

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

Application No. 27487
Permit No. 19923
District No.

Bergeson's interest
CANCELLED pursuant to sec. 22-311
Idaho Code Annotated, by order of
State Reclamation Engineer
dated FEB 4 1952

1. Name of Applicant: E. O. BERGESON

Postoffice address: Dayton

County: Franklin

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: Two (2)

cubic feet per second.

3. Source of water supply: Atkinson Creek

which is a tributary of Non-tributary (Sinks)

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 3 , T. 15 S., R. 38 E., B.M., County of Franklin

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: \$ 5,000.00

8. Kind of works: Ditches and diversion dam and 15,000 gallon concrete storage tank

9. Height of dam 10

feet; length of dam at top 200

feet; length of dam at bottom 20

feet; material used in dam: Rock, earth, concrete

10. Size of headgate: Width

feet; height

feet;

11. Ditch: Width at bottom 2

feet; width at water line 3

feet; depth of water 0.5

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit 1

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is Five (5)

years.

13. The time required for the complete application of the water to the proposed use is None

additional years.

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

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

15. (a) Is reservoir to be used? 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.

E. O. BERGESON

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 11:50 A. M. Sept. 18, 1946

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 19923

Recorded in Book 72 Page 19923 Approved September 30, 1946

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 November 30, 1946

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 March 30, 1949

The whole of said work to be completed on or before September 30, 1951

Beneficial use of water appropriated in accordance herewith, to be made on or before September 30, 1951

Witness my hand this 30th day of September, 1946

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, We ARNOLD WILLIAMS, Governor of the State of Idaho,

and IRA H. MASTERS, 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 30th

day of September, 1946

STATE OF IDAHO

Countersigned:

(SEAL)

By IRA H. MASTERS

Secretary of State.

By ARNOLD WILLIAMS

Governor.

Remarks: The water of Atkinson Creek has been used on the land described in this application for the past 40 years.

During the dry season of the year Atkinson Creek is fed by springs rising in Section 4, Twp. 15 S., Range 38 E.B.M.

14.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	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 S.	38 E.	3													40	40		3	83
		11													40				120
Total Number of Acres to be Irrigated -																			203

14-A Existing water rights and/or valid permits appurtenant to the lands to be irrigated are-- None other than the water of Atkinson Creek, which has been used on this place for 40 years.

-: ASSIGNMENT :-

For Value Received, I hereby assign all my right, title and interest in .10 cubic feet per second in and to Permit to appropriate the Public Waters of the State of Idaho, No. 19923, to Hill Top Water Association, Inc.

E. O. Bergeson
Kenna S. Bergeson

State of Idaho)
(SS
County of Franklin)

On this 14th day of June, 1948, before me, a Notary Public for the State of Idaho, residing at Preston, Idaho, personally appeared E. O. Bergeson and Kenna S. Bergeson, known to me to be the person whose name is subscribed to the within instrument, and duly acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my Notarial seal, the day and year in this certificate first above written.

J. N. Larsen
Notary Public
Residing at Preston, Idaho

My commission expires May 1, 1949

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 19923

Comes now, Lon Cshoon, President of Hill Top Water Association, Inc., and represents to the State Reclamation Engineer of the State of Idaho.

That it is the owner and holder of an Assignment to appropriate .10 cubic feet per second, in and to Permit to appropriate the Public Waters of the State of Idaho, No. 19923.

That the point of diversion is described in Permit No. 19923 as being located NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, Tp. 15S. R. 38E B.M., and conveyed to the place of use through constructed ditch, as per map filed herewith.

That Hill Top Water Association now requests that the point of diversion be changed to a point located 1048 Feet North and 760 Feet West of SE Corner of Sec. 4, Tp. 15 S.R.38E B.M., and conducted to a place of use through metal pipe lines, as per map attached.

That the place or places of intended use of said assigned water under Permit No. 19923, for domestic and stock watering purposes, gardens and lawns read as follows: NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 2, Tp. 15 S. R. 38E B.M.; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 11, Tp. 15 S. R. 38 EBM; and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3, Tp. 15 S. R. 38 EBM;

such

That the associations reasons for desiring to make/change are as follows.

That no additional water, other than covered in the Assignment of .10 cubic feet per second, under Permit No. 19923 is being requested and that the rights of others will not be adversely affected by such change.

Signed at Preston, Idaho, this 6th day of July, 1948.

Hill Top Water Association, Inc.
By Lon Cshoon
Title - President

Date of receipt at Department of Reclamation - July 12, 1948

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 19923. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Mark R. Kulp
State Reclamation Engineer

Permit No. 19923
CERTIFICATE OF COMPLETION OF WORKS

To all Whom It May Concern:

This is to certify that HILL TOP WATER ASSOCIATION of Dayton, County of Franklin, and State of Idaho, the holder of a partial interest Permit No. 19923, issued upon Application No. 27487 bearing date of priority of September 18, 1946, authorizing the diversion of 0.1 second foot of the waters of Atkinson Creek, County of Franklin, State of Idaho, for domestic and stock watering 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 0.1 second foot of the waters of Atkinson Creek; that the point of diversion of said waters is located 1048 feet North and 760 feet West from the Southeast corner of Section 4, Township 15 South, Range 38 East, B.M., and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section; and that the place of use of said water is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3; All in Twp. 15 South, Range 38 East, B.M.

Witness my hand this 30th day of July, A. D. 1951.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made July 12, 1951
Certificate of Completion of Works issued July 30, 1951.

LICENSE ISSUED FOR 0.1 SEC. FT.

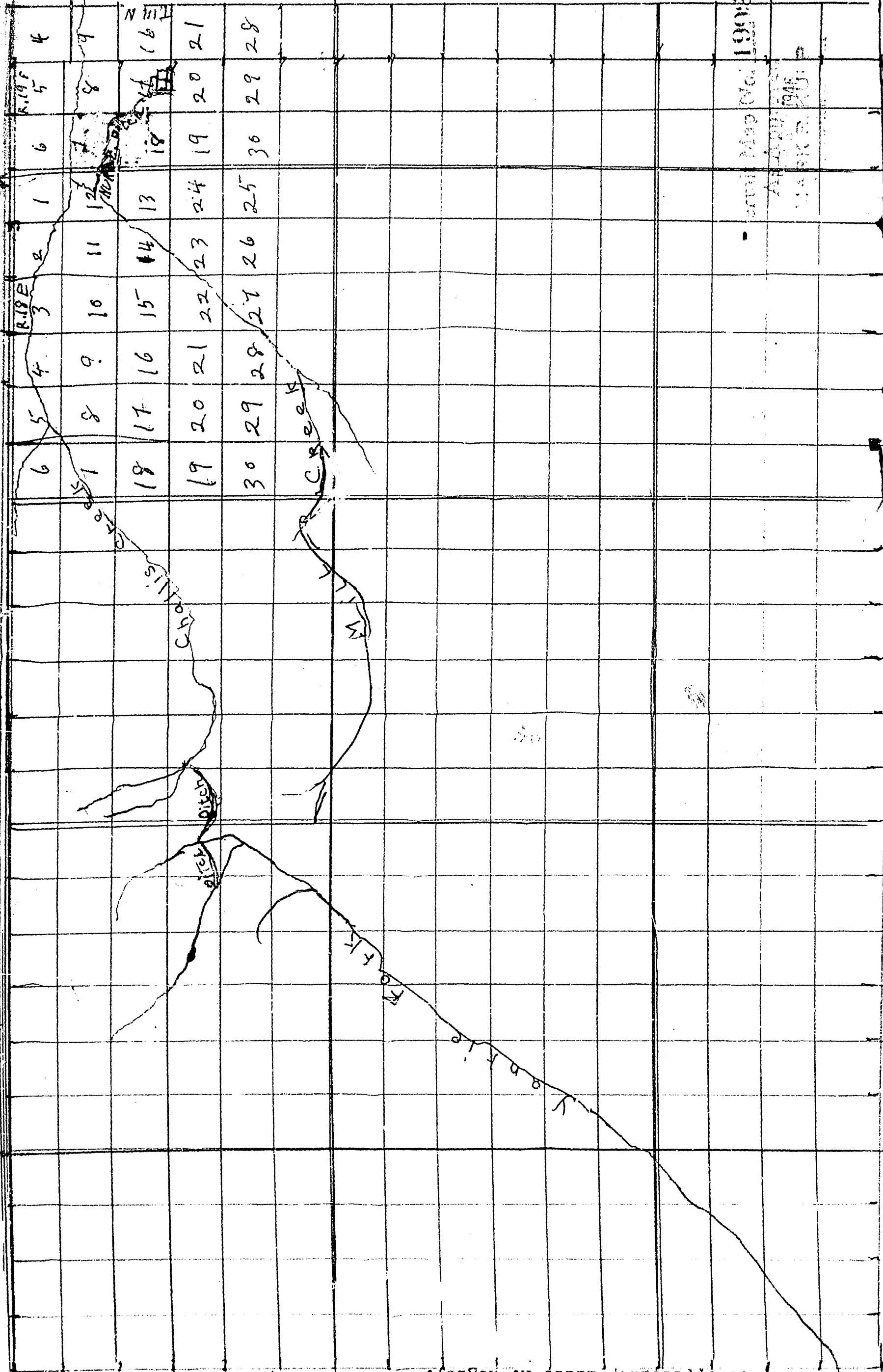
Age 4961

R. 17 E

R. 16 E

T. 14 N.

Name of applicant, Ellis H. Higley.



1/2 Sec 16 E 1 Mile

1906

1907

1908

THE NURCE RANCH, CHALLIS IDAHO

September 5. 1946.

Reclamation Department
Mark R. Kulp- Engineer
Boise.

Dear Sir;

~~Dear~~ Please send me the regular application blanks
for the purpose of appropriating
the public waters of the state of Idaho.
I would like two sets, if possible.

Very truly yours,

Ellis E. Higley
Ellis E. Higley.
Challis, Idaho
Box 151

RECEIVED

SEP 9

Department of Reclamation

September 9, 1946

Mr. Ellis E. Higley
Box 151
Challis, Idaho

Dear Mr. Higley:

In reply to your request of September 5th, we enclose two forms of application for permit to appropriate the public waters of the State of Idaho; and also a pamphlet giving regulations and instructions in regard to filing same.

Very truly yours,

MARK H. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

September 19, 1946

Re: Application No. 37438

Mr. Ellis E. Higley
Challis, Idaho

Dear Mr. Higley:

We acknowledge receipt of your application for permit to appropriate four second of water from Yankee Fork Creek, together with your fee of \$5.75, for which we have issued Departmental Receipt No. 19635.

However, there seems to be a little discrepancy in the land description, as follows:

Under Question 14, you describe the land irrigated as the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Twp. 14 N., R. 20 E., S. 20 N. But the sketch map shows the NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

We assume this latter is the correct description, but to be sure we are enclosing a sketch map on which we have marked with a cross the land shown in Question 14, as described in the sketch map.

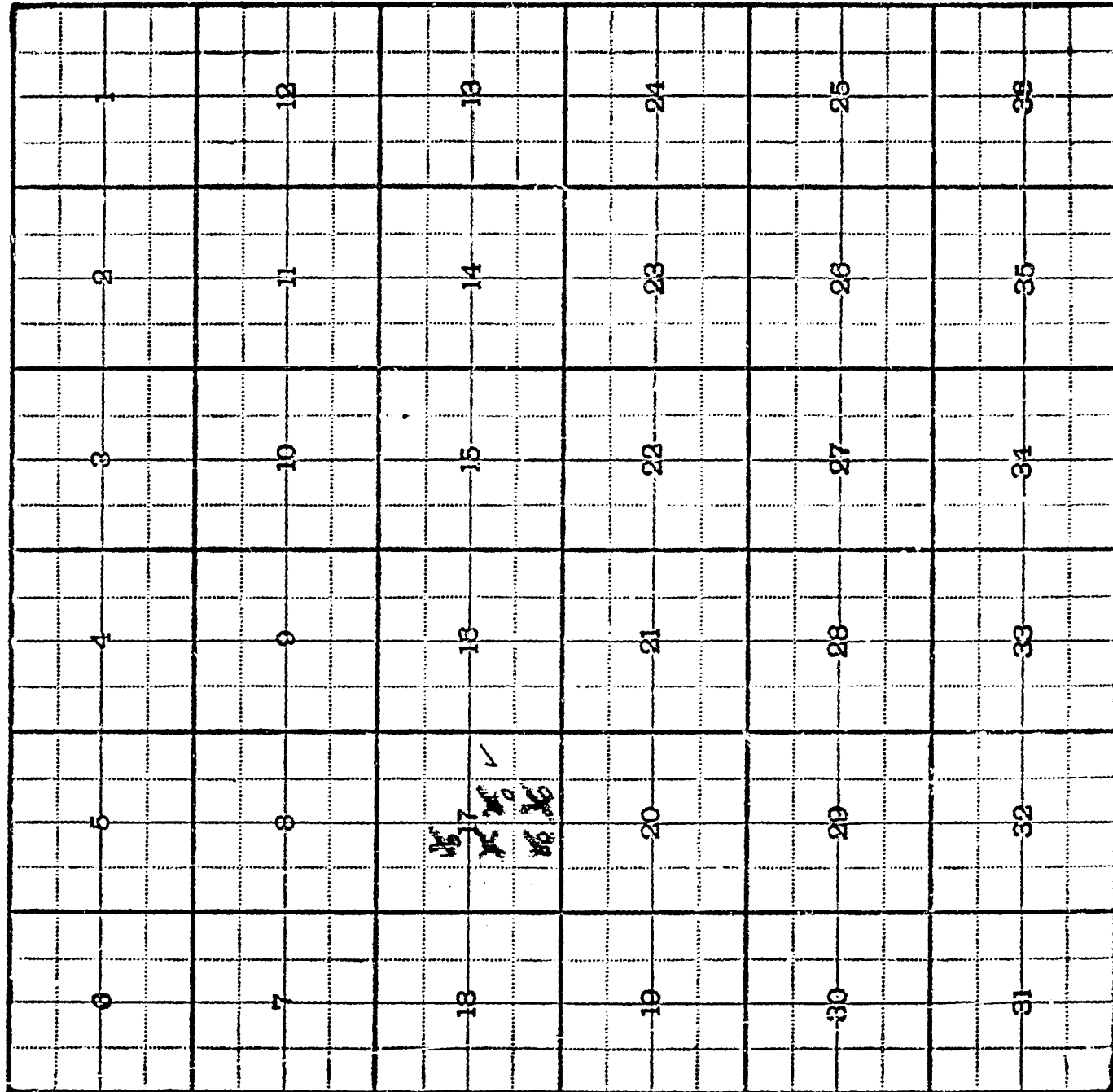
Please mark in red, or with an X, the land you expect to irrigate with this permit, and return promptly to this department.

Very truly

A
Encl.

SCALE: ONE INCH TO ONE MILE

Township..... Range.....





STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

ARNOLD WILLIAMS
GOVERNOR

September 19, 1946

Re: Application No. 27488

Mr. Ellis E. Higley
Challis, Idaho

Dear Mr. Higley:

We acknowledge receipt of your application for permit to appropriate four second feet of water from Yankee Fork Creek, together with your fee of \$5.75, for which we enclose Departmental Receipt No. 19635.

However, there seems to be a little discrepancy in the land description, as follows:

Under Question 14, you describe the land to be irrigated as the $SE\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$ of Section 17, Twp. 14 N., Range 19 E.B.M. But the sketch map shows the $SE\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$.

We assume this latter is the correct description, but to be sure we are enclosing a small plat- on which we have marked with a check () the land as described in Question 14, and with a small "o" the land shown on the sketch map.

Please mark in red, or with an "x" the land which you expect to irrigate with this water, and return promptly to this department.

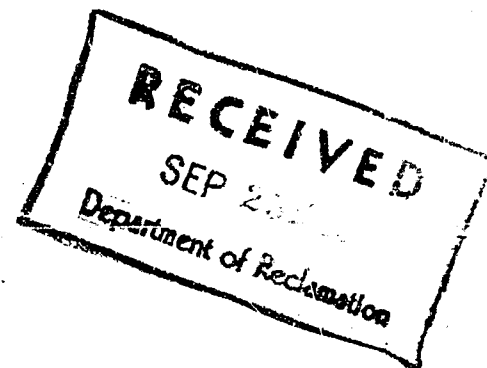
Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson
Chief Clerk

A
Encl.



Mr. Mark R. Kulp;
Miss Jeanne L. Anderson;- Thank you. You were correct, and
the sketch map was correct,
Very Sincerely,
Ellis E. Higley
Box 151

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

Date October 7, 1946

Permit No. 19925

Dear Sir:

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

MARK R. KULP
State Reclamation Engineer

Mr. Ellis L. Higley
Challis, Idaho

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. Ellis E. Higley

Challis, Idaho

Boise, Idaho July 1, 1949

Dear Sir:-

Under the terms of your permit No. 19925-----you are required to complete your diversion works on or before September 30, 1949 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 will be issued to you.

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

Yours truly,

MARK R. KULP

State Reclamation Engineer

January 10. 1950.

RECLAMATION DEPARTMENT
BCISE.

Mr. Mark R. Kulp,
State Reclamation Engineer;

Dear Sir:-

Would you be so kind as to send me the date of a filing of a water right from the Yankee Fork of the salmon river, by a Maxey Potter, of 160 inches of water, for a section of land, Home stead entry.

Permit No. 19925 Date October 7. 1946
Ellis E. Higley. I wish to state that Maxey Potter and I. holder of this No. Permit. are Partners in this Yankee Fork Project. we would have had this project completed, but through no fault of ours, we have been unable to do so.

November 1946 I went to the Hospital, with hemorrhage of the lungs, (cause Gas burn) and was in the hospital over 2 years and would it be possible to get an extension of time of 2 years to complete this project.

This Potter, Permit, should have been filed about autumn of the year 1947.

Thanking you, for your help in this matter
we remain,

Yours sincerely,

Ellis E. Higley
Maxey Potter

P.S. Please send the proper blanks for filing this extension of time.

RECEIVED
JAN 13 1950

Department of Reclamation

January 13, 1950

Re: Permits Nos. 19925 and 20175

Mr. Ellis E. Higley
Box 151
Challis, Idaho

Dear Mr. Higley:

In reply to letter of January 10, 1950, signed by yourself and Maxey Potter:

Permit No. 20175 in the name of Maxey Potter was filed September 16, 1947, and Proof of Completion of Works is due on or before September 27, 1950. However, an Extension may be allowed until September 27, 1952.

On your own Permit No. 19925, Proof of Completion of Works was due on or before September 30, 1949 but you may apply for an Extension to September 30, 1951, which is the maximum time allowed by Statute, being five years from the date of approval of the Permit.

We enclose herewith, forms of Application for Extension of Time which may be executed on these two Permits and returned to this Department for approval by the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

July 1 1950

Re: Permit No. 19925

To: Mr. Ellis E. Higley
Box # 151
Challis, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 19925
to Appropriate the Public Waters of the State of Idaho, have not been complied with as to
Completion of works September 30, 1949

you are hereby notified in compliance with Sec. 42-311, Idaho Code annotated that said Permit No. 19925
is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 19925 claims the use of Four cubic feet per second of the head
waters of Yankee Fork with point of diversion located
in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Twp. 14 North, Range 16 East, B. M. and
was approved September 30, 1946.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the
1st day of July 1950.

Mark R. Kulp.
State Reclamation Engineer.

By Assistant.

APPLICATION FOR REGISTRATION AND CERTIFICATE OF DECLARED VALUE OF MATTER SUBJECT TO POSTAL SURCHARGE

(No collection of surcharge is required on international registered mail)

NOTE.—Additional receipted copies of this bill will be furnished as certificates of mailing only, upon payment of one cent for each article listed on each additional copy of the bill. Claims for indemnity may not be paid unless articles are properly packed and endorsed, and unless claims are filed within the prescribed time limits. (See postmaster for detailed information.)

State Department of Reclamation hereby applies for the registration of the articles described below
(Name of sender)
and certifies that the amounts of the declared values set forth on the sheet are the full values of the articles listed or the known or estimated cost of duplication in the case of nonnegotiable securities.

Letter only

(1) NUMBER OF ARTICLE	(2) NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	(3) Postage (exclusive of other charges or fees)	(4) Registry fee	(5) Fee paid for return receipt	(6) Delivery restricted—Fee paid	(7) Full value or cost of duplication if nonnegotiable securities*	(8) Surcharge on entire contents of article	(9) REMARKS†
1	87918 Ellis E. Higley, Box 151, Challis, Idaho	3	25	5				
2								
3								
4								
5								

* When an article contains matter declared for full value and that for which the cost of duplication is declared, enter in column (7) the sum of the declarations for "full value" and "cost of duplication."
† Show in "Remarks" column (9) class postage paid if other than first or if international mail. Also use this column to indicate "F" if "Fragile"; "SD" if "Special-Delivery"; "AM" if "Air Mail"; and "C. O. D." and amount due sender if registered C. O. D. mail.

Total number of pieces listed by sender (Write One here in words)

Total number of pieces received at post office One

Postmaster, per [Signature]
(Name of receiving employee)

Affix stamp and additional copies of this bill



Postmark and date of receipt

Post Office Department
OFFICIAL BUSINESS
Reclamation

PENALTY FOR PRIVATE USE TO EXCEED \$100
BOISE
POSTAGE, 3c

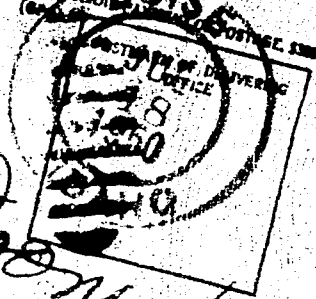
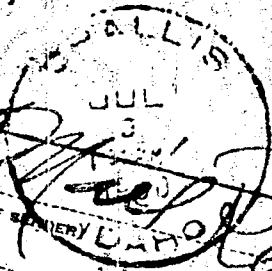
Return to
Street and Number,
or Post Office Box.

REGISTERED ARTICLE

No.

INSURED PARCEL

No.



BOISE,

IDAHO.

Form 3811
Rev. 1-1-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 *E. E. [illegible]*
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery *July 3rd*, 19*50*

U. S. GOVERNMENT PRINTING OFFICE

16-12421-1

JUL 18 1950

Re; Permit No. 19925

August 7. 1950

State of Idaho
Department of Reclamation
Boise Idaho.

Mr. Mark R. Kulp
State Reclamation Engineer.

Dear Sir;

In regards to Above permit No. 19925, I wish to get
2 year extension on time to complete construction, if possible.

My desert land entry filed December 15. 1947 with the
Department of the Interior, District Land Office, was held up
through the inclosed notice.

My notice of allowance, was not issued until April 20. 1950
of this year, could you send me the necessary application blanks, or
should I make another filing, a part of this work has been done and
a part of this ditch made,
please let me know,

very sincerely,

Ellis C. Higley

about 9-30-46

RECEIVED
AUG 9 1950
Department of Reclamation

296.8 RIGHT OBTAINED BY FILING APPLICATION;

SUBJECT TO MINERAL LAWS

The filing of an application for classification of the land, accompanied by application to make entry, selection, does not give the applicant the right to occupy or settle the land applied for, but will segregate the lands applied for in other disposition under the public land laws, subject to prior valid adverse claim, except that at all times the mineral contents in the land shall be subject to prospecting, locating, developing, mining, entering, leasing or patenting under the provisions of the applicable laws. The applicant shall be entitled to the possession and use of the land only after his entry, selection or location has been allowed.^a Settlement upon or occupation of the land applied for prior to notice of the allowance of the entry, constitutes a trespass. GLO Orders No. 53, of June 16, 1939, and 113, of June 17, 1941.
^aPar. 7, Circ. 1353b, June 29, 1937.

✓
Re: Permit

Mr. Ellis E. Higley
Box 151
Challis, Idaho

Dear Mr. Higley:

In reply to your request we enclose a form of Application for Completion of Works on Permit No. This should be executed before and returned to this Department for approval.
Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

3
Permit No. 19925

Application for Extension of Time
FOR COMPLETION OF WORKS

RECEIVED
OCT 19 1950
Department of Reclamation

Ellis E. Higley, of Challis, Custer County

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

He is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. Re; Permit No. 19925

Under the terms and conditions of said permit, construction work thereunder was required to be
completed by September 30, 1949.

That he has heretofore performed the following work described under said permit clearing
one half mile of construction. Said works would have been completed
but through an act of God it was not possible, as he was in the
doctor's care with hemorrhage of the lungs.

costing \$300.

That he is unable to complete the remainder of the work within the required time, for the fol-
lowing reasons, to-wit:

ill health, and trying now to get caught up with emergency work.

STATE RECLAMATION ENGINEER

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the comple-
tion of works under said permit to October 1st, 1951.

Subscribed and sworn to before me this 17th day of October, 1950

My commission expires

Date of receipt at office of Department of Reclamation October 19, 1950

APPROVAL OF COMMISSIONER OF RECLAMATION
STATE RECLAMATION ENGINEER OF

Mark R. Kulp, Commissioner of Reclamation of the State of Idaho, hereby extend the time for the com-
pletion of construction work under Permit to appropriate the Public Waters of the State of Idaho, No. 19925 to

October 1st, 1951

Witness my hand this 19th day of October, 1950

Mark R. Kulp
State Reclamation Engineer

October 19, 1950

Re: Permit No. 19925

Mr. Ellis E. Higley
Box 151
Challis, Idaho

Dear Mr. Higley:

We enclose herewith the approval of the State Reclamation Engineer of your Application for Extension of Time for Completion of Works under Permit No. 19925 to October 1, 1951.

This should be attached to the original Permit of which it now forms a part.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

RWT:bh
Enc.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

IN THE MATTER OF CANCELLATION OF PER-
MIT TO APPROPRIATE THE PUBLIC WATERS } ORDER OF CANCELLATION
OF THE STATE OF IDAHO, No. 19925 }

WHEREAS, Permit No. 19925 lapsed through failure of the holder to make proof of completion of works within the time specified in the Permit, to-wit: October 1, 1951
....., and

WHEREAS, due notice was given the holder of said Permit that such proof would be due on the date above mentioned, and

WHEREAS, on July 28, 1952, notice was sent to the holder of said Permit to appear before the State Reclamation Engineer on or before 40 days to show cause why such Permit should not be cancelled, and

WHEREAS, the holder of said Permit has failed to comply with the said requirements, and that no showing has been made as to completion of the works under said Permit:

IT IS THEREFORE, hereby ordered that Permit No. 19925 be and the same is hereby cancelled and held for naught.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 5th day of March 1955

Mark R. Kuyf

State Reclamation Engineer.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

July 28

19 52

Re: Permit No. 19925

To Mr. Ellis E. Higley
Box 151
Challis, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 19925

to Appropriate the Public Waters of the State of Idaho, have not been complied with as to

Completion of works October 1, 1951

42-311

you are hereby notified in compliance with Sec. 41-311, Idaho Code annotated that said Permit No. 19925

is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 19925 claims the use of four cubic feet per second of the waters of head waters of Yankee Fork with point of diversion located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Twp. 14 North, Range 16 East, B. M. and was approved September 30, 1946.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the

28th day of July 19 52

Mark R. Kulp
State Reclamation Engineer.

By Assistant.

Post Office Department
OFFICIAL BUSINESS

PERMIT FOR PRIVATE USE IT'S A GOOD PRACTICE OF POSTAGE

USPO

POSTMARK OF DELIVERY

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO
AUG 1952

Return to _____

(NAME OF SENDER)

Street and Number,
or Post Office Box, }

127 State House

REGISTERED ARTICLE

No.

87261

INSURED PARCEL

No.

10-12421-1

10-12421-1

BOISE,

IDAHO.

Form 3811
Rev. 1-52

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the number of which appears on the face of this Card.

1 Wm E. Smith
(Signature or name of addressee)

2 _____
(Signature of addressee's agent - After delivery, the addressee's name on the ONE above)

Date of delivery AUG 21 1952

August 18. 1952.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE.

(Re; Permit NO. 19925 Ellis E. Higley
Challis, Idaho.)

Mr. Mark R. Kulp ;

(Re; Permit No. 20175 Maxcy Potter
Challis, Idaho.

Reclamation Engineer;-

Dear Sir;-

Your notice of July 28th. at hand, and in reply I would like time until the first of October 1953 to complete this project on account of illness, and other draw backs I was unable to do this job as soon as I expected, but will do the best that I can

So will you please grant me this time, and send me the necessary forms for the extension of time, also forms for Maxcy Potter the undersigned.

Thanking you in advance, Sincerely

Ellis E. Higley
Maxcy Potter

P.S. Mr. Kulp. I wish to congratulate you on your speech last June at the meeting of the Idaho Reclamation Association, Under the Federal law, the state has control of all irrigation waters and should retain that right, and keep control, Through Forest Grazing and power sites. the State is losing control of their God given rights, given each State by the Law's of the Constitution. Hon. Henry C. Dworshak made a remarkable speech before the house, and I believe should have more data on this subject.

Sincerely,

Ellis E. Higley

RECEIVED
AUG 21 1952

Department of Reclamation

September 2, 1952

RE: Permits Nos. 19925 and 20175

Mr. Ellis E. Higley
Challis
Idaho

Dear Mr. Higley:

In reply to your letter of August 18, 1952, requesting extension of time for completion of works on Permit No. 19925:

Since the 5 years' maximum set by statute for completion of works expired October 1, 1951, an extension cannot be allowed. You may, however, file a new application for a permit to take the place of 19925 and we enclose the necessary forms of application herewith.

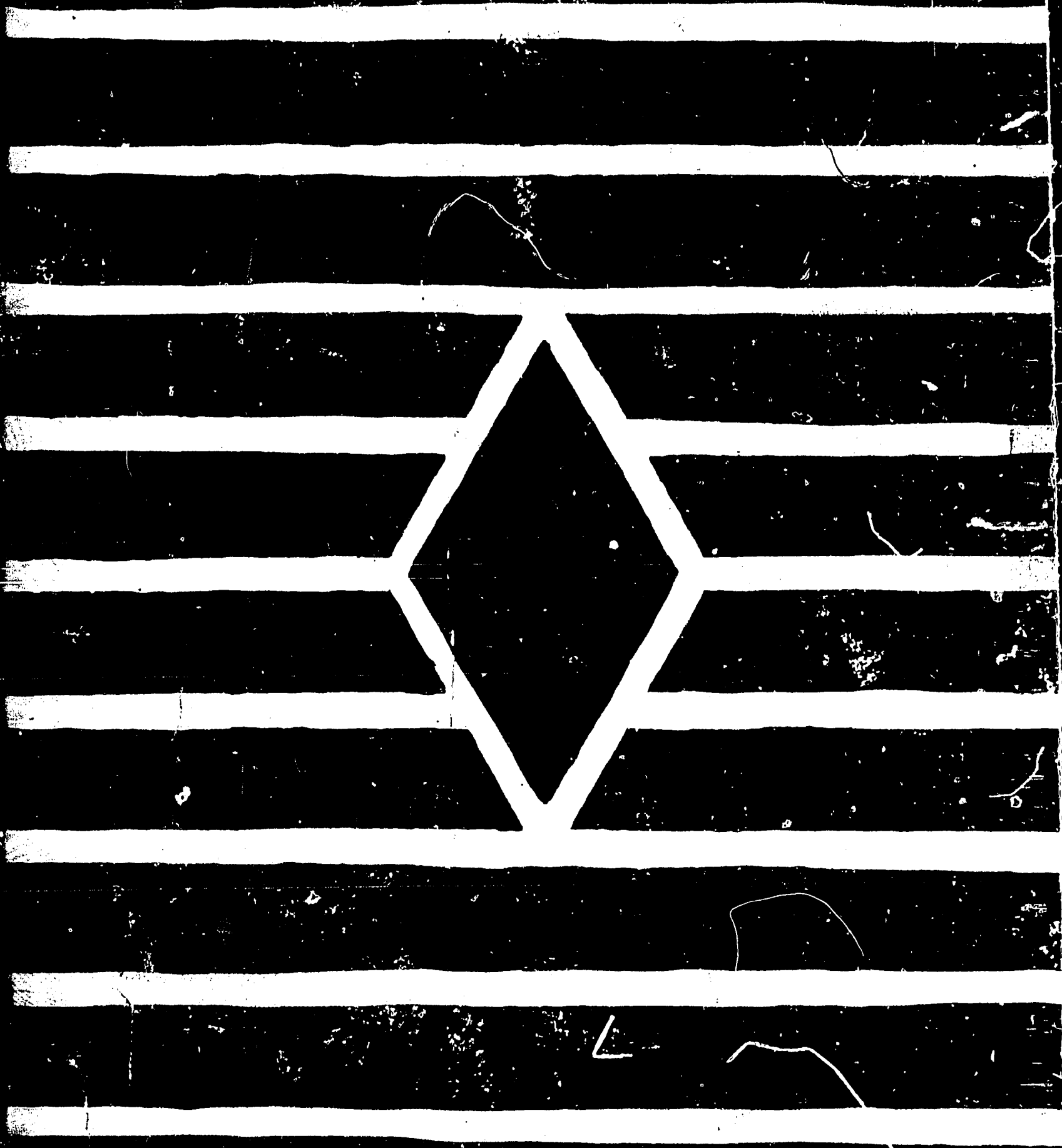
The same conditions exist in regard to Permit No. 20175 of Percy Potter and we enclose a form for new application for him to file if he wishes to do so.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

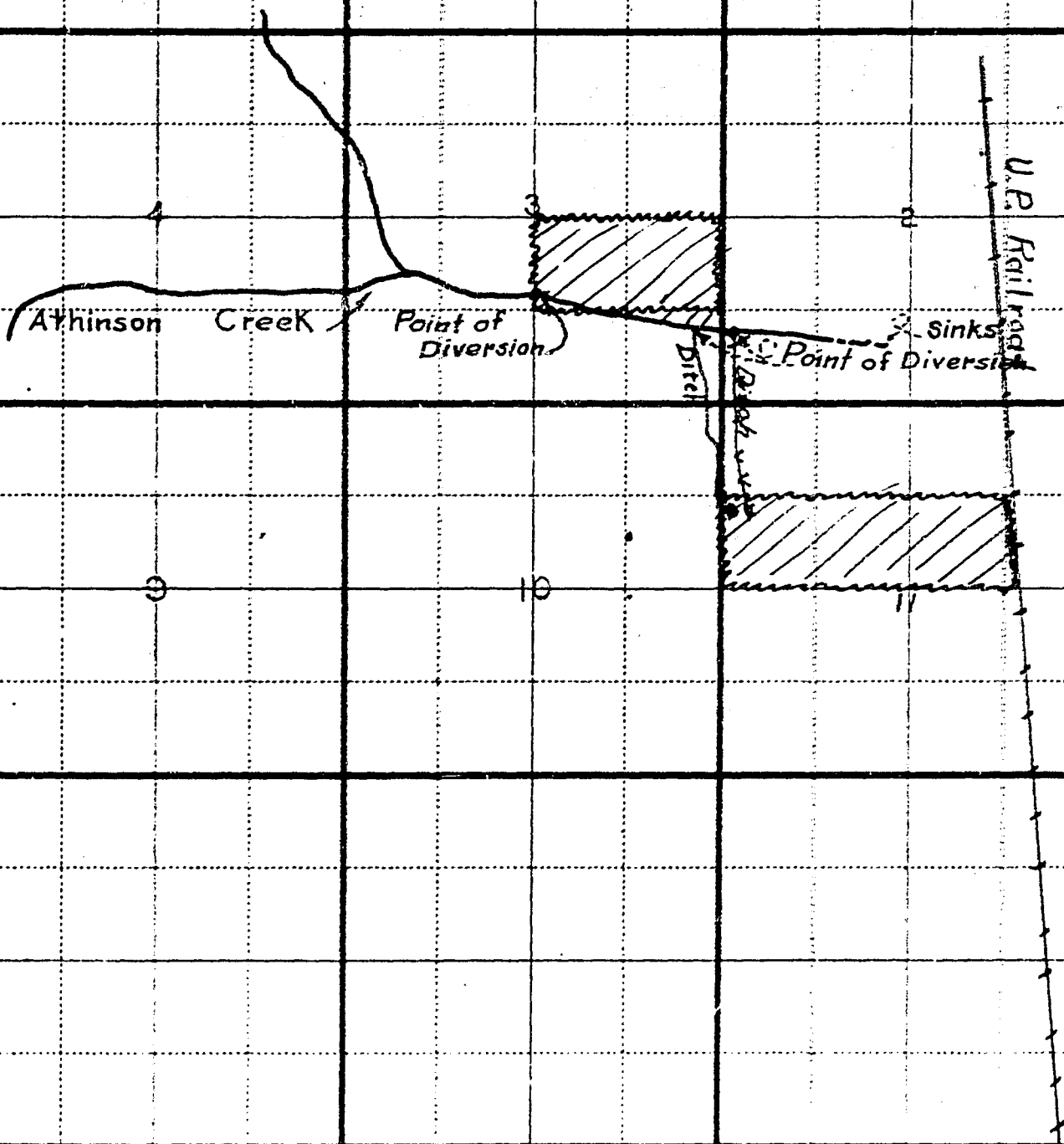
Chief Clerk

Aifg
Enc.



TOWNSHIP - 15 South

RANGE - 38 East



Survey Map No. 10028

As Approved

SEE 1045

W. R. KOLP

Division Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 19923

Date October 7, 1946

Dear Sir:

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Mr. E. O. Bergeson
Dayton, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Memo left with application .

1992-5

✓
~~January~~ 12, 1948

19923
Re: Permit No. 98923

Mr. Rex White
Route #2
Perry, Idaho

Dear Mr. White:

In reply to your inquiry we give below a summary of Permit #19923 on Atkinson Creek, Franklin County.

This permit was filed September 22, 1948 by E. O. Bergeson for 2 cubic feet per second or 1.56 cfs from Atkinson Creek. Points of diversion in the NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 3, Township 15 S, Range 35 E, R. 1. For irrigation and domestic use on 83 acres in the NW $\frac{1}{4}$ of Section 3 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 11, same township and range.

Very truly yours,

MARK R. HOLT
State Reclamation Engineer
By

Chief Clerk

A/cm

19923

WATER FACILITY PLAN

Hilltop Water Association

Dayton Franklin County Idaho

1/24/48

1. Location

a. Approximately 7 miles northwest of Preston, Idaho

b. Legal Location - Source of water supply, a spring located in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, T. 15 S. R. 38 EBM, 1048' North and 760' West of the Southeast corner of above described Section 4, Pipe line will traverse the, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T. 15 S. R. 38 EBM
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T. 15 S. R. 38 EBM
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T. 15 S. R. 38 EBM
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3, T. 15 S. R. 38 EBM
Tank Location, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T. 15 S. R. 38 EBM
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, T. 15 S. R. 38 EBM

to State Highway, thence North and South along Highway to points of use.

2. Present Facilities

a. Wells, pressure systems and hand pumps.

b. Low Yield, go dry in winter. Poor quality of water.

3. Proposed Facility

a. Spring feed, gravity type pipe line with storage facility.

b. To supply not less than 2000 gallons per day to 4 - 6 farm units.

c. Domestic, stock water, lawns, gardens, general rural home requirements.

4. Technical Feasibility

a. Water right will have to be acquired to not less than 20 gallons per minute flow of Atkinson Spring, located as above described. This spring has a maximum measured flow of 45 GPM and minimum flow of 23 GPM.

b. A spring site plow of approximately 1 acre should be acquired, surrounding the spring. It must be fenced. Water will be conducted from spring to 15,000 gallon storage tank thru 2" galvanized iron pipe. The tank be located approximately 410' west and 25' north of the SE corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T. 15 S. R. 38 EBM. From the tank, the water will flow under gravity pressure, Southeasterly to the State Highway, thence North and South, following the highway to points of use.

19923

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 19923

Comes now, Lon Cahoon, President of Hill Top Water Association, Inc., and represents to the State Reclamation Engineer of the State of Idaho.

That it is the owner and holder of an Assignment to Appropriate .10 cubic feet per second, in and to Permit to Appropriate the Public Waters of the State of Idaho, No. 19923.

That the point of diversion is described in Permit No. 19923 as being located NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3, Tp. 15 S. R. 38 EBM, and conveyed to the place of use through constructed ditch, as per map filed herewith.

That Hill Top Water Association now requests that the point of diversion be changed to a point located 1048 Feet North and 760 feet West of SE Corner of Sec. 4, Tp. 15 S.R.38, EBM, and conducted to a place of use through metal pipe lines ~~ditch~~, as per map attached.

That the place or places of intended use of said assigned water under permit No. 19923, for domestic and stock watering purposed, gardens and lawns read as follows:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 2, Tp. 15 S. R. 38 EBM; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 11, Tp. 15 S. R. 38 EBM; and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3, TP. 15 S. R. 38 EBM;

That the associations reasons for desiring to make such change are as follows.

That no additional water, other than covered in the Assignment of .10 cubic feet per second, under Permit No. 19923 is being requested and that the rights of others will not be adversely affected by such change.

Signed at Preston, Idaho, this 6 day of July, 1948.

Hill Top Water Association, Inc.
By Lon Cahoon
Title President

Date of receipt at Department of Reclamation July 12, 1948

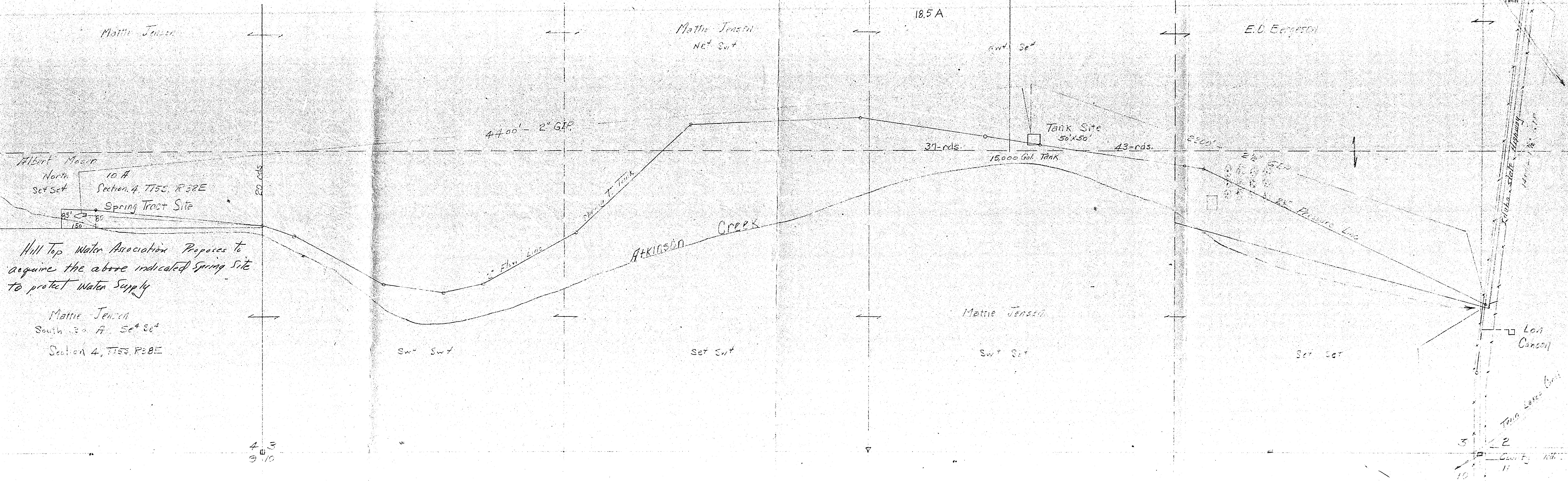
19923

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 19923. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

Mark R Kulp
State Reclamation Engineer

19923



Hill Top Water Association Proposes to acquire the above indicated Spring Site to protect Water Supply

Mattie Jensen
South 30 A. Sec 4 Set
Section 4, T15S. R3E

4 3
9 10

3 2
10 11
County

100
370

N

U.S. DEPARTMENT OF AGRICULTURE	
Water Facility	
Fountain Location	
Hilltop Water Association	
100' 2" 00'	
DATE	SHEET
11/2/60	1

19923

Ken
Parker

E.O. Bergeson
L

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

July 2, 1951

Hill Top Water Association, Inc.
C/o Lon Cahoon, President
Preston, Idaho

Dear Sir:

Under the terms of your permit No. 19923 you are required to complete your diversion works and make proof of beneficial use on or before ³⁰
September 7, 1951.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or 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.

We 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 ³⁰
September 7, 1951, 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.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

1992-3

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date)..... July 18, 1951

(P. O.)..... Dayton, 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
Preston Citizen of Preston, Idaho published in
the county in which the works are situated.

Lon Cahoon
Lon Cahoon - President
Hill Top Water Association

(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.

19923

Permit No.....

STATE OF IDAHO
Department of ReclamationRECEIVED
JUL 19 1951
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

ss.

County of.....Franklin.....

Lon Cahoon, President of
Hill Top Water Association.....

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. 19923, and that his postoffice address is Dayton

State of.....Idaho.....

Second: That the name of the stream which said water is to be ^{FROM} ~~directed~~ ^{DIVERTED} is.....
Atkinson SpringThird: That the point of diversion of said water is 1048 Ft. N. and 760 Ft. W. from the SE Cor. of Sec. 4, Tp. 15 S. R. 38 EBM, and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Sec. Tp. and Rg

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Sept. 30, 1951.

Fifth: That the use for which said water is intended is Domestic and stock watering purposes

Sixth: That on the date above mentioned, the works constructed under said permit were (~~on account~~) fully completed and consisted of the following:

I. Kind of works: Spring collection pipe, spring box - flow line pipe, concrete storage tank and distribution pipe (Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam.....feet, length of dam at top.....feet, length of dam at bottom.....feet. Material used in construction 15,000 Gal. Steel storage tank, 2 concrete catch basins, 13,700 feet of conduit and distribution pipes

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir.....0.....acre feet.

(c) Size of headgate: Width.....0.....feet, height.....0.....feet.

(d) Conduit.....width at bottom.....feet, width at water line.....
(State whether ditch, flume or pipe)feet, depth of water.....feet; diameter of pipe 2 $\frac{1}{2}$ inches, average grade per mile is 200 feet. Length of conduit is 2 miles.Seventh: That said works are capable of conducting to the place of intended use.....
1/10 second feet of water.Eighth: That water appropriated under said permit is available for.....no.....
acres of land described as follows:

Ninth: Remarks: That water is used for domestic and stock watering purposes.

HILL TOP WATER ASSOCIATION

By

(Sign Here) President

Subscribed and sworn to before me this 18 day of July, 1951

My commission expires May 1-1953

Notary Public.

19923

July 19, 1951

Re: Permit No. 19923

Mr. Lon Cahoon, President
Hill Top Water Association
Dayton, Idaho

Dear Mr. Cahoon:

We acknowledge receipt of your Affidavit in Proof of Completion of Works on the portion of Permit No. 19923 assigned to the Hill Top Water Association.

However, you failed to enclose the statutory fee of \$5.00 required in connection with this proof.

You also failed to complete the Notice of Beneficial Use Proof. However, if you will set a time and place and name the Notary Public before whom the proof is to be made, we can complete the notice and send a copy to the Preston Citizen for publication.

The time of course should be set sufficiently far ahead to allow for the statutory four weeks publication and the proof may be made at any place convenient for yourself and two witnesses.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

19923

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
FOISE

Mr. E. O. Bergeson

Dayton, Idaho

July 20, 1951

Dear Sir:

Under the terms of your permit No. ~~19923~~ you are required to complete your diversion works and make proof of beneficial use on or before ~~September 30, 1951~~.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public or 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.

We 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 ~~September 30, 1951~~, 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.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

19923

July 25, 1951

Department of Reclamation
Mark R. Kulp, State Reclamation Engineer
Boise, Idaho

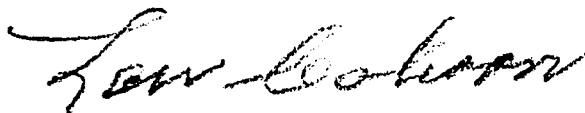
Re: Hill Top Water Association
Permit No. 19923

Dear Mr. Kulp:

This will acknowledge receipt of your letter dated July 19, 1951. Sorry that I missed filling out Notice of Beneficial Use Proof. Wish you would fill in the dates so as to protect yourself against the statutory time that you make mention of and have notice published in the Preston Citizen and I would like the hearing before J. N. Larsen, Notary Public at Preston, Idaho.

Enclosed please find \$5.00 statutory fee required in connection with proof.

Yours very truly,



President, Hill Top Water Association
Dayton, Idaho

ms

Encl: \$5.00 statutory fee

RECEIVED
JUL 26 1951

Department of Reclamation

19923

July 26, 1951

Re: Permit No. 19923

Mr. Lon Cahoon, President
Hill Top Water Association
Dayton, Idaho

Dear Mr. Cahoon:

We have your letter of July 25, 1951, enclosing your check for \$5.00 to pay the fee in connection with Completion of Works Proof on Permit No. 19923.

Certificate of Completion of Works will be issued and sent you within a few days.

Meanwhile, we have set the date for making Proof of Beneficial Use at 10:00 A. M. August 30, 1951, and have made out a notice for publication.

Since we are not sure this date will be acceptable, we enclose a copy of the notice, together with a letter transmitting same to the Preston Citizen. If this meets with your approval, will you please hand the letter and the copy of the notice to the Preston Citizen in order that publication may start with next week's issue.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

19923

July 27, 1951

Re: Permit No. 19923

Mr. Lon Cahoon, President,
Hill Top Water Association
Dayton, Idaho

Dear Mr. Cahoon:

In re-checking, we find a slight error
in the Notice of Beneficial Use proof sent you yesterday
for transmittal to the Preston Citizen.

The last description of place where the water
has been used should be E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, instead of SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 3.

Will you please make this correction before
handing the notice to the newspaper.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

19923

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 12923

Date: July 27, 1951

Preston Citizen

Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 30, 1951, the date set for proof, the expense of the publication to be paid by the applicant, Hill Top Water Ass'n. of Dayton, Idaho, c/o Mr. Lon Cahoon, President, 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

1992-3

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

Notice is hereby given that at 10:00 A. M. on the 30th day of August, 19 51,
at Praeton, County of Franklin, State of Idaho, before
J. N. Larsen, Notary Public, proof will be submitted of the
application to beneficial use of 1/10 cubic ^{foot} ~~feet~~ per second of the waters of Atkinson Creek
in accordance with the terms and conditions of Permit No. 19923
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

Hill Top Water Association, Dayton, Idaho

The use to which said water has been applied is Domestic and stock watering purposes.

The amount applied to beneficial use is 1/10 cubic foot per second

The place where said water is used ~~(if for irrigation give full and accurate description of the~~
~~lands irrigated)~~ ^{E 2} E 1/2 SW 1/4 Section 2, E 1/2 NW 1/4 Section 11, SE 1/4 SE 1/4 Section 3, All in
Township 15 South, Range 38 East, B. M.

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

The right to take water from such works is based upon Permit No. 19923

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

The date of priority which said user is prepared to establish is September 18, 1946.

MARK R. KULP

State Reclamation Engineer.

14923

August 1, 1951

Re: Permit No. 19923

Mr. Lon Cahoon, President
Hill Top Water Association
Dayton, Idaho

Dear Mr. Cahoon:

We enclose Certificate of Completion of Works issued under Permit No. 19923 to the Hill Top Water Association for the diversion of 0.1 of a second foot of water from Atkinson Creek, with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Township 15 South, Range 38 East, B.M., for domestic and stock watering purposes on the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 11 and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, same township and Range.

We also enclose Departmental Receipt No. 23610 for the \$5.00 fee paid in connection with Proof of Completion of Works.

We enclose the necessary forms for making Proof of Beneficial Use, consisting of one for yourself and one for each of two witnesses, and at the time set, you should appear before Mr. J. N. Larsen, Notary Public, 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:bn
Enc.

19923

J. N. LARSEN COMPANY

REAL ESTATE - TITLE INSURANCE - ABSTRACTS - FIRE INSURANCE - FARM AND CITY LOANS

PRESTON, IDAHO
PHONE 62 BOX 466
August 30, 1951

Mark R. Kulp
State Reclamation Engineer
Department of Reclamation
Boise, Idaho

Re: Hilltop Water Association
Dayton, Idaho

Dear Mr. Kulp:

We are herewith enclosing Deposition made by Lon Cahoon, President of Hilltop Water Association; and Deposition of witness Wynn L. Nelson, Dayton, Idaho; and Deposition of witness Dan Cahoon, of Dayton, Idaho.

The hearing on this matter was set for August 30 at 10:00 A. M.

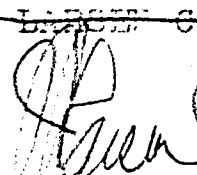
Trusting that you will find every thing satisfactory, we are.

No. Cont.

Yours very truly,

~~J. N. LARSEN COMPANY~~

By:


J. N. Larsen, M.E.

JNL/ms
Encl: 3 Depositions

RECEIVED
AUG 31 1951
Department of Reclamation

149 2-3

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19923

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Lon Cahoon, President, Hill Top Water Association, Dayton, Idaho
a farmer, age 64 years.

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. President, Hill Top Water Association, Dayton, Idaho.

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

Ans. #19923, / Date Sept. 18, 1946, to divert 0.1 second foot of the waters of Atchison creek.

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

Ans. Atkinson Creek; Located 1048 feet North and 760 feet West from

the Southeast corner of Section 4, Township 15 South, Range 38 East of the Boise Meridian, and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said section.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. Water is collected from springs that help to form Atkinson creek and conveyed by pipes to a cement reservoir for storage, and piped from reservoir to share holders for usage. pip line is capable of carrying 0.1 second foot of water, pipes are placed in the ground at a depth of three feet minimum depth, maximum size of Galvanized pipe 2 $\frac{1}{2}$ inches.

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. Culinary and domestic, also for garden and lawns
the water is used on the following described land, in the West half of Southwest quarter of Section 2, West half of Northwest quarter of Section 11; and East half of Southeast quarter of Section 3, All in Township 15 South, Range 38 East of the Boise Meridian.

All homes on the lands described have had the water piped into their homes and barns, water has been used on lawns and gardens of all share holders which has added greatly to the looks as well as the value of the homes.

19923

Ques. 7. If for other than 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. 0.1 cu. ft. per sec.

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. a representative of the Association .

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

Ans. by pipeline, from storage Reservoir to homes of share holders of the association, in the West $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 2; NW $\frac{1}{4}$ Sec. 11; and E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 3; all in Tp. 15 S. Range 38 E. B. M., Water in the amt. of 0.1 S. C. F. in use for about two years.

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. none

(Sign)

Len Lagoon

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Preston, County of Franklin, State of Idaho, on this 30th day of August, A. D. 1951,

Notary Public, Preston, Ida.

My commission expires May 1, 1953.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19923

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. Wynn L. Nelson Age 26 years, Dayton, Idaho.

Ques. 2. Are you acquainted with HILL TOP WATER ASSOCIATION, the holder of Permit No. 19923? How long have you known him and where does he reside?

Ans. two years, Dayton, Idaho

Ques. 3. Have you read or heard read said Permit No. 19923, 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. 148 feet North and 760 feet West from the Southeast corner of Section 4, Township 15 South, Range 38 East of the B.M. and in the Southeast quarter of the Southeast quarter of said section.

Springs on Atchison Creek, the springs are piped to a storage cement reservoir, and from there is piped in galvanized pipe laid in trenches and covered, average depth or minimum depth three feet, maximum size of pipe 2 1/2 in.

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. 0.1

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. No pump

19923

Ques. 7. 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, Culinary, and domestic, for gardens and lawns, on lands located in West half of Southwest quarter of Section 2; West half of Northwest quarter of Section 11; and East half of Southeast quarter of Section 3; all in Township 15 South, Range 38 East of the Boise Meridian. All homes on the land described have the water piped into them as well as outbuildings.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. none

Ques. 9. (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. none

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. am a shareholder.

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen the water used by the members of the association for culinary, domestic, and for gardens and lawns.

(Signed)

Harmon L. Nelson

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 30 day of Aug., A. D. 1951.

[Signature]

Notary Public.

My commission expires May 1st 1953.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19923

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.

(Don)
Ans. Don Calhoun, age 31 yrs. Dayton, Idaho.

Ques. 2. Are you acquainted with HILL TOP WATER ASSOCIATION, the holder of Permit No. 19923? How long have you known him and where does he reside?

Ans. Two years, Dayton, Idaho.

Ques. 3. Have you read or heard read said Permit No. 19923, 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. 1048 feet North and 760 feet West from the Southeast corner of Section 4, Township 15 South, Range 38 East of the Boise Meridian. and in the Southeast quarter of the Southeast quarter of said section. Springs on atchison creek, Springs piped to storage tank, and from Storage tank piped to users; maximum size of galvanized pipe 2 1/2 inches laid in trenches and covered over minimum depth 36 inches.

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. 0.1

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. No pump.

19923

Ques. 7. 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. Culinary, domestic, gardens and lawns. on lands located as follows West half of the Southwest quarter of Section 2; West half of Northeast quarter of Section 11; and East half of Southeast quarter of Section 3 all in Township 15 South, Range 38 East of the Boise Meridian.

All homes on lands described have the water piped into them as well as most outbuildings, and waters have been used for lawns and gardens.

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. none

Ques. 9. (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. none

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. am a shareholder

Ques. 11. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen the water used by members of the association for culinary, domestic, for gardens and lawns for about two years.

(Signed)

Dan Cahoon

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 30 day of August, A. D. 1951.

J. R. Allen
Notary Public.

My commission expires May, 1st, 1953.

September 6, 1951

RE: Permit No. 19923

Mr. J. H. Larsen, Notary Public
Box 466
Preston, Idaho

Dear Mr. Larsen:

We acknowledge receipt of your letter of August 30, 1951, enclosing depositions of Lon Cahoon and two witnesses in proof of beneficial use on Permit No. 19923, of the Hill Top Water Association.

However, Question 5 of the deposition of the holder and Question 4 of the depositions of the two witnesses do not describe the works, and Question 6 of the depositions of the holder and Question 7 of the depositions of the two witnesses should give the legal description of the place of use.

We, therefore, return the deposition for correction, and the affidavit of publication from the Preston Citizen should also be submitted.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

19923

J. N. LARSEN COMPANY

REAL ESTATE-TITLE INSURANCE-ABSTRACTS-FIRE INSURANCE-FARM AND CITY LOANS

PRESTON, IDAHO

PHONE 62 BOX 466

September 11, 1951

State of Idaho
Department of Reclamation
Mark R. Kulp, State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

This will acknowledge receipt of your letter dated September 6, 1951 returning to me Deposition of Holder and two Deposition of Witness to have holder and witnesses finish the answers; holder to finish questions No. 5 and 6, and witnesses to finish questions No. 4 and 7. We are very sorry these were missed. They seemed at the time to think these were duplications, but we have had them answered and are herewith returning to you Deposition of Holder and Depositions of two witnesses.

Yours very truly,

J. N. LARSEN COMPANY

By:

J. N. Larsen

JNL/ms

Encl: Deposition of Holder
2 Depositions of Witness

RECEIVED
SEP 12 1951
Department of Reclamation

Two off -

149-2

September 12, 1951

RE: Permit No. 19923

Mr. J. M. Larsen
Box 468
Preston, Idaho

Dear Mr. Larsen:

We have your letter of September 11, 1951, enclosing corrected depositions of the holder and two witnesses in proof of beneficial use under Permit No. 19923 of the Hilltop Water Association.

However, we have not yet received the affidavit of publication which the Preston Citizen was instructed to send to the Association in care of Mr. Lon Cahoon, President.

We are sending a copy of this letter to Mr. Cahoon, and if he has not received this affidavit, we suggest he take the matter up with the newspaper at once, as it is a necessary part of the beneficial use proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
cc: Lon Cahoon

19923

J. N. LARSEN COMPANY

REAL ESTATE-TITLE INSURANCE-ABSTRACTS-FIRE INSURANCE-FARM AND CITY LOANS

PRESTON, IDAHO

PHONE 62 BOX 466

September 29, 1951

Mark R. Kulp
State Reclamation Engineer
State of Idaho
Department of Reclamation
Boise, Idaho

Re: Lon Cahoon

Dear Mr. Kulp:

This will acknowledge receipt of your letter dated September 12, 1951. We neglected to answer because we were waiting to get in touch with the newspaper man.

We have contacted him, and at the time I contacted him he said that he had not received his pay for running the add and that he was not sending out his certificate until he received it.

Yours very truly,

J. N. LARSEN COMPANY

By:

J. N. Larsen

JNL/ms

RECEIVED
OCT 1 1951
Department of Reclamation

1492-2

October 1, 1951

RE: Permit No. 19923

Mr. Lon Cahoon, President
Hilltop Water Association
Dayton, Idaho

Dear Mr. Cahoon:

We have not yet received the affidavit of publication in the Preston Citizen, which is necessary to complete your proof of beneficial use under Permit No. 19923.

We are advised that the reason you have not received this affidavit is because the cost of publication has not been paid.

No doubt you have overlooked this matter, so we are bringing it to your attention, as the affidavit is a necessary part of the proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
cc: J. N. Larsen

19923

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

John E. Smith

, being duly sworn,

deposes and says:

That he is the *Publisher* of

THE PRESTON CITIZEN, a weekly newspaper published at Preston, in the County of Franklin and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Preston; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for *four* consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

Such notice was published in the issue beginning with

August 2, 19*51*, and ending with the issue of *August 23*, 19*51*.

John E. Smith

Fees, \$ *13.80*

Subscribed and sworn to before me this *23* day of *Nov*, 19*51*.

Notary Public, Residing at Preston, Idaho

My Commission Expires *May 1*, 19*53*.

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A.M. on the 30th day of August, 1951, at Preston, County of Franklin, State of Idaho, before J. N. Larsen, Notary Public, proof will be submitted of the application to beneficial use of 1/10 cubic foot per second of the waters of Atkinson Creek in accordance with the terms and conditions of Permit No. 19923 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 Hill Top Water Association, Dayton, Idaho.

The use to which said water has been applied is Domestic and stock watering purposes.

The amount applied to beneficial use is 1/10 cubic foot per second.

The place where said water is used W½ SW¼ Section 2, W½ NW¼ Section 11, E½ SE¼ Section 3; All in Township 15 South, Range 38 East, B. M.

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

The right to take water from such works is based upon Permit No. 19923.

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

The date of priority which said user is prepared to establish is September 18, 1946.

Mark R. Kulp
State Reclamation
Engineer

31-34c

RECEIVED
NOV 26 1951

Department of Reclamation

19923

November 26, 1951

RE: Permit No. 19923

Mr. Lon Cahoon, President
Hilltop Water Association
Dayton, Idaho

Dear Mr. Cahoon:

This morning's mail brings us the affidavit of publication in the Preston Citizen which, together with the depositions previously received, completes proof of beneficial use on Permit No. 19923 of the Hilltop Water Association.

Before final action is taken in the matter, the law requires that a field examination be made by an Engineer from this Department.

We cannot say just when this examination will be made as this department has but one field engineer who makes examinations all over the State.

However, he will try to contact you at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

19923

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

December 6 19 51

Re: Permit No. 19923

To: Mr. F. O. Bergeson
Dayton, Idaho

It appearing to the State Reclamation Engineer that the terms and conditions of Permit No. 19923 to appropriate the Public Waters of the State of Idaho, have not been complied with as to Completion of works September 30, 1951, on that portion not assigned to Hill Top Water Association.

42-311
you are hereby notified in compliance with Sec. 4101, Idaho Code ~~annexed~~ that said Permit No. 19923 (part) is hereby held for cancellation.

You are hereby required to show cause before the State Reclamation Engineer on or before forty days from date of this notice why said Permit should not be cancelled.

Said Permit No. 19923 claims the use of 1.9 (un-assigned) cubic feet per second of the waters of Atkinson Creek with point of diversion located in the NW 1/4 SE 1/4 and SE 1/4 SE 1/4 Section 3, Twp. 15 S., Range 38 E., R.M. and was approved September 30, 1946.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, the 6th day of December 19 51.

Mark R. Kulp
State Reclamation Engineer.

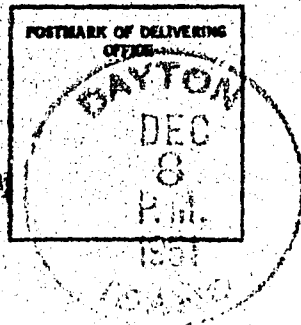
By Assistant.

19923

Post Office Department
OFFICIAL BUSINESS

NEVERLY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, 136
(SPO)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Return to

(NAME OF SENDER)

Street and Number,
or Post Office Box,

107 State House

REGISTERED ARTICLE

No. 87125

INSURED PARCEL

BOISE,

IDAHO.

19923

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 B. O. Bergem
(Signature of name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on Line ONE above)

Date of delivery Dec 8, 1951 19923

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

IN THE MATTER OF CANCELLATION OF PER-
MIT TO APPROPRIATE THE PUBLIC WATERS } ORDER OF CANCELLATION
OF THE STATE OF IDAHO, No. 19923 } Bergeson's part only

WHEREAS, Permit No. 19923 lapsed through failure of the holder to make proof of completion of works within the time specified in the Permit, to-wit: September 30, 1951, and

WHEREAS, due notice was given the holder of said Permit that such proof would be due on the date above mentioned, and

WHEREAS, on December 6, 1951, notice was sent to the holder of said Permit to appear before the State Reclamation Engineer on or before 40 days to show cause why such Permit should not be cancelled, and

WHEREAS, the holder of said Permit has failed to comply with the said requirements, and that no showing has been made as to completion of the works under said Permit:

IT IS THEREFORE, hereby ordered that Permit No. 19923 be and the same is hereby cancelled and held for naught.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 4th day of February 19 52.

Mark R Kulp
State Reclamation Engineer.

1992-3

7 miles line with 100' line. 1/2 mile and 1/2
for each.

Clifton

T. 15S. R. 38E.

Place of use = 0

4

P.D.

Spring

3

2

2

10

11

allow amt of filing = .1 cfs.

Two place of use

not covered in Prof.

15

Dayton.

22

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19923 (Part)

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Hilltop Water Association, Lon Cahoon, President, Dayton, Idaho

2. Source of water supply: Atkinson Creek

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

T. 15 S. R. 38 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: This system traps the waters of a small group of springs high up in the mountain draw and conducts same through a system of pipes from size 2 $\frac{1}{2}$ in. in diameter to 3/4 in. in diameter, to a group of seven farm families. Water is used for household purposes, stock water, gardens and lawns. 4 in. tile line connecting with two of the small collecting tanks and a 2 in. galvanized iron pipe connects the two larger tanks. One of the collecting tanks is an 18 in. diameter by 3 ft. long concrete pipe standing on end. Water enters through a 4 in. tile and is conveyed out by 2 in. galvanized pipe which connects to the 2 in. line leading down the mountain. Another tank is a square concrete tank 3 ft. wide by 5 ft. high by 5 ft. long. 2 $\frac{1}{2}$ in. clay tile line enters and a 2 in. line leads to the pipe line down the mountain. Has a heavy metal lid. The third collecting tank is 2 ft. wide by 5 ft. long by 3 ft. high, concrete. This has 4 in. clay tile pipe entering, 2 $\frac{1}{2}$ in. galvanized steel pipe out, connects to the other.
5. Water is used for: Domestic, stock and lawn 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 other than irrigation):

W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 11-

W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, Twp. 15 South, Range 38 East, B. M.

4. square tank. Covered with metal lid. Approximately 5,000 ft. of 2 in. pipe leading down the mountain to the 15,000 gal. steel storage tank. 2 $\frac{1}{2}$ in. galvanized steel pipe leads on down to where the domestic lines take off. Each take off has a 3/4 in. copper tube which fastens into a 3/4 in. line, one for each of 7 houses. Pipe line is all buried. There is a drainage trench to prevent surface flow from getting into the headings. The association owns a third of a acre of ground where the springs are located.

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

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

Remarks: _____

This examination was made on the 8th day of May, 19 52

(Signed) E. H. Humphrey Examiner.

19923

✓
May 15, 1952

RE: Permit No. 19923

Mr. Lon Cahoon, President
Hilltop Water Association
Dayton, Idaho

Dear Mr. Cahoon:

We now have on file the report of our field engineer on examination for beneficial use on that portion of Permit No. 19923 owned by the Hilltop Water Association.

Therefore, upon receipt of the statutory fee of \$5.00, a license will be issued for 0.1 of a second foot, or 5 inches, of water from Atkinson Creek.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

19923

RECEIVED

AUG 4 1952

Department of Reclamation

Mr. Mark R. Kulp.
State Reclamation Engineer
Boise Idaho

Dan Cahoon
Dayton Ida
July 30 - 1952

Dear Sir

Please find inclosed
a check for Five Dollars.
This is in answer to the
letter you sent on May 16-1952
to Mr. Dan Cahoon President of
the Hill Top Water Association.
For a license on 0.1 of a
second foot of water from
Atkinson Creek to the
Hill Top Water Association.

Very Truly Yours,
Hill Top Water Association
By. Dan Cahoon
Secretary

19923

19923

August 11, 1952

Re: Permit No. 19923

Mr. Dan Cahoon, Secretary,
Hill Top Water Association,
Dayton, Idaho

Dear Mr. Cahoon:

We enclose License and Certificate of Water Right issued under Permit No. 19923, confining the right of the Hill Top Water Association to the use of 0.1 second foot of water from Atkinson Creek, with priority of September 18, 1946, and point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, Twp. 15 South, Range 38 East, B. M., for domestic, stock and lawn irrigation uses in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2; E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3, and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 11, Twp. 15 South, Range 38 East, B. M.

We also enclose Departmental Receipt No. 24715 for the \$5.00 fee in connection with final proof.

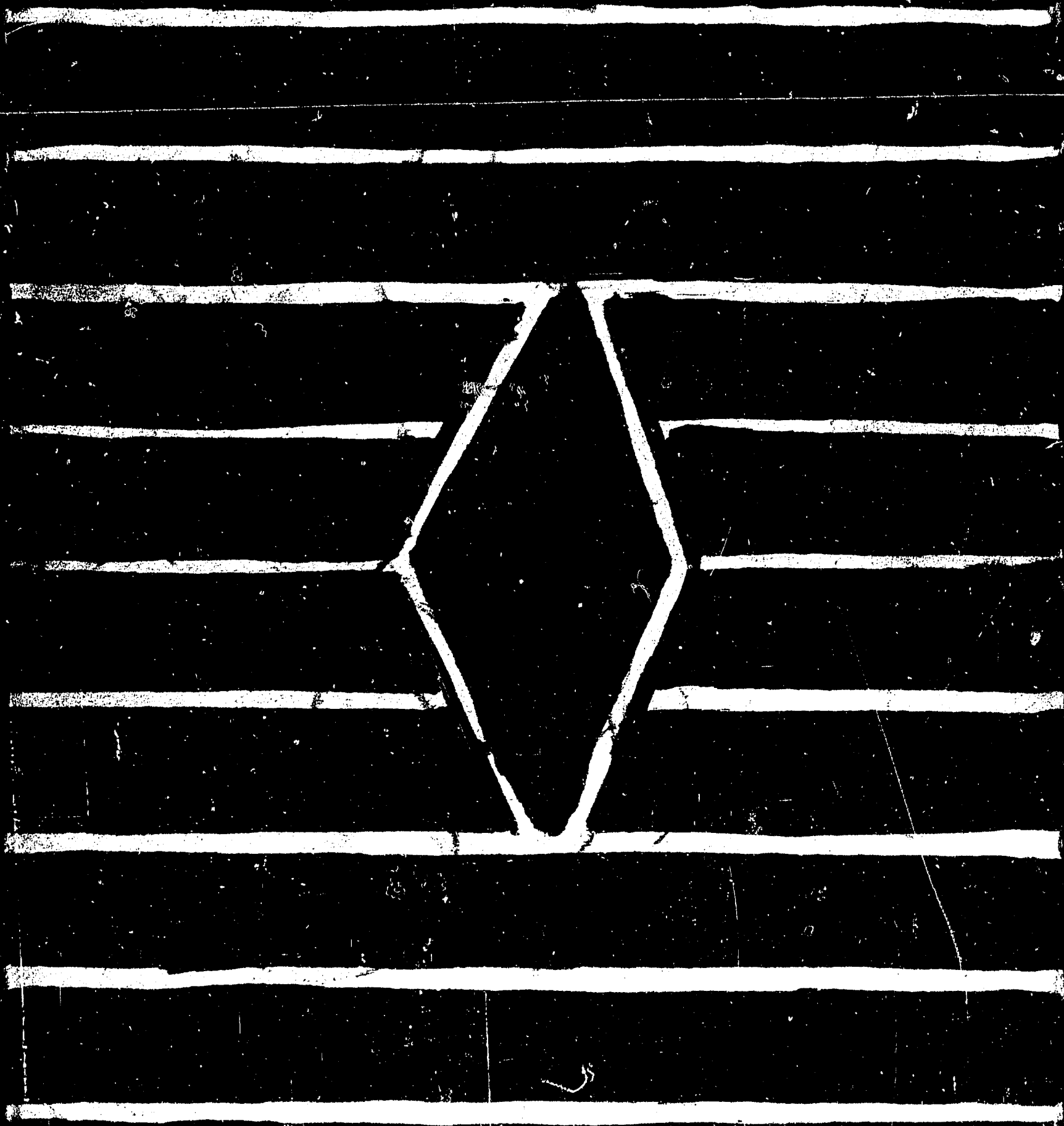
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Encl.

Chief Clerk

19923



State of Idaho

License and Certificate of Water Right

Water License No. 19923

Amount 0.1 second foot

Water District No.

Priority September 18, 1946

THIS IS TO CERTIFY that E. O. BERGESON
 of Dayton, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated September 18, 1946; that Permit No. 19923
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 0.1 second foot, was issued thereunder on July 30, 1951, showing that said works
 were completed on the 18th day of July, 1951; and that on the 30th
 day of August, 1951,

HILLTOP WATER ASSOCIATION, Assignee,

of Dayton, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Atkinson
 Creek, for the purpose of domestic, stock and irrigation
 , under Use Permit No. 19923 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 4961, on the 8th day of August, 1952;

The right hereby confirmed dates from September 18, 1946;

The Point of Diversion is located

in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Tp. 15 S., R. 38 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 0.1 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2; E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 3; W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 11; Twp. 15 South, Range 38 East, B. M.		

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

8th day of August, 1952.

(SEAL)

MARK R. KULP
 State Reclamation Engineer

13 2159