

# APPLICATION FOR PERMIT To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 30679  
PERMIT No. 22931  
DISTRICT No.

1. Name of Applicant: LEON G. NUFFER

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:

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

2. Quantity of water claimed: 1.64 cubic feet per second.

3. Source of water supply: Five Mile Creek which is a tributary of Bear River

4. Location of point of diversion: 300 ft. South and 300 ft. West from the center  
corner of Section 13, T. 15 S., R. 38 E., B.M., and is in the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$   
of Section 13, T. 15 S., R. 38 E., B.M., County of Franklin

5. Water is to be used for Irrigation

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

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

7. Estimated cost of works: \$ 4,500.00

8. Kind of works: Pumping plant, electric wiring, 1000 feet of 8 inch pipe, and levee of 1600 feet for open 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 16-19 feet; width at water line 22-25 feet; depth of water feet;  
dimensions of flume:

Diameter of pipe inches; length of conduit Pipe line 1000 feet; Open ditch 1600 ft. miles  
Average grade per mile  $\frac{1}{20}$ th ft. per 100 ft. as feet open ditch.

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

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

LEON G. NUFFER                      Applicant.

By \_\_\_\_\_ Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. July 17, 1952

Returned to applicant for correction: July 17, 1952

Corrected application received: July 23, 1952

## Approval of State Reclamation Engineer

The number of this permit is 22931

Recorded in Book 82 Page 22931 Approved July 29, 1952

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 29, 1952** 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 **January 29, 1953**

The whole of said work to be completed on or before July 29, 1953

Beneficial use of water appropriated in accordance herewith, to be made on or before July 29, 1953

WITNESS My hand this 29th day of July, 1952

MARK R. KULP  
*State Reclamation Engineer.*

IN TESTIMONY WHEREOF, WE, LEN JORDAN

, 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 29th

day of July, 19 52

STATE OF IDAHO

Contract signed:

(SEAL) By IRA H. MASTERS

By ..... LEN JORDAN

Governor.

Secretary of State.

REMARKS: Applicant is diverting water from a reservoir formed on applicant's land in NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 13, Twp. 15 S., Range 38 E. B.M., which is for the purpose of flood control of Five Mile Creek. The water is impounded on applicant's land, and applicant is now pumping from said reservoir by use of tractor, and intends to bring electricity to the pumping plant. Applicant is not building the dam for the reservoir which is under direction of flood control people

14.

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Range | Sec. | NE $\frac{1}{4}$                                                       | NW $\frac{1}{4}$                                                       | SW $\frac{1}{4}$                                                       | SE $\frac{1}{4}$                                                       | Totals |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |       |      | NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ | NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ | NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ | NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ |        |
| 15 S.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 38 E. | 13   |                                                                        |                                                                        |                                                                        | 40 7 35                                                                | 82     |
| <p style="text-align: center;">Permit No. 22931</p> <p style="text-align: center;">CERTIFICATE OF COMPLETION OF WORKS</p> <p>TO ALL WHOM IT MAY CONCERN:</p> <p>This is to certify that LEON G. NUFFER of Dayton, county of Franklin, and State of Idaho, the holder of Permit No. 22931, issued upon Application No. 30679 bearing date of priority of July 17, 1932, authorizing the diversion of 1.64 second feet of the waters of Five Mile Creek, a tributary of Bear River, county of Franklin, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said permit; that said works are adequate for diverting and conveying to the place of intended use 1.64 second feet of the waters of Five Mile Creek; that the point of diversion of said waters is 300 feet South and 300 feet West of the center of Section 13, Township 15 South, Range 38 East, S.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math>, NW<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> and SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> Section 13, Township 15 South, Range 38 East, S. M.</p> <p>WITNESS MY HAND THIS 30th day of June, A.D. 1953</p> <p>Proof of Completion of Works Made June 16, 1953<br/>Certificate of Completion of Works issued June 30, 1953</p> <p style="text-align: right;">MARK R. ROLF<br/>State Reclamation Engineer</p> <p>LICENSE ISSUED FOR 1.3 SEC. FT.<br/>06.5285</p> |       |      |                                                                        |                                                                        |                                                                        |                                                                        |        |

LICENSED  
ABSTRACTER

P. M. CONDIE  
ATTORNEY AT LAW  
PRESTON, IDAHO

RECEIVED  
JUL 17 1952  
9 am  
Department of Reclamation

July 16, 1952.

Dept. of Reclamation,  
Boise, Idaho.

Gentlemen:

Please send me a few blanks for water applications.

Very truly,

*P. M. Condie*

22931

July 17, 1952

Mr. P. M. Condie  
Attorney at Law  
Preston, Idaho

Dear Mr. Condie:

We acknowledge receipt of your letter of July 16, 1952, enclosing the application of Leon G. Huffer to appropriate water, accompanied by your check for the \$5.25 filing fee.

We are sending you, under separate cover, some of the current forms used in filing an application for water permit, including Form 1 for surface water and Form 3 for filing on subterranean water.

We return Mr. Huffer's application with the request that it be refiled on one of the correct forms.

The maximum allowed by statute for irrigation purposes is one inch per acre, so on the 82 acres described the application could only be approved for 1.64 second feet.

We infer that the source of supply is from the Five Mile Creek and the source should be designated as from a stream rather than from a reservoir as the present application states unless your client is making an application for a storage permit, in which case Form 2 would be required, one of which is also enclosed.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:fg  
Enc.

22431

Name of applicant: Leon G. Naffer, Dayton, Idaho.

Point of diversion (x)

Location of dam (o)

Ink line shows general direction  
of Five Mile Creek.

Permit Map No. 22931  
As Approved  
JUL 25 1909  
MARK R. KULP  
State Reclamation Engineer

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

22931

August 1, 1952

RE: Permit No. 22931

Mr. P. M. Condie  
Attorney at Law  
Preston, Idaho

Dear Mr. Condie:

We enclose Permit No. 22931 in the name of Leon G. Nuffer and direct his attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose departmental receipt No. 24688 for the \$5.25 filing fee.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

Mfg  
Enc.

22931

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Mr. Leon G. Nuffer

BOISE

May 1, 1953

Dayton, Idaho, Idaho

Dear Sirs:

Under the terms of your permit No. ~~22931~~ you are required to complete your diversion works and make proof of beneficial use on or before

~~July 29, 1953~~

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public of 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 ~~July 29, 1953~~, 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

22931

ROBERT D. WENNERGREN  
Attorney and Counselor at Law  
Preston, Idaho

RECEIVED  
JUN 22 1953  
Department of Reclamation

June 20, 1953

Mr. Mark R. Kulp  
State Reclamation Eng.  
State of Idaho  
Boise, Idaho

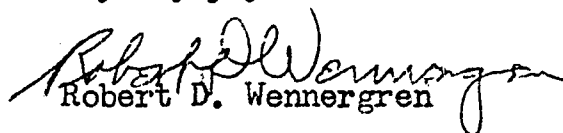
Dear Mr. Kulp:

Inclosed please find the "Notice of Proof Application of Water to Beneficial Use", in duplicate. Please note that the date for the hearing and the person before whom the hearing is to be had are both left blank. Would you fill in the suitable name and time to satisfy this requirement.

Also enclosed is the permission to publish.

If any further information is needed in this matter would you please advise me as soon as is possible.

Very truly yours

  
Robert D. Wennergren

RDW:rb  
3-encl.

C 7-29

22931

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 20, 1953

(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.

Len L. Muffer

(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.

22931

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

Notice is hereby given that at 10 A. M. on the 14<sup>th</sup> day of April, 1954,  
at Preston, County of Franklin, State of Idaho, before  
C. L. Swenson Preston, proof will be submitted of the  
application to beneficial use of 1.64 cubic feet per second of the waters of The Five Mile Creek  
Control Dam Reservoir in accordance with the terms and conditions of Permit No. 22931  
heretofore issued by the State Reclamation Engineer of the State of Idaho.

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

Leon G. Nuffer Dayton, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 1.64 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)

82 acres of land owned by the applicant and located in the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of  
Section 13 Township 15 South, Range 38 East of the Boise Meridian and the E $\frac{1}{2}$   
of the SE $\frac{1}{4}$  of this section.

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

Five Mile Creek

The right to take water from such works is based upon Permit No. 22931

The source of supply from which such water is diverted is Five Mile Creek

The date of priority which said user is prepared to establish is July 1, 1952 17 4-2-53

State Reclamation Engineer.

Proof due 7-29-53

22931

Permit No. ....

STATE OF IDAHO  
Department of ReclamationJUN 22 1953  
Department of Reclamation

## Proof of Completion of Works

## AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Franklin

SS.

Leon H. Huffer, 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. 22931, and that his postoffice address is Dayton Idaho  
State of IdahoSecond: That the name of the stream from which said water is to be diverted is Fine  
mile creekThird: That the point of diversion of said water is 300 feet south and 300 feet  
west distant from the corner of Section 13, T. 15S, R. 38E and is inFourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 29, 1953Fifth: That the use for which said water is intended is irrigation

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

I. Kind of works: Control Dam

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

II. Dimensions of work: Building of the Dam is under direction of the  
flood control people(a) Height of dam 15 feet, length of dam at top 100 feet, length of dam at bottom 100 feet. Material used in construction concrete

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir 100 acre feet.(c) Size of headgate: Width 10 feet, height 10 feet.(d) Conduit 16-19 inch width at bottom 22-25 inch width at water line

(State whether ditch, flume or pipe)

pipe line 1000 feet open ditch 1600 feet  
feet, depth of water 1600 feet; diameter of pipe 16 inches, average gradeper mile is 1/20 feet. Length of conduit is 16.4 miles.Seventh: That said works are capable of conducting to the place of intended use 16.4  
second feet of water.Eighth: That water appropriated under said permit is available for 82  
acres of land described as follows: in the N.W. 1/4 of SE 1/4 of Section 13 township 15 South Range 38 East  
of the Boise Meridian, and the E 1/2 of the  
SE 1/4 of this sectionNinth: Remarks: That the pumping plant is fully completed also  
pipe line & levee pump is a Fairbank motor size 4'5532  
speed 1500 R.P.M. Electric motor is 20 h.p.  
pipe line is 1000 feet of 8 inch steel pipe, levee is 1600 ft earth fillLeon H. Huffer  
(Sign Here)Subscribed and sworn to before me this 16 day of July, 1953My commission expires Dec 10, 1956

Notary Public.

22931

June 23, 1953

RE: Permit No. 22931

Mr. Robert D. Wennergren  
Attorney at Law  
Preston, Idaho

Dear Mr. Wennergren:

We acknowledge receipt of your letter of June 20, 1953, enclosing partially filled out notice for proof of beneficial use on Permit No. 22931 in the name of Leon G. Nuffer, with the request that we fill in the time and name of the Notary Public.

Since this proof is to be made at Preston, it can be made before any Notary Public there who would be acceptable to Mr. Nuffer, and the date also can be named by him, but it should be sufficiently far ahead to allow for the statutory four weeks publication.

We shall await your further advice before completing the notice and sending same to the Preston Citizen for publication.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:fg

22931

June 23, 1953

RE: Permit No. 22931

Mr. Leon G. Muffer  
Dayton  
Idaho

Dear Mr. Muffer:

We return your proof of completion of works on Permit No. 22931 in order that you may answer Question 3 by giving the point of diversion to a 40 acre subdivision, section, township and range.

Also, we note that the permit calls for the installation of a pump and your affidavit should state whether or not the pump has been installed and if so give the kind and size.

Meanwhile, we hold to your credit your check for the \$5.00 fee in connection with this proof.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:fg  
Enc.

22931

July 1, 1953

RE: Permit No. 22931

Mr. Leon G. Nuffer  
Dayton, Idaho

Dear Mr. Nuffer:

We enclose certificate of Completion of Works issued on Permit No. 22931 for the diversion of 1.64 second feet of water from Five Mile Creek for irrigation of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 13, Township 15 South, Range 38 East, B.M.

We also enclose departmental receipt No. 26020 for the \$5.00 fee in connection with this proof.

Very truly yours,

MARK R. RULP  
State Reclamation Engineer  
by

Chief Clerk

A:PJ

22931

## Franklin County Sugar Company

Preston, Idaho

July 8, 1953

RECEIVED  
JUL 9 1953

Department of Reclamation

Mr. Mark Kulp, State Engineer  
State House  
Boise, Idaho

Dear Mr. Kulp:

You no doubt are somewhat familiar with this terrible soil erosion problem on Five-Mile Creek in the Dayton, Idaho area.

Last year a committee was formed, headed by the writer, and we undertook to do something about this problem so we raised \$40,000.00 locally and proceeded to do a force account job under the engineering of L. M. Winsor. The work consisted of building a dam across Five-Mile at a point that would create a stilling pond upstream from the dam. This stilling pond was to eliminate the meandering creek and thereby stop the constant bank cutting and sloughing. A graduated two-point entry outlet works was installed so that in case of flash floods the upstream reservoir would retain the water and let it out at a given rate. The downstream part of the Creek below the dam was lined with rock, at least for a mile and a half (expect to do the remainder at some future time.) Now, the thing works. You can already see the effects of stabilization.

Yesterday I saw something that must be corrected. Leon G. Nuffer has installed a two-second foot pump to take water from the stilling basin and yesterday the water in the stilling basin was at least four feet below the outlet pipe of the dam and therefore the area of the stilling basin was reduced down to the point where the stream joins the surface of the stilling basin pond above which point the stream had resumed its old meandering and cutting action.

Now, it is OK for Mr. Nuffer to use water from the pond so long as he catches the overflow but to permit his reducing the area of the pond below our outlet works destroys the effects of all the work done. What can be done to stop this? Certainly rights should not be established. His permit to pump will be as of 1952. Will you please advise?

Yours very truly,

Thos. Heath  
Thos. Heath

TH:WH

22931

July 13, 1953

Mr. Thomas Heath  
Preston  
Idaho

Permit No. 22931  
Leon G. Huffer  
1.64 c.f.s. Five Mile Creek

Dear Mr. Heath:

The Huffer application for permit was approved as far as unappropriated public water is concerned.

Although the committee did not formally apply for permit to appropriate public water to maintain a pond level that would reduce erosion, it is probable that the building of the dam with a fixed outlet level and catching runoff enough to fill it to that level would constitute a valid appropriation of that amount of water.

We realized at the time we approved Mr. Huffer's application that he intended to pump from the pool formed by the erosion control dam and took for granted that an agreement had been reached as the applicant stated: "Applicant is diverting water from a reservoir formed on applicant's land in NW<sup>1</sup> SE<sup>1</sup> Section 13, Township 15 South, Range 38 East, B.M., which is for the purpose of flood control of Five Mile Creek. The water is impounded on applicant's land and applicant is now pumping from said reservoir by use of tractor, but intend to bring electricity to the pumping plant. Applicant is not building the dam for the reservoir which is under direction of flood control people."

The applicant has initiated a valid appropriation as far as unappropriated public water is concerned and if local arrangements cannot be made as to how much the pond can be lowered, it would have to be settled by the court.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer

K:fg

22931

✓  
August 21, 1953

RE: Permit 22931

Mr. Robert D. Wennergren  
Attorney at Law  
Preston, Idaho

Dear Mr. Wennergren:

We have received no reply to office letter addressed to you on June 23, 1953, acknowledging receipt of partially filled out notice for Beneficial Use proof on Leon G. Nuffer's Permit No. 22931.

As we stated in that letter, the proof can be made before any Notary Public in Preston, Idaho, which is the place you named for proof and the date must be set far enough ahead to allow four weeks publication prior to making the proof.

If you will advise us as to the date and the name of the Notary Public, we can complete the notice and send a copy to the Preston Citizen with instructions in regard to publishing.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:pj

cc: Mr. Leon G. Nuffer

22931

ROBERT D. WENNERGREN  
Attorney and Counselor at Law  
Preston, Idaho  
September 23, 1953

RECEIVED  
SEP 25 1953  
Department of Reclamation

The State of Idaho  
Department of Reclamation

Attn: Mark R. Kulp

Dear Mr. Kulp:

In regards to the notice for proof of beneficial use on Permit No. 22931 in the name of Leon G. Nuffer, the full request was filled out and left at this office showing that Mr. C. L. Swenson was the Notary Public before whom the proof was to be submitted and it is unknown as to what the date was at this time.

In the event you do not have this in your office, would you forward me immediately an additional notice for proof of beneficial use and I will resubmit it.

Very truly yours,

  
Robert D. Wennergren

RDW:zac

22931

September 25, 1953

RE: Permit No. 22931

Mr. Robert D. Wennergren  
Attorney at Law  
Preston, Idaho

Dear Mr. Wennergren:

Reference is made to your letter of September 23, 1953, in regard to notice for beneficial use proof on Permit No. 22931 in the name of Leon G. Nuffer.

We enclose a copy of your letter of June 20, 1953, enclosing this notice, from which you will note that both the date and the name of the Notary Public were left blank.

We note from your letter of September 23, that Mr. C. L. Swenson will be the Notary Public, but we return both copies of the notice in order that you may complete same.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:fg  
Enc.

22931

November 12, 1953

RE: Permit No. 22931

Mr. Robert D. Wennergren  
Attorney at Law  
Preston, Idaho

Dear Mr. Wennergren:

We do not seem to have received a reply to office letter addressed you on September 25, 1953, returning copy of notice for beneficial use on Permit No. 22931 in the name of Leon C. Nuffer.

Since this proof was due July 29, 1953, and Mr. Nuffer's priority will be as much later than the original priority as this proof is past due, it is important that the matter be given early attention.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:fg

22931

February 19, 1954

RE: Permit No. 22931

Mr. Leon G. Nuffer  
Dayton  
Idaho

Dear Mr. Nuffer:

We have completed the notice for proof of beneficial use to be made April 14, 1954 on your Permit No. 22931 and shall send a copy to the Preston Citizen with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

Since this proof was due July 29, 1953, the original priority of July 17, 1952 will be changed to April 2, 1953 or the length of time this proof is past due.

We enclose the necessary forms of deposition to be used in making this proof and at the time set, you should appear before Mr. C. L. Swenson, Notary Public, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, for the purpose of executing the depositions.

Very truly yours,

HANK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:hll  
Enc.  
cc Mr. Robert Mennergren

22931

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

Re: Permit No. 22931

BOISE, IDAHO

Preston Citizen

Date: March 13, 1954

Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 11, 1954 the date set for proof, the expense of the publication to be paid by the applicant, Leon G. Nuffer of Dayton, 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, in order that we may check same.

Very truly yours,

MARK R. KULP

State Reclamation Engineer  
By

Chief Clerk

22931

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

Notice is hereby given that at 10:00 A. M. on the 14th day of April, 1954,  
at Preston, County of Franklin, State of Idaho, before  
C. L. Swenson, Notary Public, proof will be submitted of the  
application to beneficial use of 1.64 cubic feet per second of the waters of Five Mile Creek  
in accordance with the terms and conditions of Permit No. 22931  
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  
Leon G. Nuffer, Dayton, Idaho.

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

The amount applied to beneficial use is 1.64 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated)  
82 acres of land owned by the applicant and located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and E $\frac{1}{2}$  SE $\frac{1}{4}$   
Section 13, Twp. 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  
Five Mile Creek.

The right to take water from such works is based upon Permit No. 22931

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

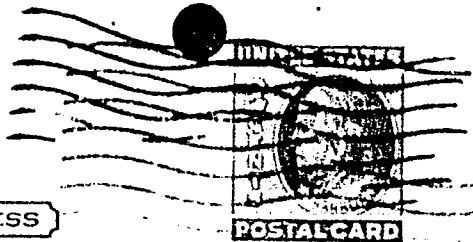
The date of priority which said user is prepared to establish is April 2, 1953

MARK R. KULP

State Reclamation Engineer.

22931

CT. IN, IDAHO  
MAR 15 1954  
MAR 15 1954  
MAR 15 1954



THIS SIDE OF CARD IS FOR ADDRESS

Jeannette L. Anderson  
Department of Reclamation  
Boise, Idaho

*Handwritten signature: H. C. Anderson*

22931

Just A Short

Message From

The Preston Citizen

PRESTON, IDAHO

March 14

Receipt of legal publication for Leon G. Nuffer of Dayton is hereby acknowledged. Publication will begin in our issue dated March 18.

The Preston Citizen

Leon E. Smith

22931

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Leon 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

March 17, 1954, and ending

with the issue of April 8, 1954

Leon E. Smith

Fees, \$ 13.63

Subscribed and sworn to before me this 23<sup>rd</sup> day

of April, 1954.

Notary Public, Residing at Preston, Idaho

My Commission Expires May 15, 1954

## NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10:00 A. M. on the 14th day of April, 1954, at Preston, County of Franklin, State of Idaho, before C. L. Swenson, Notary Public, proof will be submitted of the application to beneficial use of 1.64 cubic feet per second of the waters of Five Mile Creek in accordance with the terms and conditions of Permit No. 22931 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 Leon G. Nuffer, Dayton, Idaho.

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

The amount applied to beneficial use is 1.64 cubic feet per second.

The place where said water is used, 32 acres of land owned by the applicant and located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  and E $\frac{1}{2}$  SE $\frac{1}{4}$  Section 13, Twp. 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 Five Mile Creek.

The right to take water from such works is based upon Permit No. 22931.

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

The date of priority which said user is prepared to establish is April 2, 1953.

MARK R. KULP  
State Reclamation Engineer.

11-14c

RECEIVED  
APR 24 1954  
Department of Reclamation

22931

April 24, 1954

RE: Permit No. 22931

Mr. C. L. Swenson  
Notary Public  
Preston, Idaho

Dear Mr. Swenson:

We are in receipt of the affidavit of publication from the Preston Citizen for proof of Beneficial Use on Permit No. 22931 in the name of Leon G. Muffer to be made before you on April 14, 1954. However, we have not yet received these proofs and if they were taken they should be transmitted promptly to this Department.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:bx  
CC: Leon G. Muffer

22931

✓  
April 29, 1954

RE: Permit No. 22931

Mr. Leon G. Nuffer  
Dayton  
Idaho

Dear Mr. Nuffer:

We return the depositions of yourself and two witnesses offered in proof of Beneficial Use on Permit No. 22931 for the following corrections.

1. Question 4 of the depositions of the two witnesses should give the point of diversion and also describe the works.
2. Question 6 of all the depositions mentions 67 acres, but only describes the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 13, whereas the permit includes the land in the E $\frac{1}{2}$  SE $\frac{1}{4}$  of said section.
3. Question 10 of the depositions of your two witnesses should give more detail as to the amount of water they have seen applied to Beneficial Use.

Please Complete the depositions as above and return promptly to this Department.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:br  
Enc.

22931

May 19, 1954

Re: Permit No. 22931

Mr. Leon G. Nuffer  
Dayton  
Idaho

Dear Mr. Nuffer:

On April 29 we returned the depositions of yourself and two witnesses offered in proof of beneficial use on Permit No. 22931 for certain corrections.

To date these corrected depositions have not been returned and it is important that you give the matter your early attention.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
BY

Chief Clerk

A:hll

22931

✓  
June 10, 1954

RE: Permit No. 22931

Mr. Leon G. Nuffer  
Dayton  
Idaho

Dear Mr. Nuffer:

We again call your attention to the fact that we have not yet received corrected depositions of yourself and witnesses in proof of Beneficial Use on Permit No. 22931 .

Since these proofs were advertised to be made on April 14, 1954, it is important that the matter be given your early attention, if the permit is to be continued in good standing.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:br

22931

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

RECEIVED  
APR 29 1953  
Department of Reclamation

Permit No. 22931

## Proof of Application of Water to Beneficial Use

### Deposition of Holder

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

Ans. Leon G. Nuffer, Dayton, Idaho, Farmer, Dayton, 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. \_\_\_\_\_

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

Ans. 22931, July 17, 1952, April 2, 1953

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

Ans. Five Mile Creek, resevoir of the Five Mile Erosion Control Dam, located

at Dayton, Idaho, 300 ft South and 300 ft West from the center of Sec 13 Twp 15 S, R38, EBM

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. Pump having 2 second foot capacity, pump is a five inch suction and 4 inch discharge, and the determination is made by actual inspection of volumn.

2 Second feet.

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

Ans. Irrigation of applicants land in NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 13 Tp. 15 S, R. 38 E. B. M.

67 acres are now under irrigation, and are improved by the use of this water

upon the land, all land is cultivated. Also said land are located in the

East one-half of the SW $\frac{1}{4}$  of said Section 13.

22931

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

Ans. ....

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

Ans. .... 1.64 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. .... 1st of July, 1952. .... 2 second feet, 2 second feet. ....

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. ....

(Sign) Leon S. Nuffer

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 Rexford, County of Franklin, State of Idaho, on this 14 day of April, A. D. 1954,

My commission expires 1/21/57

22931

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

PERMIT NO. 22931

## 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. Robert D. Wennergren, 32, Lawyer, Preston, Idaho.

Ques. 2. Are you acquainted with Leon G. Nuffer, the holder of Permit No. 22931? How long have you known him and where does he reside?

Ans. 4 years, Dayton, Idaho

Ques. 3. Have you read or heard read said Permit No. 22931, 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. Five Mile Creek, at the Erosion Control Dam Reservoir. Located at Dayton Idaho, 300 feet South and 300 feet West from the Center of Sec 13 Twp 15 South, Range 38, EBM, a pump is used having a 2 second foot capacity, it may be operated either from a tractor or electrically.

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. 2 Sec. ft. 2 Sec. Ft.

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 of the applicants land in NW 1/4 OF SE 1/4 of Sec. 13 Twp. 15 S, R 38 E. B. M. 67 acres are now under irrigation and are improved by the use of this water upon the land, all of which is cultivated, also said lands are located in the East one-half of the SW 1/4 of said Section 13.

22931

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

Ans. none

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

Ans. The land is light and sandy soil, and 1.64 sec. feet are necessary to use said land.

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

Ans. no

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

Ans. during the summer of 1952. about 2 sec. feet.

(Signed) Robert L. Wommagen

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 Looten,  
County of Franklin, State of Idaho, on this 14 day of April,  
A. D. 1954.

[Signature]  
Notary Public.

My commission expires 1/21/57

22931

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

PERMIT NO. 22931

## 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. LeRay O. Talbot, 29, Preston, Idaho, Sheriff, Preston, Idaho

Ques. 2. Are you acquainted with Leon G. Nuffer, the holder of Permit No. 22931? How long have you known him and where does he reside?

Ans. 15 years, Dayton, Idaho

Ques. 3. Have you read or heard read said Permit No. 22931, 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. Five Mile Creek, at the Erosion Control Dam reservoir. Located at Dayton Idaho, 300 feet South and 300 feet West from the Center of Sec 13 Twp 15 South, Range 38, EBM, a pump is used having a 2 second foot capacity, it may be operated either from a tractor or electrically.

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. 2 second feet, 2 second 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 of applicants land in NE 1/4 of SE 1/4 of Sec. 13 Tp. 15 S, R. 38 E. B. M. 67 acres are now under irrigation and are improved by the use of this water upon the land, all of which is cultivated. Also said lands are located in the East one-half of the SW 1/4 of said Section 13.

22931

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

Ans. none

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

Ans. the land is light and sandy soil, and 1.64 sec. feet are necessary to use said land.

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

Ans. no

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

Ans. during the summer of 1953. About 2 sec. feet.

(Signed) La Roy O. Latham

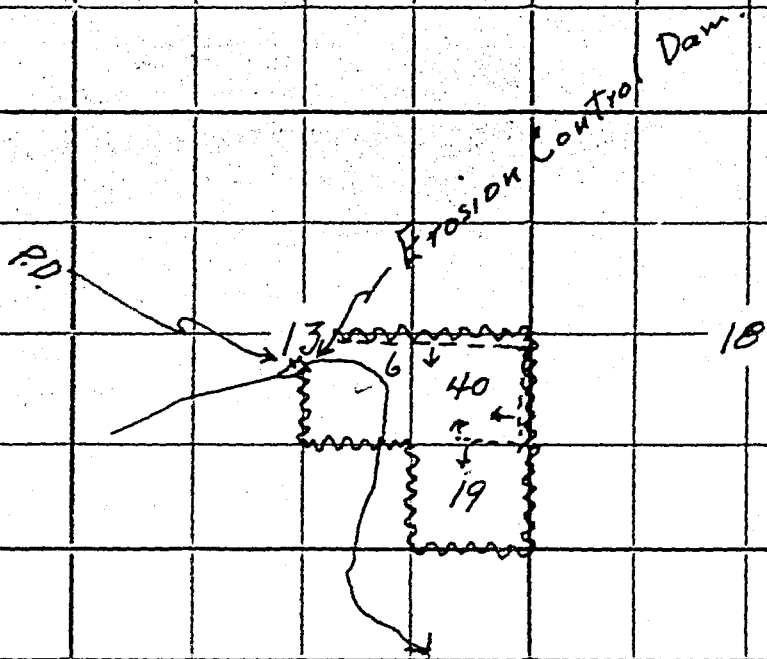
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Lester County of Franklin, State of Idaho, on this 14 day of April, A. D. 1954.

[Signature]  
Notary Public.

My commission expires 1/21/57

22931

T 15 S. R. 38 E. B.M.



Three subdivisions

Area = 65 acres.

Q = 65 inches

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

Permit No. 22931This proof is for Beneficial Use

In Water District No. \_\_\_\_\_

1. Name of applicant Leon G. Nuffer, Dayton, Idaho2. Source of water supply: Five Mile Creek3. Location of point of diversion: Is in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13T. 15 S. R. 38 E. County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: This system pumps directly from the pool formed by a large erosion control dam on Five Mile Creek. Pump is a Fairbanks Morse centrifugal 5" intake 4" outlet. Serial No. 758012 driven by a 20 H.P., G. E. Horizontal motor 220 V. 50 Amps. 1760 RPM. Serial No. O K 8019138. Mounted on a portable trailer unit; 27' of 6" suction line extending down into the reservoir. There is 960' of 8" iron pipe leading up the hill to head of ditch. Delivery is approximately 100". Most of the water is supplemental at present. The erosion control dam is approximately 35' wide at top, 500' wide on bottom, 75' high and 1/8 mile long. There is an 18" culvert pipe through the dam for an outlet. There is a 24" pipe through the upper portion of the dam as a spill way over-flow extending from a concrete well 2' by 3'. An additional spillway is 12' wide in the bottom and extends to the West for a considerable distance and dumps into another draw. This spill

5. Water is used for: irrigation way is not yet finished. Control works for the outlet are at the center portion of the dam on top.

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

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):

NW $\frac{1}{4}$  SE $\frac{1}{4}$ , E $\frac{1}{2}$  SE $\frac{1}{4}$  Section 13, Twp. 15 South, Range 38 East, B. M.

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

8. What large stream would the water here appropriated finally reach? \_\_\_\_\_

Remarks: This dam is on the farm of Mr. Leon Nuffer. This filing is to prevent some-  
one else from appropriating the water and preventing its use by Mr. Nuffer.

This examination was made on the 20 day of April, 1954(Signed) E. M. Humphrey Examiner.

22931

✓  
June 16, 1954

RE: Permit No. 22931

Mr. Leon G. Huffer  
Dayton  
Idaho

Dear Mr. Huffer:

We acknowledge receipt of corrected depositions of yourself and two witnesses in proof of beneficial use on Permit No. 22931.

We also have on file the report of our field engineer on examination for beneficial use, which shows that you have irrigated 65 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  and E $\frac{1}{2}$ SE $\frac{1}{4}$  Section 13, Township 15 South, Range 38 East B.M. from Five Mile Creek.

A License can, therefore, be issued for 1.3 second feet of water upon receipt of the statutory fee which amounts to \$6.00.

Meanwhile, we return Permit No. 22931 and the Certificate of Completion of Works issued thereunder, which were sent to this department along with your proof for beneficial use.

Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:hll  
Enc.

22931

Dayton, Idaho  
June 19, 1954

Dear Sir,

Please find enclosed \$6.00  
for license on Permit No. 22931.

Thank you.

Leon S. Snuffer  
Dayton, Idaho

RECEIVED  
JUN 21 1954  
Department of Reclamation

22931

June 22, 1954

RE: Permit No. 22931

Mr. Leon G. Nuffer  
Dayton  
Idaho

Dear Mr. Nuffer:

We enclose License and Certificate of Water Right confirming your right to the use of 1.3 second feet of water from Five Mile Creek with priority of April 2, 1953 and point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 13, Township 15 South, Range 38 East B.M. for irrigation of land in the N $\frac{1}{2}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 13.

We also enclose departmental receipt No. 26729 for the \$6.00 license fee.

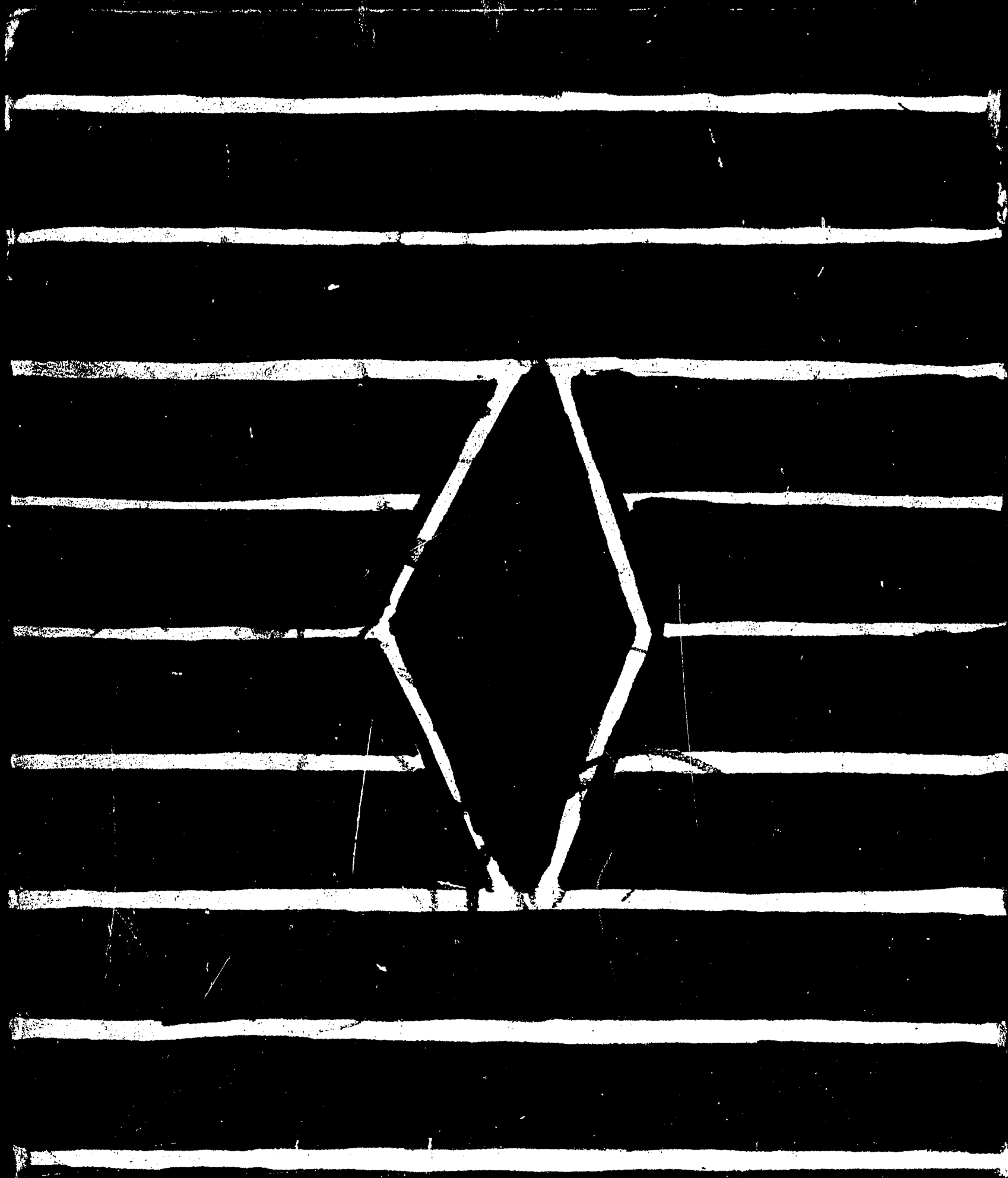
Very truly yours,

MARK R. KULP  
State Reclamation Engineer  
By

Chief Clerk

A:hll  
Enc.

22931



# State of Idaho

## License and Certificate of Water Right

Water License No. 22931

Amount 1.3 second feet

Water District No. ....

Priority April 2, 1953

THIS IS TO CERTIFY that **LEON G. NUFFER**  
of **Dayton, Idaho**, made application for a permit to appropriate the  
public waters of the State of Idaho, dated **July 17, 1952**; that Permit No. **22931**  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
**1.64** second feet, was issued thereunder on **June 30, 1953**, showing that said works  
were completed on the **16th** day of **June, 1953**; and that on the **14th**  
day of **April, 1954**,

**LEON G. NUFFER**

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 **Five Mile**  
**Creek**, a tributary of **Bear River**, for the purpose of **Irrigation**  
, under Use Permit No. **22931** 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  
**9** of Licenses at page **5285**, on the **22nd** day of **June, 1954**;  
The right hereby confirmed dates from **April 2, 1953**, 19 ;

The Point of Diversion is located

in the **NE 1/4 SW 1/4, Sec. 13, Tp. 15 S., R. 38 E., B. M.** County **Franklin**

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 **1.3** cubic feet per second.

Description and location of use:

| Twsp. | Range | Sec. | Forty-acre Tract                   | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-------|-------|------|------------------------------------|----------------------------------|---------------------------------|
| 15 S. | 38 E. | 13   | NE 1/4 SE 1/4                      | 40                               | 40                              |
|       |       |      | NW 1/4 SE 1/4                      | 7                                | 6                               |
|       |       |      | SE 1/4 SE 1/4                      | 35                               | 19                              |
|       |       |      | Number of Acres Actually Irrigated | -                                | 65                              |

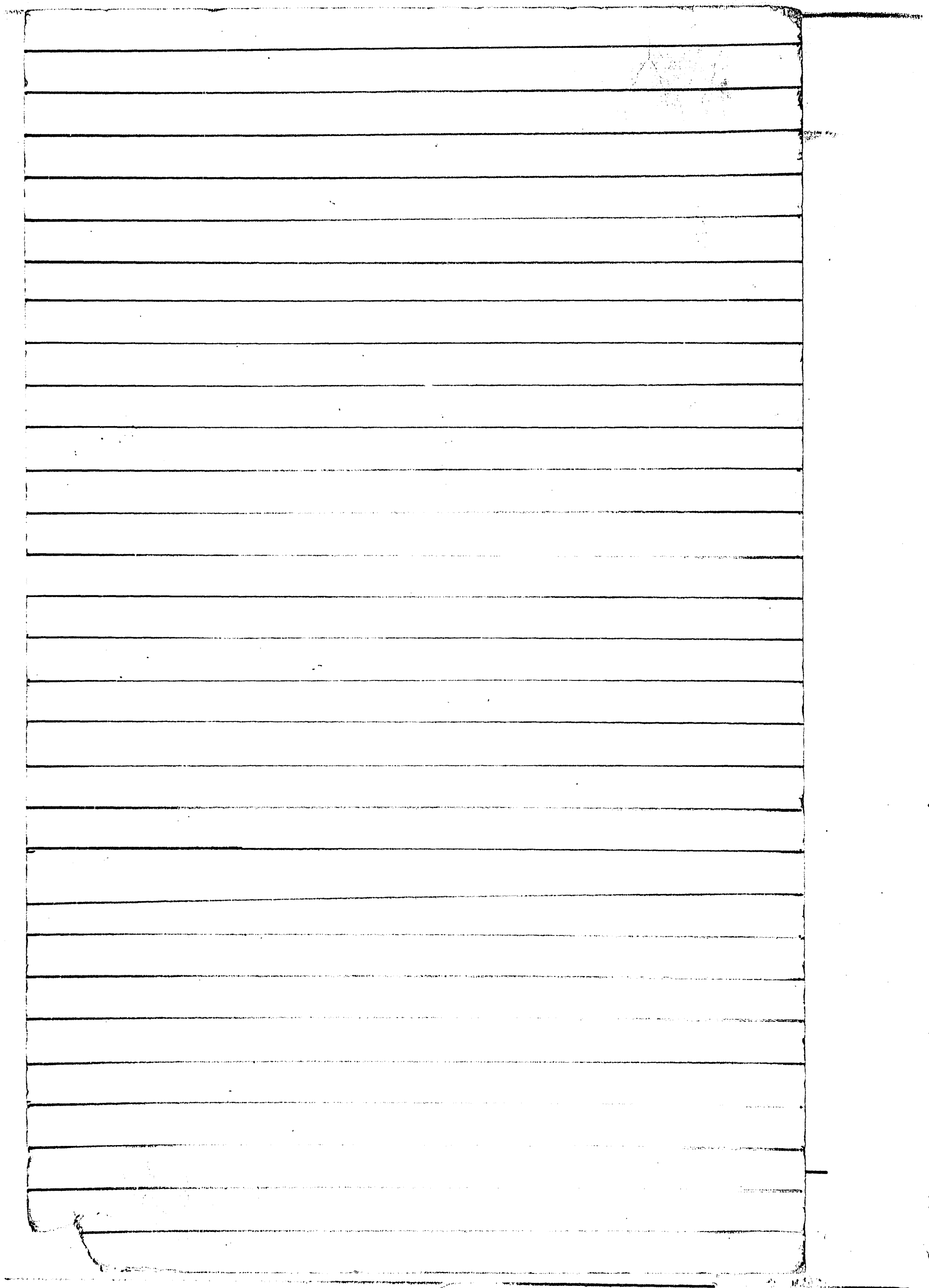
The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place  
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this  
**22nd** day of **June, 1954**.

**MARK R. KULP**

State Reclamation Engineer.

(SEAL)



RECEIVED

MAR 14 1974

Department of Water Administration

March 13, 1974

13-2162

RE: Permit No. 22931

State of Idaho  
Department of Reclamation  
Boise, Idaho

Gentlemen:

Has there been any filings on the Five Mile Creek above  
diversion point of my permit No. 22931, are any developements  
I should know about.

Sincerely,

*Leon G. Nuffer*

Leon G. Nuffer  
Dayton, Idaho 83232

13-2162

March 15, 1974

C

RE: Permit No. 13-2162

O

Mr. Leon G. Nuffer  
Dayton,  
Idaho 83232

P

Dear Mr. Nuffer:

In reference to your March 13th letter, there are four valid filings on Five Mile Creek.

Y

|                     |                     |                                                             |                   |
|---------------------|---------------------|-------------------------------------------------------------|-------------------|
| License No. 13-2168 | Fred C. Nuffer      | 2.48 cfs                                                    | 1-05-53 priority  |
|                     | Point of diversion: | NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 13, T 15S, R 38 E. |                   |
| License No. 13-2162 | Leon G. Nuffer      | 1.64 cfs                                                    | 4-02-53 priority  |
|                     | Point of diversion: | NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 13, T 15S, R 38 E. |                   |
| License No. 13-2204 | Fred C. Nuffer      | 2.0 cfs                                                     | 12-08-59 priority |
|                     | Point of diversion: | NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 19, T 15S, R 39 E. |                   |
| Permit No. 13-2226  | Eldon C. Bingham    | 3.0 cfs                                                     | 2-17-61 priority  |
|                     | Point of diversion: | SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T 15S, R 39 E. |                   |

If we can help you further please feel free to contact this Department or our Idaho Falls office at 1515 Lincoln Road in Idaho Falls.

Very truly yours,

(Mrs.) ELEANOR J. WOODS  
Records Supervisor

EJW:e

13-2162

