

C. Fred Nutter
Dayton, Idaho

Application For Permit To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 36284
PERMIT No. 28316
DISTRICT No.

1. Name of Applicant: C. Fred Nutter

Postoffice address: Dayton

County: Franklin

State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are:

(a) Cash on hand:

(b) Treasury stock:

(c) Bond to be issued:

(d) Other resources:

2. Quantity of water claimed: 2

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:

feet distant from the

corner of Section , T. , R. , B.M., and is in the NW 1/4

of section 19 , T. 15 S , R. 39 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: \$ 1,000.00

8. Kind of works: Pump and pipe

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.

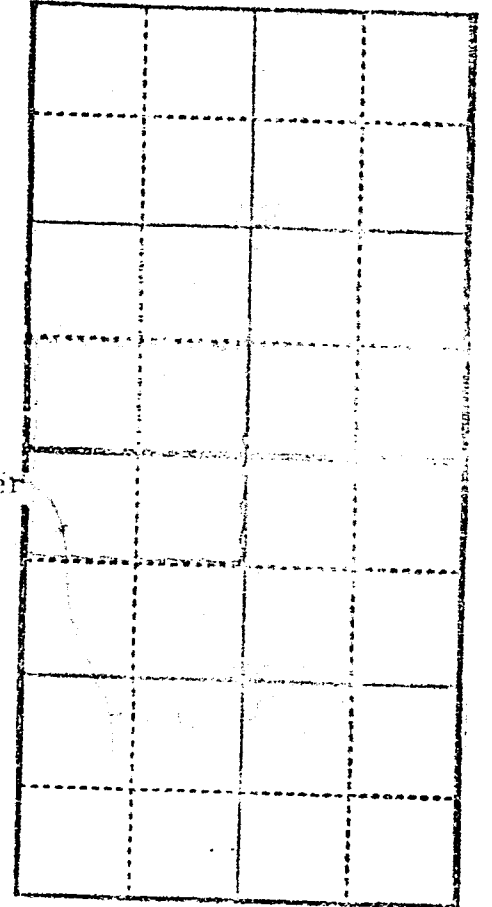
Average grade per mile feet.

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 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: Stock in the Twin Lakes Canal Co.



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.

s/ C. Fred Nuffer Applicant,

By _____ *Agent.*

Date of first receipt at Department of Reclamation: 3:00 P.M. December 8, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 28316

Recorded in Book 100 Page 26316 Approved December 11, 1959

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 February 11, 1960 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 11, 1960

The whole of said work to be completed on or before December 11, 1960

Beneficial use of water appropriated in accordance herewith, to be made on or before December 11, 1900

WITNESS My hand this 11th day of December, 1959

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, ROBERT E. SMYLIE, Governor of the State of Idaho.

and ARNOLD WILLIAMS, 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 11th day of August, 1917.

day of December 19 59

STATE OF IDAHO

Countersigned:

(SEAL)

By s/ ARNOLD WILLIAMS

.....
Secretary of State.

By s/ ROBERT E. SMYTHE

Governor.

REMARKS:

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 $\frac{1}{4}$					
15 S	39 E	16															80		
15 S	39 E	19					40	40									80		
Total Number of Acres to be Irrigated																	160		
Permit No. 28316																			
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, holder of Permit No. 28316, issued upon Application No. 36284, bearing date of priority of December 8, 1959, authorizing the diversion of 2.0 second feet of waters of Five Mile Creek, County of Franklin, State of Idaho, for irrigation has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the use of intended use 2.0 second feet of the waters of Five Mile Creek, tributary of Bear River; that the point of diversion said waters is NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, T. 15 S., R. 39 E., B. M.; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:																			
160 acres in S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 18; N $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19, T. 15 S., R. 39 E., B. M.																			
Witness my hand this 18 day of October, A. D., 1960.																			
s/ GEO. N. CARTER State Reclamation Engineer																			
Proof of Completion of Works Made: October 14, 1960.																			
LICENSE ISSUED FOR 2.0 SEC. FT. Page 7406																			

NAME OF APPLICANT

C. Fred Nuffer

Form No. 0

Range E Range
~~Section 38~~ ← ~~Section 39~~ E

Township 15 South

Section 13

Section 18

Land to be irrigated

Section 24

Section 19

Five Mile Creek

Point of diversion

Permit Map No. 28316

As Approved

DEC 11 1959
GEO. M. CARTER

State Reclamation Engineer

December 17, 1959

Re: Permit No. 28316

Mr. C. Fred Nuffer
Dayton, Idaho.

Dear Mr. Nuffer:

We enclose Permit No. 28316 in which we direct your 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. 29919 which was issued covering payment in the amount of \$5.25 for the filing fee of the above mentioned permit.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

Encl.
EPR:pak

28316

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

RE: Permit No. 28316Date Sept. 30, 1960C. Fred Nuffer
Dayton, Idaho

Dear Sir:

Under the terms of your Permit No. 28316 you are required to make proofs of completion of works and application of water to beneficial use on or before December 11, 1960.

We enclose Form 6 to be filled in and sworn to by you before a Notary Public, and returned to this department on or before the above date, for making proof of completion under the permit. Upon receipt of this affidavit, provided same satisfactorily shows the completion of 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 enclose Form 10, in duplicate, which is to be filled in and returned to this department at least forty (40) days before the above mentioned date or before the time you intend to make proof. This form, in duplicate, is to include the time of day, the date (allowing for four weeks publication), the name of the town, the address of the Notary Public before whom you will appear to make the depositions of proof (this may be at any place that is convenient for you and your two witnesses), the quantity of water, for what purpose it is used, the point or points of diversion and the location of use or lands which are irrigated--by 40-acre legal land description. Descriptions should be taken from your Permit, including any amendments thereto, as recorded in this department. If changes have been made and no amendments are on record, we advise that you request a form for this purpose before your Notice is published.

Also enclosed is Form 11, which is the authorization for us to have the Notice published in the designated county newspaper, at your expense. This is to be returned with Forms 10.

At the time we send the notice to the newspaper will will send to you the forms for the depositions of holder and two disinterested witnesses. It is important that the depositions be executed at the time, on the date set and at the place named, before the Notary Public, as advertised in the publication notice.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

Enc. Form 6- 10 - 11 - instructions

RECEIVED
OCT 17 1960
Department of Reclamation

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) October 13, 1960

(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

Franklin Co.

Chas. F. Nuffer

(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.

RECEIVED
OCT 17 1960
Department of Reclamation

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

Notice is hereby given that at ¹⁹⁶⁰10:00 o'clock . A. M. on the . . 28th . . day of
. . . November . . . , ~~1959~~ , 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
two cubic feet per second of the waters of Five Mile Creek a Contributory of
Bear River . . . in accordance with the terms and conditions of Permit No. 28316
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 . . . two cubic foot per second . . .

The place where said water is used, give full and accurate legal description: . . .
. . . The Northeast Quarter of the Northwest Quarter; the Northwest Quarter of the Northwest
Quarter of Section 19, and the Southwest Quarter of the Southwest Quarter; the
Southeast Quarter of the Southwest Quarter of Section 18, all in Township 15 South,
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 Five Mile Creek a Contributory of Bear River, point of diversion . . .

The right to take water from such works is based upon Permit No. 28316 . . .

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

Point of Diversion (legal description) Northwest Quarter of the Northwest Quarter
of Section 19, Township 15 South, Range 39 East of the Boise Meridian.

The date of priority which said user is prepared to establish is December 21, 1960 . . .

G. H. Carter

State Reclamation Engineer

28316

Permit No. 28316STATE OF IDAHO
Department of ReclamationRECEIVED
OCT 17 1960

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of FRANKLIN

SS.

C. FRED NUFFER

, 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. 28316, 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, a Contributory of Bear River

Third: That the point of diversion of said water is Northwest Quarter of the Northwest Quarter of Section 19, Township 15 South, Range 39 East of the Boise Meridian.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 11, 1960

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: Pump and pipe

(RESERVOIR, DAM, DITCH, FLUME, PIPE OR OTHERWISE)

II. Dimensions of work: _____

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(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 two cubic foot per second second feet of water.

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: The Northeast Quarter of the Northwest Quarter; the Northwest Quarter of the Northwest Quarter of Section 19, and the Southwest Quarter of the Southwest Quarter; the Southeast Quarter of the Southwest Quarter of Section 18, all in Township 15 South, Range 39 East of the Boise Meridian.

Ninth: Remarks:—That _____

C. F. Nuffer
(SIGN HERE)

Subscribed and sworn to before me this 14 day of October, 1960

Debra Smith

NOTARY PUBLIC

Residing at Preston,
Idaho

My commission expires 3-4-61

28316

500
8-15-60

S T A T E . O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

Boise, Idaho

Re: Permit No. 28316
C. Fred Ruffer

Date: Oct. 18, 1960

Preston Citizen,
Preston, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for four consecutive weeks prior to November 28, 1960 the date set for proof; the expense of the publication is to be paid by the applicant

C. Fred Ruffer

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 or tear sheet of the first publication.**

Very truly yours,



GEO. N. CARTER
State Reclamation Engineer

** If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense

Encl.

283/6

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

October 18, 1960

Re: Permit No. 28316

DEPOSITIONS ARE OF NO VALUE

UNLESS AFFIDAVIT OF PUBLICATION

IS ATTACHED

Mr. C. Fred Nuffer,
Dayton, Idaho.

Dear Mr. Nuffer:

This acknowledges the Notice of Proof of ~~Completion of Works and~~ Application of Water to Beneficial Use under Permit No. 28316. The proofs are to be made at 10:00 o'clock A.M., on the 20th day of November, 1960, ~~1959~~, before Dell W. Smith, Preston, Idaho, Notary Public.

As of this date we have mailed the Notice to the Preston Citizen with instructions to publish it once a week for four consecutive weeks prior to the date set for final proof and then mail the affidavit of publication and statement of costs to you.

It is important that the enclosed depositions be executed by you and two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, at the place, on the date, and at the time and before the Notary, as advertised. It is very important and necessary that each question be answered in detail.

In returning the depositions to this office, be sure that all copies have been signed, the Notary's seal has been placed on each and that all depositions, (holder and two witnesses) are being returned. Also be sure to enclose the Affidavit of Publication.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. ^{Rule} ~~Kutledge~~
Chief Clerk

Encl.

EPR: pak
cc: Notary

28316

October 19, 1960

Re: Permit No. 28316

C. Fred Nuffer
Dayton, Idaho

Dear Mr. Nuffer:

We enclose Certificate of Completion of Works
issued on Permit No. 28316.

We also enclose departmental receipt No. 30320
in the amount of \$5.00 covering fees.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Balle
Chief Clerk

KPR:EM

Enc. certificate
receipt

28316

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 29 1960
Department of Reclamation

Permit No. 28316 ✓

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. C. Fred Nuffer, Dayton, Idaho, farmer, Dayton, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

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

Ans. 28316, December 11, 1959. Date of priority, February 8, 1960.

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

Ans. Five Mile Creek. Place of diversion is in the SW corner of the NW Quarter of the NW Quarter, Section 19, Township 15 South, Range 30 East of the Boise Meridian. A pump and pipe conveys water to point of use and irrigates by gravity.

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 and pipe which delivers two second feet of water from point of diversion to land irrigated.

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 is used for irrigation on the North half of the NW Quarter, Section 19, Township 15 South, Range 30 East of the Boise Meridian, and the South half of the SW Quarter Section 18, Township 15 South, Range 30 East of the Boise Meridian, containing 160 acres, all of which is under cultivation and are now growing row crops as a result of the use of the water.

Ques. 6-a If this is a ground water permit, give name and address of person that drilled the well.

Ans. _____

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. Two second 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. _____

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

Ans. During the irrigation season, 1960, I used two second feet of water being pumped from the point of diversion and applied to the afore mentioned land to irrigate row 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. I have 50 shares of water in the Twin Lakes Canal Company which is not sufficient to profitably irrigate my land.

(Sign) C. Fred. Huffer

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 28 day of November, A. D. 1960.

Willie Smith
Notary Public for Idaho
Residing at Preston, Idaho

My commission expires April 3, 1961

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHORECEIVED
NOV 29 1960
Department of Reclamation

PERMIT NO. _____

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. I. H. Taylor, Age 61, Dayton, IdahoFarmerQues. 2. Are you acquainted with C. Fred Nuffer, the holder of Permit No. 28316? How long have you known him and where does he reside?Ans. Twenty years, Dayton, IdahoQues. 3. Have you read or heard read said Permit No. 28316, 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 supply, Five Mile Creek. Place of diversion is in the SW corner of the NW Quarter of the NW Quarter, Section 19, Township 15 South, Range 39 East of the Boise Meridian. A pump and pipe conveys water to point of use and irrigates by gravity.

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 cubic feet per second foot

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 is used for irrigation on the North half of the NW Quarter, Section 19, Township 15 South, Range 39 East of the Boise Meridian, and the South half of the SW Quarter Section 18, Township 15 South, Range 39 East of the Boise Meridian, containing 160 acres, all of which is under cultivation and are now growing row crops as a result of the use of the water.

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. All the land is level and suitable for row crop and needs approximately
2 second feet of supplemental water for profitable cultivation.

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

Ans. I am not interested in the works, water or 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. During the irrigation season, 1960, I saw two second feet of water being
pumped from the point of diversion and applied to the afore mentioned land to
irrigate row crops.

(Signed) J. H. Taylor

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 Dell W. Smith,
County of Franklin, State of Idaho, on this 22 day of November,
A. D. 19 60.

Dell W. Smith
Notary Public.

My commission expires April 3, 1961

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
NOV 2 9 1960
Department of Reclamation

PERMIT NO. _____

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. Victor Peterson, Age 68, Route #2, Preston, Idaho

Watermaster

Ques. 2. Are you acquainted with C. Fred Nuffer, the holder of Permit No. 28316? How long have you known him and where does he reside?

Ans. Twenty years, Dayton, Idaho

Ques. 3. Have you read or heard read said Permit No. 28316, 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 supply, Five Mile Creek. Place of diversion is in the SW corner of the NW Quarter of the NW Quarter, Section 19, Township 15 South, Range 39 East of the Boise Meridian. A pump and pipe conveys water to point of use and irrigates by gravity.

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 cubic feet per second foot

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 is used for irrigation on the North half of the NW Quarter, Section 19, Township 15 South, Range 39 East of the Boise Meridian, and the South half of the SW Quarter Section 18, Township 15 South, Range 39 East of the Boise Meridian, containing 160 acres, all of which is under cultivation and are now growing row crops as a result of the use of the water.

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. All the land is level and suitable for row crop and needs approximately
2 second feet of supplemental water for profitable cultivation.

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

Ans. I am not interested in the works, water or 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. During the irrigation season, 1960, I saw two second feet of water being
pumped from the point of diversion and applied to the afore mentioned land to
irrigate row crops.

(Signed) Victor Peterson

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 Dell W. Smith,
County of Franklin, State of Idaho, on this 28 day of November,
A. D. 1960.

Dell W. Smith
Notary Public.

My commission expires April 3, 1961.

November 30, 1960

Re: Permit No. 28316
C. F. Nuffer

Mr. C. F. Nuffer
Dayton, Idaho

Dear Mr. Nuffer:

We received the depositions of holder and two
witnesses of application of the water to beneficial use.

Kindly send us the affidavit of publication to
complete the file.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

RT:EPH: cw

November 30, 1960

Re: Permit No. 28316
C. F. Huffer

Mr. C. F. Huffer
Dayton, Idaho

Dear Mr. Huffer:

We received the depositions of holder and two
witnesses of application of the water to beneficial use.

Kindly send us the affidavit of publication to
complete the file.

Very truly yours,

GEO. W. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

RT:EPR: ew

283/6

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,

ss.

County of Franklin

RECEIVED
DEC 1 1960
Department of Reclamation

Allen F. 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

October 27, 1960, and ending

with the issue of Nov. 17, 1960.

Allen F. Smith

Fees, \$ 26.66

Subscribed and sworn to before me this 29 day

of Nov, 1960.

Dane L. Green

Notary Public, Residing at Preston, Idaho

My Commission Expires 4-25-62, 1962.

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 o'clock A.M. on the 28th day of November, 1960, 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 two cubic feet per second of the waters of Five Mile Creek, a Contributory of Bear River, in accordance with the terms and conditions of Permit No. 28316 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 two cubic foot per second.

The place where said water is used, give full and accurate legal description: The Northeast Quarter of the Northwest Quarter; the Northwest Quarter of the Northwest Quarter of Section 19, and the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 18, all in Township 15 South, 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 Five Mile Creek a Contributory of Bear River, point of diversion.

The right to take water from such works is based upon Permit No. 28316.

The source of supply from which such water is diverted is, Point of Diversion (legal description) Northwest Quarter of the Northwest Quarter of Section 19, Township 15 South, Range 39 East of the Boise Meridian.

The date of priority which said user is prepared to establish is December 8, 1959.

GEO. N. CARTER
State Reclamation Engineer

First Pub. Oct. 27, 1960
Last Pub. Nov. 17, 1960

December 2, 1960

Re: Permit No. 28316

Mr. C. Fred Huffer
Dayton, Idaho

Dear Mr. Huffer:

This acknowledges receipt of the depositions of Holder and two witnesses and the affidavit of publication in the Preston Citizen in proof of completion of works and beneficial use under Permit No. 28316.

Before a permit can be licensed, the law requires that a field examination be made by an engineer from this department. At this time we cannot say just when this will be made but our field engineer will contact you prior to the time he is to make the inspection so that you can arrange to accompany him.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPR:am

December 2, 1960

Re: Permit No. 28316

Mr. C. Fred Nuffer
Dayton, Idaho

Dear Mr. Nuffer:

This acknowledges receipt of the depositions of Holder and two witnesses and the affidavit of publication in the Preston Citizen in proof of completion of works and beneficial use under Permit No. 28316.

Before a permit can be licensed, the law requires that a field examination be made by an engineer from this department. At this time we cannot say just when this will be made but our field engineer will contact you prior to the time he is to make the inspection so that you can arrange to accompany him.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

(Mrs.) Edna P. Rule
Chief Clerk

EPH:ew

Law
Office
Dell W. Smith
Preston
Idaho

RECEIVED
SEP 13 1961

Department of Reclamation

September 12, 1961

Department of Reclamation
State Building
Boise, Idaho

RE: Permit No. 28316

Gentlemen:

Mr. C. Fred Nuffer has contacted this office and informs me that he has Certificate of Completion of Works and Beneficial Use under the above permit, but as yet a water license has never been issued to him.

Could you kindly inform this office the reason the water license has never been issued to Mr. C. Fred Nuffer under the above permit.

Very truly yours,

Dell W. Smith
DELL W. SMITH
Attorney at Law

DWS/jw

no report

28316

September 13, 1961

Re: Permit No. 28316

Fred C. Nuffer

Dell W. Smith
Attorney at Law
Preston, Idaho

Dear Mr. Smith:

Your letter of September 12th has been received.

Our field engineer has not been able to make the necessary field examination before the Certificate and License of Water Right can be issued. There was a heavy-carry over from last year and an extra heavy load of proofs this year which were due for examination.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer

By:

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ew

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

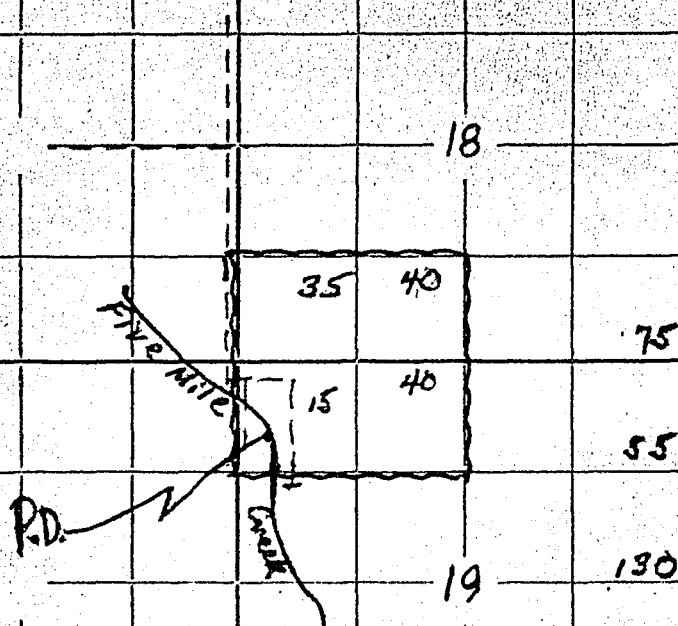
PERMIT NO. 28316
C. Fred Nuffer
Dayton, Idaho

REPORT ON PROOF OF Beneficial Use

R-39 E.

TO DAYTON

T.
15
S.



Subdivisions 4

area 130 acres

Allow Q 2.0 CFS OR 100 inches

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 28316

This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant C. Fred Nuffer

2. Source of water supply: Five Mile Creek

3. Location of point of diversion: Is in the NW¹/₄NW¹/₄ of Section 19

T. 15 S R. 39 E County of Franklin

4. Describe works as they exist, giving dimensions and capacities of same: 30 HP H.E. motor # 91520758 Berkeley pump # 8008892 6" x 30' of suction pipe to pump 6" discharge into 6" gate valve into 8" x 1700' of main line with 150' lift 7" pulley on motor 7 1/2" pulley on pump with 6 belt drive

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):

N¹/₂NW¹/₄, Sec. 19; S¹/₂SW¹/₄, Sec. 18, T. 15 South, Range 39 East, B. M.

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

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

Remarks: Mr Denzil Coleman along

Mr Coleman bought this farm from Mr Nuffer in 1962

Measurement was made with Lippolte's weir #7 over 2' weir = 108 inches

This examination was made on the 1st day of August, 1964

(Signed) Ron Hebe Examiner.

747.5715
C. Fred Nuffer
Dayton, Idaho

Permit No. 28316

Columbia

Examination for Beneficial Use

County Franklin

Sec. 19 T. 53. R. 39

Quantity: 2.0 cfs.

Source: Five Mile Cr. (Pump)
Opportunity

P.D.: NW 1/4, Sec. 19, T. 53, R. 39 E. 2 N.

Use: Irrigation

Filed: Dec. 8, 1959

Due: Dec. 11, 1960

Extension: —

Completion of Works: 10-4-60

Other Rights: Stock in Time

Lake Level to

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED

AUG 10 1962

Department of Reclamation

400 - June 20-62

State of Idaho
DEPARTMENT OF RECLAMATION

Boise, Idaho

August 13, 1962

Re: Permit No. 28316

C. Fred Huffer
Dayton, Idaho

Dear Mr. Huffer:

Our field engineer's report on his inspection of the application of water to beneficial use under the terms of Permit No. 28316 shows the pump and pipe line are ~~25~~ capable of conveying 100 miner's inches, or 2.0 c.f.s. of water for irrigation of 130 acres.

Upon receipt of the statutory fees of \$ 8.00 - based at the rate of \$2.00 for each 40-acre subdivision - we will issue the License and Certificate of Water Right, confirming the right with priority of December 8, 1959 to the use of 2.0 second feet of surface water with the point of diversion in the NE¹/₄, Sec. 19, T. 15 S., R. 39 E., B.M. from Five Mile Creek for irrigation of 130 acres in the S¹/₂SW¹/₄, Sec. 18; NE¹/₄, Sec. 19, T. 15 S., R. 39 E., B.M.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rula
Chief Clerk

EPR:mr

RECEIVED

AUG 21 1952

Department of Reclamation

Department of Reclamation

Dear Sirs - I am sending
\$8.00 for permit no. 28316.

yours truly

C. Fred Nupper

28316

August 22, 1962

RE: Permit No. 28316

C. Fred Huffer
Dayton, Idaho

Dear Mr. Huffer:

Enclosed is the License and Certificate of Water Right on the
above numbered permit.

Also enclosed is departmental receipt No. 31260 in the amount
of \$8.00 covering the fee for the license.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna F. Hale
Chief Clerk

EPH:mr

Enc. License
receipt

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 o'clock A.M. on the 28th day of November, 1960, 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 two cubic feet per second of the waters of Five Mile Creek, a Contributory of Bear River, in accordance with the terms and conditions of Permit No. 28316 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 Muller, Dayton, Idaho.

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

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

The place where said water is used, give full and accurate legal description: The Northeast Quarter of the Northwest Quarter; the Northwest Quarter of the Northwest Quarter of Section 19, and the Southwest Quarter of the Southwest Quarter; the Southwest Quarter of the Southwest Quarter of Section 18, all in Township 15 South, Range 39 East of the Boise Meridian.

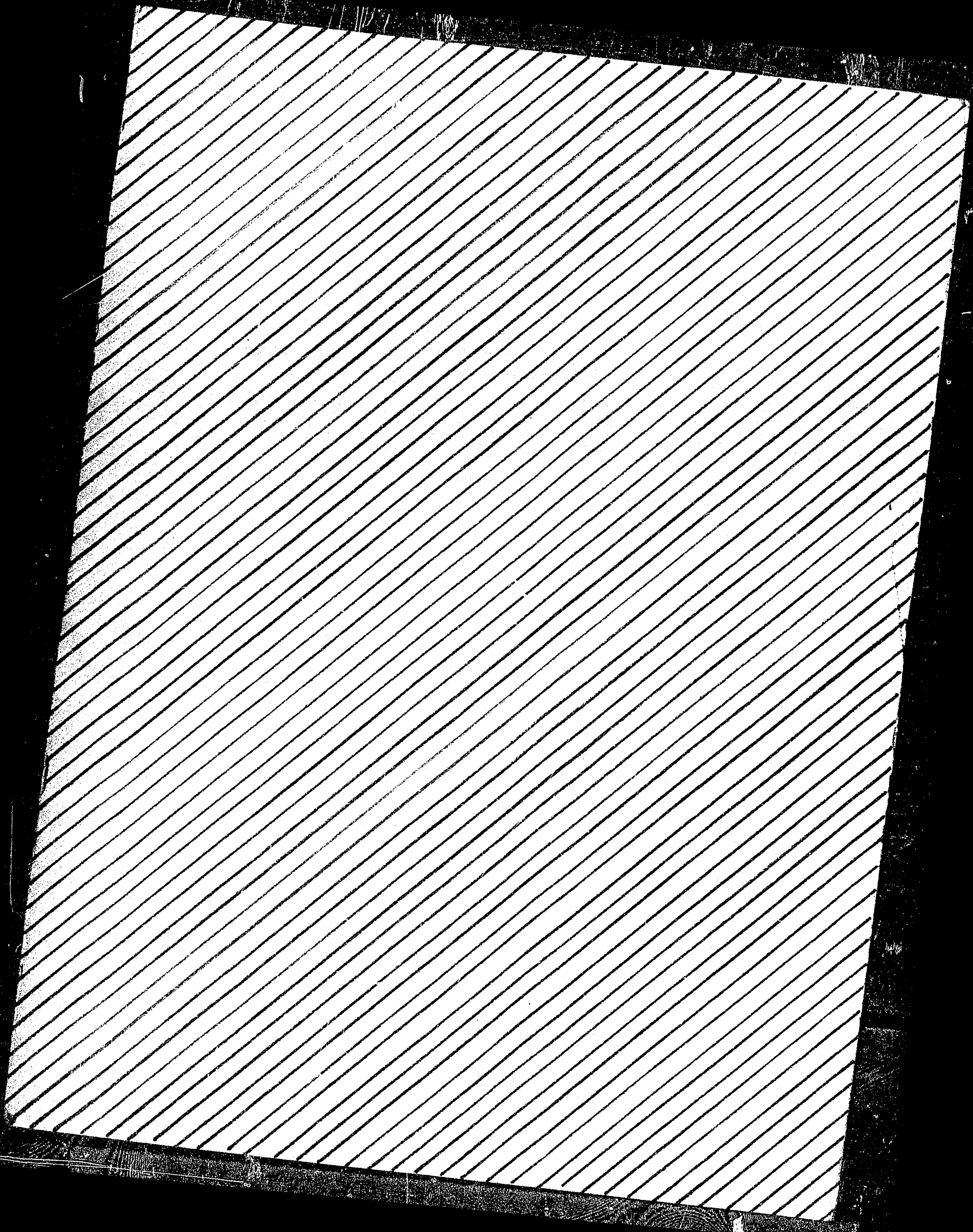
The name of the canal or ditch or other works by which said water is conducted to such place of use is Five Mile Creek a Contributory of Bear River, point of diversion.

The right to take water from such works is based upon Permit No. 28316.

The source of supply from which such water is diverted is, Point of Diversion (legal description) Northwest Quarter of the Northwest Quarter of Section 19, Township 15 South, Range 39 East of the Boise Meridian.

The date of priority which said user is prepared to establish is December 8, 1959.

GEO. N. CARTER
State Reclamation Engineer
First Pub. Oct. 27, 1960
Last Pub. Nov. 17, 1960



State of Idaho License and Certificate of Water Right

Water License No. 28316

Amount 2.0 c.f.s.

Water District No.

Priority December 8, 1959

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 December 8, 1959; that Permit No. 28316
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on October 18, 1960, showing that said works
were completed on the 14th day of October, 1960; and that on the 28th
day of November, 1960,

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. 28316 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
12 of Licenses at page 7406, on the 22 day of August, 1962;
The right hereby confirmed dates from December 8, 1959;

The Point of Diversion is located
in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 19, Tp. 15 S, R. 39 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 2.0 cubic feet per second.

Description and location of use:

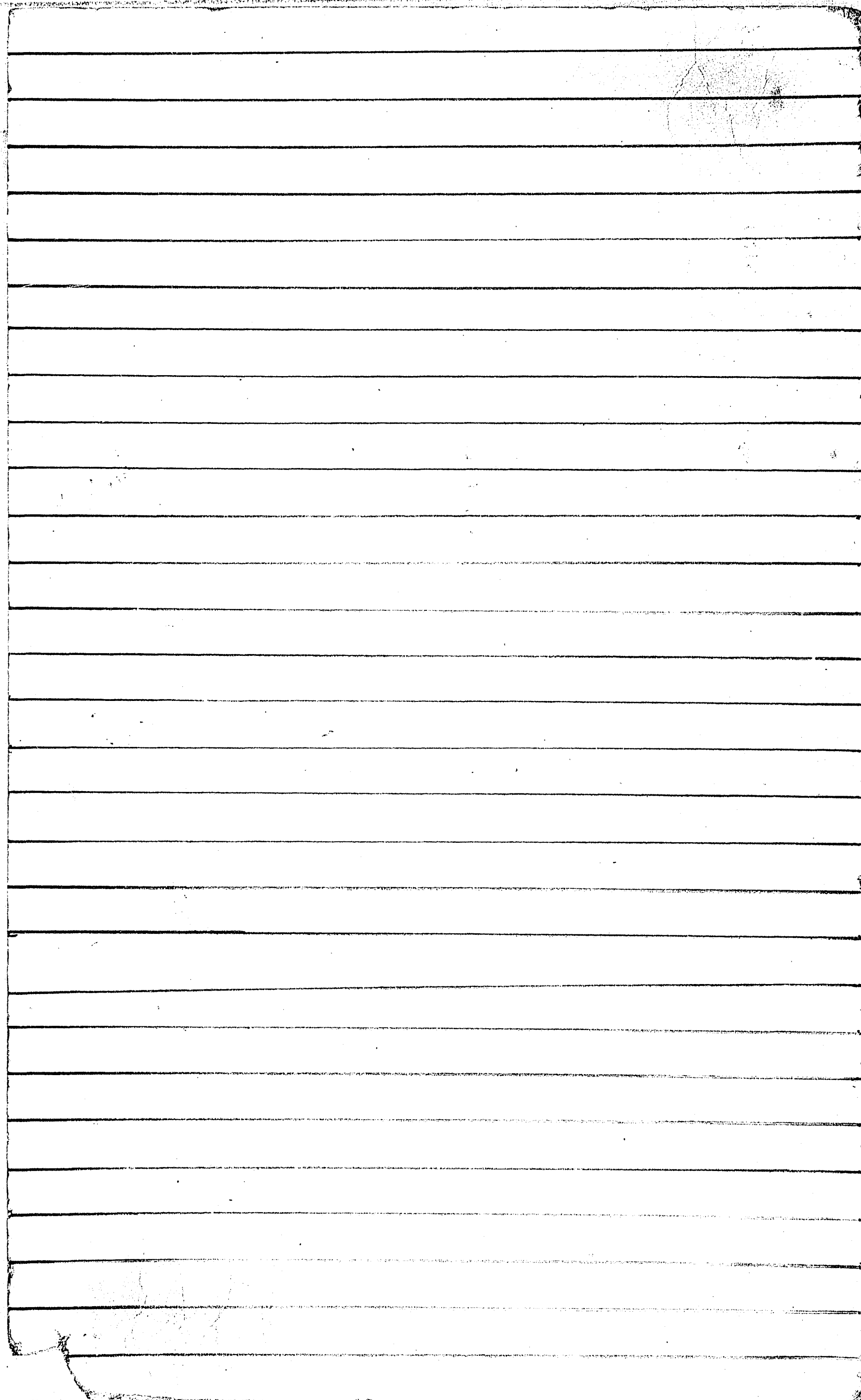
Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
15 S	39 E	18	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	35
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
		19	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	15
			Total number of acres to be irrigated:		130

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
22nd day of August, 1962.

/s/ RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)



July 14, 1975

C RE: Water License No. 13-2204
C. Fred Nuffer

Permit #1097

O Denzil Coleman
Route #1
Weston, Idaho 83286

Dear Ms. Coleman:

P Per your request, enclosed is a copy of the above referenced permit.
The fee for this copy is \$1.00 which you may remit to this Department at
your convenience.

If we can be of further assistance to you, please feel free to contact us.

Y Very truly yours,

(Mrs.) ELEANOR J. WOODS
Records Supervisor

EJW:e

58: C. 11
M4881

DATA TA' TAD2

Recd
#1097

Thank very much for
your prompt response to
my request.

Lucy L. Colman

