

No. 19677

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

Application No. 27202
Permit No. 19677
District No.

T. E. Ray
Malad, Idaho

1. Name of Applicant: NEPHI R. IPSEN and THOMAS W. RICHARDS

Postoffice address: R F D 1, Malad

County: Oneida

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: 2.5

cubic feet per second.

3. Source of water supply: Subterranean waters

which is a tributary of

4. Location of point of diversion: 24 rods

feet distant from the Northwest

corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 22, T. 14 S., R. 35 E., B. M., and is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 22, T. 14 S., R. 35 E., B. M., County of Oneida

5. Water is to be used for Irrigation purposes

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: \$ 4500.00

8. Kind of works: Well, electric pump, 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 21 inches feet; height 2

feet;

11. Ditch: Width at bottom 2 feet; width at water line 4 feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit 2 miles.

Average grade per mile feet.

12. The time required for the completion of such work is One (1) years.

13. The time required for the complete application of the water to the proposed use is One (1) additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

T.E. Ray
Attorney at Law
Malad City
Idaho

August 6, 1945

Department of Reclamation
Boise, Idaho

Dear sir:

I enclose herewith application of Nephi R. Ipsen and Thomas W. Richards to appropriate the waters of the State of Idaho together with a map of the land to be irrigated in duplicate

I also enclose my check for \$5.00 to cover the fee

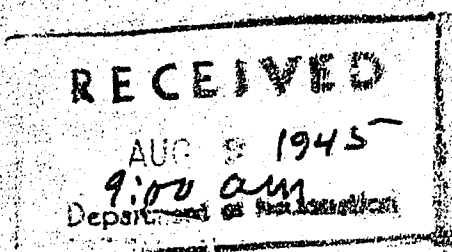
Will you please send me the proper blanks to make proof of completion of works inasmuch as the works are completed and applicants wish to make such proof

I have no forms of applications or maps. Will you please send me a few for future use

Very truly

T. E. Ray

T. E. Ray



19677



CHARLES C. GOSSETT
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

August 9, 1945

Mr. T. E. Ray
Attorney at Law
Malad, Idaho

Dear Mr. Ray:

We acknowledge receipt of your letter of August 8th, enclosing the application of Nephi R. Ipsen and Thomas W. Richards to appropriate 2.5 cubic feet per second of subterranean waters, and also your check for \$5.00 to apply on the filing fee.

We are sorry that you did not have the regular form for making this application- and we are sending you under separate cover several of these forms for your future reference.

Meanwhile, we return the above application, with the request that you have it executed on the proper form, and return with check for the fee, which for 2.5 second feet amounts to \$5.50- being at the rate of \$5.00 for the first second foot, and 25 cents for each additional second foot or fraction thereof.

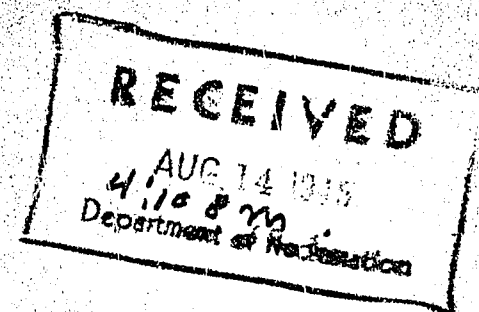
Very truly yours,

MARK R. KULP
State Reclamation Engineer

By *James L. Anderson*
Chief Clerk

A
Enc. App.
Check for \$5.00

P. S. The sketch plats enclosed in your letter will be acceptable for use, and we are retaining them to file with application.



19677



CHARLES C. GOSSETT
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

August 17, 1945

Re: Application No. 27202

Mr. T. E. Ray
Attorney at Law
Malad, Idaho

Dear Mr. Ray:

We acknowledge return of the application of Messrs. Ipsen and Richards to appropriate 2.5 second feet of subterranean water, and also your check for the \$5.50 filing fee, for which we enclose Departmental Receipt No. 19164.

There is a little discrepancy between the land description as given under Question 14 on the application, and the sketch map- in that the application describes the $NE\frac{1}{4}SE\frac{1}{4}$ Section 22, and the $N\frac{1}{2}NE\frac{1}{4}$, and $NW\frac{1}{4}SE\frac{1}{4}$ Section 23- whereas the sketch map shows the land to be the $NE\frac{1}{4}SE\frac{1}{4}$ Section 22, and the $N\frac{1}{2}SW\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}$ Section 23-

As the land as shown in the sketch map consists of four adjoining forties- whereas the $N\frac{1}{2}NE\frac{1}{4}$ is in a different location, we assume that this is just an error in the application, and upon your advice to that effect, we shall change the application accordingly.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By *Jeanne L. Anderson*
Chief Clerk

A
Encl.

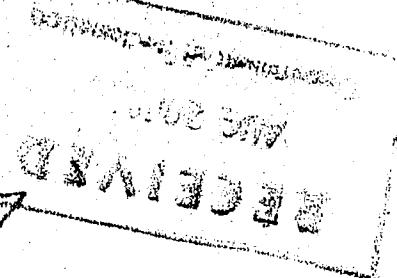
Miss Anderson:

You are hereby authorized to make the correction in description of land to $N\frac{1}{2}SW\frac{1}{4}$ Sec. 23-

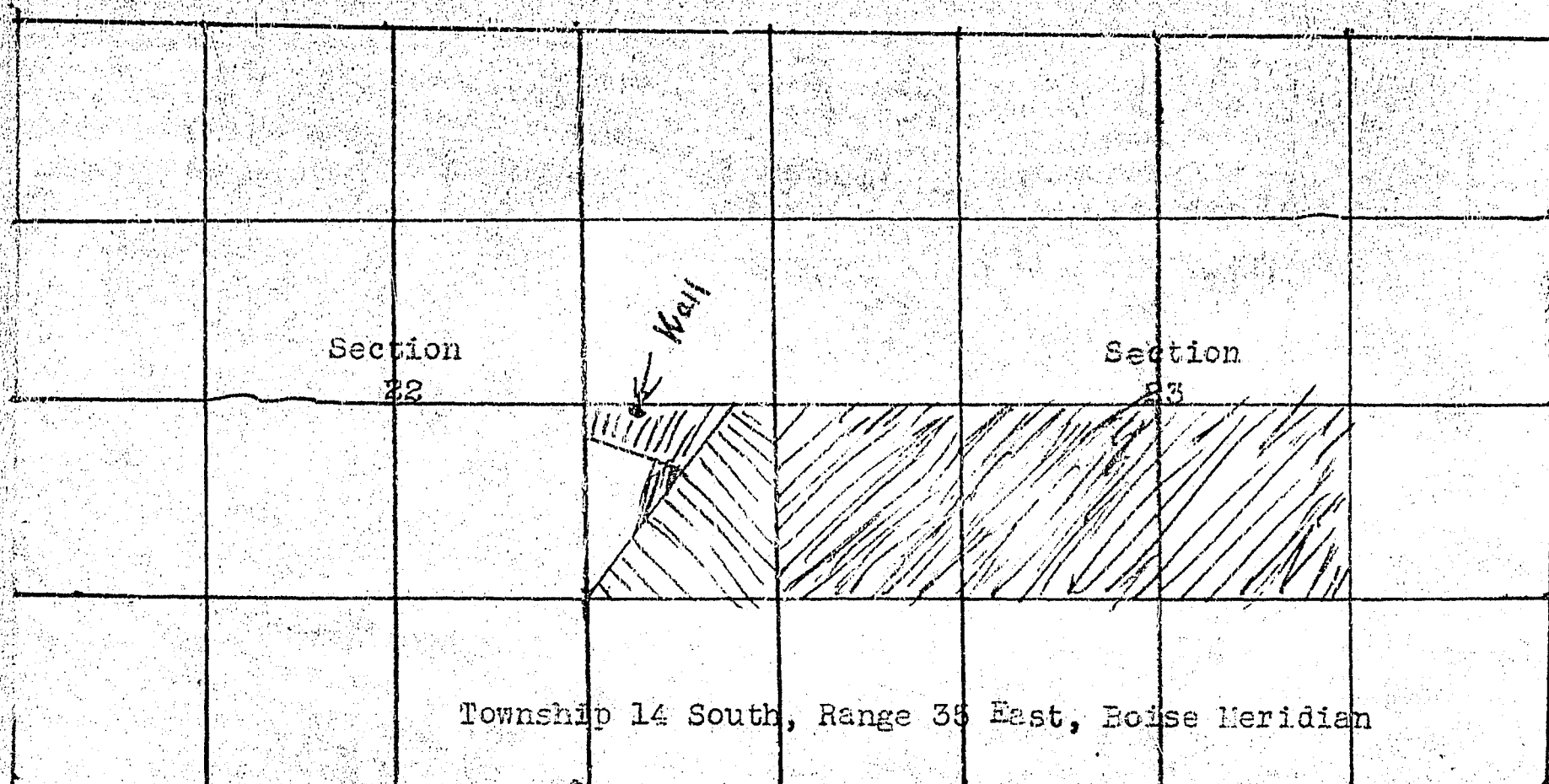
T. E. Ray 8-18-45

T. E. Ray

1967



Name of Applicants: Nephi R. Ipsen & Thomas W. Richards,
Malač, Idaho



Scale: 80 rods to 1 inch

Permit Map No. 19677

As Approved

AUG 25 1945

MARK R. KULP

State Reclamation Engineer

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

B O I S E

Permit No. 12677

Date August 23, 1945

Dear Sir:

We enclose herewith the above numbered permit. BE SURE AND
NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the
State Reclamation Engineer, on the fourth page.

Nephi R. Ipsen, and
Thomas W. Richards
C/o T. E. Ray
Malad, Idaho

MARK R. KULP

State Reclamation Engineer

19677

State of Idaho
DEPARTMENT OF RECLAMATION
NOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Rep. I. R. Insen and
Thomas W. Richards
C/o T. E. Ray
Malad, Idaho

Boise, Idaho June 3, 1946

Dear Sirs:

Under the terms of your permit No. 19677 you are required to complete your diversion works on or before August 23, 1946. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a 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 will be issued to you.

The certificate to be issued under this proof will not give a perpetual right to the use of water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

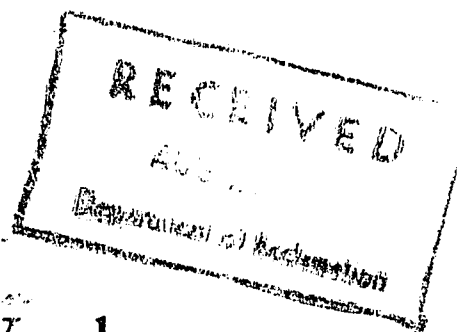
Yours truly,

MARK R. KULP

State Reclamation Engineer

19677

Permit No. 19677

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Oneida

ss.

Nephi R. Ipsen & Thomas W. Richards/ and severally
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. 19677, and that his postoffice address is Malad City, Idaho
State of

Second: That the name of the stream from which said water is to be directed is

subterranean waters from a well

Third: That the point of diversion of said water is 24 rods East distant from the Northwest corner NE 1/4 Sec. 22, Tp. 14 S. R. 35 EBM

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 23, 1946, 19

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: Well, electric pump, 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 21 in feet, height 2 feet.

(d) Conduit ditch width at bottom 2 feet, width at water line 4

(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 2 miles.

Seventh: That said works are capable of conducting to the place of intended use 2.5 second feet of water.

Eighth: That water appropriated under said permit is available for 150 acres of land described as follows: 30 acres in NE 1/4 Sec. 22, all of NW 1/4 SW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Sec. 23, Tp. 14 S. R. 35 EBM

Ninth: Remarks: That

Nephi R. Ipsen
Thomas W. Richards
(Sign here)

Subscribed and sworn to before me this 23rd day of August, 1946

My commission expires Jan 20, 1947

Notary Public.

19677

August 30, 1946

Re: Permit No. 19677

Mr. Nephi A. Ipsen
Malad, Idaho

Dear Mr. Ipsen:

We enclose herewith Certificate of completion of works issued under the above numbered permit, in the name of yourself and Thomas W. Richards, for the appropriation of 2.5 second feet of subterranean water, from a well located 24 rods distant from the Northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, Twp. 14 South, Range 35 East, B.M., and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of this section, with priority of August 14, 1945, for irrigation of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Twp. 14 South, Range 35 East, B.M.

We also enclose Departmental Receipt No. 19611 for the \$5.00 fee in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encls.

19677

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

June 2, 1947

Nephi R. Ipsen & Thos. W. Richards
C/o T. E. Ray
Malad, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 19677. This should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make proof, in order to allow time for the four weeks' publication required by law.

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 not later than August 23, 1947, 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 the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

19677

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 12, 1947

(P. O.) Malad, Idaho

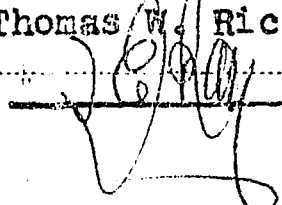
STATE RECLAMATION ENGINEER:
TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
The Idaho Enterprise of Malad, Idaho, published in
the county in which the works are situated.

Nepht R. Ipsen
Thomas W. Richards

By, 

(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.

19677

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

Notice is hereby given that at 10.00 A. M. on the 23rd day of August, 1947,
at Malad, County of Oneida, State of Idaho, before
T.E.Ray, a notary public, proof will be submitted of the
application to beneficial use of 2.5 cubic feet per second of the waters of a well (subterranean)
in accordance with the terms and conditions of Permit No. 19677
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
Nephi R. Ipsen, Malad RFD #1, Idaho; Thomas W. Richards, Malad, Idaho

The use to which said water has been applied is irrigation

The amount applied to beneficial use is 2.5 cubic feet per second

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, Twp. 14 S.
R. 35 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 Ipsen & Richards ditch

The right to take water from such works is based upon Permit No. 19677

The source of supply from which such water is diverted is subterranean waters from well
in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, Twp. 14 S., Range 35 E., B.M.

The date of priority which said user is prepared to establish is August 14, 1945
~~1946~~

MARK R. KULP

State Reclamation Engineer.

19677

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Date: July 25, 1947

Re: Permit No. 19677

The Idaho Enterprise

Malad, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to August 23, 1947. the date set for proof, the expense of the publication to be paid by the applicant, Nephi R. Ipsen and Thos. W. Richards of Route 1, Malad, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

19677

July 29, 1947

Re: Permit No. 19677

Mr. T. E. Ray
Notary Public
Malad, Idaho

Dear Mr. Ray:

We acknowledge receipt of duplicate notice of Beneficial Use Proof to be made before you as Notary Public, on August 23, 1947, in connection with Permit No. 19677, in the name of Nephi R. Ipsen and Thomas W. Richards.

A copy of this notice has been sent to the Idaho Enterprise with instructions to publish same once a week for four consecutive weeks prior to the date set for proof and to send to the applicants the affidavit of publication, together with statement of costs.

We enclose the necessary forms of depositions consisting of one for the permit holders and one for each of two witnesses so that you may have them in ample time for the proof.

At the time set the applicants should appear before you, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:FS
Encl.s.

19677

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, August 13, 1947

Re: Permit No. 19677
Ipsen & Richards

Mr. T. E. Ray
Notary Public
Malad, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 19677

DEPOSITION OF PERMIT HOLDER, DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On August 23, 1947, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Malad, Idaho before T. E. Ray, Notary Public

2. When the depositions have been taken, they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

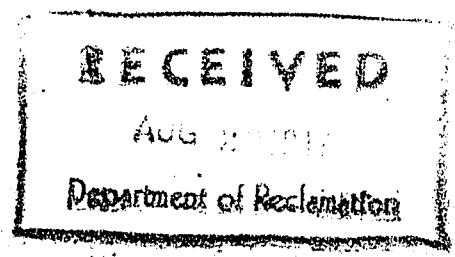
Yours truly,

MARK R. KULP

Commissioner of Reclamation.
State Reclamation Engineer

19677

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 19677

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Thomas W. Richards, Residence Malad City, Idaho, Occupation
Dentist P.O. Address, Malad City, 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. No. 19677, dated August 14, 1945, date of priority August 14, 1945

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

Ans. a well (subterranean), point of diversion located 24 rods distant
from the N.W. corner NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, Tp. 14 S. R. 35 EBM

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

Ans. a ditch 21 in wide, 2 ft high, 2 ft wide at bottom, 4 ft wide at top
2 miles long, capable of conveying 2.5 cubic feet per second of waters
of well from point of diversion to place of use, name of canal
Richards and Ipsen Ditch

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 used for irrigation, place of use: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, N $\frac{1}{2}$ SW $\frac{1}{4}$,
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, Tp. 14 S. R. 35 EBM

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

Ans. _____

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E. J. H.

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

Ans. 2.5 cubic feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

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

Ans. During the irrigating seasons of 1946 and 1947, 2.5 cubic feet per second of the waters of said well were diverted from said well to and upon the land above described and over the said land in the irrigating of crops growing thereon during said years.

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. no other water was used other than as stated in answer to question 10 on said land during said time

(Sign)

Thos. H. Richards

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 Malad City, County of Oneida,

State of Idaho, on this 23rd day of August, A. D. 1947.

My commission expires Jan'y 20, 1951

J. J. Ray
Notary public

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 19677

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Nephi R. Ipsen, Residence Malad RFD#1, Idaho, occupation
farmer, P.O. Address Malad RFD#1, 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. No. 19677, dated August 14, 1945, date of priority August 14, 1945

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

Ans. a well (subterranean) point of diversion located 24 rods distant
from the N.W. Corner NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, Tp. 14 S. R. 35 EBM

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

Ans. a ditch 21 in wide 2 ft high, 2 ft wide at bottom, 4 ft wide at top,
2 miles long, capable of conveying 2.5 cubic feet per second of waters
of well from point of diversion to place of use, name of canal
Richards and Ipsen Ditch

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 used for irrigation, place of use: NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, N $\frac{1}{2}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, Tp. 14 S. R. 35 EBM

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

Ans.

19677

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

Ans. 2.5 cubic feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

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

Ans. During the irrigation seasons of 1946 and 1947, 2.5 cubic feet per second of the waters of said well were diverted from said well to and upon the land above described and over the said land in the irrigating of crops growing thereon during said years

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. no other water was used other than as stated in answer to question 10 on said land during said time

(Sign)

Alfred B. Jensen

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 Malad City, County of Oneida,

State of Idaho, on this 23rd day of August, A. D. 1947

My commission expires Jan'y 20, 1951

J. E. Day
Notary public

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19677

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. John J. Roderick, age 42 years, residing at Malad RFD#1, Idaho
farmer P.O. Address Malad RFD#1, Idaho

Ques. 2. Are you acquainted with Nephi R. Ipsen & Thomas W. Richards, the holder of Permit No. 19677? How long have you known him and where does he reside?

Ans. Have known each of them for 25 years, Nephi R. Ipsen resides
at Malad RFD#1, Idaho and Thomas W. Richards resides at Malad, Idaho

Ques. 3. Have you read or heard read said Permit No. 19677, 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. Subterranean waters from a drilled well, diverted from the mouth
of the well at a point 24 rods distant from the Northwest corner of
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, Tp. 14 S. R. 35 EBM; water is pumped to surface in
well by means of an electric pump and conveyed by a ditch large enough
to hold 2.5 cubic feet per second to place of use

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. the works will safely convey 2.5 cubic feet per second of said waters
to place of use, and I have seen that amount being conveyed thru
said ditch during irrigating seasons of 1946 and 1947

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. Used for irrigation of crops on NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
Sec. 23, Tp. 14S. R. 35 EBM, cultivated land in crops of alfalfa, potatoes
and beets, the productivity of land substantially increased by irri-
gating with this water

19677

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. sandy loam, requires 1 miner's inch continuous flow for each acre of land or 3 acre feet for season

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. Have seen the water flowing from the well through the ditches onto the land several times during the irrigating seasons of 1946 and 1947 in the amount of 2.5 cubic feet per second and have followed the water from the well thru these ditches upon the land and through row crops

(Signed) John J. Roderick

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 Malad City, County of Oneida, State of Idaho, on this 23rd day of August, A. D. 19 47

My commission expires Jan'y 20, 1951

J. E. Ray
Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 19677

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. Walter M. Davis, age 47 yrs, Residence Malad RFD#1, Idaho, occupation farmer, P.O. Address Malad RFD#1, Idaho

Ques. 2. Are you acquainted with Nephi R. Ipsen & Thomas W. Richards, the holder of Permit No. 19677? How long have you known him and where does he reside?

Ans. Have known each of them for past 30 years, Nephi R. Ipsen resides at Malad RFD#1, Idaho and Thomas W. Richards resides at Malad, Idaho

Ques. 3. Have you read or heard read said Permit No. 19677, 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. Subterranean waters from a drilled well, diverted from mouth of well at a point 24 rods distant from the Northwest corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, Tp. 14 S. R. 35 EBM, water is pumped to surface in well by means of an electric pump and conveyed by ditch to place of use, ditch large enough to hold 2.5 cubic feet of water per second

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?

works will safely convey 2.5 cubic feet per second of said waters to place of use, and have seen that amount being conveyed thru said ditch during irrigating seasons of 1946 and 1947

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. Used for irrigation of crops on NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, Tp. 14 S. R. 35 EBM, cultivated land in crops of alfalfa, beets and potatoes, productivity of land ^{substantially} increased by irrigating with this water

19677

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. sandy loam, requires 1 miner's inch or 3 acre feet continuous flow for each acre of land

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

No

Ans. _____

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. I have seen the water flowing from the well, thru the ditches onto the land several different times during the irrigating seasons of 1946 and 1947 in the amount of 2.5 cubic feet per second and have followed the water upon the land and thru row crops

(Signed) Walter M. Davis

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 Malad City, County of Oneida,

State of Idaho, on this 23rd day of August, A. D. 19 47

My commission expires January 20, 1951

J. E. Ray
Notary Public.

Affidavit of Publication

State of Idaho } ss.
County of Oneida }

Sybil A. Stratton being first duly sworn
on *his* oath, states: That *he* is *principal*
Clerk of the Idaho Enterprise, a newspaper

of general circulation in Oneida County, Idaho published weekly at Malad, 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 said Idaho Enterprise was at all of the times of publication of said notice a newspaper of general circulation made up of at least four pages of at least five columns each, printed from type matter or stereotyped forms of at least seven-teen and three fourths inches depth, and said newspaper during all of the times of publication aforesaid had more than 200 bonafide subscribers thereto living within the county of Oneida in which said newspaper was published, and that said paper was published at regular intervals not less frequently than once a week.

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for *4* successive weekly issues thereof the date of the first publication being the *31* day of *July* 194*7*. the date of the last publication being the *2* day of *August* 194*7*.

Sybil A. Stratton

Subscribed and sworn to before me this *23* day of *August* 194*7*.

L. E. Ray
Notary Public, residing at Malad, Idaho

My Commission expires the *30* day of *January* 194*8*.

COSTS: *46* lines at 10c per line first insertion \$ *4.60*
5c per line each subsequent insertion \$ *6.90*
TOTAL \$ *11.50*

19677

NOTICE FOR PUBLICATION

Notice of Proof Application of Water to Beneficial Use

Notice is hereby given that at 10:00 A. M. on the 23rd day of August, 1947 at Malad, County of Oneida, State of Idaho, before T. E. Ray, a Notary public, proof will be submitted of the application to beneficial use of 2.5 cubic feet per second of the waters of a well (subterranean) in accordance with the terms and conditions of Permit No. 19677 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 Nephi R. Ipsen, Malad RFD No. 1, Idaho, Thomas W. Richards, Malad, Idaho.

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

The amount applied to beneficial use is 2.5 cubic feet per second.

The place where said water is used NE 1/4 Sec. 22; NE 1/4 SW 1/4, NW 1/4 SW 1/4, NW 1/4 SE 1/4, Sec. 23; Twp. 14 S. R. 35 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 Ipsen & Richards ditch.

The right to take water from such works is based upon Permit No. 19677.

The source of supply from which such water is diverted is subterranean waters from well in the NE 1/4 Sec. 22, Twp. 14 S., Range 35 E., B. M.

The date of priority which said user is prepared to establish is August 14, 1945.

MARK R. KULP,

State Reclamation Engineer.

7-31 8-21 14

September 3, 1947

Re: Permit No. 19677

Mr. T. F. Ray
Notary Public
Malad, Idaho

Dear Mr. Ray:

We acknowledge receipt of the depositions of Thomas W. Richards, Neph. R. Ipsen, and two witnesses; also affidavit of publication in the Idaho Enterprise, all submitted in proof of beneficial use under the above numbered permit.

We are returning your personal check in the amount of \$10.00 which accompanied these documents, as the correct fee will be based on the land upon which this water has been applied, as shown from our Field Engineer's report- being at the rate of \$2.00 for each subdivision in which the land is located.

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 say just when this examination will be made, since this Department has but one field engineer, who makes examinations all over the state. However, Mr. Tolman, field engineer for this department, will try to contact Messrs. Richards and Ipsen at the time he makes the examination, so that arrangements may be made to show him over the grounds.

When the engineer's report is filed, we shall then notify the permit holders in regard to the amount of fee required.

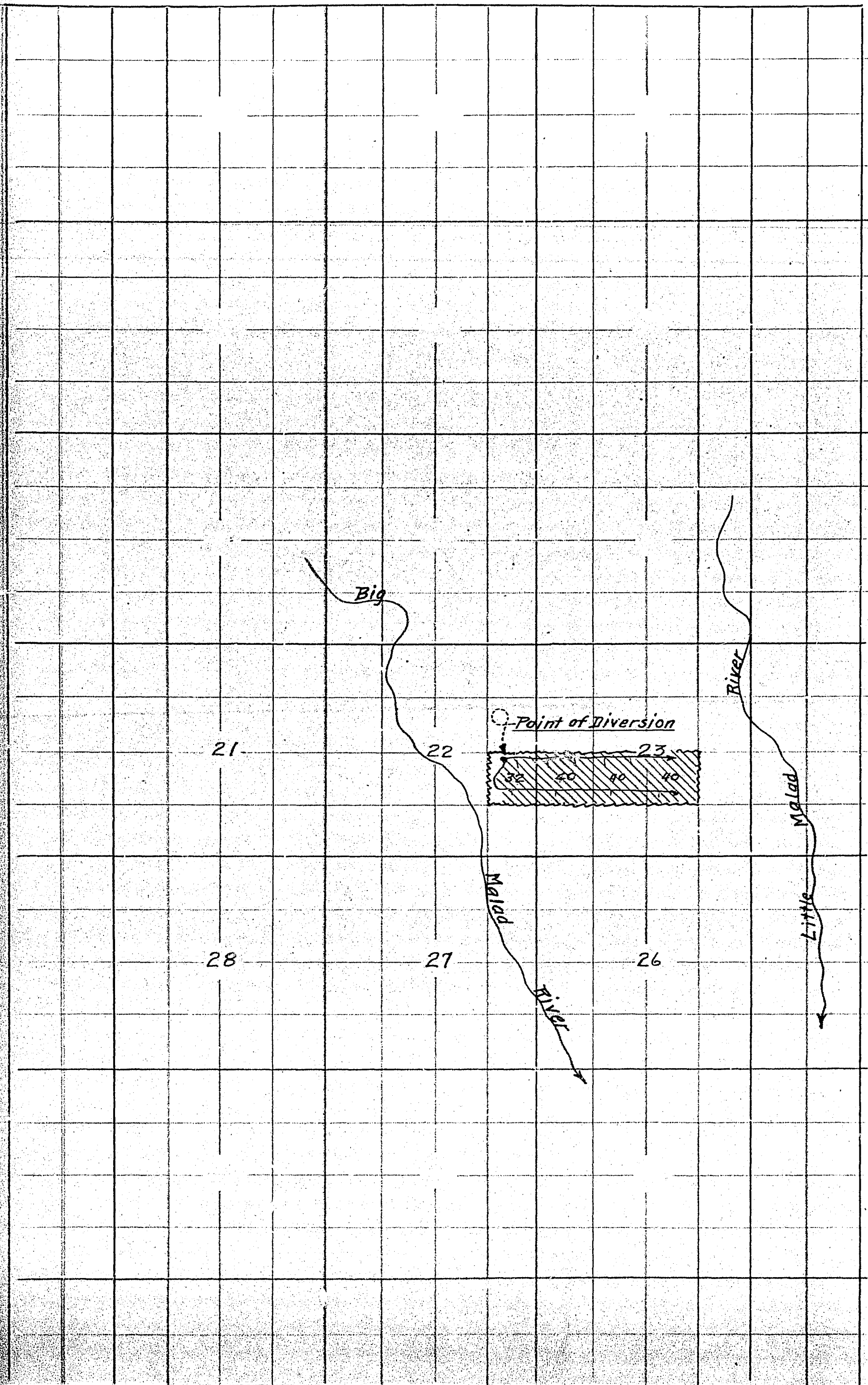
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A
Encl.

19677



STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19677

This proof is for Beneficial use In Water District No.

1. Name of applicant: Nephi R. Ipsen & Thomas W. Richards, Malad, Idaho

2. Source of water supply: A well

3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22

T. 14 S. R. 35 E. County of Oneida

4. Describe works as they exist, giving dimensions and capacities of same: A Drilled Well, 225 feet deep, 1 $\frac{1}{4}$ inch diameter, cased. Diversion is by means of Fairbanks-Morse deep well turbine, and 50 horse power motor; 3 phase; 60 cycle; 1475 R.P.M. An 8 inch discharge pipe delivers to a small pond (100'X 100'X 3 feet deep, and ditches of 2 feet width X 1 foot deep

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 $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22; N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23; Twp. 14 South, Range 35 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? Unknown

Remarks: " Installation delivers 1.9 second feet "

This examination was made on the 1st day of July, 1948

(Signed)

A. H. Holman

Examiner.

March 19, 1949

Re: Permit No. 19677

Mr. Nephi R. Ipsen
Malad, Idaho

Dear Mr. Ipsen:

We now have on file the report of our Field Engineer on examination for Beneficial Use under Permit No. 19677, in the name of yourself and Thomas W. Richards.

This report shows that you have irrigated 152 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, N $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 14 South, Range 35 East, B.M.

Therefore, upon receipt of the statutory fee of \$8.00, being at the rate of \$2.00 for each 40 acre subdivision in which the land is located, a license will be issued for 1.9 second feet of water from a well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, Township 14 South, Range 35 East, B.M.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

19677

March 31, 1949

Re: Permit No. 19677

Mr. Nephi R. Ipsen
Malad, Idaho

Dear Mr. Ipsen:

We enclose License and Certificate of Water Right issued under Permit No. 19677, confirming the right of yourself and Thomas W. Richards to the use of 1.9 second feet of water from a well on the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, Township 14 South, Range 35 East, B.M., with priority of August 14, 1945, for the irrigation of 152 acres of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Township 14 South, Range 35 East, B.M.

We also enclose Departmental Receipt No. 21400 for the \$8.00 fee paid in connection with Beneficial Use Proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

Enc.

19677

Ray & Scott
Attorneys
Malad City
Idaho

RECEIVED
NOV 12 1954
Department of Reclamation

November 9, 1954

Mr. Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

The water license issued to Thos. W. Richards and Nephi R. Ipsen issued in 1947 under Permit No. 19677, has been lost or misplaced.

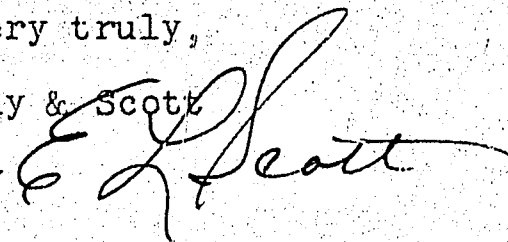
Would you have prepared a certified copy of same and send it to us together with statement of costs?

Thanking you, we remain,

Very truly,

Ray & Scott

By



19677



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

RECEIVED
NOV 17 1954

Department of Reclamation

November 12, 1954

RE: Permit No. 19677

Messrs. Ray and Scott
Attorneys at Law
Malad, Idaho

ATTENTION: Mr. E. L. Scott

Dear Mr. Scott:

Complying to your letter of November 9, we enclose a certified copy of License and Certificate of Water Right issued to Nephi R. Ipsen and Thomas W. Richards, No. 19677.

The fee for making this is \$1.50 for which you may send us your check.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Jeanne L. Anderson
Chief Clerk

A:hll
Enc.

*Thanks kindly
Ray & Scott
E L Scott*

R27054

19677

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

RECEIVED
APR 17 1957

Preston, Idaho
April 15, 1957

Department of Reclamation

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

License and Certificate of Water Right of the State of Idaho, Number 19677, sets forth the amount of water to be used and describes the location of use.

Can the water from this well be used on additional land. If not, what is required by law to use this water on additional land?

Very truly yours

Thos. W. Richards
Malad, Idaho

19677

April 26, 1957

Re: Permit No. 19677

Mr. Thomas W. Richards
Malad
Idaho

Dear Mr. Richards:

In answer to your letter of April 15, 1957, in which you ask information regarding the use of water of a licensed water right on additional land, we enclose a form "Application for Transfer of Water Right" which when properly filled out transfers the use of water from one designated land to another.

After receipt of this application we will send a notice of transfer for publication in the county newspaper of the county where the land is located and instruct them to publish said notice once a week for two consecutive weeks. Provided there are no protests to the transfer, a Certificate of Transfer can be issued.

Also enclosed is your certified copy of License and Certificate of Water Right No. 19677.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:nls

Enc:

cc: USDA, Farmers Home Administration
Preston, Idaho

19677

RECEIVED
MAY 8 1957

Department of Reclamation

May 6, 1957
Malad City, Idaho

Re: Permit No. 19677

State of Idaho
Department of Reclamation
Boise, Idaho

Gentlemen:

Your letter of April 26, I received. ~~It~~ Did not contain the information I seek. In the "License and Certificate of Water Right". You will note, that Nephi R. Ipsen and (myself) Thomas W. Richards of Malad, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 14, 1945; that permit No. 19677 was issued under said application.

Since that time Mr. Ipsen has severed his connection with the farm upon which the aforesaid water is used for irrigation and domestic use and desires to transfer $\frac{1}{2}$ of the water to land other than that upon which the water is licensed to be used. I protest this upon the ground that all of this water is needed very much upon the land for which it was intended to be used.

Mr. Ipsen has refused to sell me his interest in this well.

May I retain the water upon the land for which it was licensed to be used? And what settlement would you suggest be made between Richards and Ipsen for same?

Thanking you in advance for your help in the settlement of this controversy.

Yours very truly,

Thos. W. Richards

Thomas W. Richards

bp

19677

May 8, 1957

Re: Water License No. 19677

Mr. Thomas W. Richards
Malad
Idaho

Dear Mr. Richards:

Our records indicate a joint ownership of the water right and the works (well and pumping plant). The department does not inquire into the ownership of the land or the works but issues a license on the basis of water diverted and put to beneficial use.

A License and Certificate of Water Right makes the appropriated water appurtenant to specific lands but the appurtenancy may be changed by regular statutory procedure. The water right and the land are both real estate and can be disposed of separately.

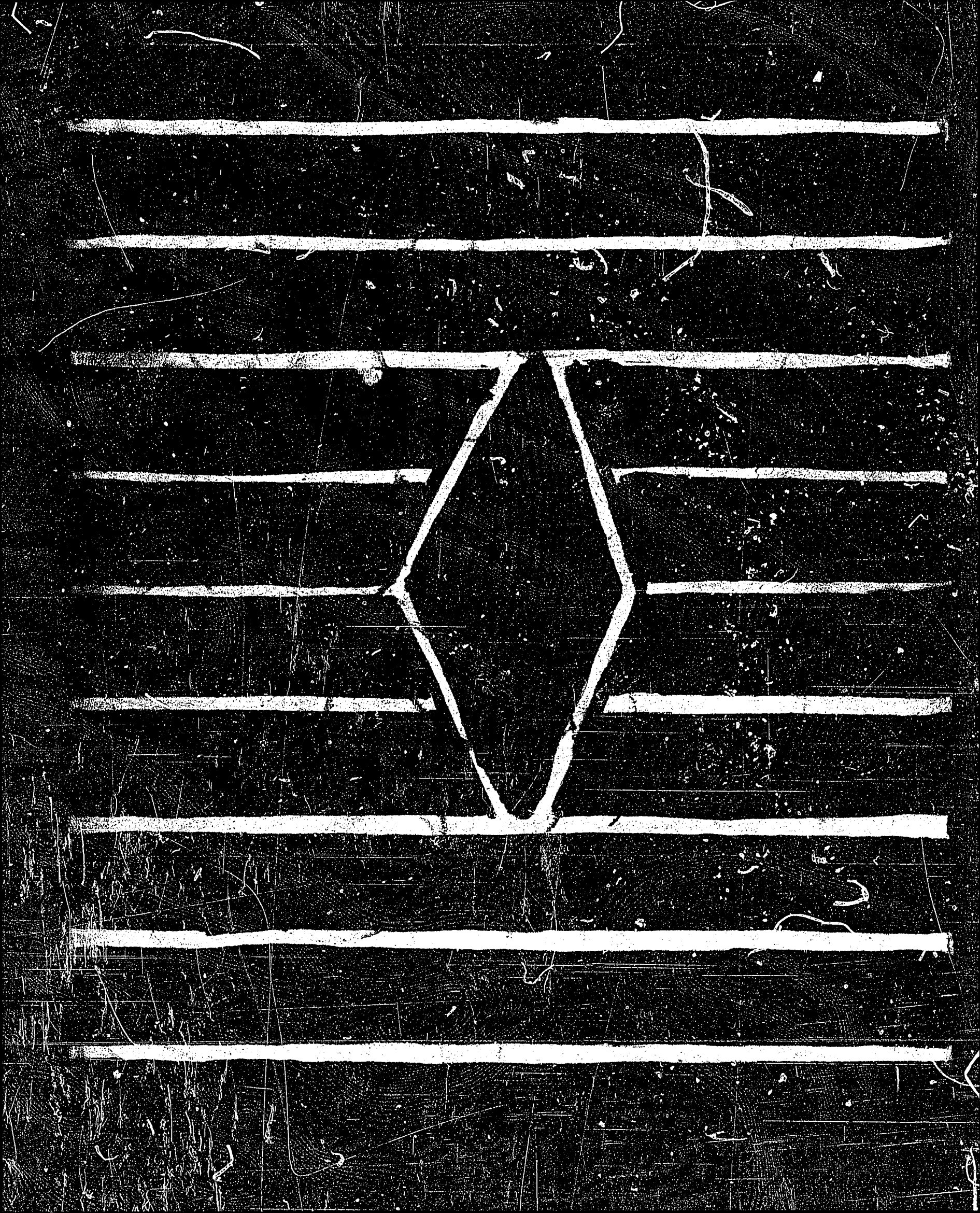
Your problem seems to require a legal opinion which the department is not qualified to give and I do not believe I can suggest a basis for settlement between Richards and Ipsen except that I assume that in a joint venture each has contributed a certain share of the value of the final development, that the land has a fairly definite value, the water right has a certain value and the cost of the works and other expenses can be determined with reasonable accuracy. Given these data and the services of a competent accountant, men of good will should be able to arrive at an equitable solution.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer

MRK/nls

19677



State of Idaho

License and Certificate of Water Right

Water License No. 19677

Amount 1.9 second feet

Water District No.

Priority August 14, 1945

THIS IS TO CERTIFY that NEPHI R. IPSEN and THOMAS W. RICHARDS of Maled, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 14, 1945; that Permit No. 19677 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.5 second feet, was issued thereunder on August 30, 1946, showing that said works were completed on the 23rd day of August, 1946; and that on the 23rd day of August, 1947,

NEPHI R. IPSEN and THOMAS W. RICHARDS of Maled, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of - - - - -, for the purpose of irrigation, under Use Permit No. 19677 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 8 of Licenses at page 4476, on the 29th day of March, 1949;

The right hereby confirmed dates from August 14, 1945;

The Point of Diversion is located in the NE 1/4 SE 1/4, Sec. 22, Tp. 14 S., R. 35 E., B. M. Oneida 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 1.9 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
14 S.	35 E.	22 23	NE 1/4 SE 1/4	30	32
			NE 1/4 SW 1/4	40	40
			NW 1/4 SW 1/4	40	40
			NW 1/4 SE 1/4	40	40
			Number of Acres Actually Irrigated - -	-	152

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 March, 1949.

MARK R. KULP

State Reclamation Engineer

(SEAL)

15 2002

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the paper. The top right corner of the paper appears slightly worn or folded.