

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28795
 PERMIT No. 21131
 DISTRICT No.

1. Name of Applicant: DAVID E. SMITH

Postoffice address: Grace

County: Caribou

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: 110 inches or 2.2 cubic feet per second.

3. Source of water supply: A spring which is a tributary of

440 ft., thence East 720 ft.
 4. Location of point of diversion: Corner SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence North/ feet distant from the
 corner of Section 3, T.11 S, R.40 E., B.M., and is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$
 of Section 3, T.11 S., R.40 E., B.M., County of Caribou

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

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

- (a) Point of use of water: feet distant from corner of Section
 T., R., B.M., in the of Section, T., R., B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to at a point feet
 distant from the corner of Section, T., R., B.M., in the
 of Section, T., R., B.M.

7. Estimated cost of works: \$200.00

8. Kind of works: Ditch

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

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

11. Ditch: Width at bottom 3 feet; width at water line feet; depth of water feet;
 dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile 3 % feet.

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

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

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

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

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

D. E. SMITH Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 10:00 A. M. June 23, 1949

Returned to applicant for correction: June 23, 1949

Corrected application received: June 28, 1949

Approval of State Reclamation Engineer

The number of this permit is 21131

Recorded in Book 76 Page 21131 Approved July 5, 1949

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 **September 5, 1949** 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 **October 5, 1949**

Beneficial use of water appropriated in accordance herewith, to be made on or before **October 5, 1949**

WITNESS My hand this 5th day of July, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho,

and J. D. "CY" PRICE, 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 5th

day of July, 19 49

STATE OF IDAHO

Countersigned:

(SEAL)

By..... C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

REMARKS:

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
11 S.	40 E.	3 4				15				40				40				15	80 30
Total Number of Acres to be Irrigated - - 110																			
AFFIDAVIT OF PERMISSION TO FILE ON SPRING.																			
I, Wesley A. Miles, of Grace, Idaho, County of Caribou, State of Idaho, do hereby certify that I am the owner or lessee of the land on which the spring mentioned in the application of DAVID E. SMITH IS LOCATED, TO-WIT: SE¼ NW¼ of Section 3, Township 11 South, Range 40 East, B. M., County of Caribou, and that I do hereby grant unto said David E. Smith permission to file on the said spring as set forth in the foregoing application.																			
WESLEY A. MILES																			
STATE OF IDAHO) COUNTY OF CARIBOU)			ss. On this 15th day of June, 1949, before me, a Notary Public for the State of Idaho, residing at Grace, Idaho, personally appeared Wesley Miles, known to me to be the person whose name is subscribed to the foregoing certificate, and acknowledged to me that he executed the same.																
(SEAL)			WITNESS my hand and seal, the day and year in this certificate first above written.																
MELVIN WHITEHEAD Notary Public.																			
My commission expires May 28, 1952.																			

Permit No. 21131

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that David E. Smith of Grace, County of Caribou and State of Idaho, the holder of Permit No. 21131, issued upon Application No. 28795 bearing date of priority of June 23, 1949, authorizing the diversion of 2.2 second feet of the waters of a spring, County of Caribou, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.2 second feet of the waters of said spring; that the point of diversion of said waters is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 11 South, Range 40 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4; Township 11 South, Range 40 East, B.M.

Witness my hand this 2nd day of September, A. D. 1949.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made August 24, 1949.
Certificate of Completion of Works issued September 2, 1949.

LICENSE ISSUED FOR 0.22 SEC. FT.
Page 4860

Preston, Idaho

Grace Idaho

May 7 - 1949

Bureau of Reclamation

Dear Sir

Can you please
give me the amount
of water and the location
of springs decreed to Mrs.
Louise or Charley MacLford
This water is one referring
to is in Sec². 3 - T11S - R40E

one spring MacLford had
a filling on they have not
used for 12 years I would
like to get this water and
pipe it for domestic use
I have been using the same
for irrigation of pasture
how can I get control of
this water

21131

Areston, Idaho

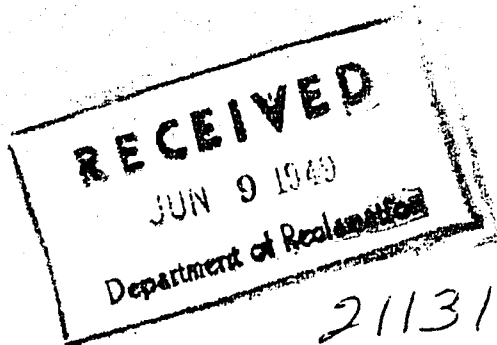
Can you please send me
Law governing the use
of irrigation water

Has there been any new
filling by medford on
new springs since 1932

Hoping to hear
from you soon

Yours Truly

Wesley Miller
Thase Oldale



21131

Grace Idaho

May 12, 1949.

Bureau of Reclamation
Boise Idaho
Dear Sirs;

Please send me
blanks for filing
on roster.

Yours truly
Mrs Louise Medford
Grace Idaho
Box 87.

RECEIVED

Department of Reclamation

21131

May 16, 1949

Mrs. Louise Medford
Box 87
Grace, Idaho

Dear Mrs. Medford:

Your letter of May 12 has been referred to this Department by the U. S. Bureau of Reclamation.

In reply, we enclose a Form of Application for Permit to appropriate the Public Waters of the State of Idaho, together with a pamphlet giving regulations and instructions in regard to filing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21131

May 23, 1949

Mrs. Louise Medford
Box # 87
Grace, Idaho

Dear Mrs. Medford:

We acknowledge receipt of your application for permit to appropriate water from a spring for the irrigation of 120 acres of land in Section 3, Township 11 South, Range 40 East, B.M., accompanied by \$5.00 in currency.

Since the statutes allow a maximum of one inch per acre, this application can only be approved for 120 inches or 2.4 second feet. The correct filing fee on this amount is \$5.50, as indicated on the fourth page of the application.

The application is returned for completion as follows:

Answer Questions 7 and 8, and such parts of 9, 10 and 11 as are applicable.

Answer questions 12 and 13, stating the length of time you will require for making the statutory proofs necessary to complete the water right. First, proof of completion of the works described in the application; and second, proof of beneficial use, when the land has been fully irrigated.

Answer Question 15.

Furnish sketch maps in duplicate, forms for which were sent you in our letter of May 16th.

Very truly yours,

MARK R. KUIP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

21131



C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

May 27, 1949

Mrs. Louise Medford
Box #87
Grace, Idaho

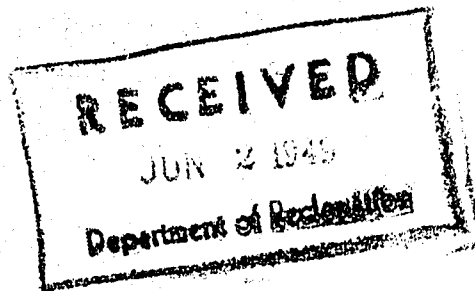
Dear Mrs. Medford:

Reference is made to the Application of yourself and David E. Smith to appropriate three (3) second feet of water from a spring.

The application states that the spring is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 11 South, Range 40 East, B.M., but the little sketch which accompanied the application seems to indicate that the spring is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of this Section.

We enclose a sketch map, showing the location of the land and of the spring as shown on your own sketch. Please advise if this is correct, and if not, please indicate on the sketch, the exact location of the spring.

is correct
We return the fifty cents in stamps which you sent to complete the filing fee and request that you send this amount in cash or check, as the State Treasurer cannot accept stamps in payment.



Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:bh
Enc.

21131

June 9, 1949

Mr. Wesley Miles
Grace, Idaho

Dear Mr. Miles:

In reply to your letter of June 7, 1949, in regard to filings by Mrs. Louise Medford, our records show the following:

License No. 13216, for 1.41 cubic feet per second of water from Cedar Springs, with priority of March 9, 1918. Point of diversion in Lot 3 (or NE $\frac{1}{4}$ NW $\frac{1}{4}$) Section 3, Township 11 South, Range 40 East, B.M. for irrigation and domestic use on the W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 3.

An application has been filed by David E. Smith and Mrs. Louise Medford under date of May 21, 1949 for the diversion of 2.4 second feet of water from a spring located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 11 South, Range 40 East, B.M. for the irrigation of this same land. This application has been approved and Permit will issued in regular course.

Of course, we do not know if this is the spring you have in mind and we enclose, for your use, a form of application for permit, together with a pamphlet giving regulations and instructions in regard to filing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

Enc.

21131

✓
June 13, 1949

Application No. 28758

Mrs. Louise Medford
Box No. 87
Grace, Idaho

Dear Mrs. Medford:

Reference to the application of yourself and David E. Smith, to appropriate water from a spring on the SE 1/4 NW 1/4 Section 3, Township 11 South, Range 40 East, shows that the Affidavit of Permission to file on said spring is signed by Richard Turner, under date of May 10, 1932.

It is our understanding that the land on which the spring is located no longer belongs to Mr. Turner, but is owned by Mr. Wesley Miles of Grace, Idaho. It will therefore be necessary for you to send us his written permission to file on said spring, executed before a Notary Public. Such permission is necessary before your application for Permit can be approved.

Very truly yours,

Mark H. Kulp
State Reclamation Engineer
By

Chief Clerk

A:bh

21131

Grace Ida. Jones 14-49
Department of Reclamation
 Boise Ida: Reference to your
 letter of June 13, We were
 wondering if you could advise
 if the use of the water, ever
 since the spring started, has
 the water without filling?
 We have used the water

all the time, have our ditches
 irrigated & etc. The spring started
 in 1926 (very small at that
 time and no one else has
 used it but us. so please
 advise us if the use of
 the water breeds it with
 out a filling Very Truly Yours

Mrs. Louise Bradford
 David E. Smith Boise
 2113
 Idaho

App 28758

June 18, 1949

Mrs. Louise Medford
Grace, Idaho

Dear Mrs. Medford:

Water rights may be acquired by actual appropriation and beneficial use, but can only be perfected and made a matter of record through an action in the District Court.

Generally, the Court will confirm a right of this kind if it does not conflict with existing or prior rights and has not been developed by the aid of a trespass or other illegal means. The priority generally confirmed by the Court would be the time when it was actually put to beneficial use. The amount allowed would be what was actually necessary and generally limited to one inch per acre.

This office can approve application for permits for one inch per acre with priority date of the date of receipt of application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

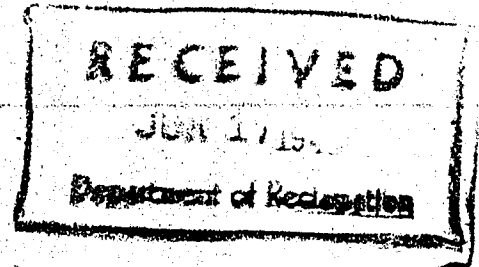
MRK:bb

21131

FARMERS CO-OP SUPPLY, INC.

GRACE, IDAHO

June 15 1949.



Department of Reclamation
Boise, Idaho.

Dear sir:

Would you please return application for
permit, filed by David E Smith and Louise Medford
some time ago. Would like to change the application.

Yours very truly.

David E Smith.

A handwritten signature in cursive script that reads "David E Smith".

21131

App. 28758

June 17, 1949

David E. Smith
Grace, Idaho

Dear Mr. Smith:

We are in receipt of your letter requesting the return of the application of yourself and Louise Medford, in order that you may change same.

Since this original application is made on an old form which we no longer use, we are enclosing a new set of blanks which you may use to take the place of the original filing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21131

Grave Ida, 6-1849

Department of Reclamation

Dear Sir. Received your new set of blanks today. We still need the original application, so they can use it for sketches etc.

So will you kindly mail it to us. The one with Richard Turner's name on it.

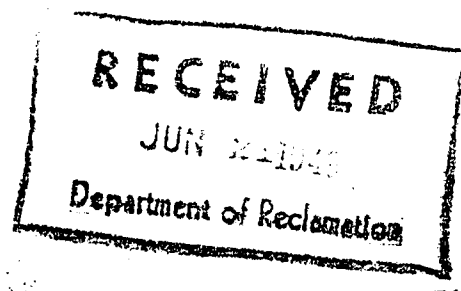
Thank You,

David E. Smith

Grave Ida,

Delivered in person

6/21/49



21131



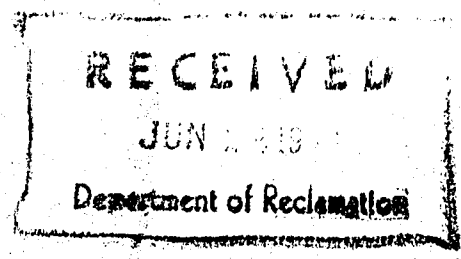
C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

June 23, 1949



Mr. David E. Smith
Grace, Idaho

Dear Mr. Smith:

We acknowledge receipt of your application for Permit to appropriate 110 inches of water from a spring located on the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 11 South, Range 40 East, B.M., accompanied by Affidavit of Permission from Wesley A. Miles to file on said spring which is located on his land.

However, Question 14 in this application describes the land as in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, Township 11 South, Range 40 East B.M., whereas your sketch map shows it in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, and 15 acres each in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Township 11 South, Range 40 East B.M. Please advise which description is correct. *The underlined is correct.*

We are assuming that this application is to take the place of the application heretofore filed jointly by yourself and Mrs. Louise Medford, and if such is the case, we can apply thereon, the filing fee of \$5.50 which accompanied the original application. Please advise if that meets with your approval. *That is correct & needs my approval.*

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:bn

CC: Mrs. Louise Medford.

21131

TOWNSHIP PLAT

182

506

PRINTED AND FOR SALE BY IDAHO PRINTCRAFTERS, INC.

Patrick McNamee

SCALE: ONE INCH TO ONE MILE

Township

11 S

Range

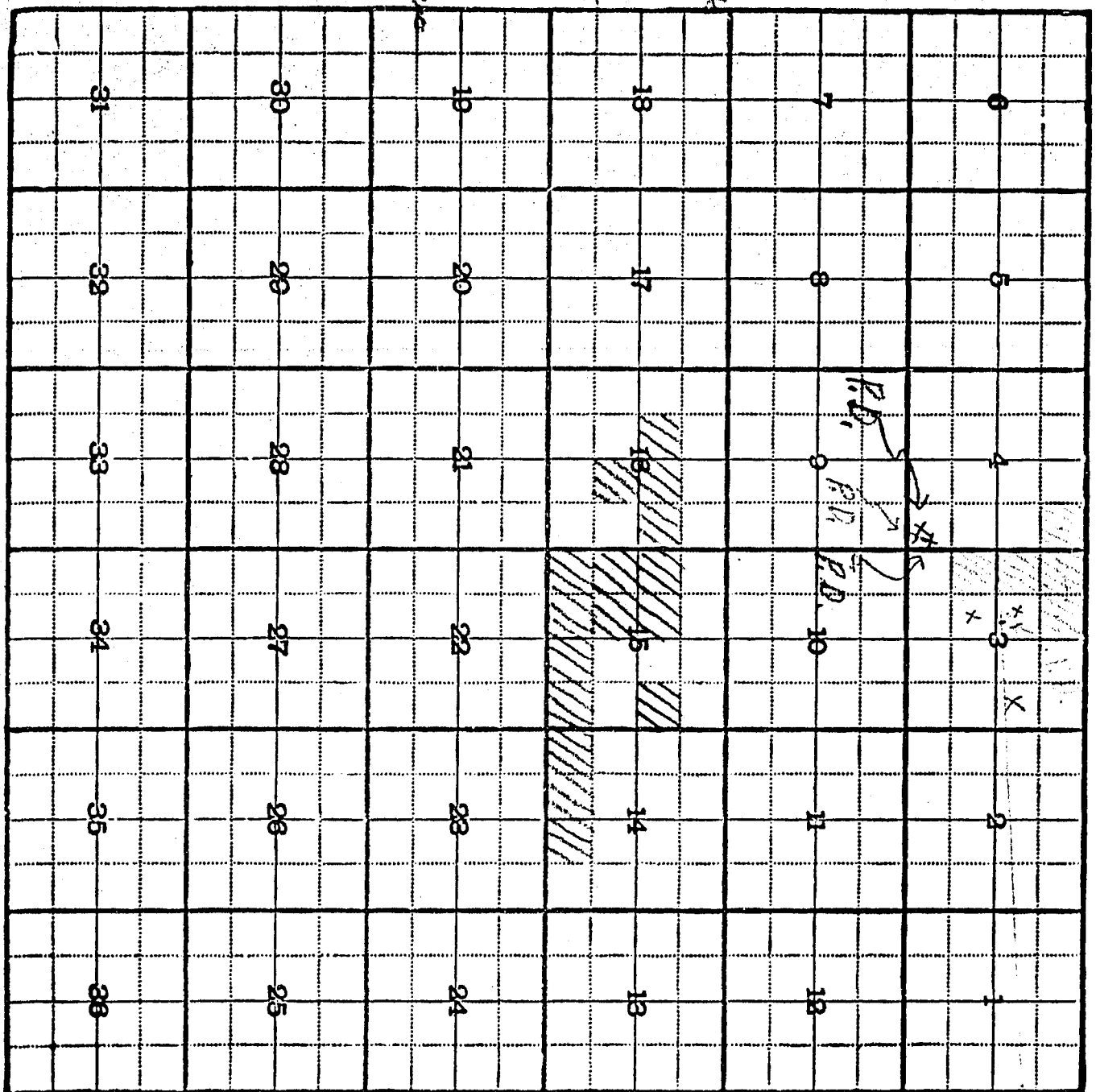
40 E

Geo. Hoan.
Priority = My 2-1884
Divert thru
Anderson Ditch.
Amt = 25 inches
or .5' of .5'.
250 acres.

Neil M. Sorenson &
E. F. Zeigler
a Partnership
Priority = My 2-1884
Amt. = 40 cfs. ~ 200 inch
200 acres

Geo. D. Anderson
Priority = My 2-1884
Amt = 3.0 cfs. ~ 150 inch
150 acres.

Geo. D. Anderson &
J. H. McDonald,
Priority = My 2-1884
Amt = 2.4 cfs.
150 inches
101 acres.



87° E

21131

Ex. R.W. Jones (Special) (Testimony) In Preston Feb 18-1918

Mr. L. Swendsen - direct examination by
Mr. Peterson.

In Fall of 1917 made survey of canal lines and ditches,
owned by ^{the} defendants Leonard Hansen and Louise Medford,
~~for the diversion and appropriation~~
~~of the waters of said Sand Creek.~~

P.D. is correctly described except it is given R. 41 E. B. 14

Ditch extends to N. boundary of Sec 3. and at a point in
Lot Three of said S. 3, a branch ditch is taken out and extends
thence in a westerly direction to lot one of Sec Four T. 11S. R. 40E.

This last mentioned ditch serves approx. 7.5 acres of land
located in Lot one, --- in possession of Leonard Hansen.

In Lots # 3, 4 & 5, and the SE. quarter of the NW. quarter of
Sec 3, 11S-41E. there was being irrigated from the main
ditch leading from these springs 101 acres of land.

This land was in --- ownership of Louise Medford.

There was also an area of land in Lot 6 of said S. 3
containing approx. 30 acres, which was in cult. etc.

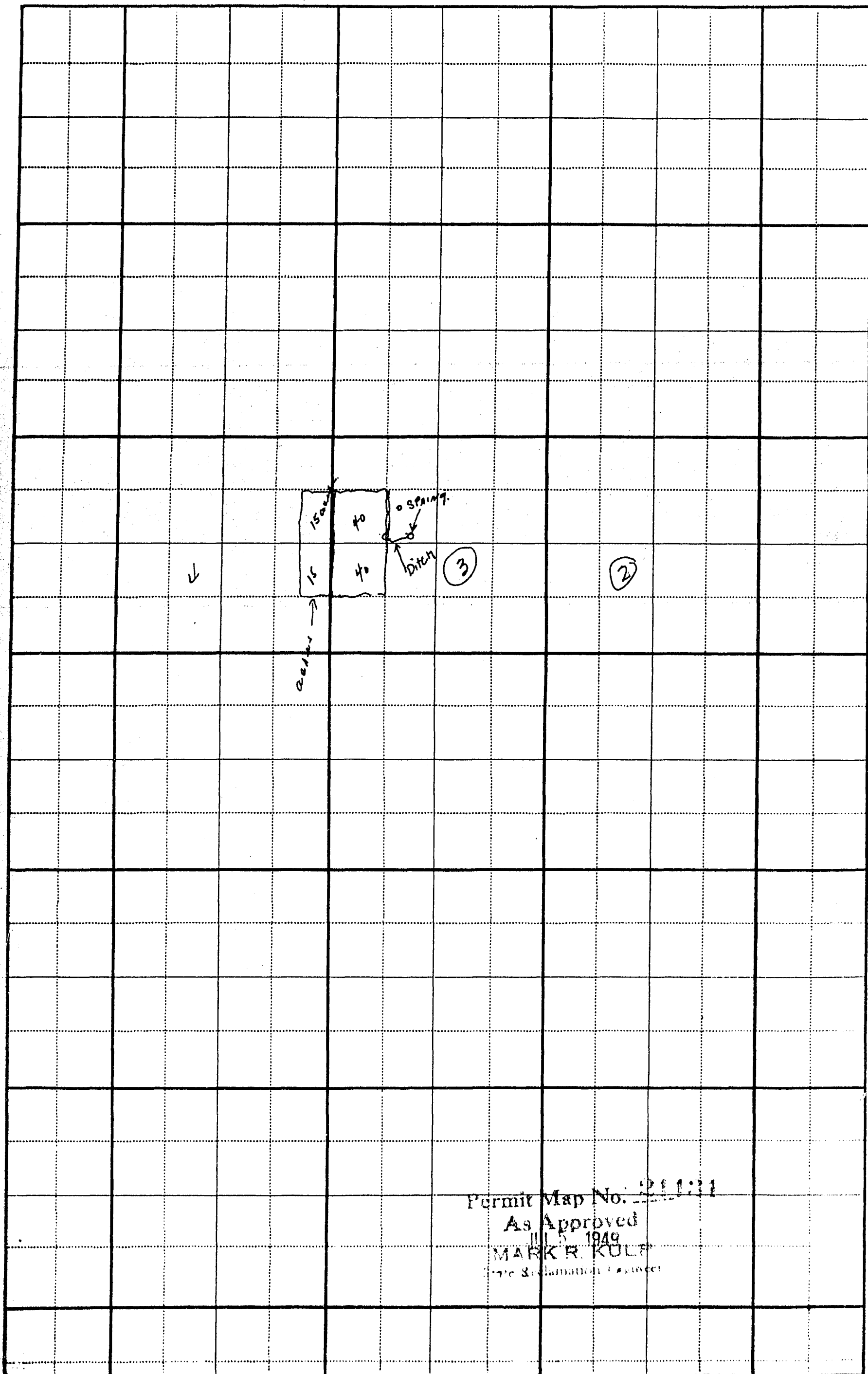
had appearance of having been irrigated from the sand
ditch in former years.

Defendants were residing on the land at time

Defendants Exhibit No 1 Louise Medford and
Leonard Hansen. (see page 83 of testimony book 1565)

NAME OF APPLICANT D. E. Smith

FORM No. 0

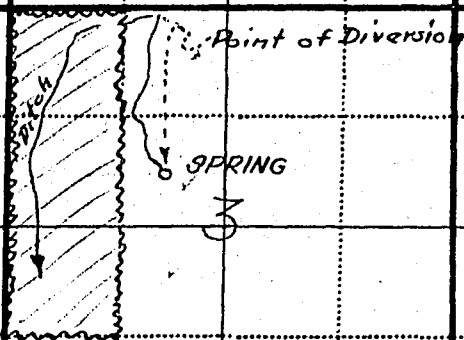


SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.

21131

Lot 1 Lot 2
40.45 40.57
Louis Medford
SWNW
Spring
3
Davis & Smith

Twp. 11 S. - R. 40 E. B.M.



July 11, 1949

Re: Permit No. 21131

Mr. David E. Smith
Grace, Idaho

Dear Mr. Smith:

We enclose Permit No. 21131 and direct your attention to the limitations and conditions of same as given on the fourth page under approval of State Reclamation Engineer.

Since your applications states that the works will be completed within ten days, we have allowed three months or until October 5, 1949, to make the two statutory proofs necessary to complete the water right. These proofs, however, may be made at any time prior to that date.

The first proof of proof of completion of works is made by executing Form 6 enclosed before a Notary Public, and returning to this Department with a statutory fee of \$5.00, upon receipt and approval of which, a Certificate of Completion of works will be issued.

The final or beneficial use proof requires publication once a week in a county newspaper for four consecutive weeks prior to the date set for making proof. Notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the Notary Public before whom the proof is to be made. Both copies of the notice to be returned to this Department together with Form 11 which is your authorization for us to have the notice published in the designated newspaper at your expense.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing, and on the date set, you should appear before the Notary Public together with two disinterested witnesses to execute depositions of proof on forms furnished by this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bb
Enc.

21131

Grace Idaho.

July 16-49

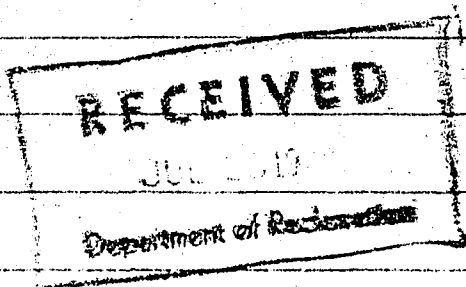
Department of Reclamation
Boise Ida. Mar. 1949.

Wesley Miles tells me
has filed on 33 inches of
water in the spring he
called the Unnamed spring
could he do so with out a
joint filing with me? I have
always used the spring water
no one else ever has.

And now he is cutting
my ditch when ever he
seed, he wants water to
run on his hills, which
are nothing more than
lava rock & sage brush.

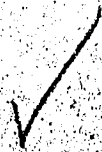
Please advise of me
once if he can take
possession of my water and
ditch, which he has never
touch before.

Please tell me what
he do about. I want every
^{done} thing in a legal way
Yours truly
David E. Smith
Groce Idaho.



21131

21131



July 22, 1949

Mr. David E. Smith
Grace, Idaho

Dear Mr. Smith:

Permits are issued by this office only for unappropriated public water, which means that under a permit, no right is given to take water that belongs to an earlier appropriator, no matter whether his earlier appropriation derives his right from decree, permit, or actual use. The use rights claimed can be confirmed only by the Courts.

Permits do not confer right of way or rights to use existing ditches or canals or interfere with their operation.

If agreement can not be reached between the users from a common source, or in a common canal, the relative rights of each can be fixed by the Courts either as to water rights, or ditch rights, or both.

Very truly yours,

MARK R. FULP
State Reclamation Engineer

MRK:hh

21131

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 24 1949.

(P. O.) Grace Idaho.

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Soda Springs Sun of Soda Springs Idaho. published in
the county in which the works are situated.

David E. Smith

(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.

21131

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Caribou.

SS.

David E. Smith, 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., and that his postoffice address is GraceState of Idaho.Second: That the name of the stream which said water is to be ^{FROM} ~~directed~~ ^{DIVERTED} isUnnamed Spring.Third: That the point of diversion of said water is Corner SE 1/4 NW 1/4 thence north 440 feet thence East 720 feet. Section 3 T. 11 S. R. 40 E.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by October 5, 1949.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 (~~now~~) fully completed and consisted of the following:I. Kind of works: Headgates, siphon, ditches

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 1-24 feet, length of dam at top 16 feet, length of dam at bottom 16 feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir 1-24 acre feet. 16(c) Size of headgate: Width 1-12 feet, height 16 feet. 16Pipe. (d) Conduit 1-20 width at bottom 16 feet, width at water line 16 feet, depth of water 16 feet; diameter of pipe 12 inches, average grade per mile is 52 feet. Length of conduit is 52 feet. 16Seventh: That said works are capable of conducting to the place of intended use 110 inches and feet of water.Eighth: That water appropriated under said permit is available for 110acres of land described as follows: Top 11 S., Range 40 E., Section 3, NW 1/4, S 1/2, NE 1/4, S 1/4, NE 1/4, Section 4, Caribou County Idaho.

Ninth: Remarks: That

David E. Smith
(Sign Here)Subscribed and sworn to before me this 24 day of August, 1949.My commission expires May 28 1952.Ch. Whithead
Notary Public.

21131



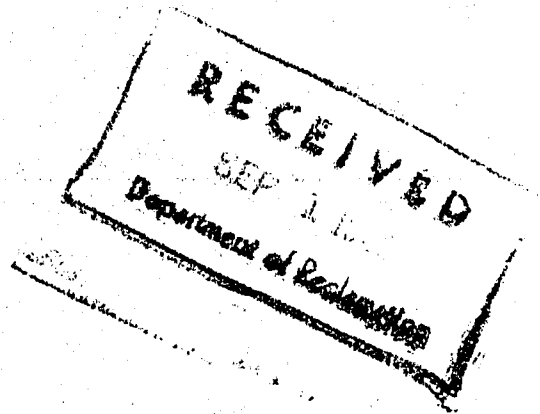
C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

August 29, 1949



Re: Permit No. 21131

Mr. David E. Smith
Grace, Idaho

Dear Mr. Smith:

We acknowledge receipt of your Affidavit in Proof of Completion of Works under Permit No. 21131, accompanied by the \$5.00 fee in connection therewith; also Notice of Proof of Beneficial Use to be made under this Permit on September 30.

However, none of these papers include as part of the land on which the water is used the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, Township 11 South, Range 40 East, which is included in the original Permit; also the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4.

Please advise if this is an oversight or if that forty is to be omitted from the proofs.

Please make it like the original Permit

Also, the Notice of Beneficial Use Proof should contain the name of the Notary Public at Grace, Idaho, before whom the proof will be made. Please advise promptly about this in order that the notice may reach the newspaper in time for the statutory four weeks publication.

The Notary Public is Melvin Whithead

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannie L. Anderson
Chief Clerk

A:bh

21131

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: September 1, 1949

Re: Permit No. 21131

Soda Springs Sun

Soda Springs, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 30, 1949, the date set for proof, the expense of the publication to be paid by the applicant, David L. Smith of Grace,

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,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

21131

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

Notice is hereby given that at 11:00 A. M. on the 30th day of September, 1949,
at Grace, County of Caribou, State of Idaho, before
Melvin Whitehead, Notary Public,
2.2, proof will be submitted of the
application to beneficial use of 110 inches cubic feet per second of the waters of Unnamed Spring,
in accordance with the terms and conditions of Permit No. 21131
heretofore issued by the Department of Reclamation of the State of Idaho.

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

David E Smith, Grace Idaho.

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

The amount applied to beneficial use is 110 inches, or 2.2 cubic feet per second.

The place where said water is used ~~(or for irrigation, give full and accurate description of the~~
SW $\frac{1}{4}$ NW $\frac{1}{4}$ and and NE $\frac{1}{4}$ SE $\frac{1}{4}$ South,
~~lands irrigated)~~ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, Twp 11 S., Range 40 East.

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

The right to take water from such works is based upon Permit No. 21131

The source of supply from which such water is diverted is Unnamed Spring, located in the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Twp. 11 S., Range 40 E., B.M.

The date of priority which said user is prepared to establish is June 23 1949.

MARK R. KUIP
State Reclamation Engineer.

21131

September 2, 1949

Re: Permit No. 21131

Mr. David E. Smith
Grace, Idaho

Dear Mr. Smith:

We enclose Certificate of Completion of Works issued on your Permit No. 21131 for the diversion of 2.2 second feet of water from a spring in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 11 South, Range 40 East, B.M. for irrigation and domestic use on the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, same Township and Range.

We also enclose Departmental Receipt No. 21774 for the \$5.00 fee paid in connection with this proof.

We have sent to the Soda Springs Sun, Notice of Beneficial Use Proof to be made on this Permit on September 30, 1949, with instructions to publish once a week for four consecutive weeks prior to that date and to send you the Affidavit of Publication, together with statement of costs.

We shall send Mr. Melvin Whitehead, Notary Public, the necessary forms of deposition consisting of one for yourself and one for each of two witnesses and at the time set, you should appear before him together with two disinterested witnesses who are familiar with the terms of your Permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21131

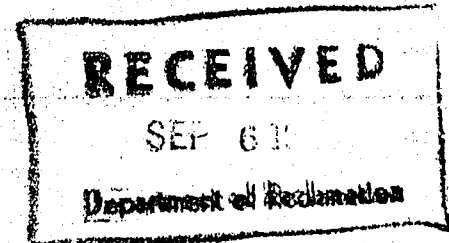
E. H. PAYSEN AND LOWELL LEEK
PUBLISHERS

E. H. PAYSEN
EDITOR AND MANAGER

The Soda Springs Sun

Soda Springs, Idaho

Sept. 2, 1949



Jeanne L. Anderson,
Chief Clerk,
State Department of Reclamation,
Boise, Idaho

Gentlemen:

This is acknowledgement of receipt of notice for publication (Re: Permit No. 21131) for applicant David E. Smith of Grace, Idaho, to be published once a week for four consecutive weeks prior to September 30, 1949.

We are placing the Department of Reclamation on our mailing list to receive all copies of The Sun indefinitely, in order that you may check it for all matters pertaining to your department. We hope this will be satisfactory.

Very truly yours

THE SODA SPRINGS SUN

E. H. Paysen

21131

September 6, 1949

The Soda Springs Sun
Soda Springs, Idaho

Gentlemen:

We thank you for your letter of September 2, 1949, acknowledging the receipt of Notice for Publication in regard to Permit No. 21131 in the name of David E. Smith.

We appreciate being placed on your mailing list and thank you for your courtesy in the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21131

21131

September 13, 1949

Soda Springs Sun
Soda Springs, Idaho

Gentlemen:

We are in receipt of a copy of your issue of September 8, containing notice of proof of application of water to beneficial use.

In checking, we find one typographical mistake. In line 5, the name "Whitehead" should have an "e" between the "t" and "h". Please make this correction in the subsequent issues.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21131

State of Idaho

DEPARTMENT OF RECLAMATION BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, September 20, 1949

Re: Permit No. 21131
David Smith

Mr. Melvin Whitehead
Notary Public
Grace, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 21131.

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 ~~September 20, 1949~~, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at ~~Grace, Idaho~~ before ~~Melvin Whitehead, Notary Public~~.

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

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

Yours truly.

MARK E. KNIP
Commissioner of Reclamation,
State Reclamation Engineer

21131

Affidavit of Publication

County of Caribou, }
State of Idaho, } SS.

E. H. Paysen

being first duly sworn

on his oath, states:

That he is Principal Clerk of the Soda
(Printer, Foreman or Principal Clerk)

Springs Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for four successive weekly issues thereof, the date of the first publication being the 8th day of Sent, 1949, the date of the last publication being the 29th day of Sent, 1949

Subscribed and sworn to before me this 3rd day of October, 1949

(SEAL)

Notary Public, residing at Soda Springs, Idaho.

My Commission expires the 2nd day of July, 1952

COST: lines at cents a line for the first insertion and cents a line for each of subsequent insertions. total \$.....

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 a.m. on the 30th day of September, 1949, at Grace, County of Caribou, State of Idaho, before Melvin Whitehead, Notary Public, proof will be submitted of the application to beneficial use of 2.2 cubic feet per second of the waters of Unnamed Spring in accordance with the terms and conditions of Permit No. 21131 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are David E. Smith, Grace, Idaho.

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

The amount applied to beneficial use is 110 inches, or 2.2 cubic feet per second.

The place where said water is used SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Twp 11, South, Range 40 East.

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

The right to take water from such works is based upon Permit No. 21131.

The source of supply from which such water is diverted is Unnamed Spring, located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Twp. 11 S., Range 40 E.B.M.

The date of priority which said user is prepared to establish is June 23, 1949.

MARK R. KULP,
State Reclamation Engineer.
21131 S8-15-22-29

RECEIVED

OCT 4 1949

Department of Reclamation

21131

October 17, 1949

Re: Permit No. 21131

Mr. David E. Smith
Grace, Idaho

Dear Mr. Smith:

We do not seem to have received the Proofs
of Beneficial Use under your Permit No. 21131.

As per notice published in the Soda Springs
Sun, this proof was to have been made on September 30,
1949, before Mr. Melvin Whitehead, Notary Public.

Please advise if these proofs have been made,
and if so, they should be transmitted promptly to this
Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

CC: Mr. Melvin Whitehead

21131

October 31, 1949

Re: Permit No. 21131

Mr. David E. Smith
Grace, Idaho

Dear Mr. Smith:

We are sorry to have to return the depositions of yourself and two witnesses submitted in proof of beneficial use under your Permit No. 21131, for correction as follows:

1. In your own deposition, under Question 6, you describe the land on which the water is used as the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 11 South, Range 40 East, B.M., whereas the Permit describes the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, same Township and Range.

If there has been a change in the place of use, it will require an Amendment and re-publication, but if this is a mistake in the deposition, it should be corrected. We think it must be an error, as your witnesses describe the land as given in the original Permit.

2. Neither of your witnesses describe the point of diversion as called for under Question 4, which should be given by subdivision, Section, Township and Range.

The Affidavit of Publication, which the Soda Springs Sun was instructed to send you is a necessary part of your proof. The clipping which you attached will not suffice and if you have not received the Affidavit from the newspaper, we suggest that you contact them at once in regard to the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

Enc.

21131

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21131

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. David E. Smith. Farmer, Grace, 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. No.

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

Ans. 21131. June 23 1949.

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

Ans. Unnamed spring, located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3 Twp. 11 S. Range 40 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. Medford ditch: 2.2 cubic feet per second.

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; Cultivated land. SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4 Twp. 11 South Range 40 E. B.M.

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

Ans. Domestic use.

21131

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

Ans.2-2 Cubic feet per second.....

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.Irrigation farm lands.....

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.Irrigation.....

(Sign)

David L. Smith

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 Gracem, County of Caribou,

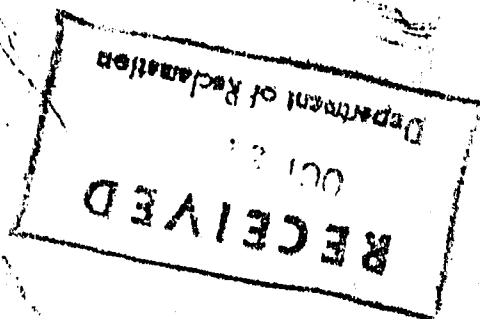
State of Idaho, on this 28 day of October, A. D. 1949.

John W. Wilson

My commission expires May 28 1952.

21131

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



PERMIT NO. 21131

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. Eldon C Beus, age 32; Secretary A A A Caribou County/ Soda Springs Idaho.

Ques. 2. Are you acquainted with David E Smith, the holder of Permit No. 21131? How long have you known him and where does he reside?

Ans. 8 years.

Ques. 3. Have you read or heard read said Permit No. 21131, 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. Unnamed spring, ditch made to Medford Ditch.

Located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3 Twp 11 S. Range 40 E.B.M.

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. 3 cubic feet.

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

Ans. Irrigation, Cultivated land located, SW $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$ S section 3 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4. Twp. 11. South Range 40 East R.M.

21131

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

Ans. 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. 2.2 cubic feet per second.

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

Ans. 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. inspected.

(Signed) Eldon C. Bess

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Grace,
County of Caribou, State of Idaho, on this 28 day of October,
A. D. 1949.

W. W. Wilson

Notary Public.

My commission expires May 28 1952

21131

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 21131

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. Clem Rasmussen, age 49 Grace Idaho, Farmer.

Ques. 2. Are you acquainted with David E. Smith, the holder of Permit No. 21131? How long have you known him and where does he reside?

Ans. 20 years.

Ques. 3. Have you read or heard read said Permit No. 21131, and are you familiar with its provisions and conditions?

Ans. _____

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. Unnamed spring, Ditch made to Medford ditch.

SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3 Twp. 11 S. Range 40 E.B.M.

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. 3.0 cubic feet per second.

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

Ans. Irrigation; Cultivated land located, SW $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3/ and the

SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4 Twp. 11 South Range 40 East E.B.M.

21131

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.
Ans. 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. 2.2 cubic feet per second.

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

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Grace County of Caribou, State of Idaho, on this 28 day of October, A. D. 19 49.

My commission expires May 28, 1949.

[Signature]
Notary Public.

Affidavit of Publication

County of Caribou, }
State of Idaho, } SS.

E. H. Paysen being first duly sworn
on his oath, states:

That he is Principal Clerk
(Printer, Foreman or Principal Clerk) of the Soda

Springs Sun, a newspaper of general circulation in Caribou County,
Idaho, published weekly at Soda Springs in said County, that said
newspaper has been published in said county uninterruptedly and
continuously for over seventy-eight consecutive weeks, prior to the
first publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping attached
in the regular and entire edition of said newspaper and not in any
supplement thereof for four successive weekly issues
thereof, the date of the first publication being the 8th
day of September, 1949, the date of the last publication
being the 29th day of September, 1949.

Subscribed and sworn to before me this 1st
day of November, 1949.

(SEAL)

Notary Public, residing at Soda
Springs, Idaho.

My Commission expires the 28
day of July, 1952.

COST: lines at cents a line for the first insertion
and cents a line for each of subsequent insertions.
total \$

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 a.m. on the 30th day of September, 1949, at Grace, County of Caribou, State of Idaho, before Melvin Whitehead, Notary Public, proof will be submitted of the application to beneficial use of 2.2 cubic feet per second of the waters of Unnamed Spring in accordance with the terms and conditions of Permit No. 21131 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are David E. Smith, Grace, Idaho.

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

The amount applied to beneficial use is 110 inches, or 2.2 cubic feet per second.

The place where said water is used SW 1/4 NW 1/4 and NW 1/4 SW 1/4 Section 3 and the SE 1/4 NE 1/4 and NE 1/4 SE 1/4 Section 4 Twp 11, South, Range 40 East.

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

The right to take water from such works is based upon Permit No. 21131.

The source of supply from which such water is diverted is Unnamed Spring, located in the SE 1/4 NW 1/4 Section 3 Twp. 11 S., Range 40 E.B.M.

The date of priority which said user is prepared to establish is June 23, 1949.

MARK R. KULP,
State Reclamation Engineer.
21131 S8-15-22-29

21131

November 3, 1949

Re: Permit No. 21131

Mr. David E. Smith
Graca, Idaho

Dear Mr. Smith:

We have received your corrected depositions; also Affidavit of Publication in the Soda Springs Sun, submitted in Proof of Beneficial Use under Permit No. 21131.

Before final action is 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 as this Department has but one Field Engineer who makes examinations all over the State.

However, Mr. Tolman, Field Engineer for this Department, will try and contact you at the time he makes the examination in order that you may arrange to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21131

November 22, 1950

Re: Permit No. 21131

Mr. David E. Smith
Grace, Idaho

Dear Mr. Smith:

Before issuing a License under Permit No. 21131, a check has been made regarding the water rights for the lands listed in the above numbered Permit.

We find that a License was issued for 32 inches of water for the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3 and 30 inches of water for the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, with a priority of May 9, 1918.

Even though this was issued to Louise Medford, it is still appurtenant to that land, and for that reason, unless there are other factors or information that have a bearing on the issuance of this License, it will be issued for only 47 inches, as that amount will give your land a maximum amount of water under the laws of this State.

If you have any comments to make regarding this, please let us hear from you in the near future.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

21131

Idaho Ida 12-14-50

Mr Mark R. Karp State Reclamation
Engineer, Boise Ida.

Dear Sir. Regarding your letter
Nov 22, 1950 The license issued to
Louise Mayford May 1918 was a spring
to south of the one. I am filing on
it. It changed its course, and there
hasnt been water used from that spring
for several years.

The unnamed spring I am filing
on did not exist in 1918. it is just
one that has started since then.

If you were down here I could
show and explain to you, far better
than I can write & show you the
different springs.

The main thing is that I get
the water & amount, I need for my land
and the license from the unnamed
spring. if there is ever that much water.

Yours Truly

David E. Smith

Idaho Ida

21131



Len Jordan
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

January 11, 1951

RECEIVED
JAN 19 1951

Department of Reclamation

Re: Permit No. 21131

Mr. David E. Smith
Grace, Idaho

Dear Mr. Smith:

A complete check-up will be made regarding your problem and in connection with that, it will be necessary to make another inspection in order to verify the point of diversion of the water which was awarded in the Court Decree.

I hope to make that inspection rather early in the season. Will you please advise me as to when will be the best opportunity to get in there and make inspection? *Any time in the next 60 or 90 days.*

Does the snow get too deep to come in by car anytime during the next 60 or 90 days? *No, U.S. Mail - two milk routes + two school buses pass our house every day*

Can you show me the exact point at which the water came out of the ground under the Decree if there is snow on the ground? *yes*

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

21131

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE DISTRICT OF IDAHO, EASTERN DIVISION.

-----o-----
UTAH POWER & LIGHT COMPANY, :
a corporation, :

Plaintiff. :

vs. :

THE LAST CHANCE CANAL
COMPANY, LIMITED, a cor-
poration, et al. :

CROSS COMPLAINT OF
CLAIMANTS ON SAND
SPRINGS (SOMETIMES
KNOWN AS PATS HOLLOW)

Defendants.
-----o-----

COME NOW LEONARD HANSEN AND LOUISE MELFORD and by way
of cross-complaint herein alleges:

I.

Adopt and incorporate as a part of their said answer
and cross complaint the terms, provisions and conditions of that
certain stipulation made and entered into by and between the
solicitors for the various defendants and solicitors for the
plaintiff herein, which said stipulation is on file herein.

II.

That said defendants and cross complainants are the
owners, respectively, in the possession and entitled to the
possession of the following described real property, situate in
Bannock County, Idaho, to-wit:

LEONARD HANSEN.

Lot one (1) Section four
Township eleven South,
Range forty East, B. B.
& M. and the Southeast
quarter of the Southeast
quarter Section thirty-
three, Township eleven
South, Range forty East,
B. B. & M.

21131

LOUISE MEDFORD

Lots Three, Four, Five
and Six in the Southeast
quarter of the Northwest
quarter and the Northeast
quarter of the Southwest
quarter of Section three,
Township Eleven South,
Range forty East, B. B. & M.

III.

That said defendant LEONARD HANSEN together with said
defendant LOUISE MEDFORD is the owner of the following appropri-
tions and of all rights acquired thereunder.

(a) That certain appropriation made on the 22nd day of May
1884 by the predecessors in interest of this cross complainant
and said Louise Medford, viz. Patrick McNamee for sixty (60)
inches per second of time of the waters of said Sand Springs,

(Sometimes known as Pats Hollow) a tributary of Bear River, with
point of diversion from said creek at a point near the head of
such springs and North eighty-seven (87) degrees 0 minutes East,
2060 feet from the quarter section corner on the east boundary
of Section four (4) Township eleven (11) South, Range forty (40)
East, B. B. & M.

Said appropriation was made by posting on said 22nd day of
May 1884 a notice in writing in a conspicuous place at the point
of diversion in said notice described; and said notice stated
among other things that said appropriator claimed for irrigation
purposes said amount of water in said notice set out to be used
for such purposes upon said lands heretofore described and other
contiguous lands and said notice further set out such other facts
as were required to be stated by the laws of the State of Idaho
then in force and effect for notices of appropriation. Within
a period of ten (10) days after the posting of said notice, same

was filed for record in the office of the County Recorder of what is now Benneek County, State of Idaho being the county in which were and are situated the points of diversion in said notice. Within sixty (60) days after the posting of said notice the predecessors in interest of the defendant herein as described in said notice of appropriation, commenced the excavation and construction of works thereunder by which they intended to divert the water so appropriated which work of construction was and ever since has been prosecuted diligently and uninterruptedly, except when temporarily interrupted by snow, rain or cold weather.

IV.

Said defendants directly and through their predecessors in interest on or about the year 1884 constructed a ditch known as the Medford-Hansen Ditch having point of diversion at the head of such springs, a tributary of Bear River in the Southeast quarter of the Northwest quarter of Section three (3) Township eleven (11) South, Range forty (40) East, B. B. & M., and conducted through said ditch eight hundred (800) inches of water to and upon the land hereinbefore described which said water thus conducted has been employed and used ever since said time and is now being used upon said land for irrigation, domestic and culinary purposes.

V.

That said water so appropriated, within the time allowed by the laws of the State of Idaho for putting such water to beneficial use was applied to beneficial uses, to-wit: irrigation, domestic and culinary and other uses during each irrigation season on said lands hereinbefore described or such part thereof as the said quantity of water sufficed to irrigate and such water and whole

Thereof is necessary for the successful cultivation and irrigation of the lands above described and other lands entitled to and susceptible of irrigation from said system of works.

WHEREFORE, The said defendants and cross-complainants pray:

- (1) That the plaintiff be granted to relief under its amended bill of complaint which impairs, conflicts with or prejudices the right of said defendants and cross-complainants to the waters so claimed by them.
- (2) That it be decreed that these defendants and cross-complainants are the owners and are entitled to the use of said waters so claimed by them and that their right in and to the use of said waters be established and quieted as against the claims of the plaintiff and all persons claiming by, through or under it and against all other persons whomsoever who are parties to this suit; and that the said plaintiff and all such other parties be enjoined and restrained from asserting any right in or to said waters in any manner adverse to these cross-complainants.
- (3) That said defendants and cross-complaints have such other relief in the premises as shall seem to be in accordance with equity and that they recover their costs herein.

J. H. PETERSON and H. A. BAKER

Attorneys for said defendants
and cross-complainants.

21131

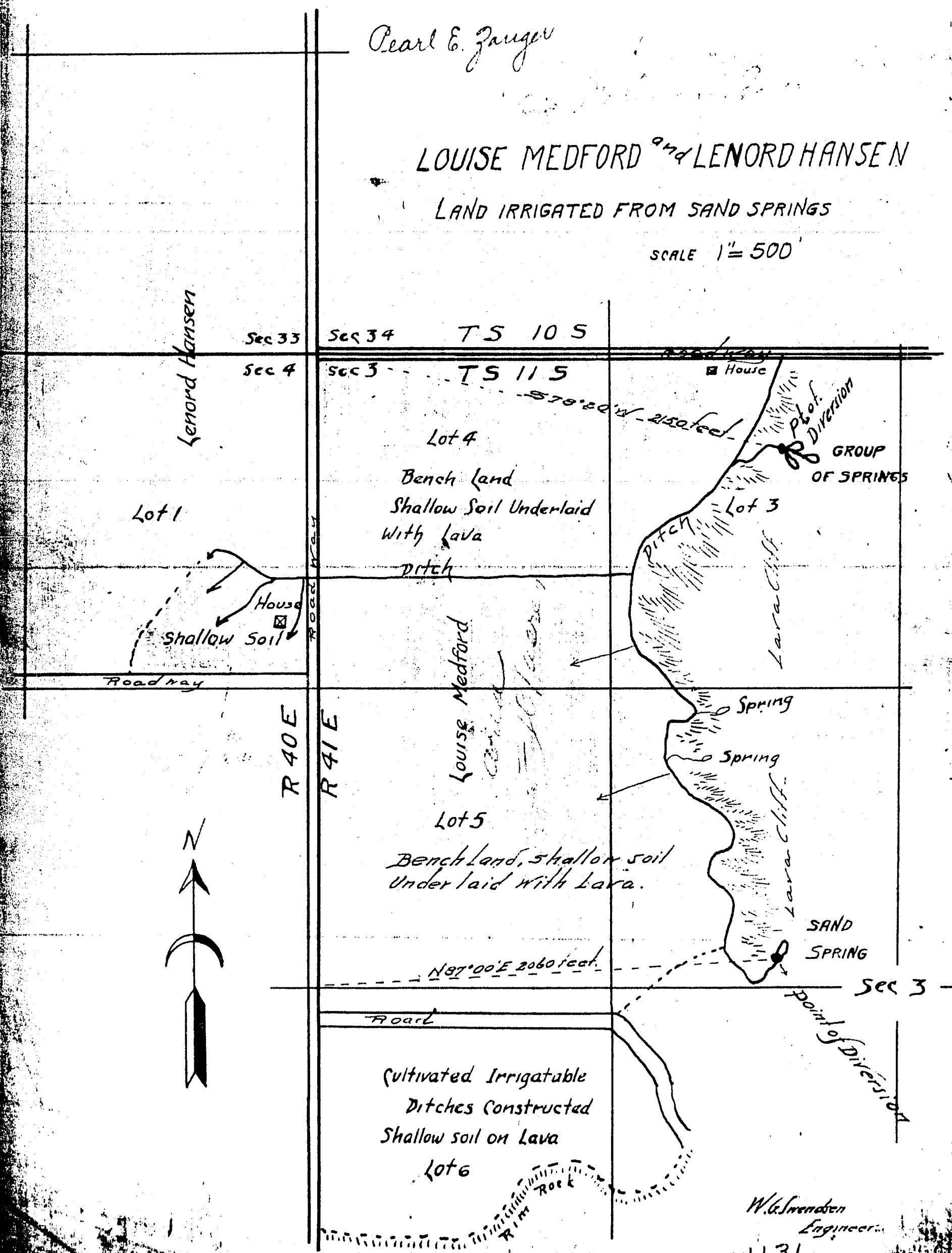
Blueprinted from
Original in Court files
Mar 12-51 E.J.H.

Pearl E. Zanger

LOUISE MEDFORD and LENORD HANSEN

LAND IRRIGATED FROM SAND SPRINGS

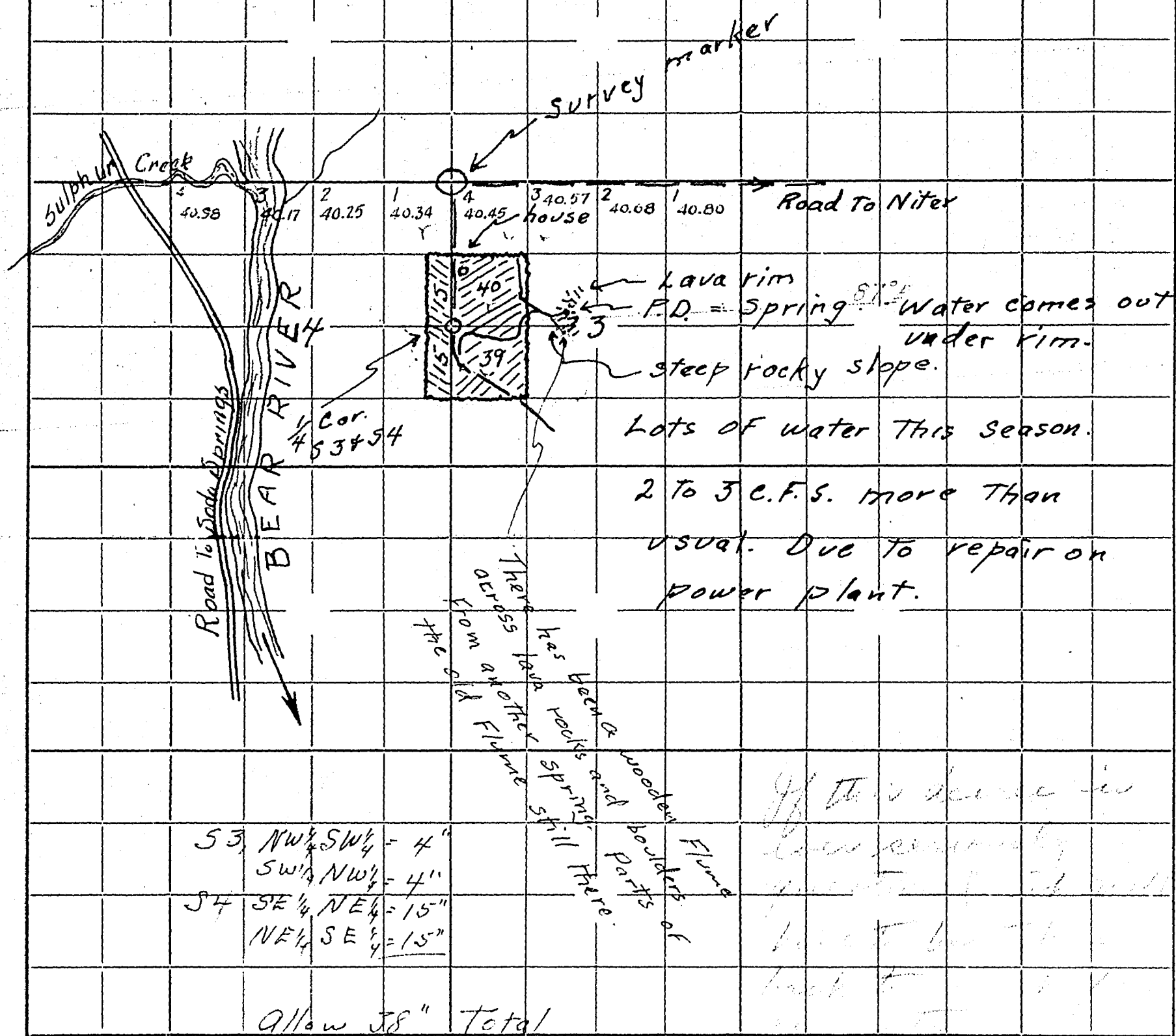
SCALE 1" = 500'



W.A. Swenden
Engineer

21131

Tw. 11 S R. 40 E. B.M.



1. This is same water as referred to in the decree.
2. W. Miles has withdrawn his filing in this spring and will take his water from springs to the south. (There is more water there than he can beneficially use).
3. Water under the Moffat-Hansen decree has been taken from only the N. Spring as far as Pat's Platten is concerned. The flow to the end to the south has long ago gone

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

Permit No. 21131

This proof is for Beneficial use In Water District No.

1. Name of applicant David E. Smith, Grace, Idaho
2. Source of water supply: An unnamed spring.
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3
T. 11 S. R. 40 E. County of Caribou
4. Describe works as they exist, giving dimensions and capacities of same: A ditch of approximately 18 to 24" wide on the bottom and 3' at the top is constructed around a hill side from Sand Springs or Pat Hollow to the North that carries water from both Sand Springs and springs covered in this filing. Water is taken out of this ditch for Smith's place, for Rulan Medford and Nels Roholt. No works of any kind except ditches are necessary. The spring comes out through and under the leve from a bench to the East of Smith's place and flows rapidly down the side of the hill until it flows into the ditch.
(continued under remarks)
5. Water is used for: Irrigation and domestic purposes.
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3; SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4; Township 11 South,
Range 40 East, B.M.

Practically all the land - 109 acres - are irrigated.

(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:

From there, it flows through a system of ditches slightly slower, going both to the Northwest and Southwest, covering Smith's lands.

More water is flowing now than has been filed on. Due to repairs being done to the flume of the power plant, more water is being released for irrigation purposes and apparently this spring receives its water from irrigation being made on the bench above.

Smith stated that on ordinary years, there is nowhere near as much water as is flowing now.

This examination was made on the 23rd day of August, 19 50.

(Signed) E. N. Humphrey Examiner.

21131

November 24, 1951

RE: Permit No. 21131

Mr. David E. Smith
Grace
Idaho

Dear Mr. Smith:

The report of our field engineer on examination for beneficial use under your Permit No. 21131, shows that you have irrigated 40 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, 39 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, and 15 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, and 15 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, Township 11 South, Range 40 East, B.M., or a total of 109 acres.

Since your decreed right includes 60 inches of water for the irrigation of this land, a license can be issued for an additional 49 inches (or .98 second foot) of water from an unnamed spring in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 3.

The statutory fee on this is \$8.00, being at the rate of \$2.00 for each 40 acre subdivision in which the land is located, and upon receipt of this amount, a license will be issued as above.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

21131

Grace Ida 11-29-51
Department of Reclamation
Boise Ida

Enclosed find
check for \$ for Statutory
fee for water.

Yours Truly

David E. Smith
Grace Ida,

RECEIVED

NOV 28 1951

Department of Reclamation

21131

November 30, 1951

RE: Permit No. 21131

Mr. David E. Smith
Grace
Idaho

Dear Mr. Smith:

We enclose license and certificate of water right issued under Permit No. 21131, confirming your right to the use of 0.98 of a second foot of water from an unnamed spring in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, Township 11 South, Range 40 East, B.M., with priority of June 23, 1949, for irrigation and domestic use on the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Township 11 South, Range 40 East, B.M.

We also enclose departmental receipt No. 23979 for the \$8.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21131

Grace Ida - 6-19-53

Department of Reclamation
Mark R. Kulp, Boise Idaho
Gentlemen: I have never
received the Certificate of
Title for the water I filed on
several years ago Permit No.
21131. I have the Certificate
of Completion of Work. The
approval of State Reclamation
Engineer, July 5-1949

Will you please look this
up? Please send it to me if
possible or give me some
information about it.

Yours Truly

RECEIVED
JUN 20 1953

Department of Reclamation

Edith E. Smith
Grace

Idaho -

21131

June 20, 1953

RE: Permit No. 21131

Mr. David E. Smith
Grace
Idaho

Dear Mr. Smith:

In reply to your letter of June 19, in regard to final papers of your Permit No. 21131:

The records in this Department show that on November 30, 1951, we sent you license and certificate of water right issued under this permit, confirming your right to the use of 0.98 of a second foot of water from an un-named spring in the SE 1/4 NE 1/4 Section 3, Township 11 South, Range 40 East, B.M.

If you have misplaced your license and would like a certified copy thereof, we can furnish same at a cost of \$1.50.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cp

21131

Grace Ida
June 22, 1953

Mark R Kuepf.
Boise Idaho.

Gentlemen. Enclosed
is \$4.50 for Certified License
for Exhibit No 2 P 131.

We never did receive it.
I have a cancelled check
for \$4.50 dated 11-51 and sent
you for Statutory fee.

Please send us once
David Ed Smith

Grace
Idaho.

RECEIVED

JUN 23 1953

Department of 2.

21131

June 23, 1953

RE: Permit No. 21131

Mr. David E. Smith
Grace
Idaho

Dear Mr. Smith:

We enclose a certified copy of License No. 21131 together with Departmental Receipt No. 26009 for the \$1.50 fee in connection therewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

21131

June 23, 1953

RE: Permit No. 21131

Mr. David E. Smith
Grace
Idaho

Dear Mr. Smith:

We enclose a certified copy of License No. 21131 together with Departmental Receipt No. 26009 for the \$1.50 fee in connection therewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

21131

File with
21131

May 20, 1954

RE: Permit No 21110

Mr. David E. Smith
Grace
Idaho

Dear Mr. Smith:

We have your letter of May 19 in regard to proof to be made on Permit No. 21110 in the name of Wesley A. Miles for water from un-named springs which you think may possibly include the spring described in your Permit No. 21131.

Until a field inspection is made by an engineer from this department there is no way of determining whether these two permits include the same spring.

However, in order to have a record of your claim in the event that it is the same spring, you should make a formal protest as provided by statute stating clearly your claim and signing same before a Notary Public. This protest should be filed in this department prior to June 1, the date set for making proofs on Permit No. 21110.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:hl1

21131

NOTICE OF PROTEST APPLICATION OF WATER
TO BENEFICIAL USE

TO: State of Idaho, Department of Reclamation, Boise, Idaho

STATE OF IDAHO)
: SS.
County of Caribou)

David E. Smith, the undersigned, being first duly sworn, on oath, deposes and says:

That he is a citizen of the United States of America, over the age of 21 years, a resident of Caribou County, Idaho, fully competent to make this affidavit.

That he is the owner and holder of State Department of Reclamation Water Permit No. 21131, which said permit is for the use of the waters of a certain unnamed spring, which said water is used on the following described lands, to-wit:

The SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 3, Twp. 11 S.,
R. 40 E.B.M., in Caribou County, Idaho.

That he hereby protests against the granting of the Application of Water to Beneficial Use of Wesley A. Miles, which said Application is to be heard before F. J. Rasmussen, Notary Public on June 1, 1954 at 10:00 A.M., based upon Permit No. 21110.

That the reason affiant hereby protests against such application is that he believes that one of the "un-named springs" listed in said Application is that spring which has been used by affiant and is now being used by affiant under Permit No. 21131 of the Department of Reclamation of the State of Idaho.

Further your affiant sayeth not.

x David E. Smith
David E. Smith
Grace, Idaho

Subscribed and sworn to before me this 25th day of May,
1954.

L. J. Rasmussen
Notary Public for Idaho
Residing at: Soda Springs, Ida.
My Commission Expires: July 1, 1956

RECEIVED
MAY 26 1954
Department of Reclamation

21131

May 26, 1954

RE: Permit No. 2113

Mr. David A. Smith
Grace
Idaho

Dear Mr. Smith:

We acknowledge receipt of your protest in connection with proof of Beneficial Use on Permit No. 21110 in the name of Wesley A. Miles

This has been placed on file and the matter will be investigated by a field engineer from this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

21131

May 26, 1954

RE: Permit No. 21131

Mr. David E. Smith
Grace
Idaho

Dear Mr. Smith:

We acknowledge receipt of your protest in connection with proof of Beneficial Use on Permit No. 21110 in the name of Wesley A. Miles

This has been placed on file and the matter will be investigated by a field engineer from this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

21131

Grace Ida

5-28-54

Mark R. Kulp Board
Senior Kulp When
your field engineer will
be here to investigate water
Will you Please let me
know so I can get to
see & talk to him?

Thank you

David E. Smith
Boardman

RECEIVED
MAY 29 1954

Department of Reclamation

21131

✓
May 29, 1954

RE: Permit No. 21131

Mr. David E. Smith
Grace
Idaho

Dear Mr. Smith:

In reply to your letter of May 28th, in connection with your protest on the above numbered permit:

Our field engineer will try and contact you when he makes the inspection.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br

21131

State of Idaho

License and Certificate of Water Right

Water License No. 21131

Amount 0.98 second foot

Water District No.

Priority June 23, 1949

THIS IS TO CERTIFY that DAVID E. SMITH

of Grace, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 23, 1949; that Permit No. 21131 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.2 second feet, was issued thereunder on September 2, 1949, showing that said works were completed on the 24th day of August, 1949; and that on the 30th day of October, 1949,

DAVID E. SMITH

of Grace, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an unnamed spring, ~~tributary of~~, for the purpose of irrigation and domestic purposes, under Use Permit No. 21131 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4860, on the 28th day of November, 1951; The right hereby confirmed dates from June 23, 1949;

The Point of Diversion is located

in the SE 1/4 NW 1/4, Sec. 3, Tp. 11 S., R. 40 E., B.M. Caribou County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.98 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	40 E.	3	SW 1/4 NW 1/4	40	40
			NW 1/4 SW 1/4	40	39
		4	SE 1/4 NE 1/4	15	15
			NE 1/4 SE 1/4	15	15
			Number of Acres Actually Irrigated - -		

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

28th day of November, 1951.

MARK R. KULP

State Reclamation Engineer

(SEAL)