25775

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

APPLICATION No. 33605 — J. V. Kay
PERMIT No. 25775 — Swan Lake
DISTRICT No. — Idaho

1. Name of Applicant: J. V. KAY

Postoffice address: Swan Lake County: Bannock 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: 1.8 cubic feet per second.

3. Source of water supply: Springs which is a tributary of Bear River

4. Location of point of diversion: 600' W. & 300' N. / 500' W. & 500' N. feet distant from the SE. of NW.SE.
corner/of Section 32, T. 12 S., R. 38 E., B. M., and is in the $NW\frac{1}{4}SE\frac{1}{4}$
of Section 32, T. 12 S., R. 38 E., B.M., County of Bannock

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: $500.00

8. Kind of works: Developed springs and ditches

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 two feet; width at water line three feet; depth of water $1\frac{1}{2}$ 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 Two 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: NONE

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

J. V. KAY *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: 10:45 A . M. June 13, 1955

Returned to applicant for correction:

Corrected application received:

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# Approval of State Reclamation Engineer

The number of this permit is 25775
Recorded in Book 91 Page 25775 Approved June 30, 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 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 August 30, 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 June 30, 1956
The whole of said work to be completed on or before June 30, 1957
Beneficial use of water appropriated in accordance herewith, to be made on or before June 30, 1957

WITNESS My hand this 30th *day of* June, 1955

MARK R. KULP
*State Reclamation Engineer.*

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30th day of June, 19 55 .

Countersigned:
(SEAL)
By IRA H. MASTERS
*Secretary of State.*

STATE OF IDAHO
By ROBERT E. SMYLIE
*Governor.*

---

REMARKS: Both springs in this permit are located on the applicant's own land.

14.

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 12 S. | 38 E. | 32 | | | | 20 | | | | 25 | 5 | | | | 40 | | | | 90 |

Permit No. 25775
Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify that J. V. KAY of Swan Lake, County of Bannock, and State of Idaho, the holder of Permit No. 25775, issued upon Application No. 33605 bearing date of priority of June 13, 1955, authorizing the diversion of 1.8 second feet of the waters of Springs which is a tributary of Bear River County of Bannock, 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 1.8 second feet of the waters of Springs that the point of diversion of said waters NW¼SE¼, Township 12 South, Range 38 East B.M./and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 20 Acres in the SW¼NE¼, 25 Acres in the SE¼NW¼, 5 acres in the NE¼SW¼, 40 acres in the NW¼SE¼, Section 32, Township 12 South, 38 East B.M. Proof of Completion of Works made: May 6, 1957

Section 32

Witness my hand this 20th day of May, A.D. 1957

/s/ Mark R. Kulp
State Reclamation Engineer

Proof of Completion of Works made: May 6, 1957
Certificate of Completion of Works issued: May 20, 1957

LAND ITS WATER FOR .8 SEC. FT.
Page 6304

ROBERT E. SMYLIE
GOVERNOR

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

June 20,1955

RECEIVED
JUN 23 1955
Department of Reclamation

Mr. J. V. Kay
Swan Lake
Idaho

Dear Mr. Kay:

Through an oversight when we made out your application for permit to appropriate water from springs several days ago, we failed to have you sign it.

We return it with the request that you sign it on the line indicated on the third page.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By Jeanne L. Anderson
Chief Clerk

A:hll
Enc.

25775

NAME OF APPLICANT J. V. KAY

Form No. 0

R-38E

T. 12 S.

,32

Springs

Points of Diversion

Permit Map No. 25775
As Approved
JUN 30 1955
MARK R. KULP
State Reclamation Engineer

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

25775

July 7, 1955

RE: Permit No. 25775

Mr. J. V. Kay
Swan Lake
Idaho

Dear Mr. Kay:

We enclose Permit No. 25775 and direct your attention to the limitations and conditions as given on the fourth page under Approval of the State Reclamation Engineer.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:cu
Enc.

25775

Form No. 5-a

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

RE: Permit No. 25775 BOISE April 1,1957

Mr; J.V. Kay
Swan Lake, Idaho

Dear Sir:

Under the terms of your permit No. 25775 you are required to complete your diversion works and make proof of beneficial use on or before June 30,1957.

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 30, 1957, 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

25775

WALTER H. ANDERSON GUS CARR ANDERSON

LAW OFFICES OF

ANDERSON & ANDERSON

P. O. BOX 327

POCATELLO, IDAHO

TELEPHONE 5000

RECEIVED
MAY 15 1957
Department of Reclamation

May 13, 1957

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Permit Nr. 25775
J. V. Kay
Swan Lake, Idaho

Gentlemen:

Enclosed please find, pursuant to your request of the 1st of 1st of April, 1957, Proof of Completion of Works, authorization for publication, Notice of Proof of Application of Water to Beneficial Use and my check in the amount of $5.00. I hope that this is satisfactory so that you can now go forward in this matter.

Sincerely yours,

ANDERSON & ANDERSON

GUS CARR ANDERSON

GCA:vph
Encls.

25775

Form 6

Permit No. 25775

STATE OF IDAHO

Department of Reclamation

RECEIVED
MAY 2 1957
Department of Reclamation

# Proof of Completion of Works

## AFFIDAVIT OF HOLDER

STATE OF IDAHO }
County of Bannock } ss.

J. V. KAY, 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. 25775, and that his postoffice address is Downey State of Idaho

Second: That the name of the stream from which said water is to be diverted is a springs which is a tributary of Bear River.

Third: That the point of diversion of said water is 600' W. & 300' N., 500' W. & 500' N. feet distant from the SE of NW SE corner of Sec. 32, T 12 S. R 38 EBM and is in the NW 1/4 SE 1/4 of ~~Sec 32, T 12 S, R 38 EBM, County of Bannock~~

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 30, 19 57.

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: Dug out and developed springs and ditches.
(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 2 feet, width at water line 3
(State whether ditch, flume or pipe)
feet, depth of water 2 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 1.8 second feet of water.

Eighth: That water appropriated under said permit is available for 90 acres of land described as follows: 20 Acres in the SW 1/2 of the NE 1/4; 25 Acres in the SE 1/4 of the NW 1/4; 5 Acres in the NE 1/4 of the SW 1/4; 40 Acres in the NW 1/4 of the SE 1/4, Township 12 S, 38 E. Section 32.

Ninth: Remarks: That both springs are wholly located upon property owned by this affiant.

x J. V. Kay
(Sign Here)

Subscribed and sworn to before me this 6th day of May, 19 57

My commission expires 4-7-1960

Notary Public.

25775

May 20, 1957

Re: Permit No. 25775
J. F. May

Anderson & Anderson
Attorneys at Law
Pocatello, Idaho

Gentlemen:

We enclose Certificate of Completion of Works issued under Permit No. 25775 for the diversion of 1.8 second feet of the waters of Springs, with priority of June 13, 1955, with the point of diversion in the NW¼SE¼, Section 32, Township 12 South, Range 38 East B. M., for irrigation of SW¼NE¼, SE¼NW¼, NE¼SE¼, NW¼SE¼ of Section 32.

Also enclosed is departmental receipt No. 28607 for $5.00 issued as receipt of payment of the fee for the Certificate of Completion of Works.

Very truly yours,

M. R. MULP
State Reclamation Engineer
By

Chief Clerk

EPR:lw
Enc.

25775

P.O. Box 327

Form No. 11

RECEIVED
MAY 15 1957
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) 13 May 1957

Downey, Idaho
Address

City State

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the McCAMMON NEWS of McCammon, Idaho published in the county in which the works are situated.

By X J W Kay

(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

25775

Form 10

RECEIVED
JUL 15 1957
Department of Reclamation

NOTICE FOR PUBLICATION

# NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 5th day of July, 19 57, at Pocatello, County of Bannock, State of Idaho, before GUS CARR ANDERSON, proof will be submitted of the application to beneficial use of 1.8 cubic feet per second of the waters of springs flowing into Marsh Creek in NW,SE., Sec. 32, T.12S.-R.38E, in accordance with the terms and conditions of Permit No. 25775 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 J. V. KAY, Downey, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 1.8 cubic feet

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) The Southwest half of the Northeast quarter, the Southeast quarter of the Northwest quarter, the Northeast quarter of the Southwest quarter, and the Northwest quarter of the Southeast quarter, Township 12 South, Range 38 East, Section 32, Bannock County, State of Idaho.

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

The right to take water from such works is based upon Permit No. 25775

The source of supply from which such water is diverted is two springs located upon the above described property.

The date of priority which said user is prepared to establish is 30th day of June, 1957.

State Reclamation Engineer.

25775

May 20, 1957

RE: Permit No. 25775
J.V. Kay

Anderson & Anderson
Attorneys
P.O. Box 327
Pocatello, Idaho

Attention: Gus Carr Anderson

Dear Mr. Anderson:

We acknowledger receipt of Notice in proof of Beneficial Use on Permit No. 25775 in the name of J. V. Kay, to be made July 5th, 1957, before you as Notary Public.

We shall send a copy of the Notice to the McCammon News 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, you should contact Mr. Kay, the Permit holder, to appear before you as Notary Public, together with his two 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

Chief Clerk

ER:vm
Encl.
cc. J.V. Kay
Downey, Idaho

25775

RECEIVED
MAY 22 1957
Department of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
ROOM 107 STATE HOUSE
BOISE, IDAHO

RE: Permit No. 25775
J.V. Kay

Date: May 20,1957

McCammon News
McCammon, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to July 5th, 1957 the date set for proof, the expense of the publication to be paid by the applicant,'s Atty.- Anderson & Anderson, P.O. Box 327 of Pocatello, 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 Edna P. Rutledge
Chief Clerk

RE:vm
Encl.

The notice referred to above will be inserted in The McCammon News on May ~~111~~ 24, May 31, June 8 and June 15. You may check it in the copies of this paper reaching your office weekly.

25775

THE MCCAMMON NEWS
E.P. Payson, Publisher

Form 10

NOTICE FOR PUBLICATION

# NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 5th day of July, 1957, at Pocatello, County of Bannock, State of Idaho, before Gus Carr Anderson, Notary Public, proof will be submitted of the application to beneficial use of 1.8 cubic feet per second of the waters of springs flowing into Marsh Creek in accordance with the terms and conditions of Permit No. 25775 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 J. V. Key, Downey, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 1.8 cubic feet

The place where said water is used (~~if for irrigation give full and accurate description of the lands irrigated~~) SW¼NE¼, SE¼NW¼, NE¼SW¼, and the NW¼SE¼, Sec. 32, Twp. 12 S., Rge. 38 E.

The name of the canal or ditch or other works by which said water is conducted to such place of use is located on the above described lands

The right to take water from such works is based upon Permit No. 25775

The source of supply from which such water is diverted is two springs located upon the above described property.

The date of priority which said user is prepared to establish is June 30, 1957

MARK R. KULP
State Reclamation Engineer.

25775

May 27, 1957

RE: Permit No. 25775
J.V. Kay

McCammon News
McCammon, Idaho

Gentlemen:

We acknowledge receipt of your paper dated May 24,1957, with the first publication of Notice of proof Application of Water to Beneficial Use on the above captioned Permit.

Upon checking the publication we find an error in paragraph 5- second line, it being printed " used is SW¼NE¼, SE¼SW¼, and " should be - used is SW¼NE¼, SE¼NW¼. You omitted NE¼SW¼.

A correction in your subsequent issues will be appreciated and a copy mailed to this Department for checking.

Thank you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

KR:vm

25775

LAW OFFICES OF
ANDERSON & ANDERSON
P. O. BOX 327
POCATELLO, IDAHO

WALTER H. ANDERSON, RET.
GUS CARR ANDERSON

OFFICES AT:
DOWNEY, IDAHO
PHONE 2491

July 26, 1957

RECEIVED
JUL 29 1957
Department of Reclamation

Department of Reclamation
State of Idaho
Boise, Idaho

Re: Permit No. 25775
J. V. Kay

Gentlemen:

Enclosed please find Proof of Application of Water to Beneficial Use with the respective depositions of the witnesses.

Sincerely yours,
ANDERSON & ANDERSON
GUS CARR ANDERSON

GCA:vph
Encl.

25775

# PROOF OF PUBLICATION

RECEIVED
JUL 29 1957
Department of Reclamation

STATE OF IDAHO
COUNTY OF BANNOCK } SS.

E. J. Bangle being first duly sworn, deposes and says that he is the publisher of The McCAMMON NEWS, a weekly newspaper published at McCammon, Bannock County, in the State of Idaho; that the notice, a true copy of which is hereto attached, was published in The McCAMMON NEW for four consecutive weeks. first publication having been made on the 24th day of May, 1957 and the last publication having been made on the 14th day of June, 1957.

That said paper has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of said notice of advertisement,, and is a newspaper within the meaning of the laws of Idaho.

E. J. Bangle

SUBSCRIBED and SWORN TO before me this 26th day of June A. D., 1957.

Russell J. Hyde
Notary Public.

My commission expires May 4, 1958

**NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that at 11:00 A. M. on the 5th day of July, 1957, at Pocatello, County of Bannock, State of Idaho, before Gus Carr Anderson, Notary Public, proof will be submitted of the application to beneficial use of 1.8 cubic feet per second of the waters of springs flowing into Marsh Creek in accordance with the terms and conditions of Permit No. 25775 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice of the person holding said permit are J. V. Kay, Downey, Idaho.

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

The amount applied to beneficial use is 1.8 cubic feet.

The place where said water is used is SW¼NE¼, SE¼SW¼, and the NW¼SE¼, Sec. 32, Twp. 12 S., Rge. 38 E.

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

The right to take water from such works is based upon Permit No. 25775.

The source of supply from which such water is diverted is two springs located upon the above described property.

The date of priority which said user is prepared to establish is June 30, 1957.

MARK R. KULP
State Reclamation Engineer
6-15-4M

25775

July 30, 1957

Re: Permit No. 25775

Mr. J. V. Kay
Downey, Idaho

Dear Mr. Kay:

We are returning herewith your Proof of Application of Water to Beneficial Use in connection with the above stated permit for the reason that same are not acceptable due to insufficient information.

It will be necessary that you answer question No. six (6) on your own deposition stating the number of acres irrigated within each 40-acre sub-division and legal land description describing each 40-acre sub-division giving Section number, Township and Range.

It will also be necessary for your witnesses to fill out in detail questions not answered in their depositions, such as under question No. two (2) witness should show the name of the permit holder and the number of permit. Under question No. three (3), the number of the permit should be stated. Under question six (6) state fully the requirements above stated under No six (6) of your deposition.

Please correct and return to this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw
Encls.
cc: Anderson & Anderson

25775

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
Department of Reclamation

RECEIVED
AUG 19 1957
Department of Reclamation

Permit No. 25775

# Proof of Application of Water to Beneficial Use

## Deposition of Holder

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

Ans. J. V. KAY, Downey, 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. Not so acting.

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

Ans. 25775 30th of June, 1955 Priority - 13th of June, 1955.

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

Ans. Two springs with point of inversion in the N.W. 1/4, S.E. 1/4, Sec. 32, Township 12 South, Range 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. If sprinkler irrigation, give number and size of nozzles and operating pressure.

Ans. Dug out springs with dragline and by shovel. Put in 250 feet of ditches to connect springs. Constructed ditch 1300 feet long to convey water, conveying about 1.8 feet of water.

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. Water to be used for irrigation. Both cultivated and natural meadow. Can use all of described land.

40 acres irrigated in the NW 1/4 SE 1/4 Section 32, Township 12 South of Range 38 East Boise Meridian

The yield of the natural meadow hay has been increased materially by the use of this water for irrigation.

25775

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

Ans. None

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

Ans. 1.8 feet

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. Given to J. V. Kay by his mother.

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

Ans. Full amount of water has been used for irrigation during the irrigation season and watering stock.

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) J V Kay

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 Pocatello, County of Bannock, State of Idaho, on this 5th day of July, A. D. 1927.

Ben Carr Anderson

My commission expires 4 Feb. 1961

25725

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 25 1957
Department of Reclamation

RECEIVED
AUG 1 5 1957
Department of Reclamation

PERMIT NO. 25775

# 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. R. K. GIBB

Ques. 2. Are you acquainted with Yes J. V. Kay, the holder of Permit No 25775? How long have you known him and where does he reside?

Ans. About 30 years.

Ques. 3. Have you read or heard read said Permit No 25775, 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. Two springs with point of inverstion in the N.W. 1/4, S.E. 1/4, Sec. 32, Township 12 South, Range 33 E.B.M.

~~Will irrigate 40 acres in NW 1/4 SE 1/4 Section 32, Township 12 South of Range 33 East Boise Meridian~~

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

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. Water to be used for irrigation. Both cultivated and natural meadow; can use all of described land. Will irrigate all 40 acres of the NW 1/4 SE 1/4 Section 32, Township 12 South of Range 33 East Boise Meridian

25775

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. Cultivated and meadow land. Three feet required.

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. Last three or four years over entire land.

(Signed) x R. R. Libbee

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 Pocatello, County of Bannock, State of Idaho, on this 5th day of July, A. D. 19 27.

Geo Chas Anderson
Notary Public.

My commission expires 4 Febr 1960.

25775

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JUL 2 9 1957
Department of Reclamation

RECEIVED
AUG
Department of Reclamation

PERMIT NO. 25775

# 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. Cluff H. Petty

Ques. 2. Are you acquainted with J. V. Kay, the holder of Permit No. 25775? How long have you known him and where does he reside?

Ans. 47 years

Ques. 3. Have you read or heard read said Permit No. 25775, 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. Two springs with point of diversion in the NW 1/4 SE 1/4 Section 32, Township 12 South of Range 38 East Boise Meridian

All of the 40 acres of the NW 1/4 SE 1/4 of said Section 32, Township 12 South of Range 38 East Boise Meridian will be irrigated.

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. Will convey 2.5 second feet. 1.8

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. Meadow hay ground and cultivated.
All of the 40 acres in the NW 1/4 SE 1/4 Section 32, Township 12 South of Range 38 East Boise Meridian. Natural meadow land and yield thereof has been increased by these works

25775

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. Could use around three feet.

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

Ans. None

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

Ans. Three or four years or more over entire land.

(Signed) Cliff W. Petty

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 Pocatello, County of Bannock, State of Idaho, on this 3-13 day of July, A. D. 1957.

Ina Cora Anderson
Notary Public.

My commission expires 4 Febr 1960.

25725

RECEIVED
NOV 5 1957
Department of Reclamation

Downey Ida Nov 4 1957

Department of Reclamation

Dear Sirs

I made Final Proof on water about 3 three months ago. I haven't heard anything about it yet.

I wish you would look it up and let me know about it.

Please send the Final Proof to me

Yours Truly

J V Kay

25775

November 5, 1957

Re: Permit No. 25775

Mr. J. V. Kay
Downey,
Idaho

Dear Mr. Kay:

This will acknowledge receipt of your letter of November 4, 1957, in connection with the above stated permit.

We wish to state that our files do not disclose that this department acknowledged receipt of your Proof of Application of Water To Beneficial Use relative to the above stated permit. We regret this error on our part.

However, 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.

Due to the lateness of the season, it will probably be next spring or early summer before this inspection can be made.

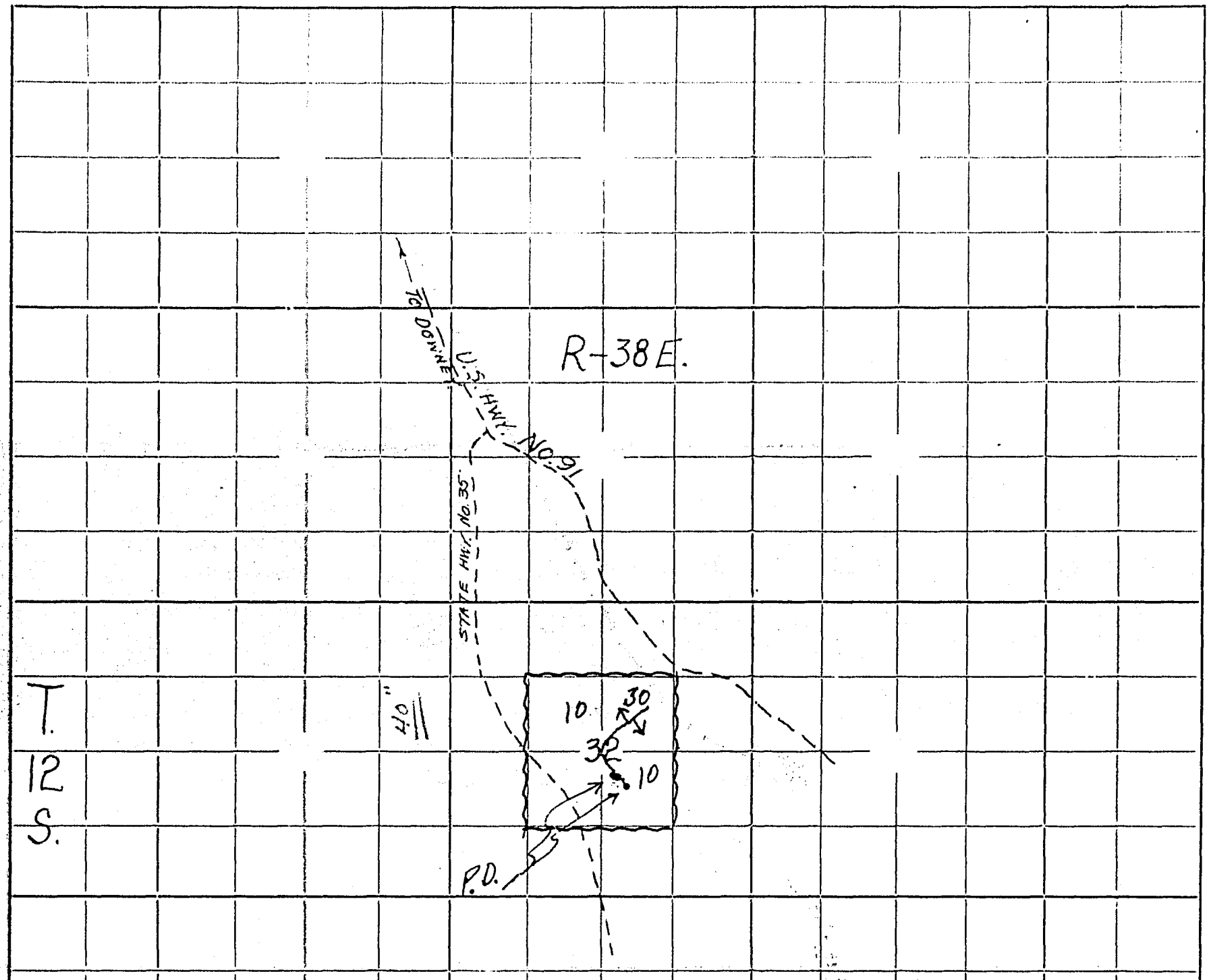
Very truly yours,

MARK R. MULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:lw

25775




Subdivisions = Three

Area = 50 acres

Q = 10" upper spring
30" lower "
40" = total

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

25775

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

# REPORT OF ENGINEER

Permit No. 25775

This proof is for Beneficial Use In Water District No.

1. Name of applicant J. V. Kay

2. Source of water supply: Two Springs

3. Location of point of diversion: Is in the NW¼ SE¼ of Section 32

T. 12 South R. 38 East County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: Lower spring has been excavated 6' to 8' deep apx. 60' x 30' Upper spring delivers to lower one by open ditch. To fields by gravity thru open ditch.

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):

NW¼ SE¼ Section 32, Township 12 South, Range 38 East - 40 Acres.

SW¼NE¼, SE¼NW¼, NE¼SW¼ of Sec. 32., Twp. 12 S., Rge. 38 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:

Filing made to protect right and prevent some one else from deciding to appropriate the water.
Fields are natural meadows above Lawn Lake.

This examination was made on the 19 day of March, 19 32

(Signed) E. N. Humphreys
Examiner.

25775

April 11, 1958

Re: Permit No. 25775
J. V. Kay

Mr. Gus Carr Anderson
Anderson & Anderson
P. O. Box 327
Pocatello, Idaho

Dear Mr. Anderson:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 25775, J. V. Kay of Downey, shows that his works are capable of conveying 40 miners' inches (.8 c.f.s.) of water from two springs for irrigation of 50 acres.

Upon receipt of the statutory fee of $6.00, we will issue the License and Certificate of Water Right under Permit No. 25775 to J. V. Kay, confirming the right with priority of June 18, 1955, to his use of .8 second foot of water from two springs, with the two points of diversion in the NW¼SE¼ of Section 32, for irrigation of 50 acres in the SW¼NE¼, SE¼NW¼, NW¼SE¼ of Section 32, Township 12 South, Range 38 East, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls

25775

LAW OFFICES OF
ANDERSON & ANDERSON
P. O. BOX 327
POCATELLO, IDAHO

WALTER H. ANDERSON, RET.
GUS CARR ANDERSON

OFFICES AT:
DOWNEY, IDAHO
PHONE 2491

April 24, 1958

RECEIVED
APR 25 1958
Department of Reclamation

Mrs. Edna P. Rutledge, Chief Clerk
Department of Reclamation
State House
Boise, Idaho.

Dear Mrs. Rutledge, RE: J. V. KAY - Permit 25775

Herewith our check No. 2781 covering fee for license and certificate of water right under the above numbered permit.

Sincerely,

Gus Carr Anderson

GUS CARR ANDERSON

GCA:S
encls

25775

April 29, 1958

Re: Permit No. 25775
J. V. Kay

Mr. Gus Carr Anderson
Anderson & Anderson
P. O. Box 327
Pocatello, Idaho

Dear Mr. Anderson:

Enclosed is the License and Certificate of Water Right issued under Permit No. 25775 to J. V. Kay of Downey, Idaho, confirming the right with priority of June 18, 1955, to his use of .8 second foot of water from two springs, with the points of diversion in the NW¼SE¼ of Section 32, for irrigation of 50 acres in the SW¼NE¼, SE¼NW¼, NW¼SE¼ of Section 32, Township 12 South, Range 35 East, B.M.

Enclosed also is departmental receipt #29068 for $6.00, issued as receipt of the fee for the license.

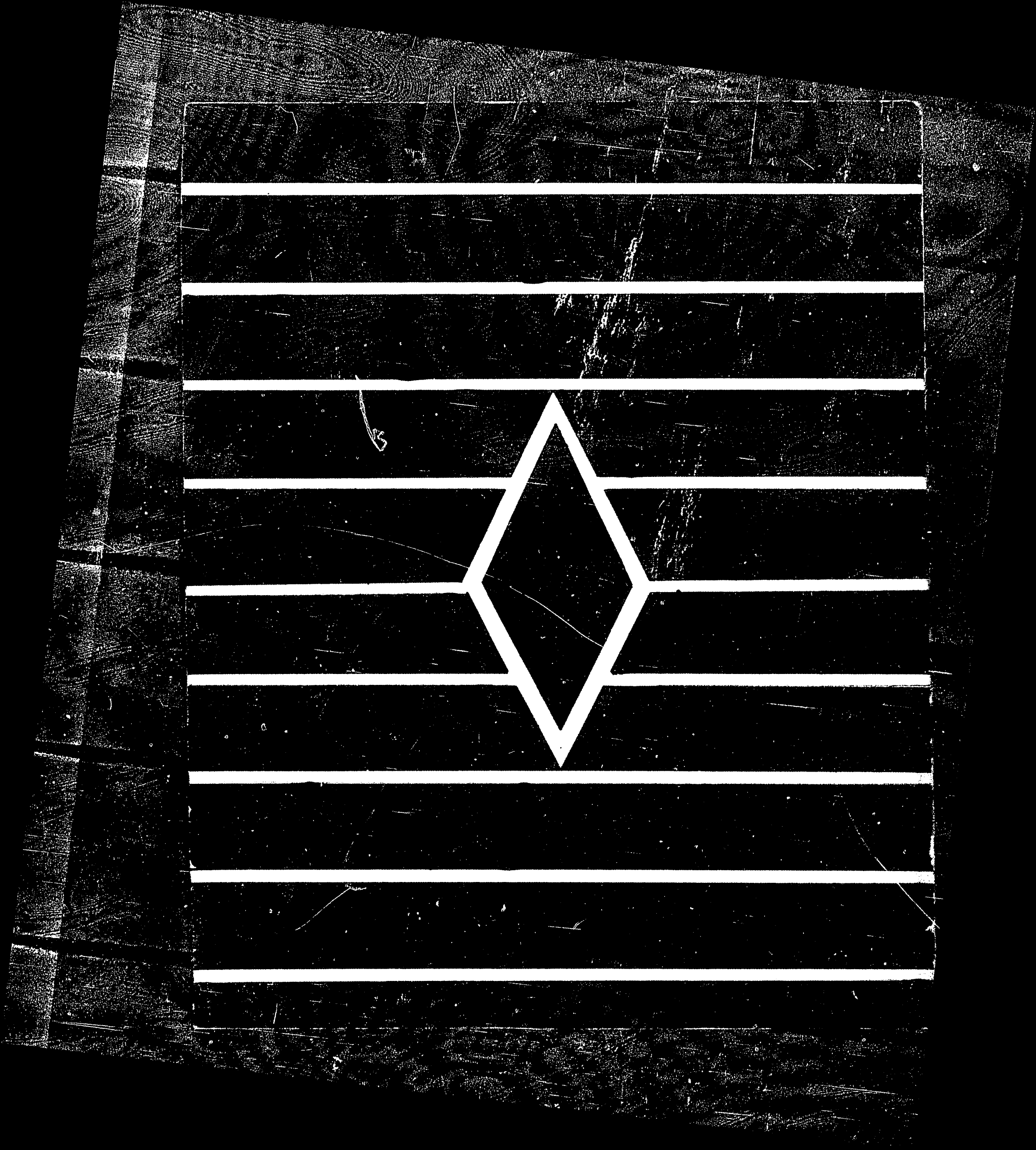
Very truly yours,

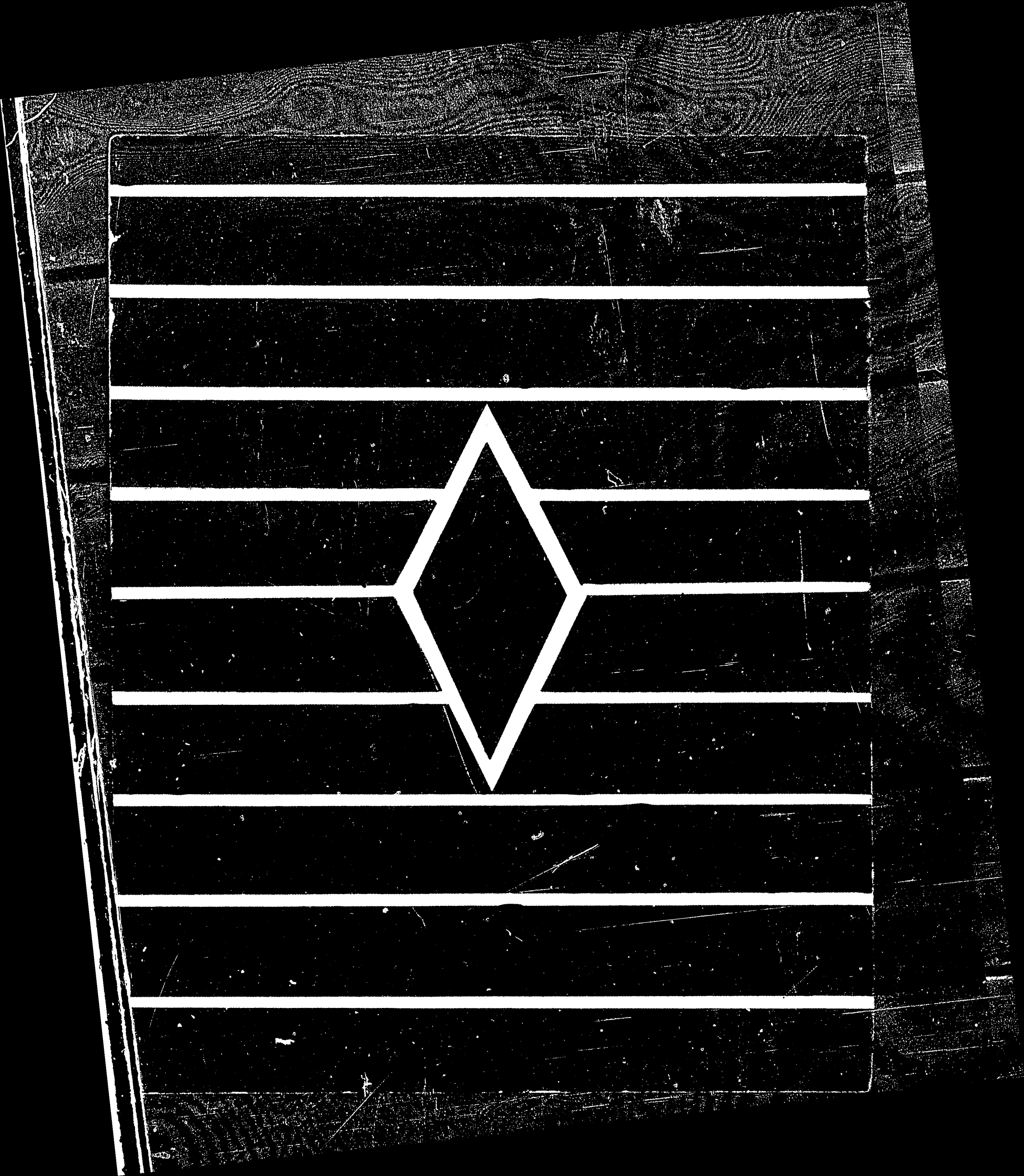
MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

EPR:nls
Enc.

25775





6304

# State of Idaho
# License and Certificate of Water Right

Water License No. 25775 Amount .8 c.f.s.

Water District No. Priority June 18, 1955

THIS IS TO CERTIFY that J. V. KAY

of Swan Lake, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated June 13, 19 55; that Permit No. 25775 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.8 second feet, was issued thereunder on May 20, 19 57, showing that said works were completed on the 6th day of May, 19 57; and that on the 5th day of July, 19 57, J. V. KAY

of Downey, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Springs, a tributary of Bear River, for the purpose of Irrigation, under Use Permit No. 25775 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 6304, on the 29th day of April, 19 58;

The right hereby confirmed dates from June 18, 19 55;

The Point of Diversion is located (from two springs)

in the NW ¼ SE ¼, Sec. 32, Tp. 12 S. R. 38 E., B. M. County Bannock

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 .8 cubic feet per second.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|---|---|---|---|---|---|
| 12 S. | 38 E. | 32 | SW¼ NE¼ | 20 | 30 |
| | | | SE¼ NW¼ | 25 | 10 |
| | | | NW¼ SE¼ | 40 | 10 |
| | | | Total number of acres irrigated - - - | | 50 |

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 29th day of April, 19 58.

/s/ Mark R. Kulp
State Reclamation Engineer.

(SEAL)

13 2189