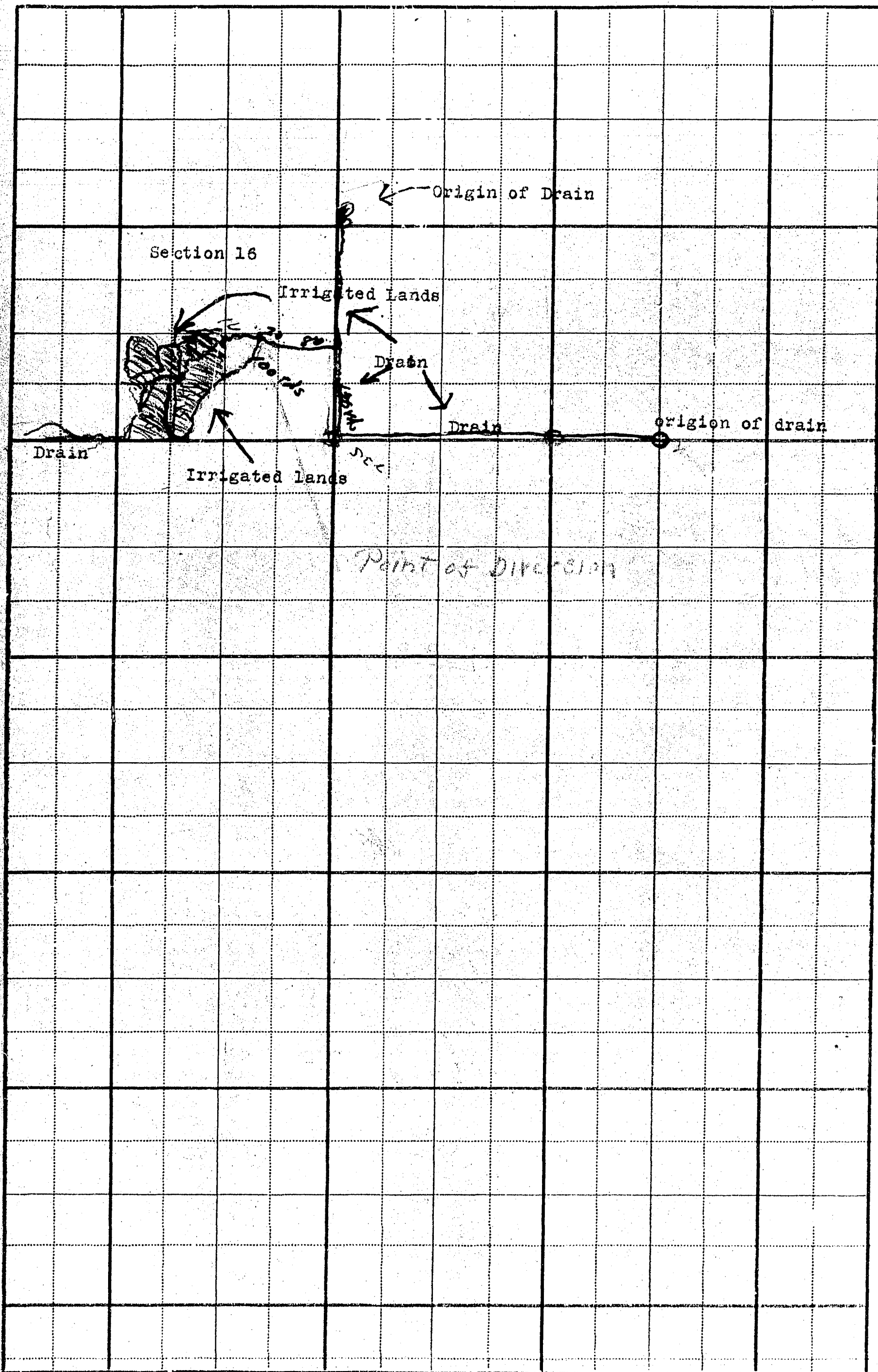
There is accordingly enclosed an additional
25 cents in coin to cover the filing fee.
Would you please now advise of our next step to be taken?

Very truly,

Geo. E. Burgi

Geo. E. Burgi Agent for Fellows and
Fellows.

19377



TO: GEO. E. BURGI

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 19377

Date NOVEMBER 23, 1942

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 fourth page.

P. S. Our Receipt
No. 18972 is also
enclosed herewith
covering \$5.25.

RMF

E. V. BERG
Commissioner of Reclamation.

BY: _____
DEPUTY COMMISSIONER

19377

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE.

November 24, 1942

William E & Orin V. Fellows
c/o George E. Burgi
Preston, Idaho.

Dear Sir:

Under the terms of your permit No. 19377 you are required to complete your diversion works and make proof of Beneficial Use on or before January 18, 1943.

I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of Completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

I also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is January 18, 1943, 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,

E.V. Berg

Commissioner of Reclamation.

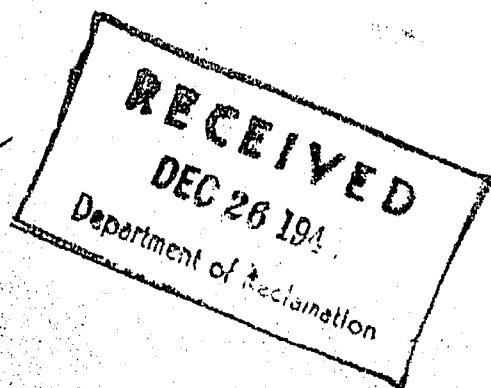
By Deputy Commissioner

19377

U. S. COMMISSIONER
GEORGE E. BURGI

147 North 1st West St.
PRESTON, IDAHO

12-19-42



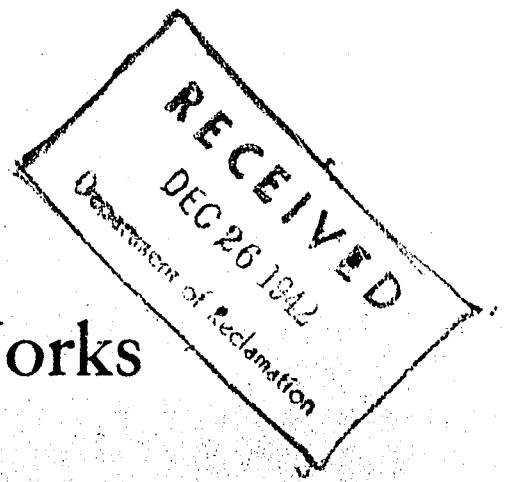
Dept. of Reclamation,
Bureau of Reclamation
Dear Sirs:

Enclosed Notice of application
of water to Bureau of Reclamation, Publicity
Bureau and Proj of completion of work.
Would you please to the necessary
and advise? also \$5.00 fee.
Yours very truly
Geo. E. Burgi

Permit No. 19377STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER



STATE OF IDAHO

County of Franklin

} ss.

Orin V. Fellows, and
William E. Fellows

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

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 19377, and that his postoffice address is Preston, Idaho
State of Idaho

Second: That the name of the stream from which said water is to be directed is
Drain County and City Drain

Third: That the point of diversion of said water is 120 rds. North and 80 rds. West
and also 20 rds. N. Westerly from the SE corner of Section 16 Tp. 15 So.
Range 39 East Boise Base and Meridian.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Jan. 18, 1943, 19.....

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

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

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

II. Dimensions of work:

(a) Height of dam 15 feet, length of dam at top 75 feet, length of dam at bottom 10 feet. Material used in construction earth

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 2 1/2 feet, height 2 1/2 feet.

(d) Conduit width at bottom one feet, width at water line 2 feet
(State whether ditch, flume or pipe.) varies
feet, depth of water 1-2 feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is 790 rods ditch feet.

Seventh: That said works are capable of conducting to the place of intended use 2 second feet of water.

Eighth: That water appropriated under said permit is available for 95 acres of land described as follows: all in NE 1/4, NW 1/4, SW 1/4, SE 1/4 Section 16 Tp. 15 So. R. 39 East Boise Mer.

Ninth: Remarks: That.....

Orin V. Fellows
William E. Fellows
(Sign here)

Subscribed and sworn to before me this 8 day of December, 1942

My commission expires.....

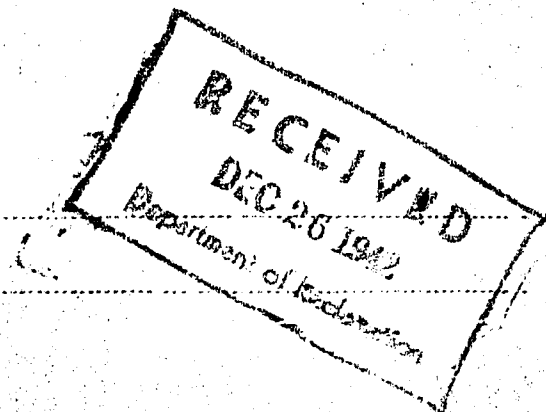
G. E. Dwyer
United States Commissioner, Notary Public.

19377

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Dec 8, 1942

(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 Co. Citizen of Preston, Idaho, published in the county in which the works are situated.

Erin V. Fellows
William C. Fellows

(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.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date:

December 28, 1942

Franklin County Citizen,
Preston Idaho.

Gentlemen:-

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **January 28, 1943** the date set for proof, the expense of the publication to be paid by the applicant, **William E. and Orin V. Fellows, Preston Idaho.** to whom you should furnish proof of publication on or prior to date for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,
E.V. Berg

Commissioner of Reclamation

By **FOR W. THOMAS**
Deputy Commissioner,

19377

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

Notice is hereby given that at... **10** ...A. M. on the... **28,** ...day of... **January** ...19 **23**...
 at... **Preston** ...County of... **Franklin** ...State of Idaho, before
 • **George E. Berg** • **United States Commissioner**, ...proof will be submitted of the
 application to beneficial use of... **2.0** ...cubic feet per second of the waters of **Preston City**
and County Drain ...in accordance with the terms and conditions of Permit No. **19377**...
 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.....

..... **William E. and Ora V. Fellows of Preston Idaho**.....

The use to which said water has been applied is **Irrigation**

The amount applied to beneficial use is ... **Two Cubic feet per second**.....

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) **SW Section 16, Twp. 15, S. Rge. 30, E. B.M.**

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

The right to take water from such works is based upon Permit No. ... **19377**

The source of supply from which such water is diverted is **Preston City and County Drain**.....

The date of priority which said user is prepared to establish is **November 13, 1942**.....

..... **E. V. Berg**

Commissioner of Reclamation.

19377

December 28, 1942

Re: Permit No. 19377
Wm. E. and Orin V. Tallons,

Mr. George A. Burgi,
U.S. Commissioner,
Preston, Idaho.

Dear Mr. Burgi:-

This will acknowledge receipt of notice in duplicate for publication in connection with proof of Beneficial Use, and also your authorization to have the notice published in the Franklin County Citizen of Preston Idaho, all in connection with permit 19377.

A copy of the notice has been sent to the newspaper with instructions to publish it once a week for four consecutive weeks prior to January 28, 1943, the date set for proof.

It was necessary to extend the date set for proof, in order to have ample time for the four weekly publications in the newspaper, therefore the date was changed from your original notice. In order to maintain your priority date, which is the filing date of the application for permit, it will be necessary to fill out the enclosed affidavit, application for Extension of Time for Beneficial Use. This application should be filled out and returned to this office prior to the proof date, otherwise priority date will have to be advanced the length of time that the proof is late.

About ten days prior to the date set for proof, which is January 28, deposition blanks, consisting of one for the holder and one each of two witnesses, will be sent you so that you will have them in ample time for the proof.

On the date designated the holders of said permit should appear at your 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,

E.V. Berg
Commissioner of Reclamation.

RFT.

By Roy W. Thompson
Deputy Commissioner.

19377

December 31, 1942

Re - Permit No. 19377
Wm. E. & Orin V. Fellows,

Mr. Geo. E. Burgi
U.S. Commissioner,
Preston, Idaho.

Dear Mr. Burgi:-

We are enclosing herewith Certificate of Completion
of Works issued on the above numbered permit to
appropriate 2.0 second feet of water from the County
and City Drain in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, Twp. 15.S.
Rge. 39.E.B.M. Franklin County, for irrigation purposes.

The Department's Receipt No. 18995 covering the \$5.00
fee for Completion of Works is also enclosed.

Very truly yours,

E.V. Berg
Commissioner of Reclamation.

RWT.

By Roy W. Thompson
Deputy Commissioner.

19377

RECEIVED

JAN 12 1943

Department of Reclamation

STATE OF IDAHO
Department of Reclamation

Permit No. 19377

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO

County of Franklin

ss

Orin V. and William E. Fellows, of Preston, Idaho

State of Idaho, being first duly sworn, upon ^{their} oath deposes and says:

~~we are~~ That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 19377

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by Jan. 18, 1943, 19

That he has heretofore put to beneficial use two second feet of water and has irrigated 90 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit: To have ample time to publish four consecutive weekly issues in Franklin Co. Citizen

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making of proof of beneficial use under said permit to Jan. 28, 1943, 19

Orin V. Fellows
Subscribed and sworn to before me this

9 day of

Jan 1943

Gen. E. D. ...
United States Commissioner of Reclamation

~~My commission expires~~

Date of receipt at office of Department of Reclamation

APPROVAL OF COMMISSIONER OF RECLAMATION.

I, James Spofford, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to appropriate the Public Waters of the State of Idaho, No. 19377, to January 28, 1943, 19

Witness my hand this 13th day of January, 1943.

James Spofford
Commissioner of Reclamation.

19377

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, January 18, 1943

Re: Permit No. 19377
Wm. L. & Orin V. Fellows

Mr. Geo. L. Burgi
U. S. Commissioner
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. 19377

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 January 28, 1943, 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 George L. Burgi, U.S. Commissioner

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,

JAMES SPOTFORD
Commissioner of Reclamation.

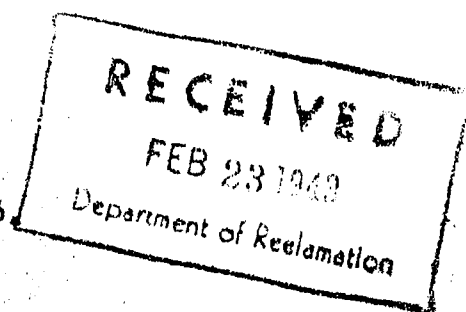
Enclosed find Approval of the Commissioner of Reclamation for extension of time for making proof of beneficial use until January 28, 1943. This should be attached to the original permit.

19377

U. S. COMMISSIONER
GEORGE E. BURGI

147 North 1st West St.
PRESTON, IDAHO

January 28, 1943.



Department of Reclamation,
Boise, Idaho.

Dear Sirs;

Enclosed Deposition of permit holders permit
#19377 William E. and Orin V. Fellows, also two witnesses'
Depositions of James P. Rasmussen and H.A. Hollingsworth and
affidavit of publication of the Franklin Co. Citizen.

Trusting these have been properly completed.

Awaiting your further advise,

Yours very truly.

A handwritten signature in cursive script that reads "Geo. E. Burgi".

Geo. E. Burgi.

Letter postmarked Preston Jan. 28
Red Boise PO - " 30
Delivered Feb. 22

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19377

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. William E. and Orin V. Fellows
Preston, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Selves Our Selves

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

Ans. #19377 dated Nov. 13, 1942 Date of priority is May 1st, 1913

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

Ans. City and County Drain Pt. of Diversion is 120 rods north, 80 rods west, and 20 rods North Westerly from the Southeast Corner of Section 16, Tp. 15 So. Range 39 East B.M. and is in Section 16, Tp. 15 So. Rge 39 E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Earthen Dam and ditch and levees they are capable of conveying at least two to three second feet of water. This is our private ditch.

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 of SW $\frac{1}{4}$ Section 16, Tp. 15 So. R. 39 E.B.M. NE $\frac{1}{4}$ & NW $\frac{1}{4}$; SE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 16 Tp. 15 So. R. 39 E.B.M. number irrigated in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 40 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$, 25 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$, 10 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 acres. there are 10 acres of meadow land that need water in the dry/Season This is

Cultivated, and there is 85 acres that are cultivated Two homes, ditch & fences, levees and cultivated lands 95 acres.

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

Ans. none

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

Ans. ~~Two Second Feet~~ AT least two second feet

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. Selves

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

Ans. In May 1st, 1913 we first used this water, ^{Second} two/feet, for ~~irrigation~~ Irrigation. We have graduly built our ditches and levies and leveled the land and made it useful and susceptible to irrigation for the 95 acres.

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. We have \$200 or 16 ahares in the Preston Whitney Irrigation Co. \$450. or 36 shares in Preston Riverdale and Minkcreek Irrigation Co. which we have purchased from these companies to use after high water ~~which we have purchased from these companies to use after high water~~ All of this water is needed to Irrigate the above acreage. This is gravelly land and needs much water.

(Sign) *Orin V. Fellows*

William E. Fellows

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe ~~that~~ 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 28 day of January, A. D. 19 43.

Geo E. Bueger

United States Commissioner

My commission expires

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19377

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. H. A. Hollingsworth Age 69 Preston, Idaho
Farmer

Ques. 2. Are you acquainted with William E. and Orin V. Fellows, the holder of Permit No. 19377? How long have you known him and where does he reside?

Ans. Yes I have known them 35 years. Reside at Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. 19377, 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. County and City Drain. 120 rds North, 80 Rds West, and 20 Rds North Westerly from the SouthEast Corner of Section 16 Tp. 15 So. Range 39 East Boise Mer. Earthen ditches

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. I estimate 3 Second Feet. I have seen better than three Second feet of water in the ditch.

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. In the SW¹ of Section 16 Tp. 15 South Range 39
E. B. M. NE¹SW¹ 40 Acres. NW¹SW¹ 25 acres. SW¹SW¹ 10 acres SE¹SW¹ 20 acres

There are about 5 acres of meadow and the rest is cultivated. He has built two homes and fences and levies and cultivated the land in good shape.

19377

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

Ans. None

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

Ans. The west part is all very gravelly and the east part is gravelly too. Two Second feet at least are needed for the growing season

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

Ans. None

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. During the Irrigation season I have seen water flowing to this land in the ditches about 5 to 6 times during the season and two and three times a day at times. The amount of water has varied according to the time of year.

(Signed)

H A Hallingworth

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 28 January, A. D. 1943.

ONE WITNESS

Geo. E. Burge
Subscribed
United States Commissioner

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19377

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. James F. Rasmussen age 67 Preston, Idaho
Probate Judge retired. Farmer before that.

Ques. 2. Are you acquainted with William E. and Urin V. Fellows, the holder of Permit No. 19377? How long have you known him and where does he reside?

Ans. Yes I have known them and the land about 30 years. They
resides at Preston, Idaho

Ques. 3. Have you read or heard read said Permit No. 19377, 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. Preston City County Drain 120 rds North, 80 Rds West, and 20
rds Northwesterly from the Southeast Corner of Section 16 To 15 So.
Range 39 East Boise Mer. Earthen Ditch

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

Ans. Two second feet. I have seen at least two second feet, sometimes three second feet.

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 SW 1/4 Section 16 Tp. 15 So. R. 39 E.B.M.
NE 1/4 SE 1/4 40 acres, NW 1/4 SW 1/4 25 acres, SW 1/4 SW 1/4 10 acres, SE 1/4 SW 1/4 20 acres
85 acres cultivated and 10 acres meadow. They built two homes and
made ditches and drained swamp and fencing. also built levies.

19377

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

Ans. None

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

Ans. Gravelly soil. I estimate at least 3 second feet needed because of gravelly soil. there is also about 10 acres of swamp drained.

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

Ans. none

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. From 1913 to 1918 I saw this water applied for about once to twice each week and since that time about 2 or three times each year. The water varied in the spring there was considerable water and in the summer the water dwindled and many times there was not very much

(Signed) James P. Thompson

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 28 January, A. D. 1943

My Commission Expires

Get E. Burge
United States Commissioner.

AFFIDAVIT OF PUBLICATION

I, W. J. MacKnight
Printer of The Preston
Citizen, a newspaper pub-
lished weekly at Preston,
Franklin County, 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 supple-
ment thereof for four
consecutive weeks, com-
mencing with the issue
dated Dec. 31, 1943
and ending with the issue
dated Jan 21, 1944
W. J. MacKnight
Signature

Subscribed and sworn
to before me this 28 day
of January 1944

(SEAL)

Notary Public

NOTICE FOR PUBLICATION

Notice Of Proof Application Of Water To Beneficial Use

Notice is hereby given that at
10 a.m. on the 28, day of Janu-
ary, 1943, at Preston, County of
Franklin, State of Idaho, before
George E. Berg, United States
Commissioner, proof will be sub-
mitted of the application to bene-
ficial use of 2.0 cubic feet per
second of the waters of Preston
City and County Drain in accord-
ance with the terms and condi-
tions of Permit No. 19377 here-
tofore issued by the Commissioner
of Reclamation of the State of
Idaho.

The name and postoffice ad-
dress of the person or corporation
holding said permit are William
E. and Orin V. Fellows of Pres-
ton, Idaho.

The use to which said water
has been applied is irrigation.

The amount applied to benefi-
cial use is Two Cubic feet per
second.

The place where said water is
used SW $\frac{1}{4}$ Section 16 Twp. 15
S., Range 30, E.B.M.

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

The right to take water from
such works is based upon Permit
No. 19377.

The source of supply from
which such water is diverted is
Preston City and County Drain.

The date of priority which said
user is prepared to establish is
November 13, 1942.

E. V. Berg,

58-3

Commissioner of
Reclamation.

C. A. Bottolfson

James Spofford, State Reclamation Engineer

February 23, 1943

Re: Permit No. 19377

Messrs. Wm. E. & Orin V. Fellows
Preston, Idaho

Dear Sirs:

The depositions of yourselves and two witnesses, and also the affidavit of publication from the Preston Citizen, in connection with beneficial use proof under the above numbered permit, reached us this morning.

They have evidently been held in the Boise post office, for some unknown reason, as the envelope is postmarked Preston, January 28th, and received in Boise, January 30th. There is a 3-cent postage due stamp on it, but this is no excuse for its being held up, as usually such mail is put in with the rest, and our mail carrier collects for it from us when it is delivered.

Before final action can be taken in the 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 the Department, will try and contact you at the time he makes the examination, so that you can arrange to show him over the grounds.

Very truly yours,

JAMES SPOFFORD

State Reclamation Engineer

By

Chief Clerk

A

CC to Gen. E. Burgi

19377

GEORGE E. BURGI, Agent

147 North 1st West Street Phone 344

Preston, Idaho

October 5th, 1943.

Mr. James Spofford,
State Engineer, Dept. of Reclamation,
Boise, Idaho.

RECEIVED

OCT 8 1943

Department of Reclamation

Dear Sirs;

Re permit No. 19377 Wm. E. and Orin V. Fellows,

On Jan. 28, 1943 we forwarded to you the above permit with depositions and affidavits for publication from the Preston Citizen in connection with proof and the above numbered permit.

On Feb. 23, 1943 you acknowledged receipt of these papers and stated that Mr. Tolman would contact Mr. Fellows who has done so. We have not heard from your office since and wondered if there were any further information we could furnish you and what disposition had been made of the permit. Would you please advise.?

Very truly,

Geo. E. Burgi

Geo. E. Burgi,

U. S. Commissioner.

*OK.
Wm. was made June 9th 1943
A.*

Representing

UTAH HOME FIRE INSURANCE COMPANY

19377

October 15, 1943

Mr. George E. Burgi,
U. S. Commissioner,
147 North 1st West Street,
Preston, Idaho.

Re: Permit No. 19377 En. E. & Orin V. Fellows

Dear Mr. Burgi:

We wish to acknowledge receipt of your letter of October 5th relative to the above captioned permit.

We wish to advise that the Field examination in connection with the Beneficial Use proof has been made under date of June 9th, 1943. It is the practice of this office to make as many Field examinations as possible during the summer months and the same Engineer who makes the examinations makes out the reports during the winter months; therefore, giving our Engineer all the time possible in the field during good weather.

His report, therefore, will be made out sometime during the early winter at which time the License will be forwarded to you. Mr. Tolman advises that everything in connection with the examination is O.K. to which you can advise your client. Hoping this is satisfactory, we are

Yours very truly,

JAMES SPOFFORD
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT:fld

19377

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19377

This proof is for Beneficial Use

In Water District No.

1. Name of applicant William E. & Orin V. Fellows, Preston, Idaho
2. Source of water supply: County and City Drain
3. Location of point of diversion: Is in the NW¹ SE¹ of Section 16
T. 15 S. R. 39 E County of Franklin
4. Describe works as they exist, giving dimensions and capacities of same: An Earth-fill Dam
100 feet long X 10 feet high ; A Concrete spillway flume 40 feet
long X 12 inches wide, and 2 feet deep; also a control box 3 feet
X 3 feet deep, which diverts to a ditch which is 3 feet wide X
2 feet 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): SW¹ Section 16, Twp. 15 S., Range 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 principal source of this water is drainage from about 1000
acres of irrigated lands above.

This examination was made on the 9th day of June, 1943

(Signed)

Fred A. Tolman
Examiner.

19377

February 10, 1944

Re: Permit No. 15877

William E. & Gris V. Fellers
Preston, Idaho

Gentlemen:

We now have on file the report of our Field Engineer on examination for beneficial use under the above numbered permit.

This report shows that you are irrigating 100 acres of land in four 40-acre legal subdivisions; therefore, upon receipt of the statutory fee of \$8.00, a license will be issued for 2 second feet of water.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

19377

U. S. COMMISSIONER
GEORGE E. BURGI

147 North 1st West St.
PRESTON, IDAHO

2-15-44.

Department of Reclamation,
State House
Boise, Idaho.

Dear Sirs;

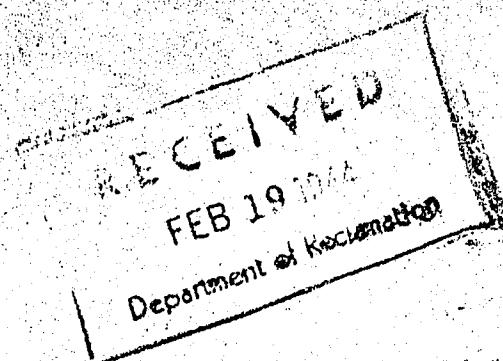
According to your letter of Feb. 10 to William E.
and Orrin V. Fellows enclosed \$8.00 which he gave me for his
or their final payment on the water certificate or permit.
I believe this should now close the case as complete. If not
would you please advise?

Yours very truly,

Geo. E. Burgi

Geo. E. Burgi.

19377



19377

February 21, 1944

Re: Permit No. 19377

Mr. George E. Buggi
147 No. 1st West
Fresno, Idaho

Dear Mr. Buggi:

We enclose herewith License and Certificate of Water Right, issued under the above numbered permit, confirming the right of William A. Fellows and Orin V. Fellows to use two (2) second feet of the water of Fresno City and County Drain, with priority of November 15, 1942, for the irrigation of 100 acres in the Southwest Quarter of Section 16, Township 15 South, Range 30 East, Franklin County.

The Department's Receipt No. 19378 for the \$3.00 fee in connection with this final proof is also enclosed.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19377

Preston, Idaho
July 20, 1956

State Reclamation Bureau
Boise, Idaho.

RECEIVED
JUL 23 1956
Department of Reclamation

Gentlemen:

Would you please advise me if a State filing has ever been made on the water arising in the NW quarter of the Southeast quarter of Section 16, Township 15 South Range 39 East of the Boise meridian.

If there has been no filing made will you please forward to me the necessary forms for making application for filing on this water.

Yours very truly

Allen W. Fisher

Allen W. Fisher
Preston, Idaho
Rt. 2

19377

July 23, 1956

Re: Permit No. 19377

Mr. Allen W. Fisher
Route # 2
Preston, Idaho.

Dear Mr. Fisher:-

We have your letter of July 20, 1956 and in answer to same, we find Permit No. 19377 issued to Wm. E. Fellows and Orin V. Fellows of Preston, Idaho, on Nov. 18, 1942.

The Certificate of Completion of Works was issued December 31, 1942, for 2.0 cubic feet per second of the waters of County & City Drain, that the Point of Diversion of said waters is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16, Township 15 S., Range 39 E.B.M., County of Franklin, and the lands to be irrigated by the use of said water are described as follows, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16, Township 15 S., Range 39 E.B.M.

License on the above Permit was issued February 18, 1944.

Very truly yours,

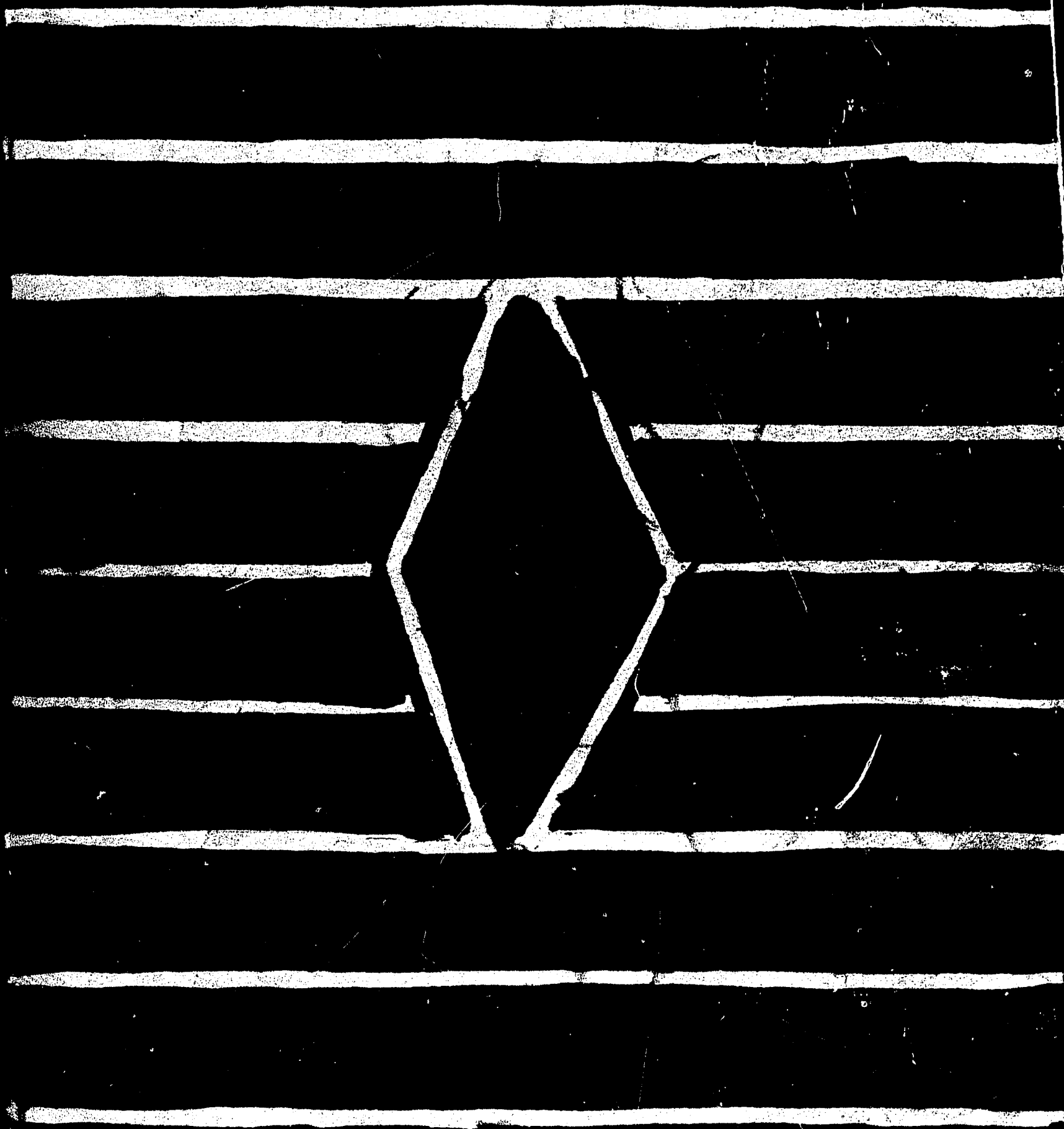
MARK R. KULP
State Reclamation Engineer

By

Chief Clerk

9:vm

19377



February 10, 1944

Re: Permit No. 19377

William E. & Orin V. Fellows
Preston, Idaho

Gentlemen:

We now have on file the report of our Field Engineer on examination for beneficial use under the above numbered permit.

This report shows that you are irrigating 100 acres of land in four 40-acre legal subdivisions; therefore, upon receipt of the statutory fee of \$8.00, a license will be issued for 2 second feet of water.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A

19377

February 21, 1944

Re: Permit No. 19377

Mr. George E. Burgi
147 No. 1st West
Preston, Idaho

Dear Mr. Burgi:

We enclose herewith License and Certificate of Water Right, issued under the above numbered permit, confirming the right of William E. Fellows and Orin V. Fellows to use two (2) second feet of the water of Preston City and County Drain, with priority of November 13, 1942, for the irrigation of 100 acres in the Southwest Quarter of Section 16, Township 15 South, Range 39 East, Franklin County.

The Department's Receipt No. 18470 for the \$8.00 fee in connection with this final proof is also enclosed.

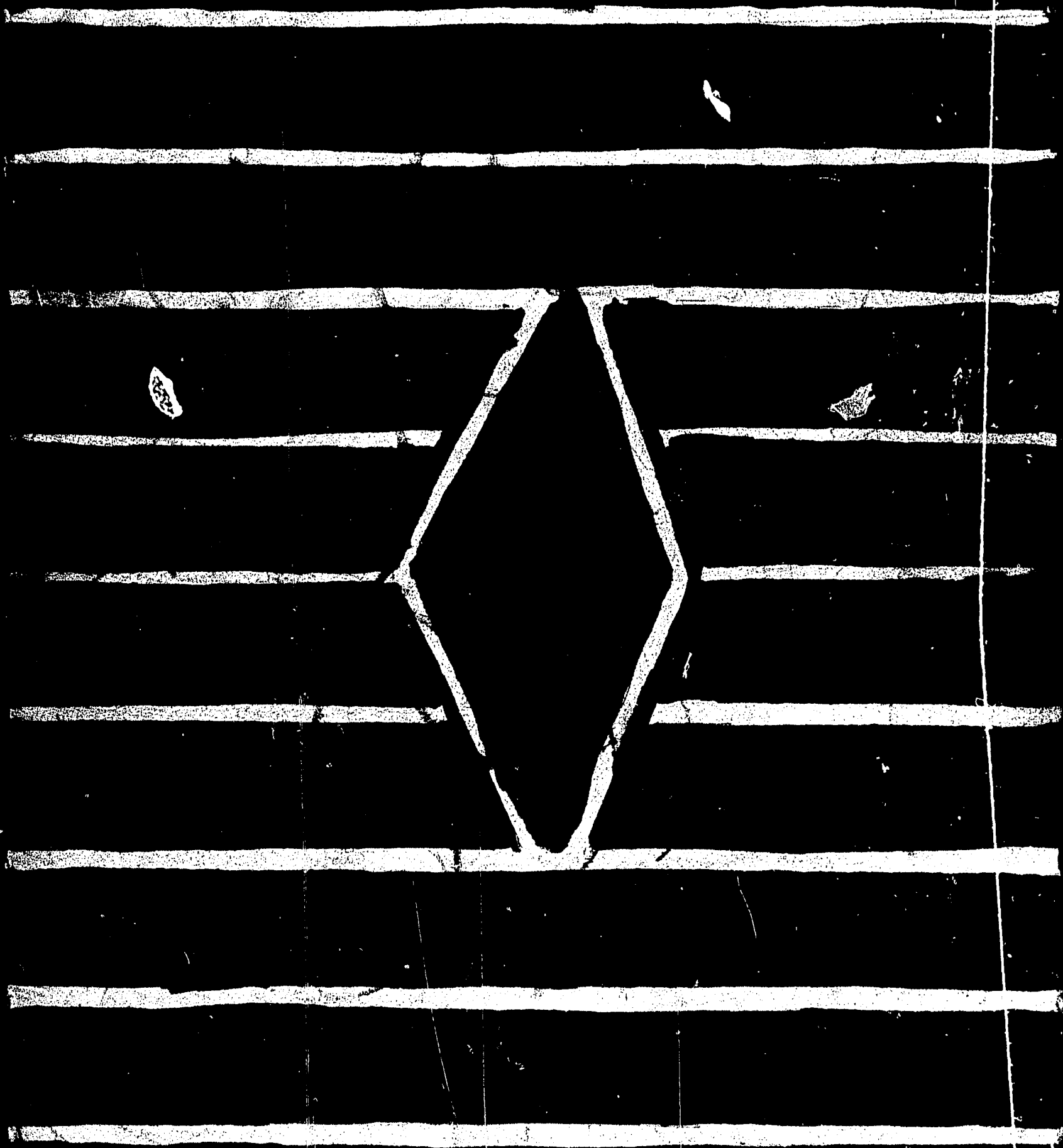
Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19377



State of Idaho

License and Certificate of Water Right

Water License No. 19377
Water District No.

Amount 2 second feet
Priority November 13, 1942

THIS IS TO CERTIFY that WILLIAM E. FELLOWS AND ORIN V. FELLOWS of Preston, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 13, 1942; that Permit No. 19377 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2 second feet, was issued thereunder on December 31, 1942, showing that said works were completed on the 8th day of December, 1942; and that on the 28th day of January, 1943,

WILLIAM E. FELLOWS AND ORIN V. FELLOWS

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 City and County Drain, a tributary of Preston, Idaho, for the purpose of irrigation, under Use Permit No. 19377 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 4198, on the 19th day of February, 1944;

The right hereby confirmed dates from November 13, 1942;

The Point of Diversion is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, 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 2 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.	16	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ SW $\frac{1}{4}$	25	20
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	25	20
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	15	20
			Total Number of Acres actually irrigated -		100

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, Commissioner of Reclamation, affixed at Boise, Idaho, this 19th day of February, 1944

(SEAL)

JAMES SPOTFORD
Commissioner of Reclamation -
State Reclamation Engineer