

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 33635
PERMIT No. 25774
DISTRICT No.

1. Name of Applicant: MAX FOWLER

Postoffice address: Grace

County: Caribou

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

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

3. Source of water supply: Unnamed spring in NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ in Section 13, Township 11 South, Range 40 East of the Boise Meridian, which is a tributary of Bear River.

4. Location of point of diversion: 1,000 feet distant from the Southwest corner of NE $\frac{1}{4}$ of Section 13, T. 11 S, R. 40 E., B.M., and is in the NE $\frac{1}{4}$ of Section 13, T. 11 S, R. 40 E., B.M., County of Caribou, State of Idaho.

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: \$2,000.00

8. Kind of works: Sprinkler and pump

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 feet; width at water line feet; depth of water feet; dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile 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 none 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: Last Chance Canal Water -- 2 feet and 15 inches approximately.

16. (a) Is reservoir to be used? pond If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit: 50x30 feet dimensions
 (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.

MAX FOWLER

Applicant.

By

Agent.

Date of first receipt at Department of Reclamation: 9:00 A.M. June 6, 1955

Returned to applicant for correction: June 8, 1955

Corrected application received: June 13, 1955

Approval of State Reclamation Engineer

The number of this permit is 25774
 Recorded in Book 91 Page 25774 Approved June 21, 1955
 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 August 21, 1955 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 December 21, 1955
 The whole of said work to be completed on or before June 21, 1956
 Beneficial use of water appropriated in accordance herewith, to be made on or before June 21, 1956

WITNESS My hand this 21st day of June, 1955

MARK R. KULP
 State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, 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 June, 1955.

Countersigned: STATE OF IDAHO
 (SEAL) By IRA H. MASTERS, Secretary of State.
 BY PAULA L. FLENNOR, Acting Secretary of State.
 By ROBERT E. SMYLLIE, Governor.

REMARKS: Existing water right is subject to cut at any time during year and is appurtenant to the NE $\frac{1}{4}$ of Section 13 Township 11 South, Range 40 East of the Boise Meridian and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12 Township 11 South, Range 40 East of the Boise Meridian and has not been used on the land under this application. Spring and point of diversion on land owned by applicant.

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 $\frac{1}{4}$	
11	40 E	13	4	4	25	15													48
Permit No. 25774 CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN: This is to certify that MAX FOWLER of Grace, County of Caribou, and State of Idaho, the holder of Permit No. 25774, issued upon Application No. 33635 bearing date of priority of June 6, 1955, authorizing the diversion of 1 second foot of the waters of an un-named spring, a tributary of the Bear River, County of Caribou, 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 second foot of the waters of said un-named spring; that the point of diversion of said waters is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, Township 11 South, Range 40 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Northeast Quarter of Section 13, Township 11 South, Range 40 East, B.M. Witness my hand this 24th day of July, A. D. 1956. MARK R. KULP State Reclamation Engineer Proof of completion of works made May 25, 1956 Certificate of Completion of Works issued July 24, 1956.																			

Page 6190.6

There is a spring on our ranch. we have been using it for home and garden. Now we are getting a rain maker and want to use it for that. Has this spring been filled on? Is it necessary to fill on it? If so - just what is there to do in filling on a spring.

This spring runs from our ranch thru Henry Harris's ranch and into the river.

This is the Max Fowler ranch of Lago, Idaho. Formerly owned by John C. Fowler.

Dear Mr. Kulp:

There is a spring on our ranch. We have been using it for home and garden. Now we are getting a rain maker and want to use it for that. Has this spring been filed on? Is it necessary to file on it? If so- just what is there to do in filing on a spring.

This spring runs from our ranch thew Henry Harris's ranch and into the river.

This is the Max Fowler ranch at Lago, Idaho, formerly owned by John C. Fowler.

Yours truly

MAX FOWLER
Grace, Idaho

25774



ROBERT E. SMYLIE
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER
BOISE

May 13, 1955

Mr. Max Fowler
Grace
Idaho

Dear Mr. Fowler:

Enclosed is a blank application for permit for your use in filing on water from a spring on your ranch.

We have no way of determining whether or not the spring has been filed upon without having an exact legal description of its location.

If water from this spring flows into the Bear River then it would become part of the decreed water of the Bear River and as such, any right you may obtain through Permit and License will be inferior to the decreed rights of the Bear River. When one obtains a Permit right, it is a right only to such waters that have not been appropriated.

I have made this explanation because often times there is an erroneous impression regarding the usage and rights as they pertain to spring water.

This Department will gladly grant your request for Permit because if there is water there available for your use, we want you to have it.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll
Enc.

25774

RECEIVED
MAY 26 1955

Department of Reclamation

Dear Sir,

We are sending a map of our ~~to~~ ranch marking the spring & buildings.

Can you tell buy this if any one has filed on this spring?

This spring only runs between three & four months in the summer.

If no one has filed on it we will fill out the application for permit.

yours truly
Max C. Fowler
Grace

25774

I do.

This used to be The John C Fowler Ranch
NORTH

NORTHERN SOIL CONSERVATION DISTRICT

Land Use Map

Max Fowler

Operator

Grace, Idaho

200 acres

Sec. 12 & 13 T11S R40E BM

Legend

40 acres Sec. 12

160 acres Sec 13

<u>Field</u>	<u>Acres</u>	<u>Land Use</u>
1	15	Hay and Grain
2	5	Grain - Fallow
3	4	Pasture
4	7	Grain - Fallow
5	25	Grain - Fallow
6	8	Dry Pasture
7	1	Pasture - Grain
8	4	Pasture
9	2	Hay and Grain
10	10	Hay and Grain
11	6	Hay and Grain
12	3	Hay and Grain
13	5	Hay and Grain
14	16	Hay and Grain
15	7	Hay and Grain
16	31	Dry Pasture
17	20	Grain - Fallow
18	11	Grain - Fallow
19	8	Hay and Grain
20	4	Pasture
	8	Farmyards, roads,
	<u>200</u>	<u>Total</u>



25774

14867

May 27, 1955

Mr. Max C. Fowler
Grace, Idaho

Dear Mr. Fowler

Permit No. 14867 was issued to John C. Fowler in 1920 for one second foot of water from a spring in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, Township 11 South, Range 40 East, B. M., for use on 40 acres in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of said section. He made proof of completion of works and Certificate of Completion of Works was issued on September 14, 1922. Beneficial use proof was not made.

This was apparently on Gibbs Spring, as other correspondence in the file refers to it as Gibbs Spring.

If you can obtain ownership of the above permit, and furnish satisfactory evidence of succession in title to same, you may still bring it to license up to fifty inches, providing you are using that amount. The priority will be as much later than August 16, 1920, as the beneficial use proof is past due.

Enclosed is a form of application that you can use in case you prefer to file, rather than obtain a license under the old permit. A pamphlet of instructions is also enclosed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:A

Map shows spring in NWNE —

25774

FRANCIS J. RASMUSSEN
Attorney at Law
Soda Springs, Idaho

June 3, 1955

RECEIVED
JUN 6 1955
Department of Reclamation

State of Idaho
Department of Reclamation
Capitol Building
Boise, Idaho

Dear Sir;

Please find enclosed an application for permit to appropriate surface water and a personal check in the amount of \$5.00 for the filing fee.

If this application is approved and a permit issued to Mr. Fowler would you send proofs for completion of works.

Sincerely Yours,


Francis J. Rasmussen

FJR/nw

25774

June 8, 1955

Mr. Francis J. Rasmussen
Attorney at Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

We have your letter of June 3rd enclosing application of Max Fowler to appropriate 1 second foot of water from an un-named spring in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, Township 11 South, Range 40 East, E.M. accompanied by your check for the \$5.00 filing fee.

We do not quite understand the answer to Question 15 as to existing water rights which shows "Last Chance Canal water -- 2 feet and 15 inches approximately".

Please explain this as to the exact amount of water in inches or second feet which the applicant gets from the Last Chance Canal Company or how many acres of the 240 shown on the Land Use Map the Last Chance water is appurtenant to or is supposed to be able to irrigate.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

25774

FRANCIS J. RASMUSSEN

Attorney at Law
Soda Springs, Idaho

RECEIVED
JUN 13 1955
Department of Reclamation

June 10, 1955

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Max Fowler
Water Permit
Application

Dear Sir;

In reply to your letter of June 8, the reason the water is measured as 2 feet, 15 inches approximately is for the reason that Mr. Fowler's right is based upon shares and the maximum amount he is able to obtain is 2 feet 15 inches, whereas very often he does not obtain this amount for the reason that there is not a sufficient supply of water.

The water is appurtenant to all of the land but has never been used on the land described in the water permit application. The water applied for is to be used on land never before irrigated by water from the Last Chance Canal Co. Mr. Fowler is irrigating this land by sprinkle system as the same is hilly and not subject to flood irrigation. The Last Chance Canal water has been used on more than a hundred acres of the land owned by Mr. Fowler, the same being located at varying places on the land for the reason that some of same is hilly and not subject to irrigation.

I feel that this will answer your question.

Sincerely Yours,

Francis J. Rasmussen

FJR:ew

25774

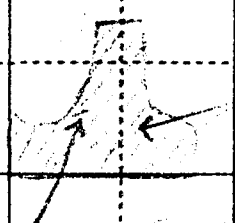
NAME OF APPLICANT

Miss Fisher

Form No. 0

*T115,
K4DE
Sec. 13*

Spring



*Long place water
to be used*

Point of discharge for application

Permit Map No. *25774*
As Approved *H*
MARK H. KUEP
State Reclamation Engineer

June 28, 1955

RE: Permit No. 25774

Mr. Francis J. Rasmussen
Attorney At Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

We enclose Permit No. 25774 in the name of Max Fowler 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. 27402 for the \$5.00 filing fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:ou
Enc.

25774

FRANCIS J. RASMUSSEN

Attorney at Law
Soda Springs, Idaho

July 14, 1955

RECEIVED

JUL 15 1955

Department of Reclamation

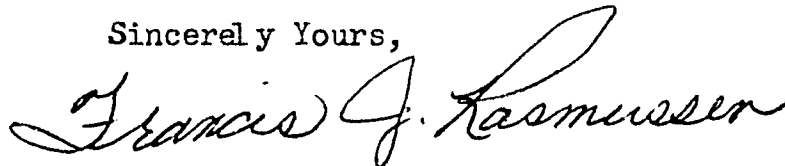
State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit No. 25774
Max Fowler

Dear Sir;

Please send the necessary forms evidencing completion of works.

Sincerely Yours,



Francis J. Rasmussen

FJR:nw

25774

July 15, 1955

RE: Permit No. 25774

Mr. Francis J. Rasmussen
Attorney at Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

In reply to your letter of July 14 requesting form
for making proof of completion of works on Permit No. 25774
in the name of Max Fowler.

This proof can be made on Form 6 enclosed, executed
before a Notary Public and returned to this department with
the statutory fee of \$5.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll

Enc.

25774

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

FOISE

Mr. Max Fowler
Grace
Idaho

April 1, 1956

Dear Sir:

Under the terms of your permit No. 25774 you are required to complete your diversion works and make proof of beneficial use on or before June 21, 1956.

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 June 21, 1956, 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

25774

FRANCIS J. RASMUSSEN
Attorney at Law
Soda Springs, Idaho

May 25, 1956

RECEIVED
MAY 28 1956
Department of Reclamation

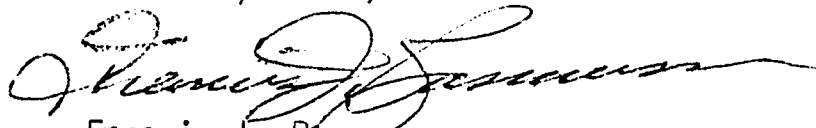
Department of Reclamation,
State of Idaho
Boise, Idaho

Re: Max Fowler Application of Water

Dear Sir:

Please find enclosed two notices and the letter
and Affidavit, with check for \$5.00 filing.

Sincerely Yours,


Francis J. Rasmussen

FJR:nw

enclosure 4

25774

RECEIVED
MAY 28 1956
U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF RECLAMATION

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 25, 1956

(P. O.) Grace, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the

Caribou County Sun of Soda Springs, Idaho published in

the county in which the works are situated.

May Farler

(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.

25774

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

Notice is hereby given that at 10 A. M. on the 10th day of July, 1956
 at Soda Springs, County of Caribou, State of Idaho, before
F. J. Rasmussen, Notary Public, proof will be submitted of the
 application to beneficial use of 1 cubic feet per second of the waters of an unnamed
spring in accordance with the terms and conditions of Permit No. 25 774
 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
Max Fowler, Grace, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is one cubic foot per second

The place where said water is used ~~at the irrigation system located on the land of the applicant~~
4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$, 25 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, 15 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$, all
in Section 13, Township 11 South, Range 10 E. B.M.

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

Pump and Sprinkler system

The right to take water from such works is based upon Permit No. 25774

The source of supply from which such water is diverted is unnamed spring

The date of priority which said user is prepared to establish is ~~1955~~ June 6, 1955.

25774
 MARK R. KULP

State Reclamation Engineer.

May 31, 1956

RE: Permit No. 25774
Max Fowler

Mr. Francis J. Rasmussen
Attorney At Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

We have your letter of May 25, 1956, enclosing notice for Beneficial Use proof on Permit No. 25774, in the name of Max Fowler, to be made July 10, 1956, before you as Notary Public.

We shall send a copy of the notice to the Caribou County Sun with instructions to publish it once a week for four weeks prior to that date and to send Mr. Fowler the affidavit of publication together with statement of costs.

At the time set, Mr. Fowler should appear before you, 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.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

T:ou
Enc.
CC: Mr. Max Fowler

25774

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RE: Permit No. 25774

Date:

May 31, 1956

Caribou County Sun
Soda Springs,
Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to July 10, 1956, the date set for proof, the expense of the publication to be paid by the applicant, Max Fowler of Grace, Idaho, , to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication, in order that we may check same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

25774

June 1, 1956

RE: Permit No. 25774

Mr. Max Fowler
Grace
Idaho

Dear Mr. Fowler:

We wish to acknowledge receipt of proof of Completion of Works on the above captioned Permit and also Notice of Application of Water to Beneficial Use to be published in the Caribou County Sun:

We are returning your proof of Completion of Works for further information. We also enclose a map showing your land description and will request that you designate on said map the exact location of your spring from which you are getting water.

Under the third paragraph of said proof of Completion of Works you failed to designate the location of the spring within a 40 acre subdivision. Your Permit states that your spring is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 1 South, Range 40 East.

We also wish that you would state on said proof the kind and size of pump also the number of lineal feet of sprinkler line and number of nozzles.

We will hold your check for fees for this proof until corrected proof is returned to this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

25774
T:cu
Enc.

Permit No. 25774

STATE OF IDAHO
Department of ReclamationRECEIVED
JUL 13 1956

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Caribou

ss.

Max Fowler

, 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. 25774, and that his postoffice address is Grace, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Unnamed Spring in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 11 South, Range 40 E. B. M.

Third: That the point of diversion of said water is 1000 feet from SW Corner of NE $\frac{1}{4}$ Section 13, Township 11 South, Range 40 E. B. M. and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ S 13, T 11 S, R 40 E. B. M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 21, 19 56.

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: Sprinkler and Pump System
(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 feet, width at water line
(State whether ditch, flume or pipe)

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

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

Eighth: That water appropriated under said permit is available for acres of land described as follows: 48 Acres - 4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 25 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 15 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; all in Section 13, Township 11 South, Range 40 E. B. M.

Ninth: Remarks: That I have caused the water to run into a wash which is dammed off for the purpose of pumping from and to also fill the wash with sediment in order to make the field farmable. Pump is surface centrifugal maximum capacity 3 C.F.S. - 2540 ft. Lateral pipe 510 feet main line 64 ft. - 224 ft.

Max Fowler
(Sign Here)

Subscribed and sworn to before me this 25 day of May, 19 56.

My commission expires 7-10-57

[Signature]
Notary Public.

25774

July 25, 1956

RE: Permit No. 25774

Mr. Max Fowler
Grace
Idaho

Dear Mr. Fowler:

We enclose Certificate of Completion of Works for the diversion of 1 second foot of the waters of an un-named spring with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, Township 11 South, Range 40 East, B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$ Section 13, Township 11 South, Range 40 East, B.M., with priority of June 6, 1955.

We also enclose departmental receipt No. 28068 for the \$5.00 completion of works fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hl1
Enc.

25774

FRANCIS J. RASMUSSEN

Attorney at Law
Soda Springs, Idaho

July 11, 1956

RECEIVED
JUL 13 1956

Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Max Fowler permit no. # 25774

Dear Sir:

Please find enclosed two depositions of witness, one
Deposition of Holder and an Affidavit of Holder in the
above entitled case.

Sincerely Yours,

Francis J. Rasmussen
Francis J. Rasmussen

FJR:nw

enclosure 4

25774

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 13 1956
Department of Reclamation

Permit No. 25774

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Max. Fowler, Grace, 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. no

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

Ans. Permit No. 25774 - Permit date June 21, 1955, Priority Date 1916

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

Ans. About centered in the NW⁴ of NE¹ of Sec. 13, T. 11 S., R. 10 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. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Pump & Sprinkler - Pump is surface centrifical max. capacity of 3 C.F.S. 510 feet 5" mainline - 2640 feet 4" Lateral pipe - 66 size 11/64 by 3/32. Pump operates at 60 pounds pressure determined by gauge, also some flood irrigation.

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 for 48 acres - 48 Acres - 4 acres in NE¹ NE¹; 4 acres in NW¹ NE¹; 25 acres in SW¹ NE¹; 15 acres in SE¹ NE¹; all in Section 13, Township 11 South, Range 10 E. B.M.

25774

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

Ans. no.....

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

Ans. 1 C.F.S.....

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. same person.....

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

Ans. Water has been used to the fullest extent,.....

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. Other water used only limitedly to supplement this water as it is necessary to use other water on other land.....

(Sign) M. J. Fowler

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 Soda Springs....., County of Caribou....., State of Idaho, on this 10th..... day of July....., A. D. 19..56.,

J. D. Harrison
Notary Public
Residence Soda Springs, Idaho

My commission expires 4-10-57.....

25774

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 1 1911
Department of Reclamation

PERMIT NO. 25774

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. Henry Jay Turner, age 31 years, Grace, Idaho, Farmer

Ques. 2. Are you acquainted with Max Fowler, the holder of Permit No. 25774? How long have you known him and where does he reside?

Ans. Yes- I have known him about 20 years- he lives at Grace, Idaho

Ques. 3. Have you read or heard read said Permit No. 25774, 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 of water is spring and is conveyed to place of diversion by gully dammed off. Irrigation works are primarily pump and sprinkler with some flooding.

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. About 2 C.F.S.

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 purposes. Land water is used on 15 1/8 acres - 1/4 acres in NE 1/4 NE 1/4; 1/4 acres in NW 1/4 NE 1/4; 25 acres in SW 1/4 NE 1/4; 15 acres in SE 1/4 NE 1/4; all in Section 13, Township 11 South, Range 10 E.B.M.

25774

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

Ans. no

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. Land is heavy clay - would require about 2 C.F.S. for maximum production,

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. Helped construct a portion of system and have seen system in use.

(Signed)

Henry Jay Turner

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 Soda Springs,

County of Caribou, State of Idaho, on this 10 day of July,

A. D. 19 56

[Signature]

Notary Public.

My commission expires 4-10-57

25774

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 1 1956
Department of Reclamation

PERMIT NO. 25774

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. Clayton Ransom, Grace, Idaho, age 38 years, Farm Laborer

Ques. 2. Are you acquainted with Max Fowler, the holder of Permit No. 25774? How long have you known him and where does he reside?

Ans. yes - I have known him about 20 years - he lives at Grace, Idaho

Ques. 3. Have you read or heard read said Permit No. 25774, 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 of water is spring and is conveyed to place of diversion by gully dammed off. Irrigation works are primarily pump and sprinkler with some flooding.

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. About 2 C.F.S.

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 purposes. Land water is used on is 15 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$; 11 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 25 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 15 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; all in Section 13, Township 11 South, Range 40 E.B.M.

25774

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

Ans. no

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. Land is heavy clay - would require about 2 C.F.S. for maximum production.

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. Helped construct a portion of system and have seen system in use.

(Signed)

Clayton Ransom

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 Soda Springs,

County of Caribou, State of Idaho, on this 10th day of July,

A. D. 19 56.

[Signature]

Notary Public.

My commission expires 4-10-57

25774

**Notice for Publication
NOTICE OF PROOF
APPLICATION OF WATER TO
BENEFICIAL USE**

Notice is hereby given that at 10 A. M. on the 10th day of July, 1956, at Soda Springs, County of Caribou, State of Idaho, before F. J. Rasmussen, Notary Public, proof will be submitted of the application to beneficial use of 1 cubic foot per second of the waters of an unnamed spring in accordance with the terms and conditions of Permit No. 25774, 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 Max Fowler, Grace, Idaho.

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

The amount applied to beneficial use is one cubic foot per second.

The place where said water is used: 4 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$, 4 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$; 25 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$; 15 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$; all in Section 13, Township 11 South, Range 40 E.B.M.

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

The right to take water from such works is based upon Permit No. 25774.

The source of supply from which such water is diverted is unnamed spring.

The date of priority which said user is prepared to establish is June 6, 1955.

MARK R. KULP,
State Reclamation Engineer.
(Pub. June 7, 14, 21, 28, 1956)

Affidavit of Publication

County of Caribou

SS.

State of Idaho,

sworn on &T.... oath, states:

Katherine Martin....being first duly

That....She is co-owner.....of the
(Printer, Foreman or Principal Clerk)
Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County, that said newspaper has been published in said county uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement there-

of for...four.....successive weekly issues thereof, the date of the first publication being

the.....7th.....day of June.....,

1956...The date of the last publication being the

28th...day of June....., 1956...

Katherine Martin

Subscribed and sworn to before me this 13th

day of July....., 1956
(SEAL)

Stephen H. Hays

Notary Public, residing at
Soda Springs, Idaho.
My Commission expires the

1st day of July...
1960.

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

25774

July 27, 1956

Re: Permit No. 25774

Mr. Max Fowler
Grace, Idaho.

Dear Mr. Fowler:-

We acknowledge receipt of the depositions of yourself and two witnesses, also affidavit of publication in the Caribou County Sun, all submitted in proof of completion of works and beneficial use on Permit No. 25774.

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

R:vm

25774

R-40E.

10. GRACE

12

P.D. - Large Spring

Reservoirs

25-30 ft

25-30 ft

13

STATE HWY No. 34

Land subdivisions Two

Irrigated area - 50 to 60 acres.

Quantit of water 30 Miners Inches

as measured + over 2' Cipolletti weir

$x \quad h = 0.2' \text{ or } 0.6 \text{ C.F.S.}$

It can be assumed that all of this water is used.

Land subdivisions = Two

Area = 60 acres

$Q = 30 \text{ Miners}$

6 cfs

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

Permit No. 25774

This proof is for Beneficial Use

In Water District No.

1. Name of applicant. Max Fowler
2. Source of water supply: Un-named Spring
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13
T. 11 S., R. 40 E., B.M. County of Caribou
4. Describe works as they exist, giving dimensions and capacities of same: Spring issuing from base of rocky ledge into dry gulch. + two small reservoirs. The water is pumped into a sprinkling system from the reservoirs. Originally this water was applied by gravity to the hillsides on either side of the gulch but proved undesirable due to erosion.
Sprinkler system: One line 33 sprinkler heads - Nozzles $\frac{1}{64}$ - $\frac{3}{32}$ - Portable Pump.
5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
NE $\frac{1}{4}$ of Sec. 13., Twp. 11 S., Rge. 40 E., B.M.

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

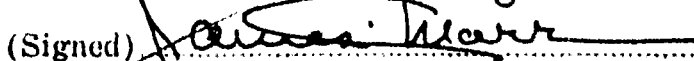
8. What large stream would the water here appropriated finally reach?

Remarks: This flow is true spring water issuing from base of lava ledge. It is late season flow and should be more earlier in season.

Mr. Fowler was present and aided in making the engineer's examination of the irrigation layout.

This examination was made on the 20th day of August, 1957

(Signed)



Examiner.

25774

September 27, 1957

Re: Permit No. 25774
Max Fowler

Mr. Francis J. Rasmussen
Attorney At Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

Our field engineer's report on the application of water to beneficial use under the terms of Permit No. 25774, Max Fowler, Grace, Idaho, shows that his works are capable of conveying 30 miner's inches (.6 c.f.s.) of water for irrigation of 60 acres. This permit is now entitled to the License and Certificate of Water Right.

Upon receipt of the statutory fee of \$4.00, we will issue to Mr. Fowler, the License confirming the right with priority of June 6, 1955, to his use of .6 second foot of water from an un-named spring, with the point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, for irrigation of 60 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 13, Township 11 South, Range 40 East, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

25774

See transmittal letter in 9-22756

November 12, 1957

Re: Permit No. 25774
Max Fowler

Mr. Francis J. Rasmussen
Attorney At Law
Soda Springs, Idaho

Dear Mr. Rasmussen:

Enclosed is the License and Certificate of Water Right issued under Permit No. 25774 to Max Fowler of Grace, Idaho, confirming the right with priority of June 25, 1955, to his use of .6 second foot of water from an un-named spring, with the point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, for irrigation of 60 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 13, Township 11 South, Range 40 East, B.M.

Enclosed also is departmental receipt #28854 for \$4.00, issued as receipt of the fee for the License.

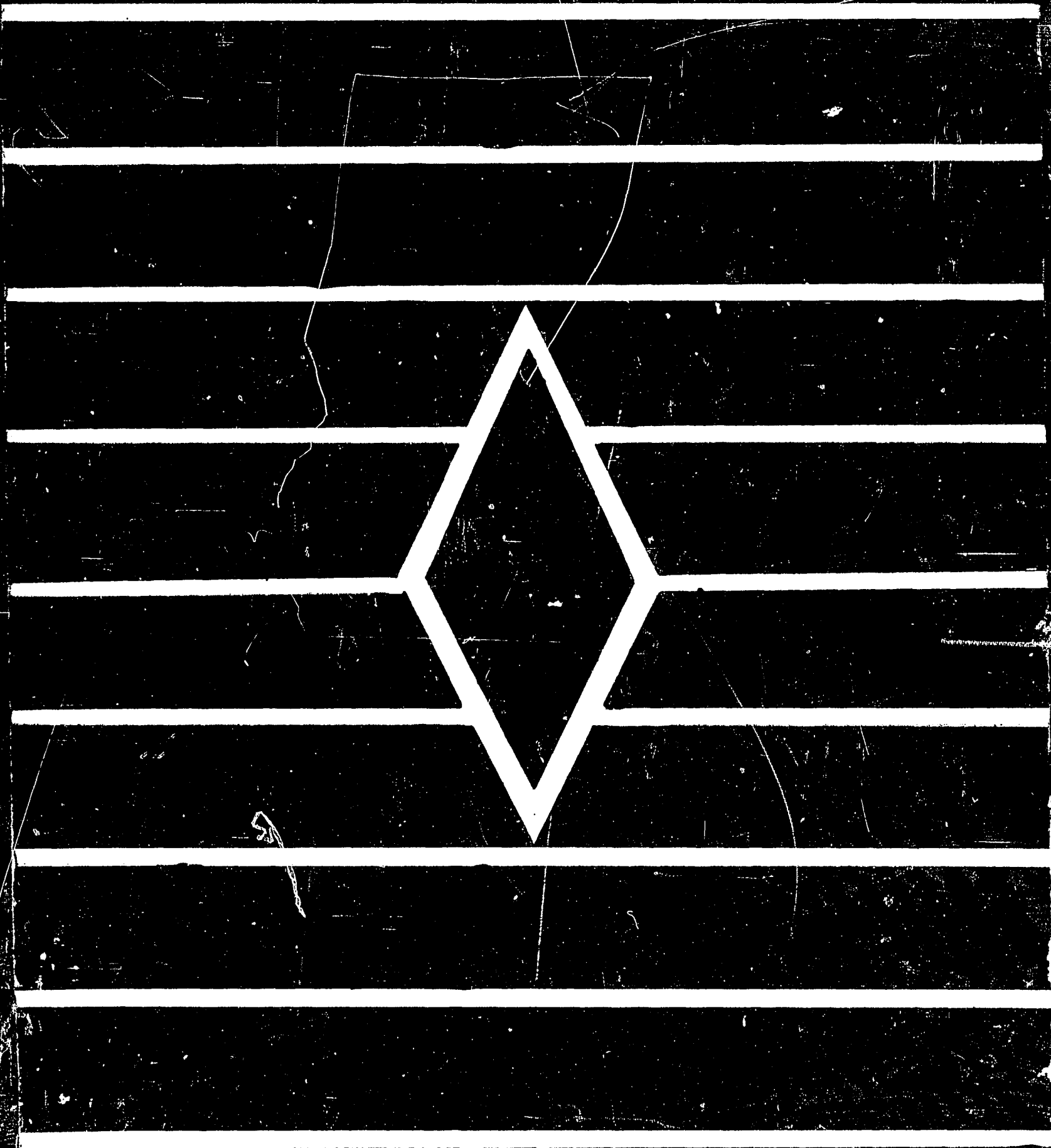
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EFR:nls
Enc.

25774



State of Idaho
License and Certificate of Water Right

Water License No. 25774

Amount .6 c.f.s.

Water District No.

Priority June 25, 1955

THIS IS TO CERTIFY that MAX FOWLER

of Grace, Idaho

, made application for a permit to appropriate the public waters of the State of Idaho, dated June 25th, 19 55 ; that Permit No. 25774 was issued under said application; that Certificate of Completion of works, with a carrying capacity of

1. second feet, was issued thereunder on July 24, 19 56, showing that said works were completed on the 25th day of May, 19 56 ; and that on the 10th day of July, 19 56, MAX FOWLER

of Grace

, State of Idaho

, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an un-named spring, a tributary of Bear River, for the purpose of Irrigation

, under Use Permit No. 25774 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

10 of Licenses at page 6190, on the 12th day of November, 1957 ;

The right hereby confirmed dates from June 25, 19 55 ;

The Point of Diversion is located

in the NW 1/4 NE 1/4, Sec. 13, Tp. 11 S, R. 40 E., B. M. County Caribou

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 .6 cubic feet per second.

Description and location of use:

Twsp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 S.	40 E.	13	NW 1/4 NE 1/4 SW 1/4 NE 1/4	4 4	30 30
Total number of acres irrigated					- - - 60

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

12th day of November, 19 57 .

/s/ Mark R. Kulp

State Reclamation Engineer.

(SEAL)

13 2185

