

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 31350
PERMIT No. 23574
DISTRICT No.

1. Name of Applicant: C. FRED 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:

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

- (a) Cash on hand:
- (c) Bonds to be issued:

2. Quantity of water claimed: 2.48

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 feet distant 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 ft. of 8" pipe and levee of 1600 ft. 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 ' Open ditch 1600' miles.

Average grade per mile 1/20 ft. per 100 feet.

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 No 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? Yes- See below 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.

C. F. NUFFER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 1:30 P. M. January 5, 1953

Returned to applicant for correction: January 12, 1953

Corrected application received: January 17, 1953

Approval of State Reclamation Engineer

The number of this permit is 23574

Recorded in Book 84 Page 23574 Approved January 21, 1953

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 he 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 March 21, 1953 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 July 21, 1953

The whole of said work to be completed on or before January 21, 1954

Beneficial use of water appropriated in accordance herewith, to be made on or before January 21, 1954

WITNESS My hand this 21st day of January, 1953

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 21st

day of January, 1953.

STATE OF IDAHO

Countersigned:

(SEAL)

By LEN JORDAN

Governor.

By IRA H. MASTERS

Secretary of State.

REMARKS: Applicant is diverting water from a reservoir formed on the land of Leon G. Nuffer by a flood control program in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, Twp. 15 S., Range 38 East, B.M., which is to control flooding on Five Mile Creek. The applicant intends to use the same pump, pipe and ditch to divert the water as his son, Leon G. Nuffer.

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.	39 E.	18 19					40	4					40	40					80 44

Total Number of Acres to be Irrigated - 124

Permit No. 23574

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that C. FRED NUFFER of Dayton, County of Franklin, and State of Idaho, the holder of Permit No. 23574, issued upon Application No. 31350 bearing date of priority of January 5, 1953, authorizing the diversion of 2.48 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 2.48 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, B.M., and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 13; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: South Half Southwest Quarter Section 18; North Half Northwest Quarter Section 19, Township 15 South, Range 39 East, B.M.

Witness my hand this 30th day of December, A.D. 1953.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made December 29, 1953.
Certificate of Completion of Works issued December 30, 1953.

LICENSE ISSUED FOR 2.48 SEC. FT.

By 5287



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

January 12, 1953

RECEIVED
JAN 15 1953
Department of Reclamation

Mr. C. Fred Nuffer
Dayton, Idaho

Dear Mr. Nuffer:

We acknowledge receipt of your application for permit to appropriate water from Five-Mile Creek accompanied by your check for \$5.00.

We return the application herewith in order that you may indicate under question 2 the amount of water you wish to apply for. The statutes allow a maximum of one inch per acre, and if you wish to apply for 80 inches, the filing fee amounts to \$5.25, or an additional \$.25.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeannette L. Anderson

Chief Clerk

JA/vog
Encl.

1.24 acres 2.48
Enclosed with 1.25
and question #2 filled in.
also additional 44 acres to irrigate

23574

January 15, 1955

Mr. C. Fred Nuffer
Dayton
Idaho

Dear Mr. Nuffer:

We acknowledge receipt of your memorandum to the effect that you wish to apply for 2.48 second feet, or 124 inches of water from Five Mile Creek and enclosing your check for an additional \$1.00.

We are not quite clear in regard to the descriptions. Your application states that the point of diversion is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, but your sketch map shows it in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13.

Neither are we quite clear as to the land to be irrigated. Question 14 describes 80 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, which is according to the sketch map, but the additional 44 acres are shown in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19 which would seem to be right as this immediately adjoins the other 80 on the South as indicated by check mark on the sketch map, but we do not quite understand the cross-hatching on the E $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13.

We return the sketch map and also another blank and will ask you to indicate plainly the point of diversion and also the land to be irrigated.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

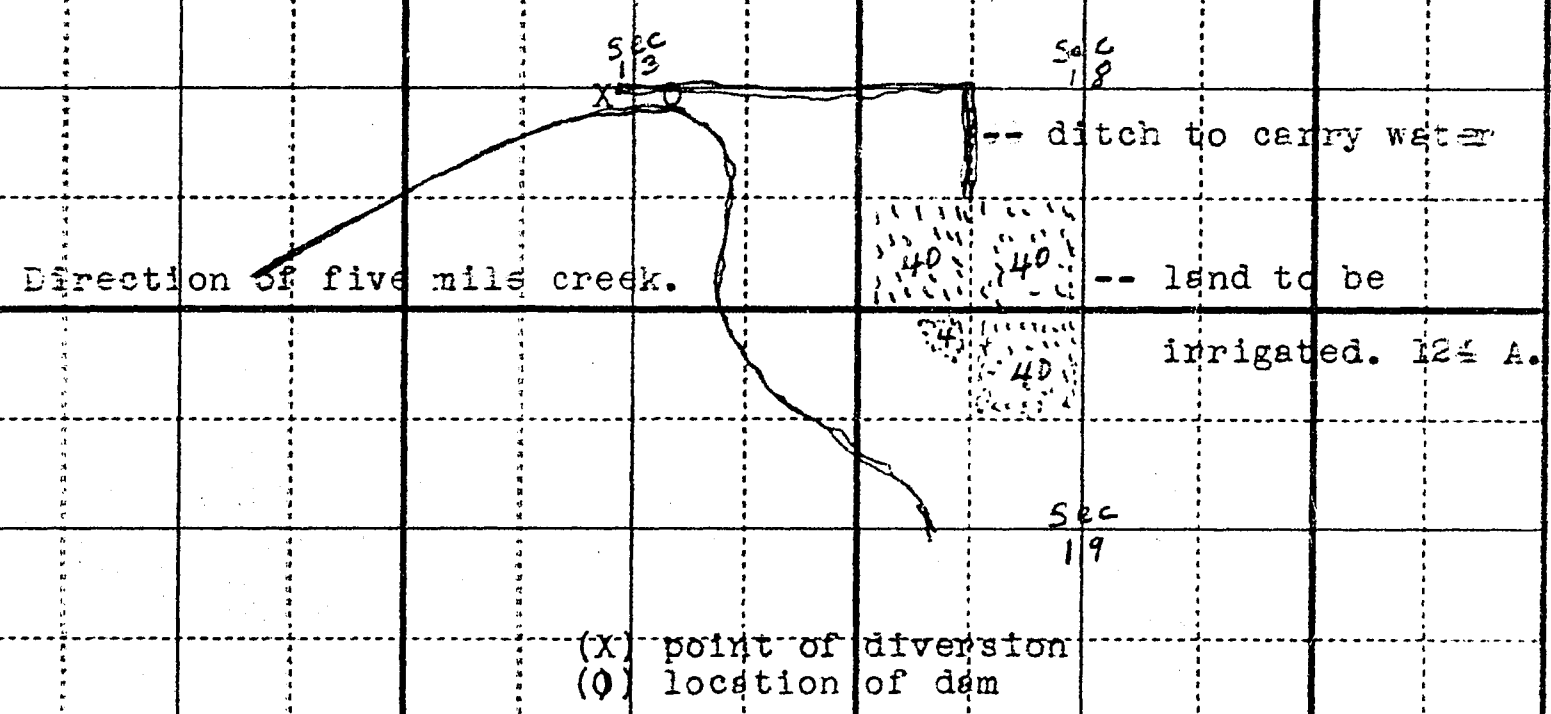
A:fg
Enc.

23574

NAME OF APPLICANT.....C. FRED NUFFER.....

Form No. 0

Name of applicant C. Fred Nuffer, Dayton, Idaho



Permit Map No. 23574
As Approved
12/1/1913
MAYNARD R. KULP
State Reclamation Engineer

February 6, 1953

RE: Permit No. 23574

Mr. C. Fred Nuffer
Dayton
Idaho

Dear Mr. Nuffer:

We enclose Permit No. 23574 and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Your two remittances totalled \$6.00, but the correct filing fee is \$5.50 for which we enclose departmental receipt No. 25416. There is, therefore, a refund of 50 cents due you which we enclose herewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

23574

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Mr. C. Fred Nuffer
Dayton
Idaho

BOISE

November 3, 1953

Dear Sir:

Under the terms of your permit No. 23574 you are required to complete your diversion works and make proof of beneficial use on or before January 21, 1954.

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 January 21, 1954, 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

2 3574

Permit No. 23574

STATE OF IDAHO
Department of Reclamation

DEC 30 1953

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

SS.

County of FRANKLIN

C. FRED NUFFLER

, 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. 23574, and that his postoffice address is Dayton
State of Idaho

Second: That the name of the stream from which said water is to be diverted is
Five Mile Creek

Third: That the point of diversion of said water is 300 ft. South & 300 Ft.
West from the center corner of Section 13, T. 15 S. R. 38 EBM

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by January 21, 1954.

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

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

I. Kind of works: Pumping plant, electric wiring, pipe & levee
(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

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

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

(d) Conduit width at bottom 16-19 feet, width at water line 22-25 feet
(State whether ditch, flume or pipe)

feet, depth of water two feet; diameter of pipe 8 inches, average grade per mile is 1720 feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 2.48 second feet of water.

Eighth: That water appropriated under said permit is available for 124 acres of land described as follows: South $\frac{1}{2}$ of the Southwest quarter of Sec. 18, and NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 19, 4 acres in NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of sec. 19 all in twp. 15 S. R. 39 EBM.

Ninth: Remarks: That

C. Fred Nuffer

(Sign Here)

Subscribed and sworn to before me this 29th day of January, 1954.

Dell W. Smith

My commission expires 4-3-57

Notary Public.

23574

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) December 29th 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.

C. Fred Huffer

(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.

23574

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 23574

Date: January 7, 1954

Preston Citizen

Preston, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to February 15, 1954 the date set for proof, the expense of the publication to be paid by the applicant, C. Fred 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

2 3574

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

Notice is hereby given that at 10:00 A. M. on the 15th day of February, 1954,
at Preston, County of Franklin, State of Idaho, before
Dell W. Smith a Notary Public, proof will be submitted of the
application to beneficial use of 2.48 cubic feet per second of the waters of Five Mile
Creek in accordance with the terms and conditions of Permit No. 23574
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
C. Fred Nuffer, Dayton, Idaho

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is 2.48 **cubic feet per second.**

The place where said water is used (if ~~for irrigation~~, give full and accurate description of the lands irrigated)
South half of the Southwest quarter of Sec. 18, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 19,
and 4 acres in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 19, all in Twp. 15 S. Range 39 East of
the Boise Meridian.

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

Un-named.

The right to take water from such works is based upon Permit No. 23574

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 January 21, 1954 ~~xxxxxx~~ 5, 1953

MARK R. KULP

State Reclamation Engineer.

23574

January 7, 1954

RE: Permit No. 23574

Mr. C. Fred Nuffer
Dayton
Idaho

Dear Mr. Nuffer:

We enclose Certificate of Completion of Works issued on Permit No. 23574 for the diversion of 2.48 second feet of water from Five Mile Creek with point of diversion in the NE¹/₄SW¹/₄ Section 13, Twp. 15 S., Range 38 E. B.M. for the irrigation of land in the SW¹/₄ Section 18, NE¹/₄SW¹/₄ Section 19, Twp. 15 S., Range 19 E. B.M.

We also enclose departmental receipt No. 26417 for the \$5.00 fee paid in connection with Completion of Works proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Encls.

23574

✓
January 8, 1954

RE: Permit No. 23574

Mr. C. Fred Nuffer
Dayton
Idaho

Dear Mr. Nuffer:

We have sent to the Preston Citizen, notice of Beneficial Use proof to be made on this Permit February 15, 1954, 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.

At the time set for proof you should appear before Mr. Dell W. Smith 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 enclosed depositions.

All depositions, together with the affidavit of publication to be transmitted promptly to this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A/re
Encls.

23574



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, RECLAMATION ENGINEER

BOISE
January 16, 1954

RECEIVED
JAN 18 1954
Department of Reclamation

RE: Permit No. 23574

Preston Citizen
Preston
Idaho

Gentlemen:

On January 7, 1954, we sent you notice for publication in connection with Permit No. 23574 in the name of C. Fred Nuffer.

To date we have not received an acknowledgment of this notice nor a copy of the first publication as requested.

Please advise if this notice is being published, and if so send us a copy of same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeannie L. Anderson
Chief Clerk

A:br

This will be published in our issue this week, Jan. 21.

The Preston Citizen

23574

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

Don 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

January 15 1954, and ending

with the issue of February 4 1954

Don E. Smith

Fees, \$ 14.50

Subscribed and sworn to before me this 11th day

of March 1954

Notary Public, Residing at Preston, Idaho

My Commission Expires May 15 1954

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLI- CATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 A. M. on the 15th day of February, 1954, at Preston County of Franklin, State of Idaho, before Dell W. Smith, a Notary Public, proof will be submitted of the application to beneficial use of 2.48 cubic feet per second of the waters of Five Mile Creek in accordance with the terms and conditions of Permit No. 23574 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 C. Fred Nuffer, Dayton, Idaho.

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

The amount applied to beneficial use is 2.48 cubic feet per second.

The place where said water is used, South half of the Southwest quarter of Sec. 18, and the NE¹/₄ of the NW¹/₄ of Sec. 19, and 4 acres in the NW¹/₄ of the NW¹/₄ of Sec. 19, all in Twp. 15 S. Range 39 East of the Boise Meridian.

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

The right to take water from such works is based upon Permit No. 23574.

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 January 5, 1953.

MARK R. KULP
State Reclamation Engineer.
3-6c

RECEIVED
MAR 12 1954
Dept of Reclamation
23574

March 12, 1954

RE: Permit No. 23574

Mr. C. Fred Nuffer
Dayton
Idaho

Dear Mr. Nuffer:

We have received from the Preston Citizen, affidavit of publication in connection with the proof of beneficial use on Permit No. 23574, advertised to be made February 15 before Dell W. Smith, Notary Public.

As we have not received these proofs and if they were made, they should be transmitted promptly to this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hl
CC: Dell W. Smith

23574

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
MAR 19 1954
Department of Reclamation

Permit No. 23574

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. G. Fred Nuffer - Dayton, Idaho - Farmer

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. January 21, 1954 - 23574 - Date of Permit - January 21, 1954

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

Ans. Five Mile Creek contributory of Bear River - 300 ft. South and 300 Ft. West from the center corner of Sec. 13, Twp. 15 So. R. 38 E. B. M. and is in the NE $\frac{1}{4}$ to SW $\frac{1}{4}$ of Sec. 13 Twp. 15 So. R., 38 E. B. M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. 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 and open ditch capable of producing 2.48 cfs.

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 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Sec. 18 Twp. 15 So. R. 39 E. B. M. and NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ in Sec. 19, Twp. 15 So. R. 39 E. B. M. containing 124 Acres, the same is all cultivated land. The land now produces row irrigated crops.

23574

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. 2.48

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. When - during the irrigation season May 1st - ~~Sept.~~ Nov. 1st.

How - irrigating row crops

The sum of 2.48 cfs. has been used to irrigate said crops.

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)

E. Fred. 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 Preston, County of Franklin, State of Idaho, on this 15th day of February, A. D. 1954.

Dell W. Smith
E. Fred. Nuffer

My commission expires April 3, 1957

23574

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23574

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. L. T. Garrett - age 41 - Preston, Idaho - Contractor

Ques. 2. Are you acquainted with C. F. Nuffer, the holder of Permit No. 23574? How long have you known him and where does he reside?

Ans. 10 yrs. - resides at Dayton, Idaho

Ques. 3. Have you read or heard read said Permit No. 23574, 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. Source - Five Mile Creek - Place: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, Twp. 15 So. R. 38 E. B. M.
Works: Pump and open ditch

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

Ans. 2.48

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 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18 -19 Twp 15 So.
R. 39 E. B. M. - containing 124 acres, the same is all cultivated land.
The land now produces row irrigated crops.

23574

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

Ans. _____

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. Black Loom - and would require 2.48 cfs to irrigate.

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. Except I built the ditch as a contractor, and leveled part of the land.

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. - On August 15, 1953 I witnessed C. Fred Nuffer conveying water by a pump and open ditch to the above described property in the amount of 2.48 to row crops on said property.

(Signed) _____

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 15th day of February, A. D. 19 54

DeW. Smith
Notary Public.

My commission expires April 3, 1957

23574

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 23574

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. Darrell C. Hadfield - age 27 - Preston, Idaho - Soil Conservation Engineer

Ques. 2. Are you acquainted with C. Fred Nuffer, the holder of Permit No. 23574? How long have you known him and where does he reside?

Ans. Yes - five yrs. - Dayton, Idaho

Ques. 3. Have you read or heard read said Permit No. 23574, 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. Source - Five Mile Creek - Place : NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, Twp. 15 So. R. 38 E. B. M.
Works: Pump and opne ditch

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

Ans. 2.48

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 - SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ In Sec. 18 Twp. 15 So. R. 39 E. B. M.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ in Sec. 19, Twp. 15 So. R. 39 E. B. M.
containing 104 acres, the same is all cultivated land. The land now
produces row irrigated crops.

23574

Ans.

Ans. Black Loom - and would require 2.48 crs. to irrigate.

Ans. No. I surveyed the lands to be irrigated.

Ans. ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ On August 15, 1953, I witnessed C. Fred Nuffer conveying water by a pump and open ditch to the above discribed property in the amount of 2.48 to row crops on said property.

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 15th day of February,
A. D. 19 54

My commission expires April 3, 1957

23.574

March 19, 1954

RE: Permit No. 23574

Mr. C. Fred Nuffer
Dayton
Idaho

Dear Mr. Nuffer:

We acknowledge receipt of the depositions of yourself and two witnesses in proof of beneficial use on Permit No. 23574.

With the affidavit of publication already received from the Preston Citizen, this completes your proof, but 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 tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination 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:hll

23574

March 19, 1954

RE: Permit No. 23574

Mr. C. Fred Nuffer
Dayton
Idaho

Dear Mr. Nuffer:

We acknowledge receipt of the depositions of yourself and two witnesses in proof of beneficial use on Permit No. 23574.

With the affidavit of publication already received from the Preston Citizen, this completes your proof, but 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 tell just when this examination will be made, but our field engineer will try and contact you at the time he makes the examination so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

23574

A:hll

April 9, 1954

RE: Permit No. 23574

Mr. C. Fred Muffer
Dayton
Idaho

Dear Mr. Muffer:

State law requires an inspection of any Permit being brought to license. I intend to make an inspection in connection with your Permit on Tuesday, April 20, 1954.

Please be prepared to accompany me on this inspection or have someone familiar with the irrigation, under the above numbered Permit, do so.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. M. Humphrey
Deputy State Reclamation Engineer

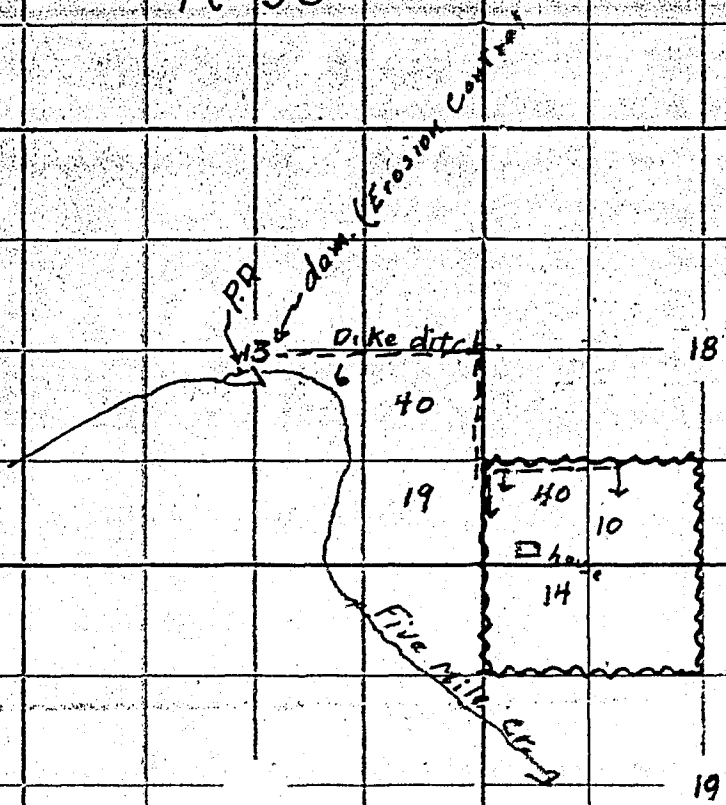
H:hll

23574

T.
15
S.

56' depth

R-38



Can allow 100" for pump
Pump serves two farms.
Give sons permit first
right; then balance on this
permit

Three subdivisions
Area = 64 acres.
Q = 35 inches

allow 65" on 22931
" 35" on 23574

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 23574

This proof is for Beneficial Use

In Water District No.

1. Name of applicant G. Fred Nuffer, Dayton, Idaho

2. Source of water supply: Five Mile Creek

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13

T. 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 20H.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.

5. Water is used for: Irrigation

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):

S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18;N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19;

Twp. 15 South, Range 39 East, R. M.

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

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

Remarks:

This dam is on the farm belonging to Mr. Nuffer's son. This file is to prevent some-one else from boarding up water ahead of Mr. Nuffer. The heavy erosion extends almost to Mr. Nuffer's house and farm yard. If erosion continues his farm house will eventually slide into the canyon.

This examination was made on the 20 day of April, 1954

(Signed)

E. H. Humphrey

Examiner.

23574



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

BOISE

June 16, 1954

RECEIVED
JUL 6 1954
Department of Reclamation

RE: Permit No. 23574

Mr. C. Fred Nuffer
Dayton
Idaho

Dear Mr. Nuffer:

We now have on file the report of our field engineer on examination for beneficial use on Permit No. 23574, which shows that you have irrigated 64 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18, and the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19, Township 15 South, Range 39 East B.M. from Five Mile Creek.

Therefore, a License can be issued for 0.7 of a second foot of water from that stream upon receipt of the statutory fee of \$6.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson
Chief Clerk

A:hll

23574

✓
July 14, 1954

RE: Permit No. 23574

Mr. C. Fred Nuffer
Dayton
Idaho

Dear Mr. Nuffer:

We enclose license and Certificate of Water Right issued under Permit No. 23574, confirming your right to the use of 0.7 second foot of water from Five Mile Creek with priority of January 5, 1953, and point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, Township 15 South, Range 38 East, B. M. for irrigation of 64 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19, Township 15 South, Range 39 East, B. M.

We also enclose departmental receipt No. 26752 for the \$6.00 License fee.

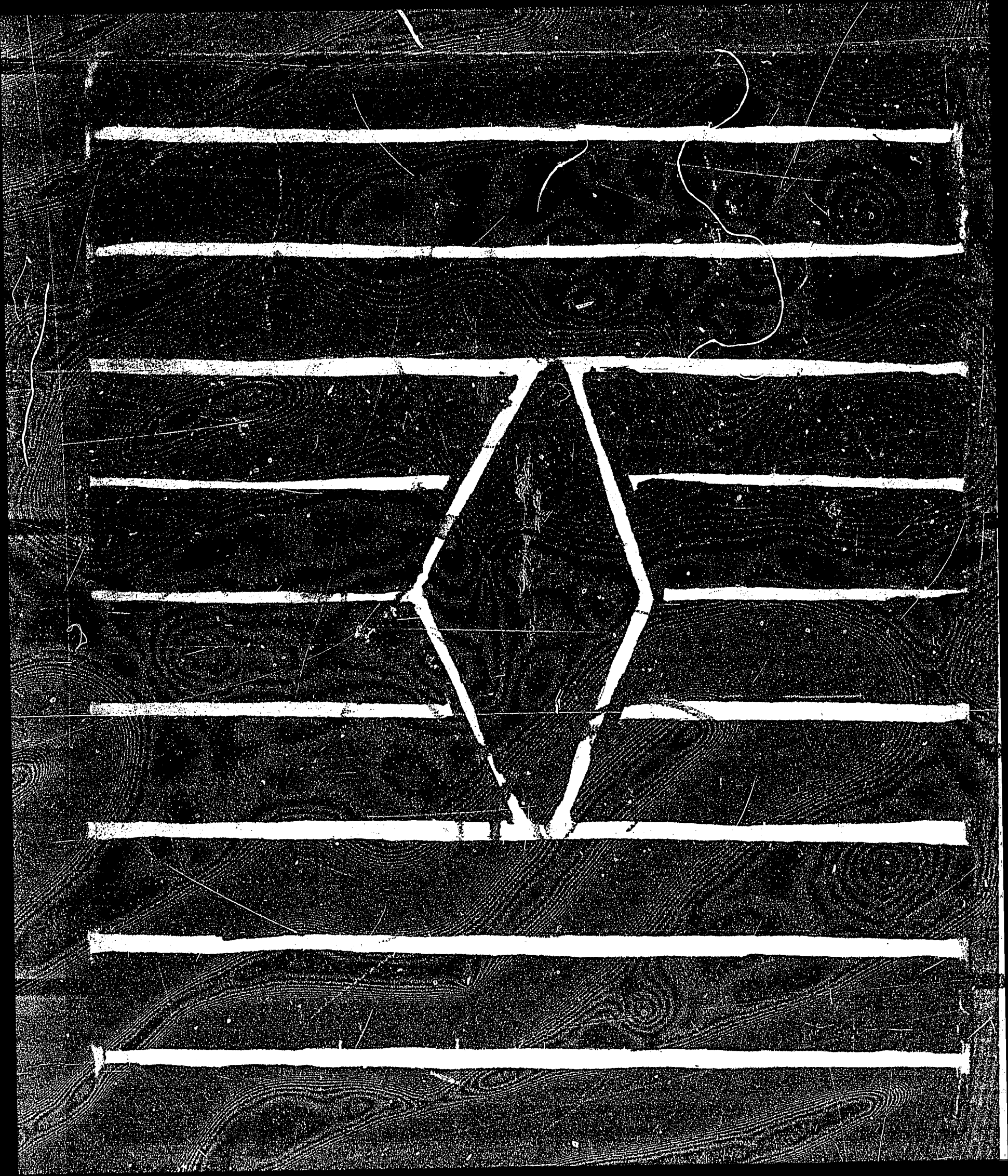
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:br
Enc.

23574



State of Idaho

License and Certificate of Water Right

Water License No. 23574

Amount 0.7 second foot

Water District No.

Priority January 5, 1953

THIS IS TO CERTIFY that C. FRED NUFFER
 of Dayton, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated January 5, 1953; that Permit No. 23574
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 2.48 second feet, was issued thereunder on December 30, 1953, showing that said works
 were completed on the 29th day of December, 1953; and that on the 15th
 day of February, 1954,

C. FRED 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. 23574 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 5287, on the 13th day of July, 1954;

The right hereby confirmed dates from January 5, 1953;

The Point of Diversion is located

in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, 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 0.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S.	39 E.	18	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	10
		19	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	--
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	4	14
			Number of Acres Actually Irrigated	--	64

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

13th day of July, 1954.

MARK R. KULP
 State Reclamation Engineer.

(SEAL)