STATE OF IDAHO

DEPARTMENT OF RECLAMATION

---

NOTICE OF APPLICATION FOR PERMIT TO CONSTRUCT A RESERVOIR AND STORE AND APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 42-203, Idaho Code.

---

NOTICE IS HEREBY GIVEN That on the 29th day of April, 1950, the MALAD RESERVOIR COMPANY of Ogden, Utah, acting through Dr. D. C. Ray, President, Pocatello, Idaho, made application number 29183 to construct a reservoir and store and appropriate 15,330 acre feet of the waters of the Little Malad River, a tributary of the Big Malad River, for irrigation and domestic use.

That the point of outlet of said reservoir is located S. 25° 32' E. 3324 feet distant from the NW corner of Sec. 7, Twp. 13 S., Rge. 35 E., B.M., and is in the NE¼ SW¼ of Sec. 7, Twp. 13 S., Rge. 35 E., B.M., County of Oneida.

That the place of use of said water is 21,304.55 acres located in the following Sections:

Sections 33 and 34,
Township 13 S., Range 35 E.B.M.

Sections 1, 2, 3, 9, 10, 11, 12,
13, 14, 15, 16, 21, 22, 23, 24,
25, 26, 27, 28, 34, 35, and 36,
Township 14 S., Range 35 E.B.M.

Sections 4, 5, 6, 7, 8, 9, 16,
17, 18, 19, 20, 29, 30, 31, and 32,
Township 14 S., Range 36 E.B.M.

That any protests against the approval of this application must be filed in the Department of Reclamation within forty (40) days from the date of this Notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of said application.

Dated this 4th day of May, 1950.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

Date of first publication:
Date of last publication:
Last date of Protest: June 13, 1950.

---

SERVICE OF THE FOREGOING, by copy, is hereby admitted this 5 day of May, 1950.

MALAD RESERVOIR COMPANY

By D C Ray pres.

R-857

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

---

NOTICE OF APPLICATION FOR PERMIT TO CONSTRUCT A RESERVOIR AND STORE AND APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 42-203, Idaho Code.

---

NOTICE IS HEREBY GIVEN That on the 29th day of April, 1950, the MALAD RESERVOIR COMPANY of Ogden, Utah, acting through Dr. D. C. Ray, President, Pocatello, Idaho, made application number 29183 to construct a reservoir and store and appropriate 15,330 acre feet of the waters of the Little Malad River, a tributary of the Big Malad River, for irrigation and domestic use.

That the point of outlet of said reservoir is located S. 25° 32' E. 3324 feet distant from the NW corner of Sec. 7, Twp. 13 S., Rge. 35 E., B.M., and is in the NE¼ SW¼ of Sec. 7, Twp. 13 S., Rge. 35 E., B.M., County of Oneida.

That the place of use of said water is 21,304.55 acres located in the following Sections:

Sections 33 and 34,
Township 13 S., Renge 35 E.B.M.

Sections 1, 2, 3, 9, 10, 11, 12,
13, 14, 15, 16, 21, 22, 23, 24,
25, 26, 27, 28, 34, 35, and 36,
Township 14 S., Range 35 E.B.M.

Sections 4, 5, 6, 7, 8, 9, 16,
17, 18, 19, 20, 29, 30, 31, and 32,
Township 14 S., Range 36 E.B.M.

That any protests against the approval of this application must be filed in the Department of Reclamation within forty (40) days from the date of this Notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of said application.

Dated this 4th day of May, 1950.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

Date of first publication:
Date of last publication:
Last date of Protest: June 13, 1950.

---

SERVICE OF THE FOREGOING, by copy, is hereby admitted this 5th day of May, 1950.

MALAD RESERVOIR COMPANY

By D. C. RAY, President

R 951

May 4, 1950

Re: Application No. 29185

Dr. D. C. Ray
Pocatello, Idaho

Dear Dr. Ray:

We enclose duplicate notice in connection with the renewal application of the Malad Reservoir Company which, as you know, requires publication three times in a county newspaper.

Please acknowledge service on the original and return to this Department together with Form 11 which is your authorization for us to have the notice published at the Company's expense in the designated newspaper.

The duplicate copy of the notice is for your own files.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-957

Form No. 11

**NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE**

(Date) May 5, 1950

(P. O.) Boise, 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 Idaho Enterprise of Malad, Idaho published in the county in which the works are situated.

Malad Reservoir Co
D C Ray president

(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.

R-857

May 5, 1950

Re: Application No. 29183

Idaho Enterprise
Malad, Idaho

Gentlemen:

We enclose notice for publication once a week for three consecutive weeks, commencing with your next issue. The cost of publication is to be paid by the Malad Reservoir Company, to whom please send Affidavit of Publication when completed, in care of Dr. D. C. Rey, President, at Pocatello, Idaho.

Please acknowledge receipt of this notice and furnish this Department with a copy of the first issue containing same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

:hh
Enc.

R-859

# STATE OF IDAHO
# DEPARTMENT OF
# RECLAMATION

**Notice of application for Permit to Construct a Reservoir and Store and appropriate the Public Waters of the State of Idaho, in accordance with the provisions of Section 42-203, Idaho code.**

NOTICE IS HEREBY GIVEN—that on the 29th day of April 1950, the MALAD RESERVOIR COMPANY of Ogden, Utah, acting through Dr. D. C. Ray, president, Pocatello, Idaho, made application number 29133 to construct a reservoir and store and appropriate 15,330 acre feet of the waters of the Little Malad River, a tributary of the Big Malad River, for irrigation and domestic use.

That the point of outlet of said reservoir is located S. 25° 32' E. 3324 feet distant from the NW corner of Sec. 7, Twp. 13 S. Rge. 35 E.B.M., and is in the NE¼ SW¼ of Sec. 7, Twp. 13 S., Rge. 35 E.B.M., County of Oneida.

That the place of use of said water is 21,304.55 acres located in the following sections: Sections 33 and 34, Township 13 S., Range 35 E.B.M., Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, and 36, Township 14 S., Range 35 E.B.M. Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 29, 30, 31, and 32, Township 14 S., Range 36 E.B.M.

That any protest against the approval of this application must be filed in the Department of Reclamation within forty (40) days from the date of this Notice; such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of said application.

Dated this 4th day of May, 1950.

MARK R. KULP
State Reclamation Engineer

Date of first publication: May 11, 1950. Date of last publication: May 25, 1950. Last day of protest: June 13, 1950.

SERVICE OF THE FOREGOING, by copy, is hereby admitted this 5th day of May, 1950.

MALAD RESERVOIR CO.
By D. C. RAY, President

R-751

Director
Malad Reservoir
Company
Malad, Idaho

Philip G. Honey
916 Baltimore Ave Kansas City
Mo
D. C. Ray Porafello
Idaho
Jesse H Dredge Malad
Lawrence Jones Malad
Morgan Tovey Malad

P. 859

BEFORE THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO.

RECEIVED
JUN 10 1950
Department of Reclamation

IN THE MATTER OF THE APPLICATION )
FOR PERMIT TO CONSTRUCT A RESERVOIR )
AND STORE AND APPROPRIATE THE PUBLIC ) PROTEST
WATERS OF THE STATE OF IDAHO: )
)

TO THE DEPARTMENT OF RECLAMATION, MARK R.RULP, STATE RECLAMATION ENGINEER, MALAD RESERVOIR CO., AND DR.D.C.RAY, PRESIDENT:

DEWEY T. JONES, hereby desires to enter his protest upon that certain application for permit to appropriate the public waters of the State of Idaho, filed with said Department of Reclamation of the State of Idaho, on the 29th day of April, 1950, by the Malad Reservoir Co. acting through Dr.D.C.Ray, president, to construct a reservoir and store and appropriate the waters of the Little Malad River, a tributary of the Big Malad River, for irrigation and domestic purposes upon the grounds and for the following reasons;

That the said Dewey T.Jones is the owner in fee and in the possession of the following described land,to-wit:

Lots 1 and 2, and the East half of the Northwest quarter and the West half of the Northeast quarter of Section 7, in Township 13 South, Range 35 East Boise Meridian.

That the said Malad Reservoir Co. made application for permit to construct said reservoir and store said water in excess of 20 years ago, and that it has not completed said reservoir and has not done work toward the completion for in excess of 10 years prior to the filing of the application dated April 29th, 1950;

That the name of this protestant is Dewey T.Jones and his address if Malad City, Oneida County, Idaho.

That a substantial part of the above described land of the protestant will be covered with the water proposed to be stored by said Reservoir Co. That no effort has been made and negotiations entered into for the purchase of said land for reservoir purposes and/or to pay for any damages to be suffered by said protestant;

That the character of the proposed work on said reservoir to enable said Company to store water will be such that light clay will be spread over the bottom of said reservoir to seal the bottom in order to repair leaks now existing; That should said clay be so used then and in that event, the land owned and claimed by this protestant will be injured for the producing of crops by said protestant and make the same unproductive thereby causing this protestant great damage; that said protestant has used and cultivated said land continuously for more than the past ten years;

That if the said company is permitted to proceed with the proposed work and construction it will result in irreparable damage to this protestant; and without compensation;

That the action of said Reservoir Company is taking the land of this protestant without due process of law and is unconstitutional;

That the number of the application against which this protest is made is #29183.

That the said Malad Reservoir Co. is without right, either legally or equitably to use or destroy said land without first compensating this protestant;

That said Company has destroyed fences heretofore existing upon said land to the damage of said protestant and without compensation and consultation with this protestant;

That said Malad Reservoir Company is proceeding to destroy the property of protestant without first making legal and proper arrangements and causing him damages that may be impossible to remedy;

That said company has failed to comply with the requirements of the law to acquire any rights in the construction of said reservoir;

That the contestant is now unable to crop his land due to the actions of said company for this year.

Therefore, this protestant asks that the issuance of said permit be not granted and that said company be compelled to comply with all laws and regulations incident to the construction of said reservoir.

(Over)

Respectfully submitted,

Dewey T. Jones

951

MP-2 9148

June 12, 1950

Dr. D. C. Ray, President,
Malad Reservoir Company,
Pocatello, Idaho

Dear Dr. Ray:

This is to advise you that a protest has been filed by Dewey T. Jones, of Malad, Idaho, in connection with the application of the Malad Reservoir Company to store water from Little Malad River.

The main ground for this protest seems to be the flooding of land claimed by the protestant.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

P-837

app 2918

June 12, 1950

Mr. Dewey T. Jones
Malad, Idaho

Dear Mr. Jones:

We have received and placed on file your protest in connection with the application of the Malad Reservoir Company to construct a reservoir and store and appropriate water of the Little Madal River.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

P. 857

STATE OF IDAHO

# DEPARTMENT OF RECLAMATION

MARK R. KULP, STATE RECLAMATION ENGINEER

C. A. ROBINS
GOVERNOR

BOISE

RECEIVED
JUN 15 1950
Department of Reclamation

June 12, 1950

Dr. D. C. Ray, President,
Malad Reservoir Company,
Pocatello, Idaho

Dear Dr. Ray:

This is to advise you that a protest has been filed by Dewey T. Jones, of Malad, Idaho, in connection with the application of the Malad Reservoir Company to store water from Little Malad River.

The main ground for this protest seems to be the flooding of land claimed by the protestant.

Very truly yours,

Mark R Kulp

MARK R. KULP

State Reclamation Engineer

Dear Mr. Kulp:

If it is necessary to have a hearing on this would prefer July 6-7-8, - am planning on trip to coast for American Medical association.

Very truly

D C Ray

R-857

June 21, 1950

Re: Application No. 29183

Dr. D. C. Ray, President
Malad Reservoir Company
Pocatello, Idaho

Dear Dr. Ray:

The last date for protest under the application of the Malad Reservoir Company was June 13, 1950, and the protest of Dewey T. Jones is the only one received.

Upon receipt from you of the Affidavit of Publication in the Malad Enterprise, we will decide whether or not it is necessary to hold a formal hearing in the matter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

R-857

Ray & Scott
Attorneys
Malad City
Idaho

June 28, 1950

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

Dear sir:

At the request of the Malad Reservoir Company we herewith enclose affidavit of publication of the Notice of application for permit to construct a reservoir and store and appropriate the publicwaters of the State of Idaho

Very truly

Ray & Scott

Scott

RECEIVED
JUL 1 1950
Department of Reclamation

R-857

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

---

In The Matter of the Application of the Malad Reservoir Company, No. R-2918 to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho

NOTICE OF HEARING

WHEREAS The Malad Reservoir Company filed an application for Permit to construct a reservoir and store and appropriate 15,330 acre feet of the waters of Little Malad River, a tributary of Big Malad River, for irrigation and domestic use, said application being dated April 29, 1950, and

WHEREAS, Notice of such application was published in the Idaho Enterprise for three consecutive weeks from May 11 to May 25, 1950, inclusive, as provided by Section 42-203 Idaho Code, and

WHEREAS, On the 8th day of June, 1950, Dewey T. Jones of Malad, Idaho, filed a protest against the approval of said application:

NOW THEREFORE Notice is hereby given to the applicant and protestant that a hearing, as required by Section 42-203 Idaho Code, will be held before the State Reclamation Engineer or his representative, at 107 Capitol Building Boise, Idaho, at 10:00 o'clock A.M. on August 4, 1950.

Both the applicant and protestant will come prepared to pay in advance their respective shares of a sum to be estimated by the State Reclamation Engineer to cover costs of taking and transcribing the testimony at said hearing, and other expenses incidental to the said hearing.

Signed at Boise, Idaho, this 17th day of July, 1950.

Mark R Kulp

MARK R. KULP

State Reclamation Engineer

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P-92

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

DEPARTMENT OF RECLAMATION

| | | |
|---|---|---|
| In The Matter of the Application of the Malad Reservoir Company, No. R-29183 to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho | ) | NOTICE OF HEARING |

WHEREAS The Malad Reservoir Company filed an application for Permit to construct a reservoir and store and appropriate 15,330 acre feet of the waters of Little Malad River, a tributary of Big Malad River, for irrigation and domestic use, said application being dated April 29, 1950, and

WHEREAS, Notice of such application was published in the Idaho Enterprise for three consecutive weeks from May 11 to May 25, 1950, inclusive, as provided by Section 42-203 Idaho Code, and

WHEREAS, On the 8th day of June, 1950, Dewey T. Jones of Malad, Idaho, filed a protest against the approval of said application:

NOW THEREFORE Notice is hereby given to the applicant and protestant that a hearing, as required by Section 42-203 Idaho Code, will be held before the State Reclamation Engineer or his representative, at 107 Capitol Building Boise, Idaho, at 10:00 o'clock A.M. on August 4, 1950.

Both the applicant and protestant will come prepared to pay in advance their respective shares of a sum to be estimated by the State Reclamation Engineer to cover costs of taking and transcribing the testimony at said hearing, and other expenses incidental to the said hearing.

Signed at Boise, Idaho, this 17th day of July, 1950.

Mark R Kulp

MARK R. KULP

State Reclamation Engineer

R-29183

July 17, 1950

Re: Application No. 29183

Mr. Dewey T. Jones
Malad, Idaho

Dear Mr. Jones:

The enclosed notice of hearing on Application No. R-29183, Malad Reservoir Company, sets the hearing for August 4, 1950, at Boise.

Since the protest is on right-of-way and not on the water right, it would seem that the matter would have eventually to be settled locally between the applicant and the protestant, either by agreement or by a judicial decision of the District Court. The Department of Reclamation, being administrative only, can not make a judicial decision.

If an agreement can be reached and the protest withdrawn, there will be no need for a hearing. If not, the hearing will be held as scheduled, or can be continued to a time and place agreeable to both parties and the department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh
Enc.

P-183

July 17, 1950

Re: Application No. 29183

Dr. D. C. Rey, President
Meled Reservoir Company
Pocatello, Idaho

Dear Dr. Rey:

The enclosed notice of hearing on Application No. R-29183, Meled Reservoir Company, sets the hearing for August 4, 1950, at Boise.

Since the protest is on right-of-way and not on the water right, it would seem that the matter would have eventually to be settled locally between the applicant and the protestant, either by agreement or by a judicial decision of the District Court. The Department of Reclamation, being administrative only, can not make a judicial decision.

If an agreement can be reached and the protest withdrawn, there will be no need for a hearing. If not, the hearing will be held as scheduled, or can be continued to a time and place agreeable to both parties and the department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

R-857

Form 3883
Rev. 3-46

# APPLICATION FOR REGISTRATION AND CERTIFICATE OF DECLARED VALUE OF MATTER SUBJECT TO POSTAL SURCHARGE

*(No collection of surcharge is required on international registered mail)*

NOTE.—Additional receipted copies of this bill will be furnished as certificates of mailing only, upon payment of one cent for each article listed on each additional copy of the bill. Claims for indemnity may not be paid unless articles are properly packed and endorsed, and unless claims are filed within the prescribed time limits. (See postmaster for detailed information.)

State Department of Reclamation hereby applies for the registration of the articles described below
(Name of sender)

and certifies that the amounts of the declared values set forth on the sheet are the full values of the articles listed or the known or estimated cost of duplication in the case of nonnegotiable securities.

Letter only

| | (1) NUMBER OF ARTICLE | (2) NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS | (3) Postage (exclusive of other charges or fees) | (4) Registry fee | (5) Fee paid for return receipt | (6) Delivery restricted—Fee paid | (7) Full value or cost of duplication if nonnegotiable securities* | (8) Surcharge on entire contents of article | (9) REMARKS† |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 87954 | Dr. D. C. Ray, President, Malad Reservoir Co. | 3 | 25 | 5 | 10 Special Delivery | | | |
| 2 | — | Pocatello, Idaho | | | | | | | |
| 3 | | | | | | | | | |
| 4 | | | | | | | | | |
| 5 | | | | | | | | | |

* When an article contains matter declared for full value and that for which the cost of duplication is declared, enter in column (7) the sum of the declarations for "full value" and "cost of duplication."

† Show in "Remarks" column (9) class postage paid if other than first or if international mail. Also use this column to indicate "F" if "Fragile"; "SD" if "Special-Delivery"; "AM" if "Air Mail"; and "C. O. D." and amount due sender if registered C. O. D. mail.

*Total number of pieces listed by sender* One
(Write number here in words)

*Total number of pieces received at post office* One

*Postmaster, per* Norris
(Name of receiving employee)

Affix stamp here for additional copies of this bill

BOISE IDAHO JUL 31 1950

Postmark and date of receipt

U. S. GOVERNMENT PRINTING OFFICE 16—8793-3

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

| | |
|---|---|
| IN THE MATTER OF THE APPLICATION OF THE MALAD RESERVOIR COMPANY, No.R-29183 to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho ) | APPLICATION FOR POSTPONEMENT AND CHANGE OF PLACE OF HEARING ON PROTEST |

TO STATE RECLAMATION ENGINEER:

WHEREAS the distance from the place and site of the injury that will be suffered by the protestant, Dewey T.Jones, is expensive and inconvenient and said hearing should be had either at Malad, Idaho, or Pocatello, Idaho;

WHEREAS, said hearing on the protest is set for August 4th, 1950 at Boise, Idaho at 10:00 o'clock A.M. of said day;

WHEREAS, the Malad Reservoir Company has filed application to construct a reservoir and store and appropriate 15,330 acre feet of the waters of Little Malad River, said application being dated April 29, 1950;

NOW, THEREFORE, Dewey T.Jones, protestant in the above entitled matter, hereby respectfully requests and makes application by and through his Attorneys, Merrill and Merrill, of Pocatello, Idaho, and Jno.W.Clark, of Malad, Idaho, to have said hearing postponed to some later date convenient for all parties of interest, and that said place of hearing be changed to either Pocatello, Idaho, or Malad, Idaho, which is closer to the point of construction and injury to be suffered.

Respectfully submitted, July 28th, 1950.

Dewey T.Jones, Protestant,
Merrill & Merrill, and Jno.W.Clark
Attorneys for Protestant
By Jno W Clark
Attorney.

P. 957

PHONE 23-J

Jno. W. Clark
LAWYER
MALAD CITY, IDAHO

RECEIVED
JUL 29 1950
Department of Reclamation

July 28th, 1950.

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

In Re- Application Malad Reservoir Co. No.29183, and Protest of Dewey T. Jones.

Dear Sir:

I write this letter at the request of Mr. Dewey T.Jones of Malad, Idaho,

And replying to your letter of the 17th instant,permit me to state that it is my understanding that Mr. Jones does not have any particular objection to the appropriation of the water ask for but from the notice of publication it recites that it is the desire to construct a reservoir and store water on certain land that is claimed to be the property of Mr. Jones, and the company has made no provisions or arrangements to secure a part of the site for the reservoir.

I see no reason why the Reservoir Company officials should not agree to the continuance of the hearing and change of place.

If we can secure the continuance we may be able to go into the matter further with the company.

We deeply appreciate your remarks in your letter, and trust that the matter can be worked out without court action.

Will your office kindly furnish us with a copy of the application filed by the company? Upon receipt of the same I shall promptly remit to you any costs incident thereto.

Thanking you for your consideration, I am,

Yours very truly,
Jno. W. Clark

R-857

[redacted]en issued, send relinquishment for

No. 19645

P-857

**Post Office Department**
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300
(GPO)

POSTMARK OF DELIVERING OFFICE

PICATELLO, IDAHO
JUL 31
8 PM
1950

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

*Return to* _____
(NAME OF SENDER)

*Street and Number, or Post Office Box,* 107 State House

REGISTERED ARTICLE

No. 87954

INSURED PARCEL

No. _____

**BOISE,**

**IDAHO.**

Form 3811
Rev. 1-1-40

# RETURN RECEIPT

*Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.*

1 Wm. D. C. Rey
(Signature or name of addressee)

2 Wm. D. C. Rey
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

**Date of delivery** 7/31, 1950

R-857

U. S. GOVERNMENT PRINTING OFFICE 16—12421-1

July 29, 1950

tion No. R-29183
Re: App Reservior Company
Me

Mr. John W. Clerk
Attorney at Law
Malad, Idaho

Dear Mr. Clerk:

I have your application for continuance of hearing on the protest against the above application but have no word from the Malad Reservoir Company.

We will notify the Malad Reservoir Company through Dr. D. C. Rey of Pocatello, that the hearing will be continued to August 23, at Pocatello, as a tentative time and place.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

P.S. We shall mail you on Monday, a copy of the Malad Reservoir Company's application.

R-857

July 29, 1950

Re: Application No. R-29183
Malad Reservior Company

Mr. John W. Clark
Attorney at Law
Malad, Idaho

Dear Mr. Clark:

I have your application for continuance of hearing on the protest against the above application but have no word from the Malad Reservoir Company.

We will notify the Malad Reservoir Company through Dr. D. C. Ray of Pocatello, that the hearing will be continued to August 23, at Pocatello, as a tentative time and place.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

P.S. We shall mail you on Monday, a copy of the Malad Reservoir Company's application.

R-857

July 31, 1950

Re: Application No. R-29183
Malad Reservoir Company

Mr. John W. Clark
Attorney at Law
Malad, Idaho

Dear Mr. Clark:

As requested in your letter of July 28, 1950, we enclose a copy of the application of the Malad Reservoir Company to appropriate water from Little Malad River. The cost is $1.00 for which please send us your check.

The original application described the land in detail by forty acre subdivisions, but as this would add materially to the cost and we did not think it would be of particular interest to you, we have merely summarized it. However, if you do wish the complete land description, we can send it to you later.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Ajbh
Enc.

R-831

August 10, 1950

Mr. John W. Clark
Attorney at Law
Malad, Idaho

Dear Mr. Clark:

We enclose Notice of continued hearing in connection with the protest of Mr. Dewey T. Jones on the application of the Malad Reservoir Company.

It is of course understood that both the applicant and the protestant shall come prepared to pay in advance their respective shares of the costs in connection with this hearing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh
Enc.

R-957

July 29, 1950

Dr. D. C. Hay, President
Mald Reservoir Company
Pocatello, Idaho

Re: Protest against Application
No. R-29183.

Dear Dr. Hay:

The hearing on the protest of Dewey T. Jones against Application No. R-29183, Mald Reservoir Company, will be continued to August 23, 1950, at Pocatello, as a tentative time and place on account of a formal application for postponement and change of place of hearing on protest, filed by John W. Clark, Attorney for Dewey T. Jones, protestant, and Merrill and Merrill and John W. Clark, Attorneys for protestant.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

R-29

August 10, 1950

Dr. D. C. Rey, President
Malad Reservoir Company
Pocatello, Idaho

Dear Mr. Ray:

We enclose Notice of continued hearing in connection with the protest of Mr. Dewey T. Jones on the application of the Malad Reservoir Company.

It is of course understood that both the applicant and the protestant shall come prepared to pay in advance their respective shares of the costs in connection with this hearing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh
Enc.

P-957

MERRILL & MERRILL
COUNSELORS AND ATTORNEYS AT LAW
POCATELLO, IDAHO

A.L.MERRILL
R.D.MERRILL
W.F.MERRILL

August 7, 1950

RECEIVED
AUG 8 1950
Department of Reclamation

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

Re: Protest Dewey Jones

Dear Mr. Kulp:

Mrs. Anderson called me today asking if we could arrange a place of hearing for the above matter here in Pocatello on August 23, 1950, in order that you could have fixed the hour, place and name of the reporter, who will take the testimony. We have conferred with the district judges and it is agreeable that you use the courtroom in Bannock County Courthouse on the 23rd day of August, 1950, at such hour as you might determine and the testimony can be taken before Ray D. Bistline, Court Reporter, or if he should not be available on that day then Earl Weaver. The hour of 10:00 o'clock would be satisfactory. If there is any further information required please let us know.

Sincerely yours,

Merrill & Merrill

By A. L. Merrill

ALM:jh

P. 857

August 10, 1950

Mr. A. L. Merrill
Attorney at Law
Pocatello, Idaho

Dear Mr. Merrill:

Thank you very much for your prompt reply to our request in regard to arrangements for the hearing in the matter of the protest of Dewey T. Jones against the application of the Malad Reservoir Company.

Notice of the continued hearing is enclosed herewith, and similar notices are being sent to the Malad Reservoir Company in care of Dr. D. C. Ray, and to Mr. John W. Clark, Attorney at Law, Malad, Idaho.

It is of course understood that both the applicant and the protestant shall come prepared to pay in advance their respective shares of the costs in connection with this hearing.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh
Enc.

R-957

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

| | | |
|---|---|---|
| In The Matter of the Application of the Malad Reservoir Company, No. R-29183 to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho. | ) | NOTICE OF CONTINUANCE OF HEARING |

Notice is hereby given that the hearing on the application of the Malad Reservoir Company (No. R-29183) to construct a reservoir and store and appropriate the public waters of the State of Idaho, and the protest filed thereto by Dewey T. Jones of Malad, Idaho, originally set for August 4, 1950, at Boise, Idaho, has been continued.

This hearing will be held at 10 o'clock A.M. on August 23, 1950, in the Court Room of the Bannock County Court House at Pocatello, Idaho.

Signed at Boise, Idaho, this 10th day of August, 1950.

Mark R Kulp

Mark R. Kulp

State Reclamation Engineer

1 p. 85

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

| | | |
|---|---|---|
| In The Matter of the Application of the Malad Reservoir Company, No. R-29183 to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho. | ) | DECISION OF STATE RECLAMATION ENGINEER. |

WHEREAS, The Malad Reservoir Company filed an application for Permit to construct a reservoir and store and appropriate 15,330 acre feet of the waters of Little Malad River, a tributary of Big Malad River, for irrigation and domestic use, said application being dated April 29, 1950, and

WHEREAS, Notice of such application was published in the Idaho Enterprise for three consecutive weeks from May 11 to May 25, 1950, inclusive, as provided by Section 42-203 Idaho Code, and

WHEREAS, Dewey T. Jones of Malad Idaho, filed a protest against the approval of said application, alleging that the Malad Reservoir Company had not made provisions for acquiring a right-of-way on his patented land, and

WHEREAS, Hearing was set for August 4, 1950, at Boise, Idaho, and continued to August 23, 1950, at Pocatello, Idaho, and held at Pocatello, and

WHEREAS, It is the opinion of the State Reclamation Engineer that the main point of controversy is the right to the use of certain lands for reservoir purposes, and that the State Reclamation Engineer is without authority to determine the relative rights of the applicant and the protestant to the use of said lands for reservoir purposes:

THEREFORE, The protest of Dewey T. Jones against the approval of application No. 29183 of the Malad Reservoir Company to appropriate and store 15,330 acre feet of the unappropriated public water of the State of Idaho is dismissed and the application for permit will be approved.

Appeal may be made within sixty (60) days from the date of this decision, as provided by Section 42-203, Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the State Department of Reclamation at Boise, Idaho, this 6th day of September, 1950.

Mark R Kulp

MARK R. KULP

State Reclamation Engineer

0 951

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

| | | |
|---|---|---|
| In The Matter of the Application of the Malad Reservoir Company, No. R-20183 to Construct a Reservoir and Store and Appropriate the Public Waters of the State of Idaho. | ) | D E C I S I O N |
| | ) | OF STATE RECLAMATION ENGINEER. |

WHEREAS, The Malad Reservoir Company filed an application for Permit to construct a reservoir and store and appropriate 15,530 acre feet of the waters of Little Malad River, a tributary of Big Malad River, for irrigation and domestic use, said application being dated April 29, 1950, and

WHEREAS, Notice of such application was published in the Idaho Enterprise for three consecutive weeks from May 11 to May 25, 1950, inclusive, as provided by Section 42-203 Idaho Code, and

WHEREAS, Dewey T. Jones of Malad Idaho, filed a protest against the approval of said application, alleging that the Malad Reservoir Company had not made provisions for acquiring a right-of-way on his patented land, and

WHEREAS, Hearing was set for August 4, 1950, at Boise, Idaho, and continued to August 23, 1950, at Pocatello, Idaho, and held at Pocatello, and

WHEREAS, It is the opinion of the State Reclamation Engineer that the main point of controversy is the right to the use of certain lands for reservoir purposes, and that the State Reclamation Engineer is without authority to determine the relative rights of the applicant and the protestant to the use of said lands for reservoir purposes:

THEREFORE, The protest of Dewey T. Jones against the approval of application No. R9183 of the Malad Reservoir Company to appropriate and store 15,530 acre feet of the unappropriated public water of the State of Idaho is dismissed and the application for permit will be approved.

Appeal may be made within sixty (60) days from the date of this decision, as provided by Section 42-203, Idaho Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the State Department of Reclamation at Boise, Idaho, this 6th day of September, 1950.

MARK R. KULP

State Reclamation Engineer

F 957

R 29183

September 6, 1950

Mr. John W. Clark
Attorney at Law
Malad, Idaho

Dear Mr. Clark:

Enclosed is copy of the decision of the State Reclamation Engineer in the matter of the application of the Malad Reservoir Company and the protest by Dewey T. Jones.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

R-951

R29163

September 6, 1950

Mr. A. L. Merrill
Attorney at Law
Pocatello, Idaho

Dear Mr. Merrill:

Enclosed is copy of the decision of the State Reclamation Engineer in the matter of the application of the Malad Reservoir Company and the protest by Dewey T. Jones.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

R-857

R29183

September 6, 1950

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

Dear Mr. Ray:

Enclosed is copy of the decision of the State Reclamation Engineer in the matter of the application of the Malad Reservoir Company and the protest by Dewey T. Jones.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

R-857

September 6, 1950

Re: Application No. R-29183

Dr. D. C. Ray, President,
Malad Reservoir Company,
Pocatello, Idaho

Dear Dr. Ray:

We are enclosing the decision of the State Reclamation Engineer in the matter of your application for permit and the protest by Dewey T. Jones.

Permit will be issued and sent you within a few days.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

R-957

September 18, 1950

Re: Permit No. R-857

Dr. D. C. Ray, President
Malad Reservoir Company
Pocatello, Idaho

Dear Dr. Ray:

We enclose Permit No. R-857 of the Malad Reservoir Company, and direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer, with special reference to the requirement that a Bond in the sum of $1,000.00 be filed on or before November 11, 1950.

Before any additional work is done on the dam, plans and specifications must be submitted for approval by this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-857

# B O N D

KNOW ALL MEN BY THESE PRESENTS: That Malad Reservoir Company of Malad, Idaho as principal, and J.H.Dredge and Morgan W? Tovey assuretie̊s, are held and firmly bound unto the State of Idaho in the full and just sum of One thousand dollars ---------- ($1000.00 ) Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, said principal and sureties bind themselves, their heirsmadministrators, executons and assigns, jointly and severally , under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the 29thday of April , 1950, filed in the office of the Commissioner of Reclamation in Boise, Idaho, a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. R29183 , in accordance with which said application the Commissioner of Reclamation granted and issued to the said principal herein a certain permit numbered No. R 857 , a full and true and complete copy of which application No. R 29183 and permit No. R 857 is of record in the office of the Commissioner of Reclamation in Book _____ of Permits, at Page _____

Now, if the above bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. R 29183 , in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise to remain in full force and effect

In Witness Whereof, The said principal and sureties have hereunto set their hands and deals this 6th day of November , 195_0

Witnesses:

J E Ray

(Corporate Seal)

By Malad Reservoir Company (Seal)

D C Ray President

J H Dredge (Seal) Surety

Morgan W. Tovey (Seal) Surety

State of Idaho
County of Oneida, ss

J. H. Dredge of Malad, Idaho and

Morgan W. Tovey of Malad, Idaho whose names are subscribed to the within and foregoing obligation as sureties thereto, each being duly sworn, upon oath for himself deposes and says:

That he is a resident and freeholder of the State of Idaho, and that he is worth the sum named in said obligation, to-wit: $1,000.00, over and above all his debts and liabilities, exclusive of property exempt from execution

Morgan W. Tovey

J H Dredge

Subscribed and sworn to before me this 6th day of November 1950

D E Ray Notarypublic

R-857

NOV 10 1950
Department of Reclamation

Ray & Scott
Attorneys
Malad City
Idaho

November 9, 1950

Mr. Mark R. Kulp, Commissioner of Reclamation,
Boise, Idaho

Dear Mr Kulp:

Enclosed is bond for $1,000.00 in compliance with requirements of Permit No. R 857- Malad Reservoir Company

Very truly

Ray & Scott

Ray

R-857

November 10, 1950

Re: Permit No. R-857

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

Dear Mr. Ray:

We acknowledge receipt of your letter of November 9, 1950, enclosing Bond for $1,000.00 in connection with Permit No. R-857 of the Malad Reservoir Company.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

R-857

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

R-857

# MEMORANDUM

April 5, 1951

Subject Elk Horn Reservoir.

File

The Elk Horn Dam was inspected in company with Morgan Tovey and Lawrence Jones. The gates on the dam had been closed the day before and barely enough water to keep the fish alive was going downstream below the dam. We started to go up around the reservoir to see how much was coming in, but the water level had already risen and the road was entirely submerged just a short way above the dam, so we did not make the trip.

In about three weeks an inspection would give more information on the success of their clay blanketing operations. They figure that they may have the job complete at the present. They stated that approximately $90,000.00 has been expended during this repair work.

E. N. HUMPHREY
Deputy State Reclamation Engineer

R-857

STATE OF IDALO
DEPARTMENT OF
RECLAMATION

**Notice of application for Permit to Construct a Reservoir and Store and appropriate the Public Waters of the State of Idaho, in accordance with the provisions of Section 42-203, Idaho code.**

NOTICE IS HEREBY GIVEN—that on the 29th day of April, 1950, the MALAD RESERVOIR COMPANY of Ogden, Utah, acting through Dr. D. C. Ray, president, Pocatello, Idaho, made application number 29183 to construct a reservoir and store and appropriate 15,330 acre feet of the waters of the Little Malad River, a tributary of the Big Malad River, for irrigation and domestic use.

That the point of outlet of said reservoir is located S. 25° 32' E. 3324 feet distant from the NW corner of Sec. 7, Twp. 13 S., Rge. 35 E.B.M., and is in the NE¼ SW¼ of Sec. 7, Twp. 13 S., Rge. 35 E.B.M., County of Oneida.

That the place of use of said water is 21,304.55 acres located in the following sections: Sections 33 and 34, Township 13 S., Range 35 E.B.M., Sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, and 36, Township 14 S., Range 35 E.B.M. Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 29, 30, 31, and 32, Township 14 S., Range 36 E.B.M.

That any protest against the approval of this application must be filed in the Department of Reclamation within forty (40) days from the date of this Notice: such protest shall state the name and address of the protestant and shall clearly set forth his objections to the approval of said application.

Dated this 4th day of May, 1950.

MARK R. KULP
State Reclamation Engineer

Date of first publication: May 11, 1950. Date of last publication: May 25, 1950. Last day of protest: June 13, 1950.

SERVICE OF THE FOREGOING, by copy, is hereby admitted this 5th day of May, 1950.

MALAD RESERVOIR CO.
By D. C. RAY, President

# Affidavit of Publication

State of Idaho
County of Oneida } ss.

Sylvia Stratton being first duly sworn on her oath, states: That she 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 seventeen 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 3 successive weekly issues thereof the date of the first publication being the 11 day of May 1950, the date of the last publication being the 25 day of May, 1950.

Sylvia Stratton

Subscribed and sworn to before me this 27 day of May 1950.

D. C. Ray

Notary Public, residing at Malad, Idaho

My Commission expires the 20 day of January 1951.

COSTS: 63 lines at 10c per line first insertion $ 6.30
5c per line each subsequent insertion $ 6.30
TOTAL $ 12.60

R-851

D. C. RAY, M. D.

F. M. RAY, M. D.

Drs. Ray & Ray
Pocatello, Idaho

RECEIVED
AUG 9 1951
Department of Reclamation

August 8, 1951

Mr. R. L. Kulp
State Reclammation Department
Boise, Idaho

Dear Mr. Kulp:

Please let me know the status of the Malad Reservoir Company as to the amount of time we now have for completion of works.

Very truly yours,

D C Ray

D. C. Ray, President
Malad Reservoir Co.

DCR:md

R-857

August 10, 1951

Re: Permit Nos. R-857 and 19645

Dr. D. C. Ray, President
Malad Reservoir Co.
Pocatello, Idaho

Dear Sir:

In answer to your letter of August 8, in which you requested the status of the Malad Reservoir Company filing relative to completion of works. We are listing below, the status of two permits in the name of the Malad Reservoir Company as follows:

Permit No. R-857, located- Little Malad River, Amount- 15,330 acre feet, filed April 29, 1950, completion of works due September 11, 1953.

Permit No. 19645, amount- 16 cubic feet per second, source- Big Malad River, completion of works due June 16, 1950.

Hoping this is the information requested.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

T:fg

R-857

Form No. 7

# State of Idaho

## DEPARTMENT OF RECLAMATION

BOISE

July 1, 1953

## INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Malad Reservoir Company
C/o Dr. D. C. Ray
Pocatello, Idaho

Boise, Idaho,

Dear Sir:—

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. R-857.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before September 11, 1953. Upon receipt of the blank properly filled out, notice of publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application is made, as it only confirms the completion of the 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.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

R-857

FORM NO. 4 — REGISTER PTG. & PUB. CO., IDAHO FALLS, IDAHO 12193

Permit No. R-857

# Application for Extension of Time

## FOR COMPLETION OF WORKS

Jesse H. Dredge, of Malad

State of Idaho, being first duly sworn, upon his oath deposes and says:
President of the Malad Reservoir Co.

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. R-857

Under the terms and conditions of said permit, construction work thereunder was required to be completed by September 11, 1953

That he has heretofore performed the following work described under said permit:

A large amount of work has been done in reconstruction of the outlet gates, levelling, and covering the leaks with clay , etc.

costing $ 80,000.00

THAT he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

Want to make further investigations of the leaky area before proceeding further with the work.

State Reclamation Engineer

WHEREFORE, He asks that the ~~Commissioner of Reclamation~~ extend the time for the completion of construction work under said permit, to September 11, 1955

Jesse H. Dredge.

Subscribed and sworn to before me this 15 day of July, 1953

Nile Hamblin
Boise, Idaho Notary Public.

My commission expires 3-5-55

Date of receipt at Department of Reclamation.

STATE RECLAMATION ENGINEER

APPROVAL OF ~~Commissioner of Reclamation~~
State Reclamation Engineer

I, Mark R. Kulp, ~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. R-857 to September 11, 1955

Witness my hand this 15th day of July, 1953

Mark R Kulp
~~Commissioner of Reclamation~~
State Reclamation Engineer

By R-857

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
Pocatello, Idaho

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.

December 8, 1954

RECEIVED
DEC 9 1954
Department of Reclamation

Mr. Mark Kulp
State Reclamation Commissioner
Boise, Idaho

Dear Mr. Kulp:

We are representing Mr. Carol D. Jones, who, together with Ivan Schwartz, purchased all the right, title and interest of the Malad Reservoir, particularly the permit No. R889 which we understand was approved by the State Reclamation Engineer on December 3, 1952. We understand further that final proof must be made before September, 1955, and we do not have a copy of this permit. We would appreciate having your Department furnish us with a copy, and if you will let us know what the costs would be, we will send you a check covering the same.

We realize that the amount of water that the Reservoir was constructed to hold has been defective, and that only a small portion of the water can be impounded, and this, of course, would be the extent that our clients could establish under the permit. Any suggestions you have as to how we could handle the matter to the end that our clients may acquire whatever right to store the unappropriated waters would be appreciated.

Wish to say that this firm has had nothing to do with the Reservoir or its permit and, of course, is not familiar with what has taken place in the past. Nor did we have anything to do with the sale made of the Reservoir to Jones and Schwartz. Carol D. Jones just discussed the matter yesterday with me, and, of course, as a farmer and purchasing the land, a good portion of it would have been covered by the impounded waters had the Reservoir been able to hold water as originally planned. Of course, he could not give us too much information, and that is the reason we would like whatever help your Department can give us.

Yours truly,

JONES, POMEROY & JONES

BY Ralph H. Jones

RHJ:g

R-857

December 10, 1954

RE: Permit No. R-889
Permit No. R-857

Jones, Pomeroy & Jones
Central Bldg.
Pocatello, Idaho

ATTENTION: Mr. Ralph H. Jones

Dear Mr. Jones:

There are two current reservoir Permits in the name of the Malad Reservoir Co. Permit No. R-857 with the dam in Section 7, Township 13 North, Range 35 East B. M., 15,330 acre feet, filed April 29, 1950, and the 5 years will be up in 1955. This is the Elkhorn Reservoir and the dam has been constructed to some height for some years and many attempts have been made to keep the Reservoir from leaking.

Permit No. R-889 is also in the name of the Malad Reservoir Co. for 6,250 acre feet in Section 26, Township 12 South, Range 34 East B. M. filed May 20, 1952, with proofs due in 1957. This is an earth and rock fill dam and probably no work has been done on it.

If we assume that Jones and Schwartz have bought, and intend to complete proofs on R-857, we would suggest that assignments be secured and recorded in this office from the record owners. (Malad Reservoir Co.) through intermediate owners to the present owners, as no certificate can be issued to any one but the record holder of the permit.

Then the Permit should be amended to change the appurtenancy (land list) to that which it is intended to irrigate. Amendment could also be made to reduce the capacity to what it is expected to store. R-857 now has a claimed capacity of 15,330 acre feet and R-889 has a capacity of 6,250 acre feet.

We assume you want a copy of R-857 and we are sending that, for which you may remit $2.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:ou
Enc.

R-857

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
Pocatello, Idaho

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.

December 13, 1954

R-857

RECEIVED
DEC 14 1954
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Mr. Kulp

Dear Sir:

In compliance with your letter of December 10, 1954, we are enclosing herewith our check in the sum of $2.00. This is for copy of permit R-857.

Yours truly,

JONES, POMEROY & JONES

BY:

Ralph H. Jones

RHJ:g
Enc.

R-27101

R-857

RECEIVED
JAN 24 1955
Department of Reclamation

January 21, 1955

Mark R. Kulp
Department of Reclamation
Boise, Idaho

Dear Sir:

Herewith enclosed is original and copy of Notice of Proof of Completion of Works and Application of Water to Beneficial Use to be published in the Idaho Enterprise at Malad.

Yours truly,

Carol D. Jones.

P-957

January 24, 1955

RE: Permit No. R-857

Carol D. Jones
Malad
Idaho

Dear Mr. Jones

We enclose your application for amendment to the land list in Permit No. R-857 which has been approved by the State Reclamation Engineer and recorded in this Department.

We have sent to the Malad Enterprise notice for completion of works and beneficial use proof to be made on this Permit March 4, 1955, with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication together with statement of costs.

At the time set for these proofs you should appear before Mr. John H. McAllister, Notary Public, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder for the purpose of executing the depositions which were handed to your father when he was in the office a few days ago.

You understand of course that separate proofs must be made for completion of works and for beneficial use. Completion of Works proofs are to be made on Forms 14-R and 15-R and the beneficial use proofs on Forms 16 and 17.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.

R-857

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Jan. 18-1933

(P. O.) Boise, 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 Idaho Enterprise of Malad, Idaho published in the county in which the works are situated.

Carol D. Jones.
Dewey T. Jones.

(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.

R. 857

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at _____ M., on the _____ day of _____, 19___, at Malad, County of Oneida, State of Idaho, before _____, proof will be submitted of the completion of works for the storage and diversion of 15,330 acre feet per annum of the waters of Little Malad River and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. R-857 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding said permit are CAROL D. JONES - Malad, Idaho

2. Said works of storage and diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of storing and conveying to the place of use, in accordance with the plans accompanying the application for such permit, is 15,330 acre feet per annum.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 15,330 acre feet per annum.

4. The place where said water is used is $SW\frac{1}{4}NE\frac{1}{4}$, Lots 1 and 2, $E\frac{1}{2}NW\frac{1}{4}$ Section 7, Township 13 South, Range 35 East, B.M. and $NE\frac{1}{4}$ Section 12, Township 13 South, Range 34 East, B.M.

5. The date of priority which said user is prepared to establish is April 29, 1950.

State Reclamation Engineer

R-857

NOTICE OF PROOF OF COMPLETION OF WORKS
and
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11 A.M., on the fourth day of March, 1955, at Malad, County of Oneida, State of Idaho, before Notary Public John H. McAllister, proof will be submitted of the completion of works for the storage and diversion of 15,330 acre feet per annum of the waters of Little Malad River and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. R-857 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding saidpermit are CAROL D. JONES - Malad, Idaho.

2. Said works of storage and diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of storing and conveying to the place of use, in accordance with the plans accompanying the application for such permit is 15,330 acre feet per annum.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 15,330 acre feet per annum.

4. The place where said water is used is SW¼NE¼, Lots 1 and 2, E½NW¼ Section 7, Township 13 South, Range 35 East, B.M. and NE¼ Section 12, Township 13 South, Range 34 East, B.M.

5. The date of priority which said user is prepared to establish is April 29, 1950.

MARK R. KULP
State Reclamati Engineer

R-857

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permit No. R-857

Date: January 24, 1955

Idaho Enterprise

Malad, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to March 4, 1955 the date set for proof, the expense of the publication to be paid by the applicant, Carol D. Jones of 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

R-857

The IDAHO ENTERPRISE

CLYDE & MARION HANSON, PUBLISHERS

PHONE 40 31 COURT ST.

MALAD CITY, IDAHO

Jan. 28, 1955

Mark R. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Sir:-

This is to acknowledge your letter of Jan. 24 and to inform you that the notice for Carol D. Jones will be published Feb. 3,10, 17 and 24 and a paper of Feb. 23 will be mailed to your office.

Yours respectfully,

Clyde Hanson

Clyde Hanson

RECEIVED
JAN 31 '55
Department of Reclamation

R-857

January 31, 1955

5/15330
3066

COPY

RE: Permit No. R-857

Idaho Enterprise
Malad
Idaho

Gentlemen:

We have your letter of January 28 acknowledging notice for publication on Permit No. R-857 of Carol D. Jones.

We note by your statement that a copy of your issue of February 23 will be mailed this office, doubtless this is a typegraphical error as we have requested a copy of your first issue containing notice which would be February 3.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

Chief Clerk

Aicu

R-857

# NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11 A.M. on the fourth day of March, 1955, at Malad, County of Oneida, State of Idaho, before John H. McAllister, Notary Public, proof will be submitted of the completion of works for the storage and diversion of 15,330 acre feet per annum of the waters of Little Malad River and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. 2-857 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding said permit are CAROL D. JONES, Malad, Idaho.

2. Said works of storage and diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of storing and conveying to the place of use, in accordance with the plans accompanying the application for such permit is 15,330 acre feet per annum.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 15,330 acre feet per annum.

4. The place where said water is used is SW¼NE¼, Lots 1 and 2, E½NW¼ Section 7, Township 13 South, Range 35 East, B.M. and NE¼ Section 12, Township 13 South, Range 34 East, B.M.

5. The date of priority which said user is prepared to establish is April 29, 1950.

MARK R. KULP
State Reclamation Engineer

2-3-25 t4

2-3-55 R-857

RECEIVED
FEB 26 1955
Department of Reclamation

St John Irrigsting Company
Malad City
RFD#1
Idaho

February 2k, 1955

Hon. Mark R. Kulp,
State Engineer,
Boise, Idaho

Dear sir:

ThisCompany notes that on March 4, 1955, before John H. McAllister, proof will be submitted of the completion of works for the storage and diversion of 15,330 acre feet per annum of the waters of Little Malad River and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. R-857 of the Department of Reclamation of the State of Idaho, by Carol D. Jones for irrigation and domestic purposes

It is alleged in said notice that the place where said water is used is NW¼NE¼, Lots 1 and 2, Sec. 7, Tp. 13 S. R. 35 EBM, and NE¼ Sec. 12, Tp. 13 S. R. 34 EBM, and that the date of the priority is April 29, 1950

This Company, as your department probably is aware, has an old established right to all of the flow of Little Malad River during the irrigation season, which season's length depends upon the mildness or backwardness of each season. In addition it has by long usage established a right during the fall, winter and spring, or during the non-irriation season to 250 miners inches of the flow of this stream for stock and domestic purposes

This Company does not enter a statutory protest against this applicant, or ask for a hearing at this time; however it wishes to wall the attention of the department to certain facts which should be taken into consideration in this matter.

Carol D. Jones is the assignee of the Malad Reservoir Co and has a dam constructed below the land which he wishes to apply the water to a beneficial use by impounding said water on said land, and in order that the beneficial use could apply he must perforce drain this water off the land in the spring. If thisdrainage is made gradually it would, no doubt, not damage any part of the main channel of the Little Malad River However, if it is drained out in qauntity permissable by opening the gate of the dam to its widest the rush of the water will damage the channel and banks of the River and also will overlfow its banks and damage road, canals and farm lands below the dam This was made manifest some 5 or 6 years ago when some one( it is not known whom) opened the gate at the dam and permitted this water to rush down the channel of the River and overflow its banks causing extensive damags to roads, canals and farm lands below ... Aside from this, does the department consider the impounding of water during non-irrigating season on land and its drainage at the beginning of the regular irrigating season full beneficial use of such water or any beneficial use at all as this term is used in a legalsense? If this applicant was applying the impounded water to land below the dam during the irrigating seasons, and thus making full use of this water during the growing season of crops on such land, there is no doubt that subh application would be very beneficial; however to permit impounding water during winter season and drainage at the beginning of the irrigating season, and thus establishing the proposition that this is

R-857

beneficial use of water, appears to this Company and its stockholders to be stretching the meaning of the words "beneficial use".

There appears to be several leaks in this reservoir site behind of the dam of the applicatn, so that it will not be possible to impound water to the extent of 15,330 acre feet The reservoir site to permit the impounding of such amount of water would cover a great deal of land in addition to that described in the application, so that, to allow the applicant a water license of 15,330 acre feet would not be at all fair or proper under this set up

Then again, there are dam sites above as well as below this applicant's dam, which may be utilized at any time by this Company or by some one else wishing to impound and made beneficial use of the waters of the Little Mala d River, Full beneficial use of the waters of this river is the object of the State of Idaho. If this applicant is permitted such slight beneficial use of this water as set forth in his applicatoon, the result will be to discourage others from attenpting to construct dams and reservoirs to make full beneficial use of such waters

By Order of the Board of Directors

Oscar Larson President

R-837

February 26, 1955

Permit No. R-857

Mr. Oscar Larson, President
St. John Irrigating Company
Route # 1
Malad, Idaho

Dear Mr. Larson:

I have your letter of February 21, 1955, calling attention to certain aspects of the situation on the Little Malad River and their relation to proofs to be made under Permit No. R-857.

The St. John Irrigating Company undoubtedly has some rights to the use of the waters of Little Malad River, but they are not a matter of official record in this office and if they are eventually declared prior to April 29, 1950, any Certificate or License that might be issued by this Department would be subject to those rights.

I am reluctant to the answering of your question as to what constitutes Beneficial Use, as we do not yet have the proofs, and no decision will be made until after the proofs are received and analyzed and a field inspection made by the Department.

Proofs of Completion of Works can be made separately and could result in a Certificate of Completion of Works of a certain capacity independent of proofs of application to Beneficial Use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:cu

R-857

Rt. 1 - Malad

St. John, Idaho; Feb. 26th. 1955

Dept. of Reclamation of Idaho
State Reclamation Engineer Mark R.Kulp
Idaho State Capital Bld.
Boise, Idaho;

Dear Commissioner and Engineer; Mark R. Kulp;

Inclosed please find our Protest to the proof and and application of one Carol D. Jones under Permit No R-857, advertised in the Idaho Enterprise a news-paper of general circulation, in Malad City, and Oneida County Idaho; which we are protesting, as per Protest herewith inclosed, which please receipt and oblige.

Ypurs truly

ST JOHN IRRIGATING COMPANY, an Ida Corp;

By Nelson Johnsen Nelson Jensen; Secty

Registered and
receipt requested.

RECEIVED
MAR - 1 1955
Department of Reclamation

R-857

March 1, 1955

RE: Permit No. R-857

St. John Irrigating Company
C/o Weldon Jensen, Secretary
Route 1
Malad, Idaho

Dear Mr. Jensen:

We acknowledge receipt of your letter of February 26, 1955, enclosing protest in connection with proofs of completion of works and beneficial use on Permit No. R-857 in the name of Carol D. Jones.

This protest has been placed on file and will be given due consideration.

Very truly yours,

MARK R. ELLP
State Reclamation Engineer
By

Chief Clerk

A:hll

R-857

Oneida County, Idaho
John H. McAllister
CLERK OF DISTRICT COURT AND EX-OFFICIO
AUDITOR AND RECORDER
Malad City, Idaho

March 4, 1955

MAR 5 1955
Department of Reclamation

Mark L. Kulp
State Reclamation Engineer
Boise, Idaho

Dear Mr. Kulp:

Herewith enclosed Two Depositions of Carol D. Jones, Holder of Permit R-857.

One Completion of Works.
One Proof Application of Water for Beneficial use.

Two Depositons of Witness, George Burrie.

One Proof of Application of Water for Beneficial use.
One Proof Completion of works.

Two Depositions of Witness, Claude Kent.

One Proof Application of water for Beneficial Use.
One Proof Completion of Work.

Affidavit of Publication of Notice of Proof of Completion of Work and Application of Water for Beneficial use. Published in Idaho Enterprise, a Newspaper of General circulation in Oneida County, Idaho.

Yours Truly,

John H. McAllister
Clerk of District Court.

R-857

March 7, 1955

RE: Permit No. R-857

Mr. Carol D. Jones
Malad
Idaho

Dear Mr. Jones:

We have received from Mr. John H. McAllister the depositions of yourself and two witnesses also affidavit of publication in the Idaho Enterprise all submitted in proof of Completion of Works and Beneficial Use on Permit No. R-857.

In checking these proofs we note that the land description or place of use is described as the SW¼NW¼, W½SW¼, SE¼SW¼ Section 1, Township 13 South, Range 34 East B.M. This does not agree with the land list as amended by you January 18, 1955, and as given in the published notice. The place where the water is used is described as the SW¼NE¼, Lots 1 and 2 and the E½NW¼ Section 7, Township 13 South Range 35 East B.M. and the NE¼ Section 12, Township 13 South, Range 34 East B.M.

If this is an error in the proofs, it can be corrected, but if there is a change in the place of use, the Permit will have to be again amended and this will probably require republication for proof of beneficial use.

We enclose a copy of Protest filed by the St. John Irrigating Company in connection with these proofs. This is for your information and the entire matter will be given careful consideration before final action is taken.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

A:hll
Enc.
cc Mr. John H. McAllister

R-857

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
Pocatello, Idaho

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.

March 7, 1955

RECEIVED
MAR 9 1955
Department of Reclamation

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

Dear Sir:

In respect to Permit No. R857 now owned by Carol D. Jones of Malad, Idaho, the depositions of the holder of said permit and his witnesses were taken at Malad on March 4, 1955 before John H. McAllister, and said depositions were, by John H. McAllister, Clerk of the Court, forwarded to you on March 4, 1955. Mr. Jones has requested me to take up with you when you feel you could get down there to examine this particular project. He would like to have the matter examined the latter part of this month or the forepart of April.

Kindly advise when you feel you will be able to go to Malad.

Yours truly,

JONES, POMEROY & JONES

BY: Ralph H. Jones

RHJ:g

R-857

Jones, Pomeroy & Jones
Lawyers
CENTRAL BLDG.
Pocatello, Idaho

T. D. JONES, DECEASED
C. W. POMEROY, DECEASED
RALPH H. JONES
RALPH H. JONES, JR.

March 11, 1955

RECEIVED
MAR 12 1955
Department of Reclamation

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Mark R. Kulp

Re: Permit No. R-857

Dear Sir:

Your letter addressed to Carol D. Jones of Malad, Idaho dated March 7, 1955 was just brought into the office. Wish to say that all of the depositions forwarded to you incorrectly describe the place of use of said waters, and that the proper description is the description as contained in the published notice, to-wit: $SW\frac{1}{4}NE\frac{1}{4}$, Lots 1 and 2, and the $E\frac{1}{2}NW\frac{1}{4}$ of Section 7, T. 13 S. R. 35 E.B.M., and the $NE\frac{1}{4}$, Section 12, T. 13 S. R. 34, E.B.M.

Wish to say that this office was responsible for the error in said depositions for the reason we did not have before us a map of the property. You will observe from the deposition of the holder of said permit, namely, Carol D. Jones, in answer to Question No. 4 stated that the land that was being irrigated was contiguous to the dam, lying North and East, and, as a matter of fact, some of the land is North and West of the dam.

We do not know how you want these depositions corrected to correctly conform to the facts. Suggest, however, that if this letter is not sufficient to make the depositions conform with the facts, that you send the original depositions to John McAllister, Clerk of the Court at Malad, and we will have the same corrected and have the witnesses and the holder of the permit initial the corrections.

Wish to take this opportunity to thank you very much for sending us a copy of the protest filed by the St. JohnIrrigating Co., and also for calling our attention to the errors in the depositions. We are very sorry that the same arose, but the only thing we can do is have the same corrected.

Yours truly,

JONES, POMEROY & JONES

by Ralph H. Jones

RHJ:g

R-857

March 14, 1955

RE: Permit No. R-857

Mr. John McAllister
Clerk of the Court
Malad, Idaho

Dear Mr. McAllister:

At the suggestion of Messrs. Jones, Pomeroy and Jones we return herewith the depositions of Carol D. Jones and two witnesses, submitted in proof of Completion of Works and Beneficial Use on the above numbered Permit, in order that they may be amended to show the correct location of the land where the water has been applied.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
Enc.
cc - Messrs. Jones, Pomeroy & Jones

R-857

Oneida County, Idaho

**John H. McAllister**

CLERK OF DISTRICT COURT AND EX-OFFICIO
AUDITOR AND RECORDER

Malad City, Idaho

March 17, 1955

Mark R.Kulp
State R clamatiom Engineer
Boise, Idaho

RE: Permit No. R-857

Dear Mr.Kulp:

Enclosed find the depositions of Carol D.Jones and two witnesses, submitted in proof of Completion of Works and Beneficial Use on the above numbered Permit.

The corrections have been made and initialed by the above mentioned parties.

Very truly yours
John H. McAllister
Oneida County Recorder

Enc.
cc-Messrs.Jones, Pomeroy & Jones

RECEIVED
MAR 18 1955
Department of Reclamation

R-857

March 18, 1955

RE: Permit No. R-857

Messrs. Jones, Pomeroy & Jones
Central Building
Pocatello, Idaho

ATTENTION: Mr. Ralph H. Jones

Dear Mr. Jones:

We have received from Mr. John H. McAllister, the corrected depositions of Carol D. Jones and two witnesses in completion of works proof on the above numbered permit which completes the proof.

We cannot state at this time just when Mr. Humphrey can make the inspection but he will try and make it sometime early this spring.

As you know, a protest was filed by the St. John Irrigating Company and these matters will all have to be given careful consideration before final action is taken.

Mr. Humphrey will contact Mr. Jones at the time he makes the inspection so that arrangements may be made to show him over the project.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hll
cc - Mr. John H. McAllister

R-857

March 19, 1956

RE: Permit No. R-857

Mr. Carol D. Jones
Malad
Idaho

Dear Mr. Jones:

Inspection is required in connection with any Permit being brought to license in the State of Idaho. Unless hindered by bad weather, I intend to make inspection about noon or shortly thereafter March 27, in connection with your Permit No. R-857.

Please be prepared to accompany me on the inspection. I shall try to contact you as soon as I arrive in Malad.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:hll

R-857

PROTEST

TO THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO: AND STATE RECLAMATION ENGINEER: MARK R. KULP:

In the matter of notice of proof of completion of works and application of water to beneficial use; at 11 A. M. on March 4th, 1955 at Malad, Oneida County, Idaho Before John H. McAllister, Notary Public, for storage and diversion of 15, 330 acre feet per annum of the waters of Little Malad River, in accordance with permit No. R-857 issued by the Department of Reclamation of State of Idaho, to Carol D. Jones, Malad, Idaho, person holding said permit, as per NOTICE thereof published in "Idaho Enterprise" a news-paper of general circulation, in Malad City, Idaho, and in Oneida County, Idaho;

COMES NOW, the undersigned, the St. John Irrigating Company, a corporation of Idaho, with its principal place of business at St. John, Oneida County, Idaho; AND PROTESTS, the "Notice of proof of completion of works and application of water to beneficial use", of Carol D. Jones of Malad, Idaho, for permission of storage and diversion of 15,330 acre feet, per annum of the waters of "Little Malad River" and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. R-857; upon the lands for storage, diversion and beneficial use described in said notice; and IN OPPOSITION THEREOF sets forth the reasons; as follows:

1. That the full knowledge of the Protestant, the St. John Irrigating Company, the lands of intended storage, the NE¼ of Section 12, Township 13 South, Range 34 East, B. M.; and SW¼NE¼: lots 1 and 2; E½NW¼ Sec. 7, Twp. 13 South, Rge. 35 East, B. M.; is a character of soil and land that will not hold water as a storage Reservoir SITE; as said identical land has been attempted to store water thereon, continuously at different periods, since year 1918 when large concrete dam was erected at the South and outter edge of above described lands, and still remain there, now, as originally built, but said Dam and Site would never hold water; and was never completed; and, is not now completed to successfully hold water, in any amounts.

2. That to Protestants knowledge, the Claiment or applicant hereof, Carol D. Jones, under said permit No. R-857, has not constructed, or attempted to construct or build, any Dam to hold water, on above described lands as described in his notice; or near the same; and therefore cannot store said amount of water without building a Dam to store the same, which applicant has not done; and could not store water in any form; EXCEPT temporally, by using above said uncompleted ~~un~~successful concrete Dam;as has been previously shown, prior to April 29th, 1950, and demonstrated, in excess of from 800 to 1500 acre feet, by use of above unfinished concrete Dam and with full flow of all Little Malad River water, together with its run off, if any; AND THEREFORE IS ONLY A SITE TO LOOSE THESE VALUABLE UN-APPROPRIATED WATERS: as has been shown many times, by the perforation character of the under-ground of the above described lands, which has shown and proven any number of times, that the site will not hold water; and, therefore is not a responsible site; for our good STATE OF IDAHO'S un-appropriated waters to be wasted upon; and for this reason in itself, would not justify applicant's permit for what he is asking. And, further, Protestant alleges, applicants priority date of April 29th, 1950, by reason of above facts, is a questionable priority, which could not be established by reason thereof.

3. That applicant also states place of intended use of said waters is also on the above described lands; and how can applicants storage and beneficial use be applied for waters on same lands, when he has built no storage or Dams to hold; or divert waters on said lands; if for any other reason than mere flooding of his farm lands with temporary use of said concrete Dam. And this would be another reason for rejection of applicants permit; in using un-appropriated waters of the State of Idaho.

4. That the ordinary and seasonally irrigation seasons of the Protestants Company waters, which are all the natural flows of Little Malad River, and its tributaries, are and have been for all the past life of this St. John Irrigating Company, from March 15th to October 15th of each and every year; and, have been in many seasons from March 1st to November 1st of each year, and generally not later than March 15th to begin its irrigation season each year, which requires the headgates of said concrete Dam to be opened for the full natural flow of Little Malad River and its tributaries belonging to the Protestant; and in addition to this there is an acquired and established usage domestic cullinary right for stockwatering purposes for sufficient water for the use of its stockholders to be in the natural channel of Little Malad River, during all the non-irrigating season, each year.

R-857

5. That it is to the knowledge of the Protestant, and all its members that during the times since 1918 when all the waters of Little Malad River and its tributaries with the run-off, including the amount of water stored on this same aforesaid described lands site of applicant; has never exceeded a possible storage of water, taken on an average, of over 800 to 1500 acre feet.

6. That further to the knowledge of the Protestant, when the aforesaid acre feet of storage, has been stored on the site of the described lands, in applicants Notice, and as hereinbefore described, and at the times of said storage since 1918 including the time applicant holds said site; and at the time the irrigating season of Protestant begins; and when the said Concrete Dam headgates have to be opened to let the natural flow of the Little Malad River and its tributaries waters, through the said Dam, which are the waters of the Protestant; the said stored waters seem to vanish in the seemingly perforation character of the land on which the water was attempted to be stored; and this amount of stored water vanishes some-where in say 15 to 20 days, after the headgates are opened to let the natural flow of the Protestants waters through said concrete Dam.

7. That Protestant further alleges that we have no knowledge of any of these aforesaid stored waters; ever having been beneficially used for agricultural or domestic purposes; and taken through said concrete storage Dam herein mentioned and referred to; or any canals, or Ditches to convey said stored waters from said site and below or above said concrete Dam; ever having been made, for conveying any stored waters therein.

8. That to the knowledge of the Protestant, for each and every year since priority date of applicant April 29th, 1950 crops of grains have been raised on said described lands of applicant as described herein. And also for a number of years prior to April 29th, 1950 crops of grains have been raised on said described lands.

9. That Protestant hereby further alleges that no good can be accomplished or come from the appropriation of this vast amount of 15,330 acre feet of storage water of the Little Malad River, under the applicants permit and Notice of proof of completion of works and application of said amount of water to beneficial use as set forth by applicant; for the foregoing reasons and allegations herein set forth by Protestant, the St. John Irrigating Company, an Idaho Corporation.

WHEREFORE PROTESTANT prays that the Department of Reclamation of the State of Idaho, and the State of Idaho Reclamation Engineer, deny and cancel applicants Permit No. R-857 and issue an order denying and cancelling applicants (Carol D. Jones, Malad, Idaho) "Notice of proof of completion of works and application of water to beneficial use" as applied for and advertised.

WITNESS our hands this the 26th day of February 1955 by unanimous vote and authority of the Board of D irectors of the St. John Irrigating Company, an Idaho Corporation.

ST. JOHN IRRIGATING COMPNAY
By OSCAR LARSON Oscar Larson Its Pres.

By WELDON JENSEN Weldon Jensen; Its Secretary

(SEAL)

Subscribed and acknowledged before me this the 26th day of February, 1955.

BILL FALLIS
Bill Fallis: PROBATE JUDGE OF ONEIDA COUNTY, IDAHO.

R-857

# PROTEST

TO THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO: AND STATE RECLAMATION ENGINEER: MARK R. KULP:

In the matter of notice of proof of completion of works and application of water to beneficial use; at 11 A. M. on March 4th, 1955 at Malad, Oneida County, Idaho Before John H. McAllister, Notary Public, for storage and diversion of 15, 330 acre feet per annum of the waters of Little Malad River, in accordance with permit No. R-857 issued by the Department of Reclamation of State of Idaho, to Carol D. Jones, Malad, Idaho, person holding said permit, as per NOTICE thereof published in "Idaho Enterprise" a news-paper of general circulation, in Malad City, Idaho, and in Oneida County, Idaho;

COMES NOW, the undersigned, the St. John Irrigating Company, a corporation of Idaho, with its principal place of business at St. John, Oneida County, Idaho; AND PROTESTS, the "Notice of proof of completion of works and application of water to beneficial use", of Carol D. Jones of Malad, Idaho, for permission of storage and diversion of 15,350 acre feet, per annum of the waters of "Little Malad River" and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. R-857; upon the lands for storage, diversion and beneficial use described in said notice; and IN OPPOSITION THEREOF sets forth the reasons; as follows:

1. That the full knowledge of the Protestant, the St. John Irrigating Company, the lands of intended storage, the $NE\frac{1}{4}$ of Section 12, Township 13 South, Range 34 East, B. M.; and $SW\frac{1}{4}NE\frac{1}{4}$: Lots 1 and 2; $E\frac{1}{2}NW\frac{1}{4}$ Sec. 7, Twp. 13 South, Rge. 35 E. East, B. M.; is a character of soil and land that will not hold water as a storage Reservoir SITE; as said identical land has been attempted to store water thereon, continuously at different periods, since year 1918 when large concrete dam was erected at the South and outter edge of above described lands, and still remain there, now, as originally built, but said Dam and Site would never hold water; and was never completed; and, is not now completed to successfully hold water, in any amounts.

2. That to Protestants knowledge, the Claiment or applicant hereof, Carol D. Jones, under said permit No. R-857, has not constructed, or attempted to construct or build, any Dam to hold water, on above described lands as described in his notice; or near the same; and therefore cannot store said amount of water without building a Dam to store the same, which applicant has not done; and could not store water in any form; EXCEPT temporally, by using above said uncompleted ~~un~~-successful concrete Dam;as has been previously shown, prior to April 29th, 1950, and demonstrated, in excess of from 800 to 1500 acre feet, by use of above unfinished concrete Dam and with full flow of all Little Malad River water, together with its run off, if any; AND THEREFORE IS ONLY A SITE TO LOOSE THESE VALUABLE UN-APPROPRIATED WATERS: as has been shown many times, by the perforation character of the under-ground of the above described lands, which has shown and proven any number of times, that the site will not hold water; and, therefore is not a responsible site; for our good STATE OF IDAHO'S un-appropriated waters to be wasted upon; and for this reason in itself, would not justify applicant's permit for what he is asking. And, further, Protestant alleges, applicants priority date of April 29th, 1950, by reason of above facts, is a questionable priority, which could not be established by reason thereof.

3. That applicant also states place of intended use of said waters is also on the above described lands; and how can applicants storage and beneficial use be applied for waters on same lands, when he has built no storage or Dams to hold; or divert waters on said lands; if for any other reason than mere flooding of his farm lands with temporary use of said concrete Dam. And this would be another reason for rejection of applicants permit; in using un-appropriated waters of the State of Idaho.

4. That the ordinary and seasonally irrigation seasons of the Protestants Company waters, which are all the natural flows of Little Malad River, and its tributaries, are and have been for all the past life of this St. John Irrigating Company, from March 15th to October 15th of each and every year; and, have been in many seasons from March 1st to November 1st of each year, and generally not later than March 15th to begin its irrigation season each year, which requires the headgates of said concrete Dam to be opened for the full natural flow of Little Malad River and its tributaries belonging to the Protestant; and in addition to this there is an acquired and established usage domestic cullinary right for stockwatering purposes for sufficiant water for the use of its stockholders to be in the natural channel of Little Malad River, during all the non-irrigating season, each year.

5. That it is to the knowledge of the Protestant, and all its members that during the times since 1918 when all the waters of Little Malad River and its tributaries with the run-off, including the amount of water stored on this same aforesaid described lands site of applicant; has never exceeded a possible storage of water, taken on an average, of over 800 to 1500 acre feet.

6. That further to the knowledge of the Protestant, when the aforesaid acre feet of storage, has been stored on the site of the described lands, in applicants Notice, and as hereinbefore described, and at the times of said storage since 1918 including the time applicant holds said site; and at the time the irrigating season of Protestant begins; and when the said Concrete Dam headgates have to be opened to let the natural flow of the Little Malad River and its tributaries waters, through the said Dam, which are the waters of the Protestant; the said stored waters seem to vanish in the seemingly perforation character of the land on which the water was attempted to be stored; and this amount of stored water vanishes some-where in say 15 to 20 days, after the headgates are opened to let the natural flow of the Protestants waters through said concrete Dam.

7. That Protestant further alleges that we have no knowledge of any of these aforesaid stored waters; ever having been beneficially used for agricultural or domestic purposes; and taken bhrough said concrete storage Dam herein mentioned and referred to; or any canals, or Ditches to convey said stored waters from said site and below or above said concrete Dam; ever having been made, for conveying any stored waters therein.

8. That to the knowledge of the Protestant, for each and every year since priority date of applicant April 29th, 1950 crops of grains have been raised on said described lands of applicant as described herein. And also for a number of years prior to April 29th, 1950 crops of grains have been raised on said described lands.

9. That Protestant hereby further alleges that no good can be accomplished or come from the appropriation of this vast amount of 15,330 acre feet of storage water of the Little Malad River, under the applicants permit and Notice of proof of completion of works and application of said amount of water to beneficial use as set forth by applicant; for the foregoing reasons and allegations herein set forth by Protestant, the St. John Irrigating Company, an Idaho Corporation.

WHEREFORE PROTESTANT prays that the Department of Reclamation of the State of Idaho, and the State of Idaho Reclamation Engineer, deny and cancel applicants Permit No. R-857 and issue an order denying and cancelling applicants (Carol D. Jones, Malad, Idaho) "Notice of proof of completion of works and application of water to beneficial use" as applied for and advertised.

WITNESS our hands this the 26th day of February 1955 by unanimous vote and authority of the Board of Directors of the St. John Irrigating Company, an Idaho Corporation.

ST. JOHN IRRIGATING COMPNAY
By OSCAR LARSON Oscar Larsen Its Pres.

By WELDON JENSEN Weldon Jensen; Its Secretary

(SEAL)

Subscribed and acknowledged before me this the 26th day of February, 1955.

BILL FALLIS
Bill Fallis: PROBATE JUDGE OF ONEIDA COUNTY, IDAHO.

PROTEST

TO THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO: AND STATE RECLAMATION ENGINEER: MARK R. KULP;

In the matter of notice of proof of completion of works and application of water to beneficial use; at 11 A.M on March 4th. 1955 at Malad Oneida County, Idaho, before John F. McAllister, Notary Public, for storage and diversion of 15,330 acre feet per annum of the waters of Little Malad River, in accordance with permit No. R-857 issued by the Department of Reclamation of State of Idaho, to Carol D. Jones, Malad, Idaho, person holding said permit, as per NOTICE thereof published in "Idaho Enterprise" a news-paper of general circulation, in Malad City Idaho, and in Oneida County, Idaho;

COMES NOW, the undersigned, the St. John Irrigating Company, a corporation of Idaho, with its principal place of business at St. John, Oneida County, Idaho; AND PROTESTS, the "Notice of proof of completion of works and application of water to beneficial use", of Carol D. Jones of Malad, Idaho, for permission of storage and diversion of 15,330 acre feet, per annum of the waters of "Little Malad River" and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. R-857; upon the lands for storage, diversion and beneficial use described in said notice; and IN OPPOSITION THEREOF sets forth the reasons; as follows;

1. That to the full knowledge of the Protestant, the St. John Irrigating Company, the lands of intended storage, the NE¼; of Sec. 12 Tp. 13 S.R. 34 E.B.M; and SW¼NE¼; Lots 1 and 2; E½NW¼; Sec. 7 Tp. 13 S.R. 35 E.B.M; is a character of soil and land that will not hold water as a storage Reservoir SITE; as said identical land has been attempted to store water thereon, continuously at different periods, since year 1918 when large concrete dam was erected at the south and outter edge of above described lands, and still remain there, now, as originally built, but said Dam and Site would never hold water; and was never completed; and, is not now completed to successfully hold water, in any amounts.

2. That to Protestants knowledge, the Claimant or applicant hereof, Carol D. Jones, under said permit No. R-857, has not constructed, or attempted to construct or build, any Dam to hold water, on above described lands as described in his notice; or near the same; and therefore cannot store said amount of water without building a Dam to store the same, which applicant has not done; and could not store water in any form; EXCEPT temporally, by using above said uncompleted un-successful concrete Dam; as has been previously shown, prior to April 29th 1950, and demonstrated, in excess of from 800 to 1500 acre feet, by use of above unfinished concrete Dam, and with full flow of all Little Malad River water, together with its run off, if any; AND THEREFORE IS ONLY A SITE TO LOOSE THESE VALUABLE UN-APPROPRIATED WATERS; as has been shown many times, by the perforation character of the under-ground of the above described lands, which has shown and proven any number of times, that the site will not hold water; and, therefore is not a responsible site; for our good STATE OF IDAHO'S un-appropriated waters to be wasted upon; and for this reason in itself, would not justify applicant's permit for what he is asking. and, further, Protestant alleges, applicants priority date of Apr. 29th. 1950, by reason of above facts, is a questionable priority, which could not be established by reason thereof.

3. That applicant also states place of intended use of said waters is also on the above described lands; and how can applicants storage and beneficial use be applied for waters on same lands, when he has built no storage or Dams to hold; or divert waters on said lands; if for any other reason than here flooding of his farm lands with temporary use of said concrete Dam. and this would be another reason for rejection of applicants permit; in using un-appropriated waters of the State of Idaho.

4. That the ordinary and seasonally irrigation seasons of the Protestants Company waters, which are all the natural flows of Little Malad River, and its tributaries, are and have been for all the past life of this St. John Irrigating Company, from March 15th. to Oct. 15th. of each and every year; and, have been in many seasons from March 1st. to Nov. 1st. of each year, and generally not later than March 15th. to begin its irrigation season each year, which requires the headgates of said concrete Dam to be opened for the full natural flow of Little Malad River and its tributaries belonging to the Protestant; and in addition to this there is an acquired and established usage domestic culinary right for stock watering purposes for sufficient water for the use of its stockholders to be in the natural channel of Little Malad River, during all the non-irrigating season, each year.

5. That it is to the knowledge of the Protestant, and all its members that during the times since 1918 when all the waters of Little Malad River and its tributaries with the run-off, including the amount of water stored on this same aforesaid described lands site of applicant; has never exceeded a possible storage of water, taken on an average, of over 800 to 1300 acre feet.

6. That further to the knowledge of the Protestant, when the aforesaid acre feet of storage, has been stored on the site of the described lands, in applicants notice, and as hereinbefore described, and at the times of said storage since 1918 including the time applicant holds said site; and at the time the irrigating season of Protestant begins; and when the said Concrete Dam headgates have to be opened to let the natural flow of the Little Malad River and its tributaries waters, through the said Dam, which are the waters of the Protestant; the said stored waters seem to vanish in the seemingly perforation character of the land on which the water was attempted to be stored; and this amount of stored water vanishes some-where in say 15 to 20 days, after the headgates are opened to let the natural flow of the Protestants waters through said concrete Dam.

7. That Protestant further alleges that we have no knowledge of any of these aforesaid stored waters; ever having been beneficially used for agricultural or domestic purposes; and taken through said concrete storage Dam herein mentioned and referred to; or any canals, or Ditches to convey said stored waters from said site and below or above said concrete Dam; ever having been made, for conveying any stored waters therein.

8. That to the knowledge of the Protestant, for each and every year since priority date of Applicant April 29th. 1950 crops of grains have been raised on said described lands of applicant as described herein.
And also for a number of years prior to April 29th. 1950 crops of grains have been raised on said described lands.

9. That Protestant hereby further alleges that no good can be accomplished or come from the appropriation of this vast amount of 15,330 acre feet of storage water of the Little Malad River, under the applicants permit and Notice of proof of completion of works and application of said amount of water to beneficial use as set forth by applicant; for the foregoing reasons and allegations herein set forth by Protestant, the St. John Irrigating Company, an Idaho corporation.

WHEREFORE PROTESTANT prays that the Department of Reclamation of the State of Idaho, and the State of Idaho Reclamation Engineer, deny and cancel applicants Permit No. R-857 and issue an order denying and cancelling applicants (Carol D.Jones, Malad, Idaho) "Notice of proof of completion of works and application of water to beneficial use" as applied for and advertised.

WITNESS our hands this the 26th. day of February 1955 by unanimous vote and authority of the Board of Directors of the St. John Irrigating Company, an Idaho corporation.

ST. JOHN IRRIGATING COMPANY
By Oscar Larson Oscar Larson Its Pres.

By Weldon Jensen Weldon Jensen; Its Secretary

Subscribed and acknowledged before me this the 26th. day of February, 1955

Bill Fallis

BILL FALLIS: PROBATE JUDGE OF ONEIDA COUNTY IDAHO

R-857

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Protest of

St. John Irrigating Company

Against proof of completion of works and application to beneficial use under Permit No. R-957 - Carol D. Jones.

DECISION OF THE STATE RECLAMATION ENGINEER and DISMISSAL OF PROTEST

Carol D. Jones became the holder of Permit No. R-957 through assignment and Notice of Proof of Completion of Works and Application to Beneficial Use was duly published in four successive weekly issues of the Idaho Enterprise beginning February 3, 1955.

Protest was filed by the St. John Irrigating Company basing the said protest on the alleged ownership of the St. John Irrigating Company in all of the waters of Little Malad River and Tributaries during the irrigating season which it claims is from March 1st or March 15th of each year to October 15th or November 1st of each year and ownership of culinary and stock water rights during the non-irrigating season.

The protestant further alleges:

1. That the applicant has not constructed a dam; and

2. Has not stored more than 600 to 1500 acre feet; and

3. Has no canals; and

4. Can apply water to his land only by raising the water level in the reservoir, which by reason of the porous nature of the reservoir area is a wasteful practice.

Proofs of Completion of Works and Application to Beneficial Use were offered and after the statutory inspection by the Department of Reclamation it was found that 125 acres of land had been irrigated by raising the reservoir level to cover the land and that by use of the existing dam and outlet works this was possible.

From the statutory inspection and the records of the Department of Reclamation it was found that:

1. The existing dam is a part of the works claimed under Permit No. R-957; and,

2. At least 625 acre feet or the statutory limit of stored water for the irrigation of 125 acres has been temporarily stored and put to beneficial use; and,

3. No canals are needed to apply the water under the method used; and,

4. The wastefulness of the method used has not been fully demonstrated as the consumptive use is small and it has not been demonstrated that the method of application has resulted in adverse effect on any right of official record.

There has been no adjudication of the waters of the Little Malad River and protests based on claims of rights that have never been officially determined cannot be recognized.

It is, therefore, the decision of the State Reclamation Engineer that the protest of the St. John Irrigating Company against the issuance of a license to Carol D. Jones should be dismissed and that a license should be issued under Permit No. R-857 to Carol D. Jones for 625 acre feet of the waters of Little Malad River with a priority date of April 29, 1950.

Anyone feeling himself aggrieved by this decision and dismissal of protest may appeal the same to the District Court for Oneida County as outlined in Section 42-224 of the Idaho Code.

Given under my hand and the seal of the State Department of Reclamation, at Boise, Idaho, this 4th day of April, 1956.

Mark R Kulp

MARK R. KULP
State Reclamation Engineer

R-857

April 5, 1956

RE: Permit No. R-857

Mr. Carroll D. Jones
Malad
Idaho

Dear Mr. Jones:

We now have on file the report of our field engineer on examination for completion of works and beneficial use on Permit No. R-857.

This report shows that you have stored and appropriated 625 acre feet per annum of the waters of Little Malad River with point of outlet in the NE¼SW¼ Section 7, Township 13 South, Range 35 East, B.M. for irrigation and domestic purposes on 125 acres in the NE¼ Section 12, Township 13 South, Range 34 East, B.M.; and Lots 1 and 2 and E½NW¼ Section 7, Township 13 South, Range 35 East, B.M.

A Certificate of Completion of Works and License can, therefore, be issued upon receipt of the statutory fees amounting to $5.00 completion of works fee and $16.00 license fee, or a total of $21.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

hll

R-857

Malad, Idaho
April 10, '56

Dept. of Reclamation
Mark R. Kulp

Dear Mr. Kulp:

I received your letter, stating the decision of your department and that of your field engineer, needless to say I was certainly happy over the decision, and wish to thank you for your consideration in this matter.

I am enclosing my check for $21.00, for the fee of completion of works and the license, on permit No. R-857.

Sincerely yours,

Carol P. Jones

173 W 3rd St

Malad, Idaho

RECEIVED
APR 13 1956
Department of Reclamation

R-857

April 13, 1956

RE: Permit No. R-857

Mr. Carol D. Jones
Malad
Idaho

Dear Mr. Jones:

We enclose Certificate of Completion of Works also License and Certificate of Water Right issued under Permit No. R-857 confirming your right to store and appropriate 625 acre feet per annum of the waters of Little Malad River with point of outlet in the NE¼ SW¼ Section 7, Township 13 South, Range 35 East, B.M., and priority of April 29, 1950, for irrigation and domestic use on the NE¼ Section 12, Township 13 South, Range 34 East, B.M.; and NW¼ Section 7, Township 13 South, Range 35 East, B.M.

We also enclose departmental receipt No. 27908 for $21.00 which includes $5.00 completion of works fee and $16.00 license fee.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

R-857

RECEIVED
JUL 16 1956
Department of Reclamation

Malad, Idaho
July 12, '56

Dept. Of Reclamction
Mark R. Kulp.

Dear Mr. Kulp.

We received a letter from your office , dated June 27, asking if I was prepared and desired to submit proof of completion of works under permit No. R-857.

On April 5, 1956, We received your decision and certificate of compleion of Works on this permit. No. R-857. We wondered if your office could of made a mistake on the number of the permit you desire proof on, at this time, as I thought the permit No. - R-857 was all taken care of, as I have sent my check to pay for the completion of works fee and license fee and have considered this permit taken careof.

Will you please let me know if there was a mistake or just what I am to do on this matter.

Sincerely,

Carol D. Jones
173 W. 3rd N.
Malad, Idaho

R-857

July 16, 1956

Re: Permit No. R-857

Mr. Carol D. Jones
173 W. 3rd St.,
Malad, Idaho

Dear Mr. Jones:

We acknowledge receipt of your Letter of July 12, 1956, re the above captioned Permit.

We are so very sorry that you received this Form notice re your Permit No. R-857. Your Beneficial Use proof was originally set for September 11, 1956 but was made on March 4, 1955, the same date that Completion of Works Proof was made.

Both the Certificate and License on the above captioned Permit was issued to you on April 13, 1956.

Therefore, the Permit No. R-857 is completed.

Very truly yours,

MARK R. KILP
State Reclamation Engineer
By

Chief Clerk

EPR

R-857

Cf Canc. 8-5-57

RECEIVED
MAR 18 1957
Department of Reclamation

Commissioner of Reclamation
State House -
Boise - Idaho

Mar 16 1957

Dear Sir;

I desire to obtain from you a certified copy of the reservoir permit issued to Carol D. Jones and Dewey Jones for storage of about 600 Acre feet of water which permit was issued in 1956. The reservoir being a part of the old Elkhorn reservoir - located about 13 miles N. W. of Malad - in Oneida County. I am enclosing my check for $5 - to cover cost of this.

Please send it to me by return mail as I want to use it in litigation now being started.

Yours truly

William Schwartz

Malad Idaho

200 W, 239 E.

E-857

March 20, 1957

RE: Permits Nos. R-857 and R-889

Mr. William Schwartz
200 W. 200 East
Malad, Idaho

Dear Mr. Schwartz:

As per your request of March 16th, we are enclosing herewith certified copies of Permits Nos. R-857 and R-889 and also certified copy of License No. R-857.

We are enclosing departmental receipt No. 28496 in the amount of $5.00 as fee for copywork and certification.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Office Manager

RWT:er
Encl.-4

See Letter of transmittal since R-889 (857)

R-857

November 14, 1958

Re: Permit No. R-857

Mr. J. W. Crowther
33 Bannock Street
Malad City, Idaho

Dear Mr. Crowther:

Pursuant to our telephone conversation, we are enclosing a photo-copy of the protest made by the St. John Irrigating Company in the issuance of the Certificate of Completion of Works and Application of Water to Beneficial Use, in connection with Permit No. R-857.

There is a fee of $1.50 for the photo-copy, which you may remit to this department.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

(Mrs.) Edna P. Rutledge
Chief Clerk

EPR/lw
Enclosure

R-857

J. W. CROWTHER
ATTORNEY AT LAW
33 BANNOCK STREET MALAD CITY, IDAHO

November 17, 1958

RECEIVED
NOV 21 1958
Department of Reclamation

State of Idaho
State Reclamation Engineer
Boise, Idaho

Dear Sir:

I have enclosed my check in the amount of $1.50 to cover the fee for the copy of the notice of protest on permit # R-857.

In reviewing the dismissal of the above protest, it is noted that the determination is merely that the applicant is entitled to 325 acre feet of water. It does not say when the water is to be taken or received by him, or in what amounts. (It is presumed that there was no intent on the part of your department to rule that he must accumulate that much water behind the dam, but only that he is entitled to that much of the stream).

Can you offer us any assistance in solving this problem? There has been no determination of respective rights by any court, so we presume that Chapter 42 of the Idaho Code does not apply. Is this your understanding also.

We would greatly appreciate any assistance and/or suggestions you have to offer.

Yours very truly,

J. W. Crowther

R-857

November 25, 1958

Re: Permit No. R-857

Mr. J. W. Crowther
Attorney At Law
33 Bannock Street
Malad City, Idaho

Dear Mr. Crowther:

We are enclosing departmental receipt No. 29376 in payment of a copy of Notice of Protest on Permit No. R-857, furnished by this department under date of November 14, 1958.

Your letter requested us to explain the rights of Carol D. Jones to store their water in what is known as Elkhorn Reservoir in the amount of 625 acre feet per annum.

Will say that in discussing the protest and granting the license it is not necessary to state when the water is to be taken or received or in what amounts because the permit was for storage only and under the Idaho Code, water to be stored must be flood or winter flow. It is taken when such water is available. The license entitles him to 625 acre feet, there is no requirement that he accumulate that amount but does possess the right to store 625 acre feet.

Chapter 42 of the Idaho Code does apply. All administration by this department is under authority of the Idaho Code, Chapter 42.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

RWT/lw
Encls. (1)

R-857

December 10, 1958

RE: Permit No. R-857

Mr. J. W. Crowther
Malad City, Idaho

Dear Mr. Crowther:

In checking our receipts we find that receipt No. 29376 was issued to cover payment of $1.50 but the amount was erroneously listed as $1.00. The error has been corrected in this office and I am writing you regarding it so there will be no question in your mind regarding the correct statutory fee.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

Chief Clerk

EPR

R. D-7

Permits No. R-857 and [redacted]

PROOF OF COMPLETION OF WORKS.

Deposition of Witness.

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

Ans. George Burrie, Malad, Idaho, Farmer, Malad, Idaho.

Ques. 2. Are you acquainted with Carol D. Jones, the holder of Permits No. R-857 and R-889, authorizing the storage of 15,330.65 acre feet of the waters of Little Malad River, which is a tributary to Big Malad River, in the County of Oneida, State of Idaho? How long have you known him and where does he reside?

Ans. Yes, for over 15 years last past, and he resides at Malad City, Idaho.

Ques. 3. Have you read or heard read said Permits? Yes. ARE YOU familiar with their terms and conditions? Yes.

Ques. 4. Of what material and how has the dam been constructed?

Ans. Reinforced concrete.

Ques. 5. Is the reservoir fully constructed? Yes. Has water been turned into it? Yes. And to what extent? Complete.

Ques. 6. Where is the point of diversion of the feeder canal?

Ans. $NE\frac{1}{4}NE\frac{1}{4}$, Sec. 33, T. 13 S. R. 35, E.B.M.

Ques. 7. The outlet of the reservoir is located in the $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 7. T. 13 S. R. 35, E.B.M.

Ques. 8. Describe the spillway.

Ans. No spillway

Ques. 9. How much below the top of the dam is the bottom of the spillway?

Ans. No spillway

Ques. 10. State the dimensions of the outlet for the reservoir.

Ans. 2 24 inch radial gates.

Ques. 11. Of what material is the outlet made?

Ans. Steel.

Ques. 12. How is the outlet gate operated?

Ans. By the operation of a mechanical device by manual labor.

Ques. 13. Of what material has the dam been constructed.

Ans. Reinforced concrete.

Ques. 14. Are the works from the reservoir to place of use fully completed?



R-857

Ans. Yes.

Ques. 15. Describe the works as they now exist, and give your estimate of their capacity.

Ans. Height of reservoir dam is 70 feet, lengthat top 600 feet, length at bottom is 100 feet, size of outlet is 2 24 inch radial gates. Estimated capacity 15,330.65 acre feet.

Ques. 16. For what purpose is the water to be used?

Ans. Irrigation.

Ques. 17. If for irrigation purposes, are you acquainted with the land to be irrigated? How much water is required for its profitable cultivation?

Ans. $2\frac{1}{2}$ second feet.

Ques. 18. Give the legal description of the land to be irrigated or the place of use.

Ans. $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$, Sec. 1. T. 13. S. R. 34, E.B.M.

Geo Burrus

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, at my office in Malad City, County of Oneida, Stateof Idaho, on this 4th day of March, 1955.

John H. McAllister

Clerk, District Court of the Fifth Judicial District of the State of Idaho, in and for Oneida County, Idaho

Ans. to
Ques. 18. $SW\frac{1}{4}NE\frac{1}{4}$, Lots 1 and 2, and the $E\frac{1}{2}NW\frac{1}{4}$, Section 7, Township 13 South, Range 35 E.B.M. and the $NE\frac{1}{4}$, Section 12, Township 13 South, Range 34 E.B.M.

S.B.

L-857

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permits No. R-857 and ~~XXXXXX~~

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

Deposition ofWitness.

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

Ans. George Burrie, 62 yrs., Malad, Idaho, Farmer, P. O. address, Malad, Idaho.

Ques. 2. Are you acquainted with Carol D. Jones, the holder of Permits No. R-857 and ~~XXXXXX~~ How long have you known him and where does he reside?

Ans. Yes. For over 15 years last past and he resides at Malad City, Idaho.

Ques. 3. Have you read or heard read said Permits No. R-857 and ~~XXXXXX~~ and are you familiar with their 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. Little Malad River, a tributary of the Big Malad River, place of diversion is located approximately South 25° 32' East 1324 feet distant from the Northwest corner of Section 7, Township 13 South, Range 35 E.B.M., and is in the Northeast Quarter of the Southwest Quarter of Section 7, Township 13 South, Range 35 E.B.M. Oneida County, Idaho. By the backing up of said water by dam at said point over and across the lands of the applicant and covering an area of approximately 115 acres. The lands of the applicant are contiguous to said dam, lying North and East of said dam. The point of diversion would be the face or North part of said dam.

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. At least 2½ second feet of water. The water impounded by said dam backs the water over and across the lands hereinafter described to a depth of approximately 20 feet, each year, and I have seen the water so impounded as aforesaid over and across the said lands of the applicant for the last 2 years and by the predecessor in interest of said applicant since the year 1940.

Ques. 6. State for what purpose water is used and at what place. State whether cultivated or natural meadowland and the nature of all improvements which have been made as a direct result of said use.



R-857

Ans. The water is used for the purpose of irrigation and the same has been used for such purpose upon the following described lands, to-wit: SW¼NW¼, W½SW¼, SE¼SW¼, Sec. 1 Township 13 S. R. 34, E.B.M. The crops raised have been barley. None of the land is meadow land.

Ques. 7. (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. 2½ Second feet.

Ques. 8. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 9. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permits.

Ans. For the last 15 years, I have, in going back and forth to my property during the irrigation season of each year, passed the dam and the premises owned by the applicant which lie contiguous to said dam to the North and have noticed each year the water that has been impounded by said dam and the crops raised by Carol D. Jones, applicant, and his predecessors in interest.

Leo Barrus

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, and that I believe him to be thepersonhe represents himself to be, and that said testimony was subscribed and sworn to beforeme in Malad City, County of Oneida, State of Idaho, on this 4th day of March, 1955.

John B. McAllister
Clerk, District Court, Fifth Judicial District, in and for the County of Oneida, State of Idaho.

R-857

Ans. to
Ques. 6. The water is used for the purpose of irrigation and the same has been used for such purpose upon the following described lands, to-wit: SW¼NE¼, Lots land 2 and the E½NW¼, Section 7, Township 13 South, Range 35 E.B.M. and the NE¼ Section 12, Township 13 South, Range 34 E.B.M. The crops raised have been barley. None of the land is meadow land.

Permits No. R-857
~~R-889~~

PROOF OF COMPLETION OF WORKS.

Deposition of Witness

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

Ans. Claude Kent, Malad, Idaho, Farmer, Malad, Idaho.

Ques. 2. Are you acquainted with Carol D. Jones, the holder of Permits No. R-857 and ~~R-889~~, authorizing the storage of 15,330.65 acre feet of the waters of Little Malad River, which is a tributary to Big Malad River, in the County of Oneida, State of Idaho? How long have you known him and where does he reside?

Ans. For over 15 years last past, and he resides at Malad City, Idaho.

Ques. 3. Have you read or heard read said Permits? Yes. Are you Familiary with its terms and conditions? Yes.

Ques. 4. Of what material and how has the dam been constructed?

Ans. Reinforced concrete.

Ques. 5. Is the reservoir fully constructed? Yes. Has water been turned into it? Yes. And to what extent? Complete.

Ques. 6. Where is the point of diversion of the feeder canal?

Ans. $NE\frac{1}{4}NE\frac{1}{4}$, Sec. 33, T. 13 S. R. 35, E.B.M.

Ques. 7. The outlet of the reservoir is located in the $NE\frac{1}{4}SW\frac{1}{4}$, Sec. 7. T. 13 S. R. 35, E.B.M.

Ques. 8. Describe the spillway.

Ans. No spillway

Ques. 9. How much below the top of the dam is the bottom of the spillway?

Ans. No spillway

Ques. 10. State the dimensions of the outlet for the reservoir.

Ans. 2 24 inch radial gates.

Ques. 11. Of what material is the outlet made?

Ans. Steel.

Ques. 12. How is the outlet gate operated?

Ans. By the operation of a mechanical devise by manual labor.

Ques. 13. Of what material has the dam been constructed.

Ans. Reinforced concrete.

Ques. 14. Are the works from the reservoir to place of use fully completed.

R-857

Ans. Yes.

Ques. 15. Describe the works as they now exist, and give your estimate of their capacity.

Ans. Height of reservoir dam is 70 feet, length at top 600 feet, length at bottom is 100 feet, size of outlet is 2 24 inch radial gates. Estimated capacity 15,330.65 acre feet.

Ques. 16. For what purpose is the water to be used?

Ans. Irrigation.

Ques. 17. If for irrigation purposes, are you acquainted with the land to be irrigated? How much water is required for its profitable cultivation?

Ans. $2\frac{1}{2}$ second feet.

Ques. 18. Give the legal description of the land to be irrigated or the place of use.

Ans. $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 1, T. 13. S. R. 34, E.B.M.

Claude Kent

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, at my office in Malad City, County of Oneida, State of Idaho, on this 4th day of March, 1955.

John F. McAllister
Clerk, District Court of the Fifth Judicial District of the State of Idaho, in and for Oneida County, Idaho.

R-857

Witness

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permits No. R-857 and ~~R-889~~X

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

Deposition of Witness.

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

Ans. Claude Kent, 50 yrs., residence, Malad, Idaho, Farmer. P. O. Address, Malad, Idaho.

Ques. 2. Are you acquainted with Carol D. Jones, the holder of Permits No. R-857 and ~~R-889~~X How long have you known him and where does he reside?

Ans. Yes. For over 15 years last past and he resides at Malad City, Idaho.

Ques. 3. Have you read or heard read said Permits No. R-857 and ~~R-889~~, 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. Little Malad River, a tributary of the Big Malad River, place of diversion is located approximately South 25° 32' East 1324 feet distant from the Northwest corner of Section 7, Township 13 South, Range 35 E.B.M. and is in the Northeast Quarter of the Southwest Quarter of Section 7, Township 13 South, Range 35 E.B.M. Oneida County, Idaho. By the backing up of said water by dam at said point over and across the lands of the applicant and covering an area of approximately 115 acres. The lands of the applicant are contiguous to said dam, lying North and east of said dam. Thepoint of diversion would be the face or North part of said dam.

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

Ans. At least 2½ second feet of water. The water impounded by said dam backs the water over and across the lands hereinafter described to a depth of approximately 20 feet, each year, and I have seen the water so impounded as aforesaid over and across the said lands of the applicant for the last 2 years and by the predecessor in interest of said applicant since the year 1940.

Ques. 6. State for what purpose water is used and at what place. State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.



R 857

Ans. The water is used for the purpose of irrigation and the same has been used for such purpose upon the following described lands, to-wit: SW¼NW¼, W½SW¼, SE¼SW¼, Sec. 1 Township 13 S. R. 34, E.B.M. The crops raised have been barley. None of the land is meadow land.

Ques. 7. (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. 2½ second feet.

Ques. 8. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 9. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permits.

Ans. For the last 15 years, I have, in going back and forth to my property, during the irrigation season of each year, passed the dam and the premises owned by the applicant which lie contiguous to said dam to the North and have noticed each year the water that has been impounded by said dam and the crops raised by Carol D. Jones, applicant, and his predecessors in interest.

Claude Kent

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 beforeme in Malad City, County of Oneida, State of Idaho., on this 4th day of March, 1955.

John H. McAllister
Clerk, District Court, Fifth Judicial District, in and for the County of Oneida, State of Idaho.

E-537

Ans. to
Ques. 6. The water is used for the purpose of irrigation and the same has been used for such purpose upon the following described lands, to-wit: SW¼NE¼, Lots 1 and 2 and the E½NW¼, Section 7, Township 13 South, Range 35 E.B.M. and the NE¼ Section 12, Township 13 South, Range 34 E.B.M. The crops raised have been barley. None of the land is meadow land.

Permit No. R-857

# PROOF OF COMPLETION OF WORKS

## Deposition of Holder.

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

Ans. Carol D. Jones, Malad City, Idaho, Farmer, Malad City, Ida.

Ques. 2. State number and date of permit, acre feet of water you claims for storage, and source of same.

Ans. R-857, September 11, 1950, 15,330.65 acre feet; Little Malad River, Tributary of the Big Malad River, Oneida County, Idaho.

Ques. 3. Under terms of permit construction was required to be completed by September 11, 1953.

Ques. 4. Construction was actually completed on the date of September 11, 1953.

Ques. 5. Does the construction fully comply with the specifications?

Ans. Yes.

Ques. 6. Of what material was the dam built?

Ans. Reinforced concrete.

Ques. 7. State whether or not the water has been turned into your reservoir, and if so, when and to what extent.

Ans. Yes, prior to 1940, and each year thereafter and the high water mark on the dam ~~xxx~~ reached a point in excess of 25 feet.

Ques. 8. The capacity of the reservoir is 15,330.65 acre feet.

Ques. 9. The area of the high water line of the reservoir is 320 acres.

Ques. 10. The height of the dam above bottom of reservoir is 70 feet, above low water is 70 feet.

Ques. 11. The dimensions of the spillway are No spillway and the bottom of the spillway is no spillway feet below the top of the dam.

Ques. 12. Dimensions of the reservoir outlet are 2 24 inch radial gates.

Ques. 13. Describe the gate and control unit.

Ans. 2 24 inch radial gates, control unit wheel manually operated.

Ques. 14. The reservoir outlet is made of steel.

Ques. 15. Is the reservoir filled through a feeder canal?

Ans. No, dam is across the natural channel of Little Malad River, said dam is located in Sec. 7. T. 13, S.R. 35, E.B.M.

R 857

Ques. 16. If so, where is the point of diversion for same?

Ans. In so far as the present applicant is concerned the waters impounded are diverted at the location of the dam above mentioned and backed upon and over the lands of the applicant which lands are contiguous to said dam lying North and East of the dam.

Ques. 17. Does the feeder canal comply with the specifications in the permit?

Ans. Yes.

Ques. 18. Cost of constructing feeder canal? $ none for the reason there is no feeder canal for the reason the dam is constructed across the natural channel of the Little Malad River. Cost of Reservoir? $350,000.

Ques. 19. State whether or not the works from reservoir outlet to place of use are fully completed, and whether or not they comply with the specifications in permit. If not explain.

Ans. Yes.

Ques. 20. Water has been delivered to place of intended use? Yes.

Ques. 21. Give description of dam, state dimensions, and give slope of face both upstream and downstream. Also method and material for protecting against wave action.

ANS. Dam is constructed of reinforced concrete, height 70 feet, length at top 600 feet, length at bottom 100 feet, size of outlet 2 24 inch radial gates. Unable to give slope of face both upstream and downstream, or the method of pretecting against wave action.

Ques. 24. State the purpose for which the water is to be used and give the place of use, and if for irrigation, state the number of acres, and give the legal description of same.

Ans. Irrigation, the irrigation by backing the water over and across 125 acres of land contiguous lying North of said dam, description of the property owned by the applicant and permitee is as follows: $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, Sec. 1. T. 13. S. R. 34, E.B.M. The 35 acres of the above description that is not susceptible to irrigation is located on the westerly edge of the reservoir site and the Easterly edge. Such land being constituting abrupt hills. The water has been applied to beneficial use and crops have been raised by means of irrigation by impounding of said waters over and across said lands since 1940, and by the applicant since 1953. Prior thereto by his predecessors in interest in said lands.

Earl L Jones

I hereby certify that the foregoing testimony was read to the above dubscribed before its signing, that I believe him to be the person he ~~xxxx~~ 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 4th day of March, 1955.

John R. McAllister
Clerk, District Court of the Fifth Judicial District of State of Idaho, in and for Oneida County.

Ans. to Ques. 24.

Irrigation, the irrigation by backing the water over and across 125 acres of land contiguous lying North of said dam, description of the property owned by the applicant and permitee is as follows: $SW\frac{1}{4}NE\frac{1}{4}$, Lots 1 and 2 and the $E\frac{1}{2}NW\frac{1}{4}$ Section 7, Township 13 South Range 35 E.B.M. and the $NE\frac{1}{4}$ Section 12, Township 13 South, Range 34 E.B.M. The water has been applied to beneficial use and crops have been raised by means of irrigation by impounding of said waters over and across said lands since 1940, and by the applicant since 1953. Prior thereto by his predecessors in interest in said lands.

E.D.J

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. R-857

Deposition of Holder.

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

Ans. Carold D. Jones, Farmer, Malad City, Idaho.

Ques. 2. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. R-857, September 11, 1950, ~~September 11~~ April 29, 1950.

Ques. 3. State source of water supply and give exact location of point of diversion.

Ans. Little Malad River, tributary of the Big Malad River, Oneida County, Idaho, point of diversion is ~~in~~ located approximately South 25°32' East 1324 Feet distant from the Northwest corner of Section 7, T. 13 S. R. 35 E.B.M. and is in the $NE\frac{1}{4}SW\frac{1}{4}$ of Sec. 7. T. 13 S. R. 35 E.B.M. Oneida County, Idaho. By the backing up of said water by dam at said point over and across the lands of the applicant and covering an area of approximately 115 acres. The lands of the applicant are contiguous to said dam, lying North and East of said dam. The point of diversion would be the face or North part of said dam.

Ques. 4. 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 dam composed of reinforced concrete across the natural channel of the Little Malad River, said dam being 70 feet high, length at top 600 feet, length at bottom 100 feet, size of outlet is 2 24 inch radial gates. Sufficient to impound and back up the waters of the Little Malad River over and across the lands of the holder of the permit to a depth of 20 feet. Said dam is commonly known and referred to as the Malad Reservoir Company Dam.

Ques. 5. 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. The water is used for the purpose of irrigation and the same has been used for such puppose upon the following described lands, to-wit: $SW\frac{1}{4}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$, sec. 1. T. 13. S. R. 34, E.B.M. The crops raised have been barley, None of the land is meadow land.

Ques. 6. What is the minimum amount of water required for the purpose specified above?

Ans. $2\frac{1}{2}$ second feet.

Ans. to
Ques. 5. The water is used for the purpose of irrigation and the same has been used for such purpose upon the following described lands, to-wit: $SW\frac{1}{4}NE\frac{1}{4}$, Lots 1 and 2 and the $E\frac{1}{2}NW\frac{1}{4}$ Section 7, Township 13 South, Range 35 E.B.M. and the $NE\frac{1}{4}$ Section 12, Township 13 South, Range 34 E.B.M. The crops raised have been barley, none of the land is meadow land.

C.D.J.

R. 857

Ques. 7. 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. By purchase from the Malad Reservoir Company of the dam, application permit, and all property pertaining to said dam.

Ques. 8. State when, how and in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. For the last 15 years the water has been impounded by said dam and crops raised by Carol D. Jones, applicant, and his predecessors in interest.

~~XXXXXXXX~~

Carol D Jones

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 Idano, on this 4th day of March, 1955.

John D. McAllister
Clerk, District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Oneida.

R-857

**NOTICE OF PROOF OF COMPLETION OF WORKS and APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that at 11 A.M., on the fourth day of March, 1955, at Malad, County of Oneida, State of Idaho, before John H. McAllister, Notary Public, proof will be submitted of the completion of works for the storage and diversion of 15,330 acre feet per annum of the waters of Little Malad River and of the application to beneficial use of said water, in accordance with the terms and conditions of Permit No. R-857 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and postoffice address of the person holding said permit are CAROL D. JONES, Malad, Idaho.

2. Said works of storage and diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of storing and conveying to the place of use, in accordance with the plans acompanying the application for such permit is 15,330 acre feet per annum.

3. The use to which said water has been applied is irrigation and domestic purposes, and the amount applied to beneficial use is 15,330 acre feet per annum.

4. The place where said water is used is SW¼NE¼, Lots 1 and 2, E½NW¼ Section 7, Township 13 South, Range 35 East, B.M. and NE¼ Section 12, Township 13 South, Range 34 East, B.M.

5. The date of priority which said user is prepared to establish is April 29, 1950.

MARK R. KULP
State Reclamation Engineer
2-3-25 t4

# Affidavit of Publication

State of Idaho
County of Oneida, ss.

Sylvia Stratton being first duly sworn on her oath, states: That she 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 seventeen 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 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 3rd day of February, 1955 the date of the last publication being the 24th day of February 1955.

Sylvia Stratton

Subscribed and sworn to before me this 4 day of March 1955

R E Ray

Notary Public, residing at Malad, Idaho

My Commission expires the 14 day of Jany, 1959.

Costs: 50 lines at 12c per line first insertion $ 6.00

6c per line each subsequent insertion $ 9.00

TOTAL ..... $ 15.00

R-857

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

# REPORT OF ENGINEER

PERMIT NO. R-857

REPORT ON PROOF OF Completion of Works & Beneficial Use

CAROL D. JONES, Malad, Idaho

625 Acre feet
Inek

Subdivisions = Eight
Total acres = 125 acres
Q = 625 acre feet.

[illegible] was 20 days
[illegible] per [illegible] acre ft @ 20 depth

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

R-857

See Protest filed by St. John Irrigating Co.

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

# REPORT OF ENGINEER

Permit No. R-857

This proof is for Completion of works & Beneficial Use In Water District No.

1. Name of applicant Carol D. Jones, Malad, Idaho
2. Source of water supply: Little Malad River
3. Location of point of ~~diversion~~ outlet: Is in the NE¼ SW¼ of Section 7 T. 13 S. R. 35 E. County of Oneida
4. Describe works as they exist, giving dimensions and capacities of same: Dam is the old Elkhorn Dam. Gates are closed in the Spring and water floods the whole of this land after which the gates are opened and the water drained out and the land is farmed.
5. Water is used for: Irrigation and domestic purposes
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):

SW¼ NE¼ )
Lots 1 and 2 ) Section 7, Twp. 13 South, Range 35 East, B. M.
E½ NW¼ )

NE¼ Section 12, Twp. 13 South, Range 34 East, B. M.

See map

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

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

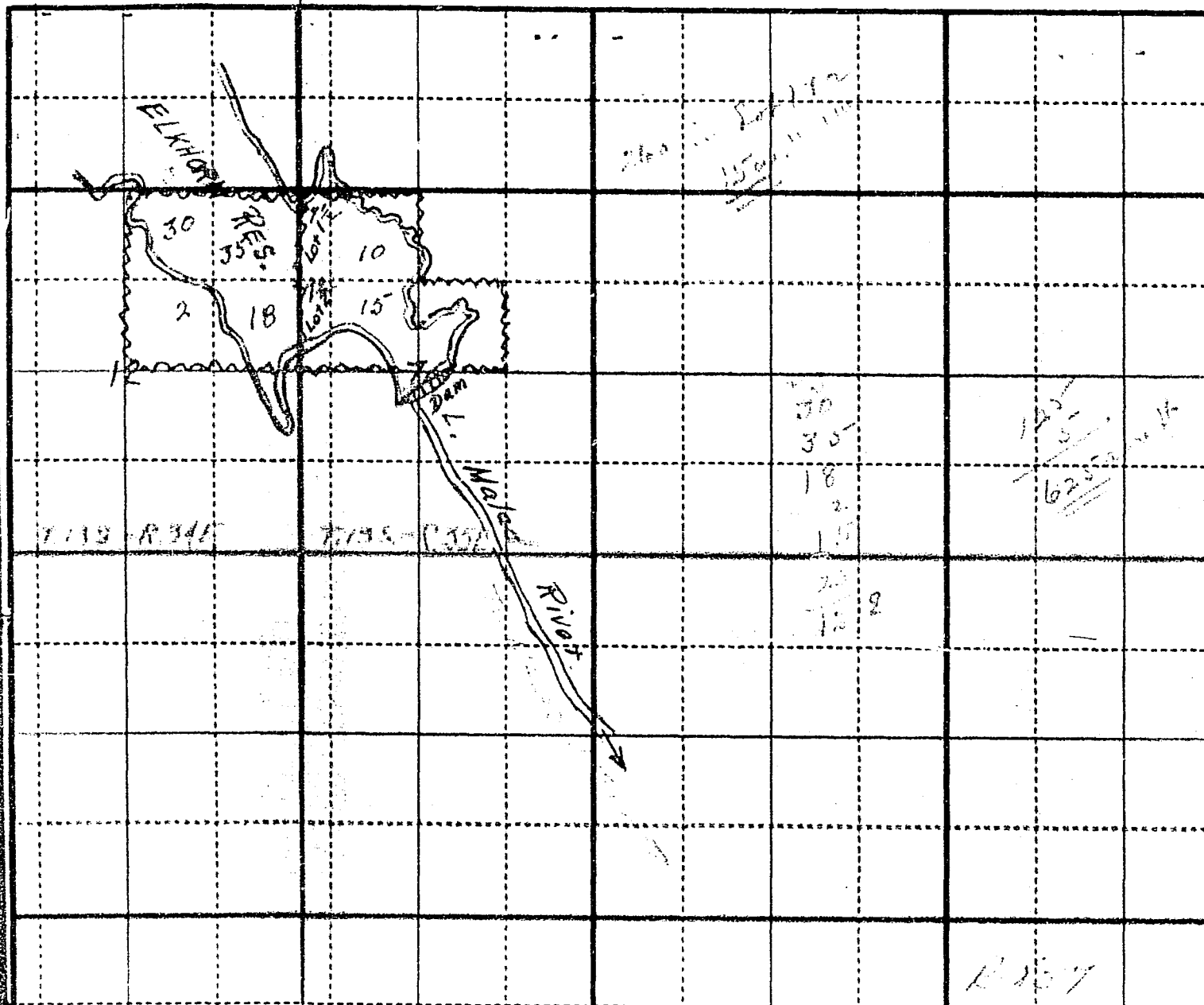
Remarks: Mr Jensen states that a protest as such was never intended. Says [illegible] bought the right.

There is a fault zone through what would be the reservoir for the Old Elk Horn Dam, such that the water will leak out and be gone by the time it is needed for irrigation. Several attempts have been made to tighten the bottom of the reservoir so that it will hold water out without avail. Finally the land and the permit were sold to Dewey Jones, the present owner who is now farming same. There was no desire nor intention to prevent Mr. Jones from having water and irrigating this land but they do not want him to have a right to demand that the water be allowed to waste as has been in the past few years in order for him to get subirrigation.

This examination was made on the 27 day of March, 1956

(Signed) E. N. Humphrey Examiner.

R-857


ELKHORN RES.
30
35
10
2
18
15
Dam
L. Malad River
30
35
18
2
15
2

COPY

E. L. SCOTT
ATTORNEY AT LAW
26 COURT STREET
MALAD CITY, IDAHO
TELEPHONE NO. 1

RECEIVED
AUG 16 1965
Department of Reclamation

December 18, 1964

State of Idaho
State Reclamation Engineer
Boise, Idaho

Dear Sir:

On or about August 1, 1962, the St. John Irrigating Company purchased from Carol D. Jones and his wife, the old Elkhorn Dam and Reservoir site, together with the water right which they had established through your office as water license #R-857. At this time I obtained from Carol D. Jones an Assignment of this water right in favor of the St. John Irrigating Company. I am enclosing the original of this Assignment.

Also in connection with this, I enclose an Application for Transfer of Water Rights executed by the St. John Irrigating Company to transfer the water right under license #R-857 to the proposed point of diversion which will be the new dam and reservoir which the company is hoping to build.

Please record the Assignment and make the transfer of the water right in accordance with the application enclosed, and oblige.

Very truly,

E. L. Scott
Attorney at Law

ELS/yj

E. L. SCOTT
ATTORNEY AT LAW
26 COURT STREET
MALAD CITY, IDAHO
TELEPHONE NO. 1

RECEIVED
AUG 16 1965
Department of Reclamation

August 13, 1965

State of Idaho
Department of Reclamation
State House
Boise, Idaho

ATTENTION: Carl E. Tappen, State Reclamation Engineer

Dear Mr. Tappen:

Re: Permit #R1104
St. John Irrigating Company

Louis Deschamps called me on the phone yesterday and stated that you have not received a transfer of the water right on the old Elkhorn Dam to the dam under consideration by the St. John Irrigating Company. I have thought that the Application for the Transfer together with a copy of the Assignment from Carol D. Jones and his wife were forwarded to you on December 18, 1964. I have my copy of this letter which I am sending you a copy of in this regard.

If you have not had the benefit of our application to transfer this water right, please advise and I will forward a new one promptly.

Very truly,

E. L. Scott

ELS/yj

August 16, 1965

Re: Transfer - Point of Diversion
#282 - License No. R-857
St. John Irrigating Co.

E. L. Scott
Attorney at Law
26 Court St.
Malad City, Idaho

Dear Mr. Scott:

The transfer of point of diversion under Water License No. 282 has been issued, changing the point from NE¼SW¼, Sec. 7, T. 13 S., R.35 E. to SE¼SE¼, Sec. 26, T. 12 S., R. 34 E., B. M.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RT:ev

R-857

BEFORE THE STATE RECLAMATION ENGINEER
OF THE STATE OF IDAHO

- -

| | | |
|---|---|---|
| MATTER OF APPLICATION OF MALAD RESERVOIR COMPANY, No. R-29183, FOR PERMIT TO CONSTRUCT RESERVOIR AND APPROPRIATE AND STORE WATERS | : | ORIGINAL EXHIBITS |

Pocatello, Idaho,
August 23, 1950.

BEFORE:
HON. MARK R. KULP, STATE RECLAMATION ENGINEER

PROTESTANTS EXHIBITS:

1. Patent, Instrument 28253

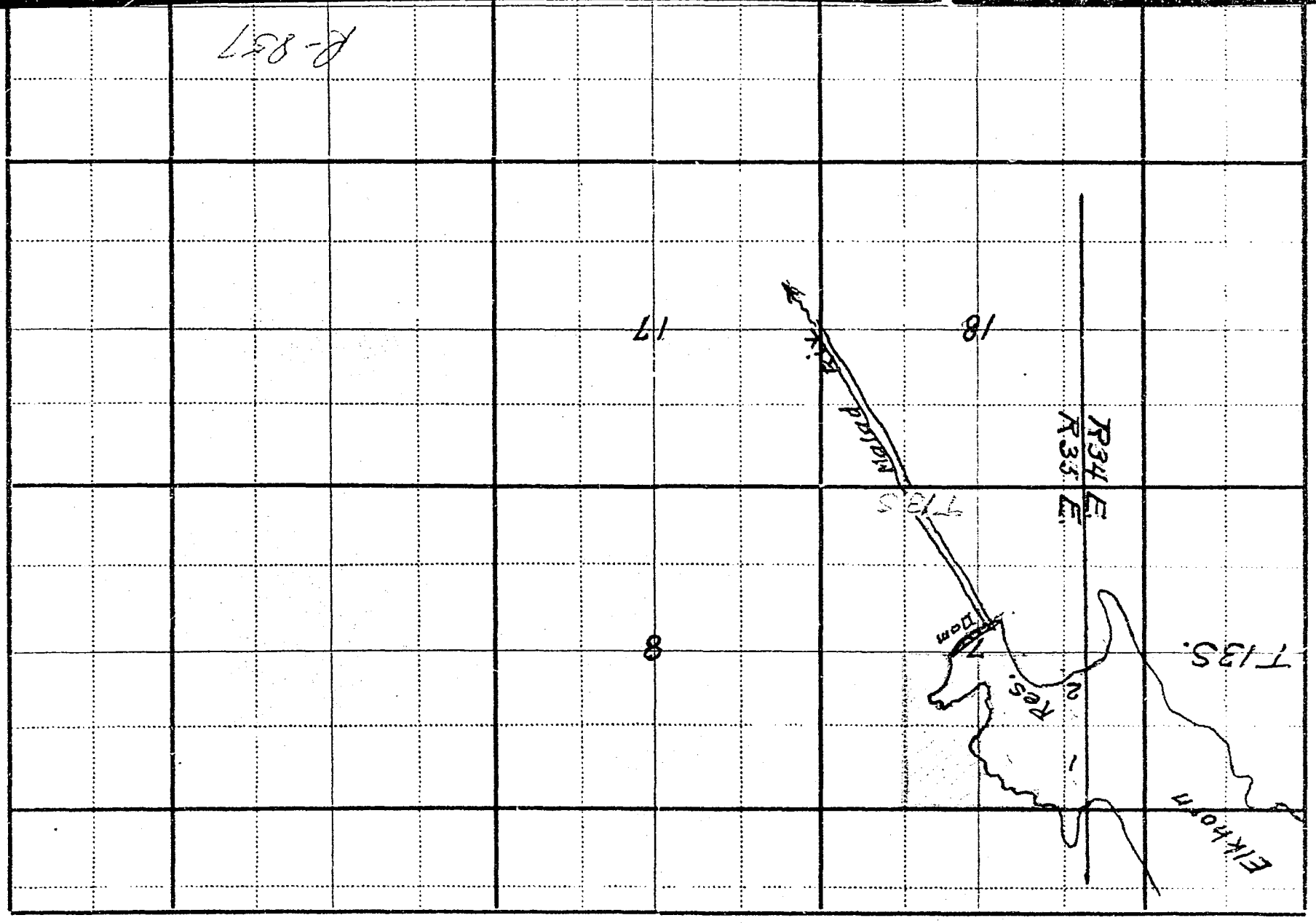
2. Patent, Instrument 34040

3. Tracing of Aerial Map

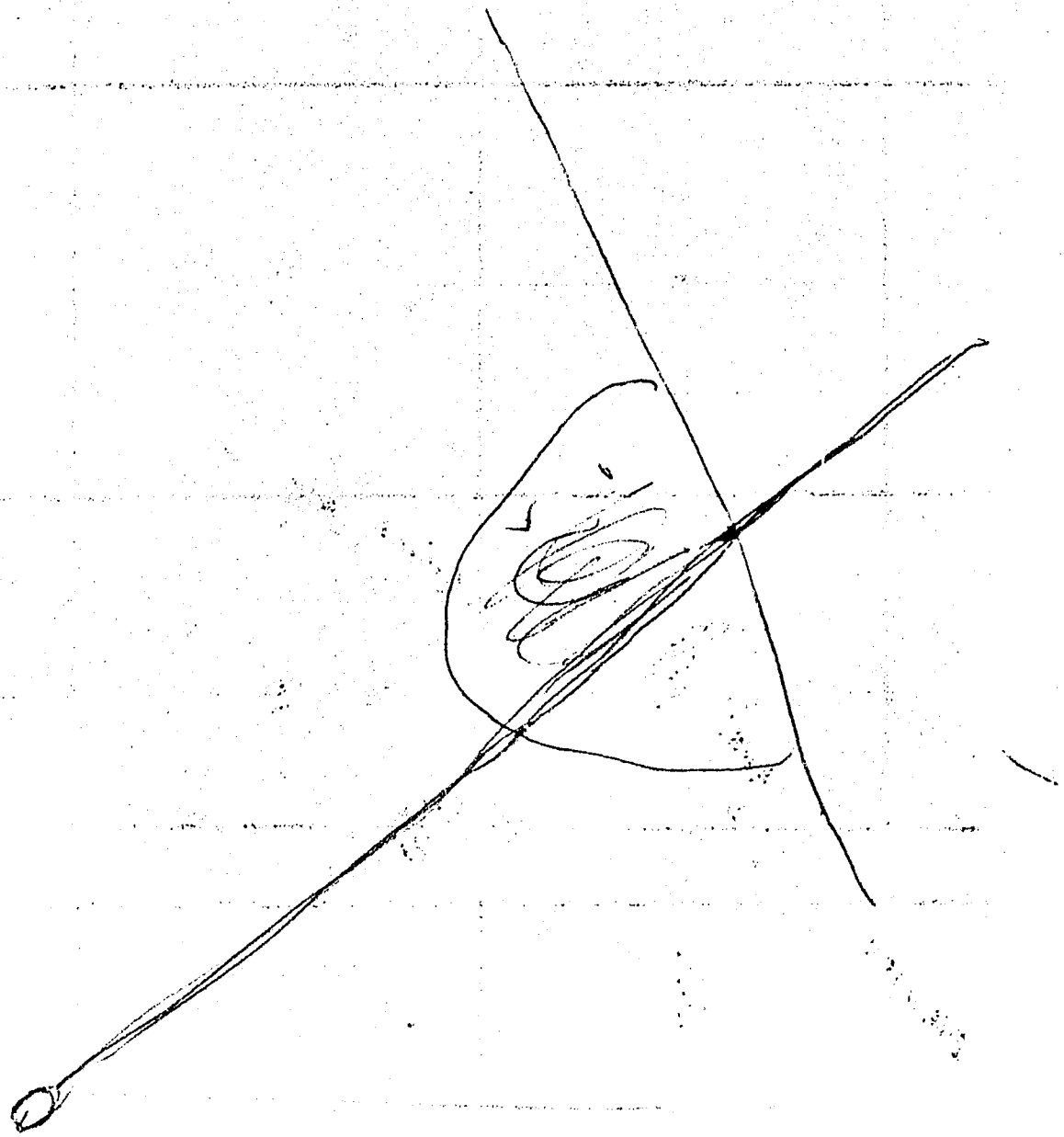
APPLICANT'S EXHIBIT

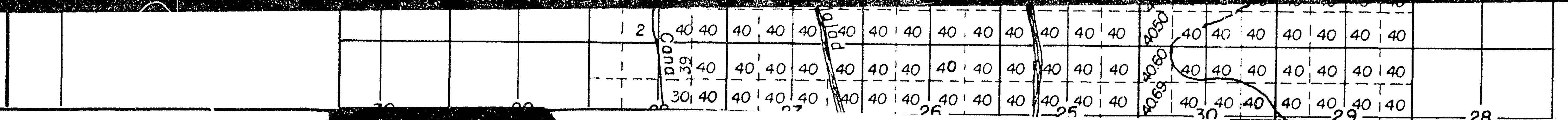
4. Abstract of Title.

- - -




SCALE: 2 INCHES EQUAL 1 MILE. DRAW PLAN IN INK.






## TABLE of RESERVOIR CAPACITIES

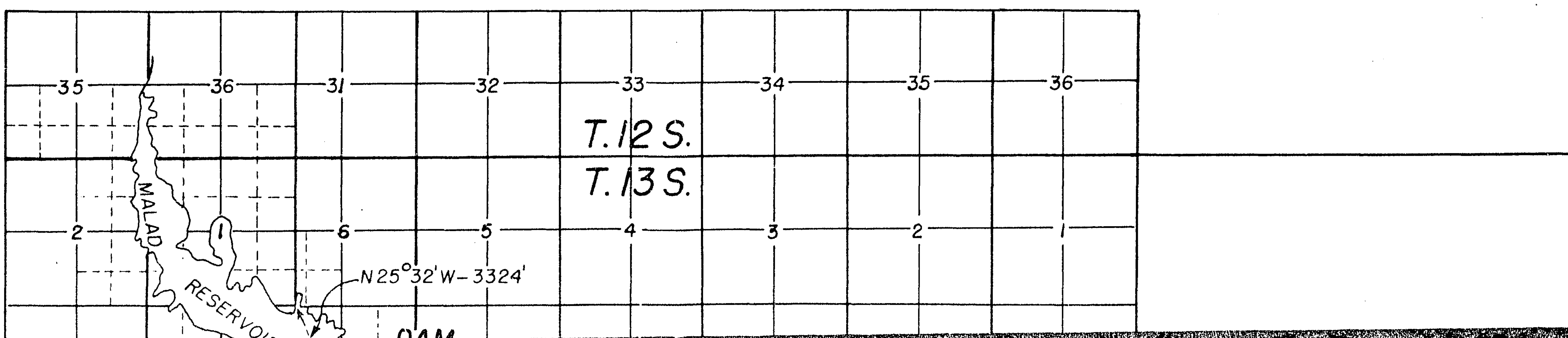
| Contour | Area in Acres | Capacity in Acre Feet | Total Capacities in Acre Feet |
|---|---|---|---|
| 0 | 0.19 | | |
| | | 5.25 | 5.25 |
| 5 | 1.90 | | |
| | | 128.30 | 133.55 |
| 10 | 49.42 | | |
| | | 376.55 | 510.10 |
| 15 | 101.20 | | |
| | | 561.80 | 1071.90 |
| 20 | 123.52 | | |
| | | 690.75 | 1762.65 |
| 25 | 152.78 | | |
| | | 820.60 | 2583.25 |
| 30 | 175.46 | | |
| | | 957.15 | 3540.40 |
| 35 | 207.41 | | |
| | | 1137.65 | 4678.05 |
| 40 | 247.64 | | |
| | | 1374.90 | 6052.95 |
| 45 | 302.32 | | |
| | | 1567.55 | 7620.50 |
| 50 | 324.71 | | |
| | | 1698.65 | 9319.15 |
| 55 | 354.75 | | |
| | | 1851.75 | 11,170.90 |
| 60 | 385.95 | | |
| | | 1998.65 | 13,169.55 |
| 65 | 413.51 | | |
| | | 2161.10 | 15,330.65 |
| 70 | 450.93 | | |

I certify that this map was prepared from a map bearing certificate of Geo. A. Parker, Engineer, dated Dec. 8, 1921; and from a map bearing certificates of Geo. A. Parker, Engineer, Feb. 11, 1922, and W. T. Livingston, Surveyor, May and June 1917; and a map certified by Samuel Lane October 1931 — all of these maps being on file in the office of the Idaho Commissioner of Reclamation.

Raymond J. Briggs
Jan 1942

Raymond J. Briggs
Consulting Engineer
Noble Bldg., Boise, Idaho

January 1942



DAM

Point of Outlet

Little Malad

N 15°45'E – 2975'

Point of Diversion

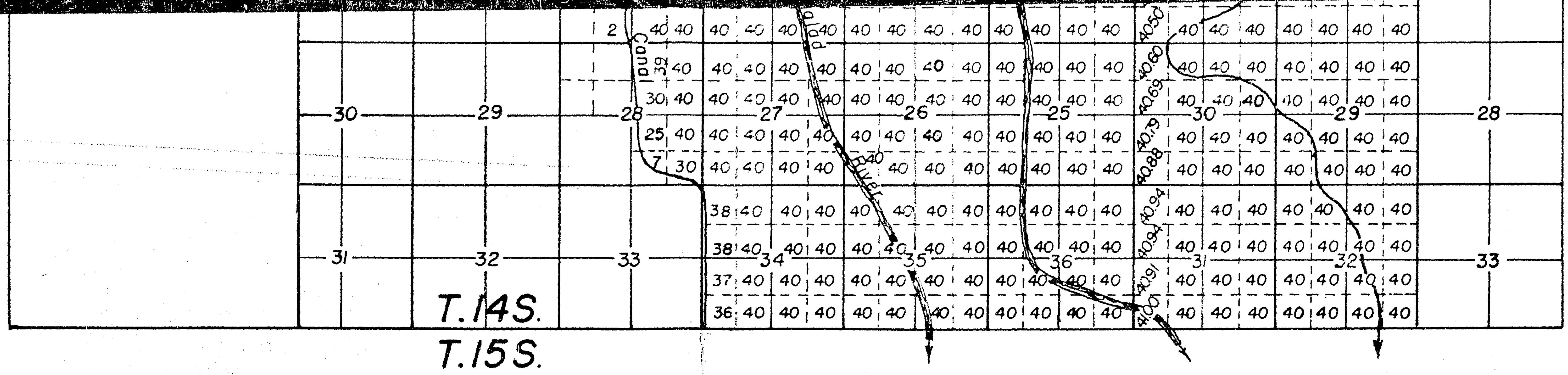
R.34E.
R.35E.
R.35E.
R.36E.

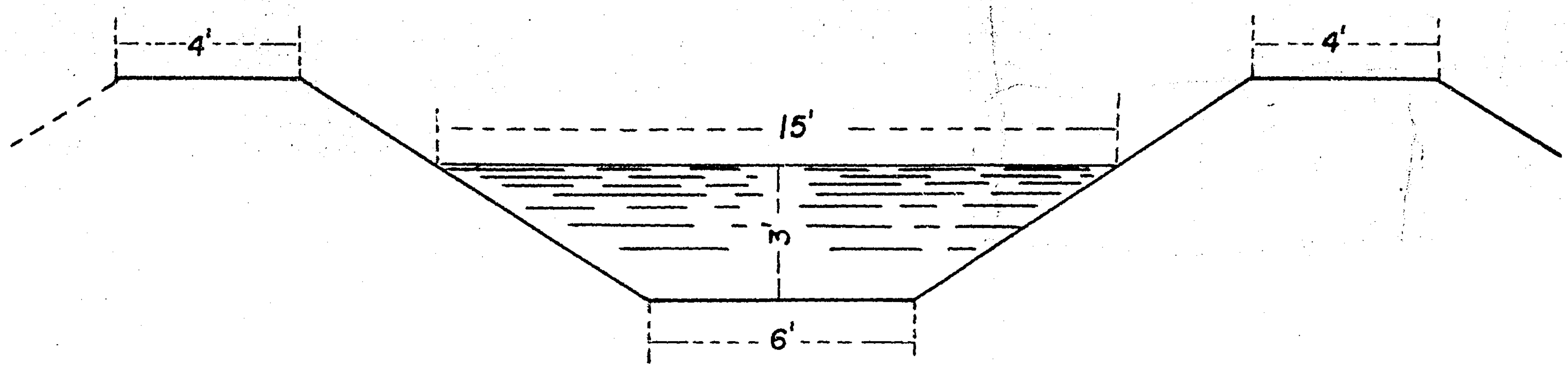
T.13S.
T.14S.

East Side Canal

Devil Creek

West Side




R727

Permit Map No. R- 857
As Approved
MARK R. KULF
[illegible] Engineer

**TYPICAL CROSS SECTION of CANALS**

Grade = 0.0005 per foot
Velocity = 2.4 ft. per second
Capacity = 75.6 Cu. Ft. per second

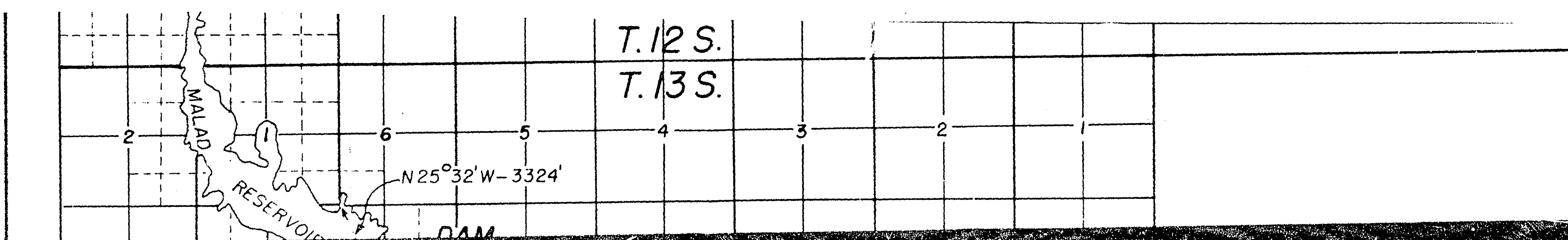
*Map to Accompany*

APPLICATION FOR PERMIT No. ~~26,727~~ 29183

—MALAD RESERVOIR COMPANY—

Filed by D.C. Ray

R-857 April 29, 1950
~~January 1942~~



BEFORE THE STATE RECLAMATION ENGINEER

- - -

IN THE MATTER OF THE APPLICATION OF :
THE MALAD RESERVOIR COMPANY, NO. R-29183, :
FOR PERMIT TO CONSTRUCT RESERVOIR AND : REPORTER'S
APPROPRIATE AND STORE PUBLIC WATERS : TRANSCRIPT.
OF THE STATE OF IDAHO. :
- - - - - - - - - - - - - - - - - - - - - - - - :

THIS CAUSE came regularly on for hearing at Pocatello, Bannock County, Idaho, in the Bannock County Courtroom, on the twenty-third day of August, 1950, before the HONORABLE MARK R. CULP, State Reclamation Engineer.

APPEARANCES:

T. E. RAY, ESQ., of Malad, Idaho;

Attorney for the Applicant;

JNO. W. CLARK, of Malad, Idaho; and

MESSRS. MERRILL & MERRILL, of Pocatello, Idaho;

Attorneys for the Protestant, Dewey T. Jones, of Malad, Idaho.

- - -

R. D. BISTLINE
OFFICIAL REPORTER
POCATELLO, IDAHO

BEFORE THE COMMISSIONER OF RECLAMATION OF THE

STATE OF IDAHO.

- - -

IN THE MATTER OF THE APPLICATION, NO. :
R-29183 of the MALAD RESERVOIR COMPANY, :
FOR PERMIT TO CONSTRUCT RESERVOIR AND :
STOKE AND APPROPRIATE PUBLIC WATERS OF :
THE STATE OF IDAHO. :

REPORTER'S TRANSCRIPT.

THIS CAUSE came regularly on for hearing at Pocatello, Bannock County, State of Idaho, in the Bannock County Courtroom, on the twenty-third day of August, 1950, at the hour of ten o'clock A. M., before the HONORABLE MARK R. KULP, STATE RECLAMATION ENGINEER.

APPEARANCES:

HON. T. E. RAY, of Malad, Idaho,

Attorney for the Applicant, Malad Reservoir Company;

HON. JNO. W. CLARK, of Malad, Idaho; and

MESSRS. MERRILL & MERRILL, of Pocatello, Idaho;

Attorneys for the Protestant, Dewey T. Jones, of Malad.

- - -

R. O. BISTLINE
OFFICIAL REPORTER
POCATELLO, IDAHO

R-857

# I N D E X.

- - -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- - - - -

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POCATELLO, IDAHO

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PROTESTANT'S EXHIBITS:

No. 1 - Patent, Instrument No. 28253

Marked for Identification 14
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No. 2 - Patent, Instrument No. 34040

Marked for Identification 15
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No. 3 - Tracing from Aerial Map

Marked for Identification 16
Admitted in Evidence 17

APPLICANT'S EXHIBIT:

No. 4 - Abstract of Title

Marked for Identification 37
Admitted in Evidence. 39

- - - -

REPORTER'S NOTE: Original Exhibits as listed above transmitted with original transcript to State Reclamation Engineer.

- - - -

R. D. BISTLINE
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POCATELLO, IDAHO

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Pocatello, Idaho,

Wendesday, August 23rd, 1950.

- - - -

COMMISSIONER KULP: Doctor Ray, who is representing you, - that is, the Malad Reservoir Company?

DOCTOR RAY: Attorney T. E. Ray, of Malad.

COMMISSIONER KULP: And Mr. Merrill, whom do you represent?

MR. MERRILL: Mr. John W. Clark and Messrs. Merrill & Merrill are representing the protestant, Mr. Dewey T. Jones.

COMMISSIONER KULP: Are all of your witnesses present, Mr. Ray?

MR. RAY: Yes; the board of directors of the company.

COMMISSIONER KULP: They are the only ones you will present?

MR. RAY: Yes, your Honor.

COMMISSIONER KULP: And Mr. Clark, have you any witnesses that are not here?

MR. CLARK: We have just the protestant and certain records, is all.

COMMISSIONER KULP: But there are none not present that you expect to call?

MR. CLARK: No.

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POCATELLO, IDAHO

COMMISSIONER KULP: This hearing will be in order.

This is a hearing on the protest against the approval of the application of the Malad Reservoir Company, numbered R-29183, for permit to construct a reservoir and store and appropriate public waters of the state of Idaho. The protest is by Dewey T. Jones, of Malad, Idaho, and this hearing was originally set for August 4th, 1950, in the Office of the State Reclamation Engineer, but was continued to this time and place.

Are both the Protestant and the Applicant prepared to take care of the costs of the reporting and transcribing? Are you, Mr. Clark?

MR. CLARK: Yes, your Honor.

COMMISSIONER KULP: And you, Mr. Ray?

MR. RAY: Yes, sir.

COMMISSIONER KULP: Do you care to stipulate that any records in the State Department of Reclamation may be made a part of the transcript by reference only?

MR. CLARK: Yes, Mr. Commissioner.

MR. RAY: Yes, your Honor.

COMMISSIONER KULP: This hearing is on a protest. The Protestant will start.

MR. RAY: Just a moment, your Honor. I presume your Honor is acquainted with the contents of this protest, and

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OFFICIAL REPORTER
POCATELLO, IDAHO

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that your Honor is sitting as an administrative officer, and not as a judicial officer. Our Supreme Court has held that in hearings of this kind the Commissioner of Reclamation is an administrative officer,--

MR. MERRILL: There is no argument about that.

MR. RAY (Continuing:) And he is, of course, given the discretion to grant, or to refuse to grant, applications to appropriate and store public waters of streams of this state. I am not familiar, of course, with the practice in hearings before the Commissioner, but it appears to me that even admitting the grounds set forth in the protest as filed by Mr. Jones here, that it is a matter which is outside the jurisdiction of the Commissioner. That seems to be a judicial matter, to determine the question which he sets up in his protest, not an administrative matter.

You, as Commissioner, are authorized to grant this Applicant permission to store the water of the Little Malad River, being public water of the state; and this Protestant hasn't come in here and claimed the right, or made any application to appropriate these waters. It isn't a question of whether he is entitled to the waters or whether the Malad Reservoir Company is entitled to the waters. There isn't any contest on the question of the right of the Malad Reservoir Company to have those waters granted to them, if the Commissioner sees fit to grant

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POCATELLO, IDAHO

them to it. He has come in here on a judicial matter, - the question of whether the Malad Reservoir Company has the right to flood his land with water, if the Commissioner should see fit to grant the Malad Reservoir Company a renewal of its water rights. Now, that is a judicial matter. If we haven't the right, - of course, we claim we have the right, but supposing we didn't have the right, why, he could bring an action in court to restrain the flooding of his land, and the Malad Reservoir Company would have the power of eminent domain to make a settlement with him for this land that we are going to flood.

Now, this matter can be shortened and clarified if we look at it from that aspect. I don't believe the Commissioner of Reclamation, as an administrative off.cer, is concerned with the question at all that he has set up in his protest.

MR. MERRILL: May we offer this suggestion, your Honor: Counsel made some comment about this being a renewal of a permit. It isn't any such a thing. Right on its face it is an application for a permit to construct a reservoir, and to store and appropriate public waters of the State of Idaho. Any rights that may be given them under this permit would have to date from the date you give them the permit, and it certainly would not be in any sense retroactive in any degree. We submit

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POCATELLO, IDAHO

on the very face of the application the permit ought to be denied. They don't show any resources or ability to do the work. They say, "Financial Resources, or Cash On Hand: None. Treasury Stock: $25,000.00." Well, that is just a dream, perhaps, that they might sell it. Then they say, "480 acres of land with large concrete dam fifty feet high." They are asking here for a reservoir dam seventy feet high. Our position is that before they can come in and get an application granted to construct a reservoir they have got to show the right to the use of the land they are going to flood, and that they cannot come in, and your Honor cannot grant them an application for permit to build a reservoir on another man's land and take his property and flood his land. I grant you that there are legal matters that probably hereafter may be in Court, but before an application of this sort can be granted, it is our position that they must be able to show that they have got the right to store this water on lands they say they are going to get, - they say they want to construct the reservoir on. It isn't like an application for water from a stream for their own lands, but it is the flooding of another man's farm, and we suggest here we have a right to go ahead and show the damage it will do if this permit is granted. That is an administrative matter, to show that it will damage, - not in dollars and cents, - but to show that it will damage it, and that they have done nothing to acquire the land that would be

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under this permit that has to take the date as of the time of granting, if it is granted at all; and we think, furthermore, we have a right to show the location of the dam, the location of this man's land, and the situation surrounding those facts, and it doesn't become a matter of law; it becomes an administrative matter as to whether or not an administrative officer will let them do that sort of thing by the granting of the permit.

We are ready to go ahead on that.

MR. RAY: We submit it, your Honor.

COMMISSIONER KULP: I certainly will not try to make a judicial decision of any kind, but the statutes require a hearing in the case of a protest against the application for a permit, and we are having this hearing in order to assist the State Reclamation Engineer in making a proper decision. The Protestant may start.

MR. CLARK: Call Mr. Jones.

DEWEY T. JONES,

the Protestant, called as a witness in his own behalf, having been first duly sworn, testified as follows;

DIRECT EXAMINATION

BY MR. CLARK:

Q State your name, please.

A Dewey T. Jones.

Q And where do you reside?

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POCATELLO, IDAHO

A Malad, Idaho.

Q What is your occupation?

A Farming, and cattle raising.

Q Do you own certain real estate within the vicinity of what is termed the Malad Reservoir Company?

A I do.

Q Did you acquire that property by warranty deed from certain parties?

A I did.

Q And your predecessors, to your knowledge, received patent from the United States Government with reference to that land?

A They did.

MR. RAY: Do you have the patent?

MR. CLARK: We have a certified copy.

Q (Mr. Clark, continuing:) You have been informed and know of your own knowledge that the Malad Reservoir Company through its designated officers have proceeded upon your patented land to construct a reservoir?

A They have.

Q At any time have any of those officers consulted you as to the character of construction and as to what their rights may be toward their construction?

A Well, I have talked to them and they have said they

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figured it was their rights; that they owned the rights to go ahead with this work, they told me, whoever it was.

Q Are you informed as to the particular land for the site of this reservoir?

A Yes, pretty well.

Q Can you describe that land for the record? Can you describe it from memory?

A Well, I believe I can.

Q All right. Do so.

A It is Lot One and Two, and the East Half of the Northwest Quarter, and the Southwest Quarter of the Northeast Quarter of Section Seven, Township Thirteen, South Range Thirty-five East of the Boise Meridian.

Q Now, that particular land that you have described is the property involved for the construction of this reservoir, is it?

A Yes; the backing of the water, and putting the clay on that ground.

Q And the clay that has been used is also off this particularly described land?

A Yes, sir.

Q Did any of the officers of this company inform you at any time as to what they based their right to come onto this property and construct,--

A Well, no; they never.

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POCATELLO, IDAHO

Q They just said they had the right, is all?

A They just said they had the right. We didn't get down to any particulars as to what it was.

Q Did any of the officers of this company ever tell you that they had provided sufficient capital or bonds with the Department of Reclamation to reimburse you for any damages you might suffer?

A No; they didn't.

Q You have noted the character of the construction that they have proceeded to perform upon this site, have you not, Mr. Jones?

A Yes.

Q And what character of construction are they performing at the present time?

A Hauling clay and tamping it, - hauling clay in the grounnd around there and tamping it.

Q On the surface of the site?

A Yes.

Q And this was just recently done, was it?

A Yes.

Q Within the last month or so?

A Yes; it was begun in July.

Q Have you any idea as to what injury or damage that this sort of construction will cause you on your patented land?

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POCATELLO, IDAHO

A Well, the parts the clay is on, - the parts they hauled the clay from, I would say is totally damaged.

Q That is, for your future use in the event of a failure of this company to store this water, even after construction, would be an irreparable injury to you?

A Yes, I would say it would.

Q For farming and agricultural purposes?

A Yes.

Q And to your knowledge this type of construction was not anticipated when the first construction was made on this site?

A No; it wasn't.

Q Have you any idea of approximately the number of acres that will actually, if this permit is allowed, that might be affected by the storing of water, or flooding of water over your land?

A Well, I don't know. I don't know just where the lines are exactly, but I would imagine from eighty to ninety acres.

COMMISSIONER KULP: How many?

THE WITNESS: From eighty to ninety acres, - something like that, any way.

MR. RAY: How many acres was that?

MR. CLARK: Eighty to ninety, he said.

R. D. BISTLINE
OFFICIAL REPORTER
POCATELLO, IDAHO

THE WITNESS: Where the water would store, and cut off grownd I couldn't get at.

Q (Mr. Clark, continuing:) Mr. Jones, you understand the permit, - or application for permit that is being filed, or was filed in April of this year to appropriate so much water from the Little Malad River by the Malad Reservoir Company?

A Yes, sir.

Q And at that date, - that is what you are principally protesting?

A Yes, sir.

Q That they not be permitted to flood this land, or to construct this reservoir, as they are now doing, without first compensating you for the damage to your property?

A Yes, sir.

Q And you feel, of course, that your right is prior to theirs, so far as this application that is made is concerned?

A Yes, sir.

Q Of course you testified as to the characterof the constructions, by hauling clay to the bed of the site and tamping it, so that it will make it impossible for agricultural purposes for you in the future, in the event that they are not able to store this water?

A Yes, sir.

Q You have no particular objection,--

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POCATELLO, IDAHO

MR. CLARK: Well, I will withdraw that.

Q (Mr. Clark, continuing:) For the information of the,-- or for the record here, I will hand you for identification an instrument and ask you to tell me what that is.

(Whereupon, the document above referred to, the same being a Patent, was marked by the Reporter as Protestant's Exhibit No. 1, for identification.)

Q What is the instrument?

A "The United States of American to all whom,--"

Q No, I don't want you to read the whole thing. Do you know what the instrument is?

A Well, it is on the land that is covered.

Q It is a patent, is it?

A A patent; yes.

Q It is the Patent to Lots one and two, and the East Half of the Northwest Quarter of Section Seven in Township Thirteen South, Range Thirty-five East Boise Meridian?

A Yes, sir.

Q Which was given by the United States of America to the heirs of Frederick Thomas?

A Yes, sir.

Q And from the heirs of Frederick Thomas is where you derive your title to this particular land?

A Yes, sir.

R. D. BISTLINE
OFFICIAL REPORTER
POCATELLO, IDAHO

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Q And that is the land, - the site where this reservoir will flood, that is, the land this reservoir will flood?

A Yes, sir.

MR. CLARK: Your Honor, for the sake of the record I ask that this certified copy of the Patent to certain of this property be admitted in evidence.

COMMISSIONER KULP: It will be admitted.

(Protestant's Exhibit No. 1, heretofore marked for identification, was admitted in evidence.)

MR. CLARK: And I will ask the Reporter to mark this as Protestant's Exhibit No. 2 for identification.

(Protestant's Exhibit No. 2, R. D. B., was marked for identification, the same being Patent to Morgan T. Jones, was marked by the Reporter.)

Q (Mr. Clark, continuing:) I show you this instrument and ask you what that is.

A That is the patent of the United States of America to Morgan T. Jones.

Q And for the Southwest Quarter of the Northeast Quarter of Section Seven, in the same township and range?

A Yes, sir.

Q And now you are the owner of that property?

A Yes, sir.

Q And you acquired the title through and from Morgan T. Jones?

R. D. BISTLINE
OFFICIAL REPORTER
POCATELLO, IDAHO

A Yes, sir.

MR. CLARK: I offer in evidence Protestant's Exhibit No. 2, so marked for identification.

COMMISSIONER KULP: It will be admitted.

(Whereupon, Protestant's Exhibit No. 2, heretofore marked for identification, was received in evidence.)

Q (Mr. Clark, continuing:) I show you a small tracing of an aerial plat of the land involved in this reservoir site for the Malad Reservoir Company and ask you if you know that particular land, and if you know where that is situated?

A Yes.

Q And that that is a fair illustration of the land involved and the reservoir site that is in controversy at this time?

A Yes.

(Mr. Clark hands document to Mr. Ray.)

(Protestant's Exhibit No. 3, for identification, R. D. R., the same being small tracing, was marked by the Reporter.)

MR. CLARK: Your Honor, for the sake of the record, I would like to ask that this tracing of the plat be admitted in evidence.

COMMISSIONER KULP: May I see it?

MR. CLARK: Yes. (Hands document to Commissioner Kulp).

R. D. BISTLINE
OFFICIAL REPORTER
POCATELLO, IDAHO

Sheet No 5 Instrument No

# Articles of Incorporation of Malad Reservoir Company, Limited

\- - -

Know all men by these presents: That we, the undersigned, have formed and by these presents do form, a corporation under and pursuant to the provisions of Title 4, Chapter 1 of the Revised Code of Idaho, and Acts amendatory thereto, and for thatpurpose, do agree as follows, to-wit:

Article

1. The parties to this agreement and their respective place of residence are as follows, to-wit:

| | |
|---|---|
| James J. Chambers, | Salt Lake City, Utah |
| E. W. Ryberg, | Logan, Utah |
| David W. Tovey, | Malad City, Idaho |

Article

2. The name of the corporation hereby formed is the "Malad Reservoir Company, Limited."

Article

3. The purposes forwhich this corporation is formed are: toacquire,hold, own, maintain and operate, either by itself or with others, the Malad Reservoir and Irrigation System, consisting of a dam which is to be constructed across the Little Malad River in Section 7, Township 13 South, Range 35 East, Boise Meridian, in Oneida County, Idaho, together with all other dams, canals, reservoirs and ditches which may become a part of the said system, for the purpose of storing and distributing water to be used in the reclamation and irrigation of land within the State of Idaho;and for the purpose of diverting said waters of the said Little Malad River into the said reservoir and irrigation system and the distribution thereof; for the purpose of fixing, charging and collecting from parties entitled to have the water distributed to them through the said reservoir and irrigation system, reasonable tolls, rentals, maintenance and service charges in such manner as may be determined by regulations or by-laws adopted for that purpose, or by means of assessments levied upon its capital stock in accordance with the laws of the State of Idaho, or in accordance with the rules and regulations of the State Board of Land Commissioners as provided in House Bill No. 276; to construct, purchase, lease and dispose of interests insaid Reservoir and irrigation system, and to buy, hold, own, lease, and dispose of real and personal property as may be necessary or expedient for the proper conduct of its business; to do any and all things necessary and proper to be done in conducting the business of storing water and supplying through the said irrigation system and distributing among the parties entitled thereto, waters for irrigation, domestic and other purposes

R.95 1

Sheet No 6

Article
4. The place where this corporation's principal business is to be transacted, and the place where the meetings of its stockholders shall be held is the town of Malad City, County of Oneida, State of Idaho; but offices may be maintained for the transaction of its business at other places designated from time to time by the board of directors

Article
5. The term for which this corporation shall exist is 50 years

Article
6. The business of this corporation shall be managed and its affairs directed by a Board of three (3) directors, who shall appoint from among their number the following officers, to-wit: A president, vice-president, secretary and treasurer at thesame time

Article
7. The capital stock of this corporation shall be $10,000. divided into 10,000 shares of the par value of $1.00 each, and the amount thereof actually subscribed and the number of shares subscribed by each subscriber are as follows, to-wit:

| Name | amount | number of shares |
|---|---|---|
| James J, Chambers | $4950.00 | 4950 |
| E.W.Ryberg | 4950.00 | 4950 |
| David W. Tovey | 100.00 | 100 |

In Witness Whereof the parties first above named have hereunto set their hands and seals this 31st day of July, A.D. 1912

/s/ James J. Chambers
E. W. Ryberg
David W. Tovey

State of Idaho
County of Oneida, ss

On this31st day of July, 1912, before me T. D. Jones, a Notary public in and for said County, residing therein, duly commissioned and sworn, personally appeared James J. Chambers, and David W. Tovey, personally known to me to be the persons whose names are subscribed to the within instrument and they each duly ackhowledged to me that they exdcuted the same

In Witness Whereof I have hereunto set my hand and affixed my offivial seal, the day and year on this certificate first above written T.D.Jones, Notarypublic

- - -

[illegible], Recorder, Oneida Co. Idaho

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Sheet No 6 Continued

State of Utah
County of Salt Lake, ss

On this 3rd day of August, A.D. 1912, before me, Joel Nibley, a Notary public in and for said County, residing therein, duly commissioned and sworn, personally appeared E. W. Ryberg, personally known to me to be the person whose name is subscribed to the within instrument and he duly adknowledged to me that he executed the same

In Witness Whereof I have herdunto set my hand and affixed my official seal, the day and year in this certificate first above written

Joel Nibley, Notarypublic
(Seal of Notary)

-

Filed August 6, 1912

John J. Evans, Recorder, Oneida County, Idajo

- -

P-15

Sheet No 7 Instrument No 36901

the United States of America, Grantor

To

John R. Price, Grantee

PATENT

Dated January 14, 1918
Recorded November 7, 1921, 2:00 PM Book E Patents page 199
Act Congress April 24, 1920
Woodrow Wilson, President; LQCLamar Recorder Genl Land Office (Seal)

Description and remarks

the Northeast quarter of the Southwest quarter of Section 7, Township 13 South, Range 35 East, Boise Meridian.

Sheet No 8 Instrument No

John R. Price and wife,
Judith L. Price, Grantors

To

Charles Elcock Grantee

Warranty Deed

Dated September 20, 1917
Recorded September 22, 1917, 9:10AM Book.13 Deeds page 499
Consideration: $2.00
Acknowledged September 21, 1917, before Vance Bigler, Notarypublic
Oneida Co. Idaho; Seal of Notary affixed

Description and remarks

the Northeast quarter of the Southwest quarter of Section 7, Township 13 South, Range 35 East, Boise Meridian.
(with other land)

p. 857

Sheet No 9 Instrument No 39696

Charles Elcock and wife,
Julia M. Elcock, Grantors

To

E.J.Kelley, Grantee

Warranty Deed

Dated August 13, 1923
Recorded August 16, 1923, 9:00 AM Book 16 Deeds page 612
Consideration: $50.00
Acknowledged August 13, 1923, before Vance Bigler, Notarypublic
Oneida Co. Idaho; Seal of Notary affixed

Description and remarks

Beginning at the center of Section 7, Township 13 South, Range 35 East of the Boise Meridian;
thence running South 160 feet, thence South 53°00' West 450 feet, thence North 45°00' West 530 feet, thence East along center line of Section 7, 640 feet, to point of beginning, containing 3.75 acres

This instrument is intendedto convey that portion of the Northeast quarter of the Southwest quarter of Section 7 upon which the concrete dam, spillway and flooded area of Malad Reservoid is located

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Sheet No 10 Instrument No

the United States of America, Grantor

To

David P. Jones, Grantee

PATENT

Dated November 23, 1893
Recorded December 31, 1896, 12:15 PM Book A Patents page 266
Act Congress May 20, 1862
Grover Cleveland, President; LQC Lamar Recorder Genl Land Office (Seal)

Description and remarks

the West half of the Southeast quarter of Section 7, Township 13 South, Range 35 East, Boise Meridian.

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1

Sheet No 11 Instrument No 40229

D.P.Jones and wife,
Mary R. Jones, Grantors

To

E. J. Kelley, Grantee

Warranty Deed

Dated December 7, 1923
Recorded February 11, 1924, 9:40 AM Book 17 Deeds page 52
Consideration: $15.00
Acknowledged February 9, 1924, before J. Peter Jensen, Clerk District Court, Oneida Co. Idaho; Seal of Court affixed

Description and remarks

Beginning at the center of Section 7, Township 13 South, Range 35 East, Boise Meridian, thence running East 125 feet, thence South 225 feet, thence West 125 feet, thence North 225 feet, to the point of beginning

This deed is intended to cover the land at the Southeast end of Malad Reservoir Company's dam as above described

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Sheet No 12 Instrument No 34040

the United States of America, Grantor

To

Morgan T. Jones, Grantee

PATENT

Dated July 22, 1919
Recorded November 14, 1919, 3:10 PM Book E Patents page 83
Act Vongress May 20, 1862
Woodrow Wilson, President; LQC Lamar, Recorder Genl Land Office (Seal)

Description and remarks

the Southwest quarter of the Northeast quarter of Section 7, Township 13 South, Range 35 East, Boise Meridian, containing 40 acres

Subject to any vested and accrued water rights for mining. agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connectiom with such water rights, ad may be recognized and acknowledged by the local laws, customs, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or camals contsructed by the authority of the United States.

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Sheet No 13 Instrument No 64160

Morgan T. Jones and wife,
Rode H. Jones, Grantors

To

Dewey T. Jones, Grantee

Warranty Deed

Dated April 14, 1943
Redorded April 20, 1943. 9:30 AM Book 26 Deeds page 277
Consideration: $1.00
Acknowledged April 19, 1943, before J.H.McAllister, Clerk, District Court, Oneida Co. Idaho; Seal of Notary affixed

Description and remarks

the Southwest quarter of the Northeast quarter of Section 7, Township 13 South, Range 35 East, Boise Meridian, containing 40 acres

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Sheet No 14 Instrument No

the United States of America, Grantor

To

the Heirs of Fredrick Thomas, Grantee

PATENT

Dated May 29, 1916
Recorded August 31, 1916, 3:00 PM Book D Patents page 260
Act Congress May 20, 1862
Woodrow Wilson, President; LQC Lamar Recorder Genl Land Office (Seal)

Description and remarks

Lots 1 and 2, the East half of the Northwest quarter of Section 7, in Township 13 South, Range 35 East, Boise Meridian, containing 105.79 acres

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local laws, customs, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States

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Sheet No 15 Instrument No

IN THE DISTRICT COURT
of the Fifth Judicial District of the State of Idaho,
in and for the County of Oneida

- - -

Fred W. Thomas and Mary E. Thomas,
his wife, Plaintiffs

-vs- ) Complaint

Malad Reservoir Company, Limited,
a corporation, Defendant

- - - -

The plaintiff complains and for cause of action alleges:

1. That at all times herein mentioned the plaintiffs were and now are husband and wife, and were the parents and sole heirs at law of Frederick Thomas, now deceased

2. That at all times hereinafter mentioned the defendant was andnow is a corporstion duly organized under the laws of the State of Idaho

3. That at all times hereinafter mentioned the defendant wereand now are the owners and in the possession and entitled to the possession of the following described land, to-wit:

Lots One (1) and Two (2) and the East half of the Northwest quarter of Section 7, Township 13 South, Range 35 East of the Boise Meridian, in Oneida County, Idaho, containing 105.79 acres

That the said land is all valuable farming land on which agricultural crops can be raised, and is of the Value of $50.00 per acre.

4. That on or about the 27th day of September, 1913, Frederick Thomas, now deceased, made homestead filing upon the above described land and such proceedings were afterwards taken that patent therefor issued to the plaintiffs, a copy pf which is hereuntoattached and made "Exhibit "A"

5. That the defendant claims some interest in said land by reason of the application for right-of-way filed by E. W. Ryberg for the Malad Reservoir Company, in the land office at Blackfoot, Idaho,which was approved September 26th 1913, which said application was finally allowed by the General

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Land Office under and by virtue of the Acts of March 3, 1891 (26 Stat. 1095) and May 11, 1898 (30 Stat.404) but in this connection the plaintiffs allege that upon the approval of said filing the said defendant did not proceed diligently upon the construction of the reservoir hereinafter referred to, but for more than two (2) years failed and neglected to comply with the requirements of said sections and thereby abandoned all their right, title and claim thereto.

6. That the plaintiffs further allege that the said right-of-way allowed under said statute is inferior and subject to thesaid patent, and that the right and use and occupancy, if any, acquired by the defendant thereunder ceased upon the issuance of said patent.

7. That notwithstanding the rights of the plaintiffs the defensant wilfully and without right erected a large dam across the Little Malad River at a point below the said lands and in the years 1917 and 1918 backed the waters of said river over and upon the said lands and deprived the plaintiffs of the use thereof, and prevented him raising crops thereon to his damage in the sum of $2000.00

8. Thatduring the year 1918 the defendant entered upon said land and dug great pits and holes thereon which further injures and destroys the said property, and that they threatendd to and will continue to injure and flood the said lands without they are restrained therefrom by the equitable interposition of this Court

9. That the defendant is a corporation organized for the purpose of constructing a reservoir for impounding water for irrigation purposes, and are empowere by the laws of the State of Idaho with the power of eminent domain, byt that they have wrongfully and unlawfully sought to take the said land without condemning the same and making due compensation to the plaintiffs therefor to the great and irreparable injury and damage of these plaintiffs, and that the continuation of said acts will result in a multiplicity of suits for damages incurred each year, and the plaintiff has no plain, speedy and adequate remedy at law.

Wherefore plaintiff prays: (1) Judgment againstthe defendant for the sum of $2000.00, and for costs of suit; (2) That the defendant be perpetually enjoined from flooding the said lands, or any part thereof, or from interferring or molesting eith the plaintiffs' possession thereof, and that their title thereto be quieted, and for all proper relief

McDougall & Jones
Attorneys for Plaintiffs
Residing at Pocatello, Idaho

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Sheet No 17

State of Idaho
County of Oneida, ss

Fred W. Thomas beingfirst duly sworn deposes and says: that he one of the plaibtiffs above named; that he has read the above and foregoing cpmplaint and knows the contents thereof, and that the facts stated therein are true, as he verily believes

/s/ Fred W. Thomas

Subscribed and sworn to before me
the 13th day of June, 1918

Jenkin Jones,
Clerk of the District Court
(Seal of Court)

"Exhibit A" Attached (See following page)

Filed June 13, 1918 - Jenkin Jones, Clerk, District Court

- -

Same Title of Court and Cause
- D E M U R R E R -
- - -

The defendant demurs to the complaint of the plaintiff and for cause of demurrer alleges that said complaint does not state facts sufficient to constitute a cause of action against this defendant.

Dated July 22, 1918

T. E. Ray, Attorney for Defendant
Residing at Malad, Idaho

Filed July 22, 1918
Jenkin Jones, Clerk

- -

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Sheet No 18 "Exhibit "A"

Instrument No 28253
Blackfoot 011728 4-1003

The United States of America
To all to whom these presents shall come, greeting:

Whereas, a certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land office whereby it appears that, pursuant to the Sct of Congress of May 20th, 1862, "To Secure Homesteads to actual Settlers pn the Public Domain" and the Acts supplement thereto, the claim of the heirs of Fredrick Thomas, has been established and duly consummated, in conformity with law, for the Lots One and Two and the East half of the Northwest quarter of Section Seven in Township Thirteen South of Range Thirty five East of the Boise Meridian, Idaho, containing 105.79 acres

According to the Official Plat of the Survey of the said land returned to the General Land Office by the Surveyor General

NOW KNOW YE. That there is, therefore, granted by the United States unto the said claimants, the tract of land above described TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimants and to the heirs and assigns of the said claimants forever; subject to any vested and accrued water rights for mining, agrocultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local laws, customs and decisions of the Courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the Uniyed States

IN TESTIMONY WHEREOF, I, Woodrow Wilson, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed

Given under my hand at the City of Washington, the twenty ninth day of May, in the year of lur Lord One thousand nine hundred and sixteen, and of the Independence of the United States the one hundred and fortieth

By the President: Woodrow Wilson
By M.P.LeRpy, Secretary (Seal)
L.Q.C. Lamar, Recorder of theGeneral Land Office (Seal)
Recorded Patrnt number 531315 6-2176

Recorded August 31, 1916 at 3:00 PM in Book D Patents page 260 in the office of the County Recorder of Oneida County, Idaho

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Sheet No 19 ORBaum District Judge Fifth Judicial District of Idaho — Pocatello Idaho February 19, 1921

Mr. J. Peter Jensen,
Clerk, District Court,
Malad City, Idaho

Dear Mr. Jensen:

In re: 439-2 - Fred W. Thomas Plaintiff
vs-
Malad Reservoir Company, Limited,
a corporation Defeddant

You may enter an order on your minutes as of this date, the order having been made at Chambers at Pocatello, Bannock County, Idaho as follows:

"Demurrer of the defendant, Malad Reservoir Company, Ltd, a corporation, to the complaint of the plaintiff having heretofore been presented and the matter taken under advisement by the Court, It is hereby Ordered that the demurrer be, and the same is hereby, sustained"

Very truly yours

O.R.Baum, District Judge

ORB:WSec
CC to McDougall & Jones
T.E.Ray

See Court minutes Record #4 at page 160

\- - -

(Same Title of Court and Cause)

Fred W. Thomas, Plaintiff Court Minutes Malad, Idaho
vs. June 29, 1921
Malad Reservoir Co Defeddant

\- -

It was ordered by the Court that the complaint of the plaintiff be dismissed by reason of failure to amend his complaint after the sustaining of the general demurrer

Robert M. Terrell, Judge

\- - -

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Sheet No 20 Instrument No 50606

In the Probate Court of the
County of Oneida, State of Idaho

\- - -

In the Matter of the Estate of
Fredrick W. Thomas, deceased

\- -

Decree determining Heirship

Dated Febry 28, 1934
Recorded March 1, 1934, 2:30 PM Book H Miscel page 352
Certified a True copy by J.J.James, Clerk Probate Court,
Oneida Co. Idaho; Seal of Court affixed

Description and remarks

Fredrick W. Thpmas died intestate April 4, 1931, owned an estate of inheritance in the State of Idaho in and to:

Lots 1 and 2, $E\frac{1}{2}NW\frac{1}{4}$ Sec. 7, Tp. 13 S. R. 35 EBM

Community property of deceased and wife, Mary E. Thomas, Heirs at law Mary E. Thomas, widow, three children, namely: Victor J. Thomas, Mary Peterson, Ruth E. Ripley,

Mary E. Thomas, widow of deceased, has right of descent of the whole of the estate of which deceased died seized and herein described

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Sheet No 21 Instrument No 61000

Victor J. Thomas, Mary Peterson, and
Ruth E. Riple, soleand only heirs at law of
Mary E. Thomas, deceased, Grantors

To

Dewey T. Jones, Grantee

Warranty Deed

Dated January 25, 1941
Recorded Feby 4, 1941, 5:00 PM Book 24 Deeds page 608
Consideration: $4000.00
Acknowledged Jany 25, 1941, before T. E. Ray, Notarypublic
Oneida Co. Idaho; Seal of Notary affixed

Description and remarks

the East half of the Southwest quarter,
the West half of the Southeast quarter of Section 6;
Lots 1 and 2, the East half of the Northwest quarter,
and the Northwest quarter of the Northeast quarter
of Section 7, Township 13 South, Range 35 East
Boise Meridian, containing 305.79 acres

R. 857

Sheet No 22 Instrument No 71171

In the Probate Court of the
County of Oneida, State of Idaho

\- - - -

In the Matter of the Estate of
Mary E. Thomas, deceased

\- - -

Decree settling account and
Final Distribution

\- - -

Dated June 21, 1943
Recorded July 27, 1950, 11:15 AM Book J Miscel page 28
Duly certified a true copy by Bill Fallis, Clerk, Probate Court
Oneida Co. Idaho; Seal of Court affixed

Description and remarks

Mary E. Thomas died intestate June 3, 1939;
heirs at law Victor J. Thomas, Mary Peterson,
Ruth E. Ripley, her children; Owned Lots 1 and 2,
E½NW¼, NW¼NE¼ Sec. 7, Tp. 13 S. R. 35 EBM,
Distributed to Dewey T. Jones on deed
to him executed and delivered by the aforesaid
heirs on May 25, 1941

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Sheet No 23 Instrument No 28688

Malad Reservoir Company, Limited,
By, C.H.Thompson, President,
Attest: James J. Chambers, Secretary (Corporate Seal affixed) Grantor

and

A.P.Wilcox, Trustee, Grantee

First Mortgage

Dated November 27, 1916
Recorded November 27, 1916, 5:10 P.M. Book One Mortgages page 471
Consideration: $200,000.00, first mortgage gold bonds, 200 in number
Acknowledged November 27, 1916, before Jenkin Jones, Clerk, District Court, Oneida Co. Idaho; Seal of the Court affixed.

Description and remarks

Applications for permits to appropriate the public waters of the State of Idaho with the names of the applicants, number of application, permit number, with the book and page as the same appears of record in the office of the State Engineer of Idaho, as follows:

| Name | Appl. No | Permit No. | Book and Page |
|---|---|---|---|
| James W. Medley | 12047 | 8142 | Book 26, Page 8142 |
| Eric W. Ryberg | 12121 | 8161 | " 26, Page 8161 |
| James J. Chambers | 12036 | 8144 | " 26, Page 8144 |
| S.A.Chambers | 16374 | 11225 | " 38, Page 11224 |
| J.M.Kerns | 10253 | 7249 | " 22, Page 7249 |
| A.G.McIntire | 16359 | 11257 | " 38, Page 11257 |

That certain reservoir right of way granted by the Department of the Interior to E.W.Ryberg, for the use of certain lands situate in Township 13 South, Ranges 34 and 35 East, Boise Meridian, Oneida County, Idaho, said right of way having been approved by the First Assistant Secretary of the Interior, September 26, 1913, The approved field maps and field notes are on file in the office of the Register of the United Staetes Land Office at Blackfoot, State of Idsho, to which reference is hereby made for a full and particular description of said right of way.

Each of the foregoing permits and the right of way for reservoir has been assigned by a proper conveyance to the Malad Reseevpir Company, Limited.

This mortgage or trust deed is intended to cover all the property, real, personal or mixed now owned or that may be hereafter owned by the Company, whether the same be described herein or not.

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Sheet No 24 Instrument No 40275

Morgan W. Tovey, Sheriff of the
County of Oneida, State of Idaho, Grantor

To

George S. Hovey, Trustee, Grantee

Sheriff's Deed

Dated February 25, 1924

Redorded February 25, 1924, 3:15 OPM Book 14 Deeds page 329
Consideration: $57.50 sum bid at sheriff's sale
on foreclosure of mortgage
Acknowledged GFeby 25, 1924, beforeT. E. Ray, Notarypublic
Oneida Co. Idaho; Seal of Notary affixed

Description and remarks

All the property, real, personal or mixed, owned by the Malad Reservoir Company. Limited, a corporation, on November 27, 1916, or that was thereafter or may hereafter be owned by said Company, whether the same is specifically described in said first mortgage, mentioned in the complaint abd decree of foreclosure in this cause, or not;

"Applications for permits to appropriate the public waters of the State of Idaho with the name of the applicant, permit number. with thebook and page as the same appears of record in the office of the State Engineer of the State of Idaho, as follows:

| Name | Appl No | Permit No | Book and page |
|---|---|---|---|
| James W. Medley | 12047 | 8142 | 26 8142 |
| Eric W. Ryberg | 12121 | 8161 | 26 8161 |
| James J. Chambers | 12036 | 8144 | 26 8144 |
| S. A Chambers | 16394 | 11224 | 38 11224 |
| A.G.McIntyre | 16359 | 11257 | 38 11257 |
| J.M.Kerns | 10253 | 7249 | 22 7249 |

That certain reservoir right of way granted by the Department of the Interior to E. W. Ryberg, for the use of certain lands situate in Township 13 South, Ranges 34 and 35 East, Boise Meridian, Oneida County, Idaho, said right of way having been

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Sheet No 25 (continuation)

zpproved by the First Assistant Secretary of the Interior, Sept. 26, 1913, The approved maps and field notes are on file in the office of the Register of the United States Land Office at Blackfoot, State of Idaho, to which reference is hereby made for a full and particular description of said right of way

Each of the foregoing permits and the right of way for reservoir has been assigned by a proper conveyance to the Malad Reservoir Compamy, Limited.

Also, in addition to the foregoing property, so specifically described, all the following property, owned by the defendant Malad Reservoir Company. Limited, a corporation, and covered by that certain First Mortgage executed by Malad Reservoir Company, Limited to A.P.Wilcox, as Trustee, plaintiff herein and recorded in Book 1 of Mortgagesbeginning on page 471 thereof records of Oneida County, Idaho, on November 27, 1916, whether real, personal or mixed, described in part as follows, to-wit:

the Southwest quarter of the Northwest quarter, the Northwest quarter of the Southwest quarter, and the South half of the Southwest quarter of Section 1, and the Northeast quarter of Section 12, Township 13 South, Range 34 East, Boise Meridian;

That certain Permit No. 15393 to appropriate the Public Water of the State of Idaho, approved by the Commissioner of Reclamation of the State of Idaho, on February 10, 1922, and of record in Book 54, page 15393, of the records of his office;

That certain Permit No. R 288 to construct the Malad Reservoir and to store the unappropriated waters of the State of Idaho, approved by the Commissioner of Reclamationof the State of Idaho, on February 10, 1922, and of record in Book R 1 page 288 of the records of his office;

That certain re-inforced Concrete Dam in and on the Little Malad River in the Southwest quarter of Section Seven (7) Township 13 South, Range 35 East, Boise Meridian, Oneida County, Idaho, and all appurtenances and hereditaments thereunto belonging or in anywise appertaining

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Sheet No 26 Instrument No 48798

George S. Hovey, Trustee, Grantor

To

Malad Reservoir Company,
a Utah corporation, Grantee

Warranty Deed

Dated July 16, 1924
Recorded September 22, 1924, Book 14 Deeds page 386
Consideration: $1.00
Acknowledged Sept 16, 1924before F. H. Warner, Notarypublic
Jackson Co. Mo. Seal of Notary affixed

Description and remarks

Description identical with that shown at Sheets 24 & 25

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Sheet No 27

STATE OF UTAH
Secretary of State's Office

I, H. E. Crockett, Secretary of State of the State of Utah, do hereby certify that the attached is a full, true and correct copy of a certified copy of Articles of Incorporation and copy of the Charter of MALAD RESERVOIR COMPANY as appears on file in my office.

In witness whereof, I have hereu nto set my hand and affixed the great seal of the State of Utah this 23rd day of October, 1924

/s/ H. E. Crockett
(Seal)

State of Utah
Office of Secretary of State

To Malad Reservoir Company: I, H. E. Crockett, Secretary of State of the State of Utah, do hereby certify that on the second day of September, 1924, was filed in my office, a certificate of the Clerk of the County of Weber, to the effect that the agreement and oath or affirmation, and oath of office of the officers of said association had been filed in his office on the thirtieth day of August, 1924, and that there has also been filed in my office with said certificate, a copy of the articles of agreement, and oath or affirmation, certified by the said Clerk; that said articles contain the statement of facts required by law and that said Corporation is hereby constituted a body corporate, with right of succession as specified in its said articles of agreement, and is hereby authorized to exercise all the functions, enjoy all the privileges of a corporation, and to transact all business of said Corporation, as specified in its said articles of agreement.

In testimony whereof, I have hereunto set my hand and affixed the Great Seal of said State at Salt Lake City, this second day of September, A.D. 1924.

H. E. Crockett, Secretary of State
(Seal)

ARTICLES OF INCORPORATION
OF
MALAD RESERVOIR COMPANY

Know all men by these Presents: That the undersigned hereby associate themselves together for the purpose of forming a corporation under and pursuant to the laws of the State of Utah and for that purpose do agree as follows, to-wit:

ARTICLE I.

The name of this corporation shall be "Malad Reservoir Company"

ARTICLE II

The corporation is organized at Ogden, Weber County, Utah.

ARTICLE III

The names of the incorporators and their places of residence respectively are as follows:

George S. Hovey, Kansas City, Mo.
Frank J. Stevens, Trustee, Ogden, Utah
R. B. Hovey, Kansas City, Mo.
E. J. Kelly Waurika, Okla.
P. M. Hansen, Trustee, Tremonton, Utah
M. A. Low Estate,
George S. Hovey, Trustee,
Kansas City, Mo.
C. A. Day, Trustee, Ogden, Utah
C. R. Hollingsworth, Ogden, Utah
A. B. Sawyer, Salt Lake City, Utah

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Sheet No 28

ARTICLE IV

The period of duration of this corporation shall be one hundred (100) years, unless sooner dissolved, according to the laws of the State of Utah.

ARTICLE V

The object, business and pursuit of this corporation shall be:

a. To acquire, own, hold, maintain and operate, either by itself or in connection with others, the so-called Malad Reservoir and that certain reinforced dam in and on the Little Malad River, in Section Seven, Township Thirteen South, Range Thirty-five East, Boise Meridian, in Oneida County, Idaho; all applications and permits to appropriate the public waters of the State of Idaho, and to construct the said Malad Reservoir and to store said unappropriated waters therein, all as heretofore made by or granted to the Malad Reservoir Company, Limited, a corporation of the State of Idaho by the State of Idaho; all reservoir rights-of-way granted by the Department of Interior to said company; and all the property real, personal or mixed, and all appurtenances and hereditaments belonging to or in anywise appertaining to the said property, which was heretofore owned by said Malad Reservoir Company, Limited, and sold at a mortgage foreclosure sale by the Sheriff of Oneida County, Idaho, on February 25, 1924, and purchased by and conveyed by a Sheriff's Dead to, George S. Hovey, Trustee;

b. To acquire by purchase, lease or otherwise, and to maintain and operate dams, canals, reservoirs and ditches in Oneida County, Idaho; to store and distribute water to be used in the reclamation and irrigation of land within the State of Idaho; to fix, charge and collect from parties entitled to have water distributed to them through any such reservoir, dams, canals and ditches and irrigation systems, reasonable terms, re nts, maintenance and service charges in such manner as may be determined by the by-laws adopted for that purpose or by means of assessments levied upon its capital stock in accordance with the laws of the State of Utah, or in accordance with any rules and regulations of the State of Idaho, or of the Reclamation Commissioner thereof;

c. To take, hold, purchase, own, improve, sell, lease and deal in real estate.

d. To borrow money and to execute and negotiate notes, bonds and other obligations for the payment of money for the purpose of raising funds for the operation of dams, reservoirs, canals, ditches and irrigation systems, and to defray the expenses of the maintenance and operation thereof;

e. To purchase, own, hold, control, pledge, sell or otherwise deal in, shares of its own capital stock and bonds and securities of other corporations, and while the owner thereof to exercise all the rights of ownership thereof including the right to vote thereon;

f. To exercise such other rights and privileges as commonly belong to or usually exercised by a corporation engated in the business or pursuits above enumerated.

ARTICLE VI

The place of general business of this corporation and where its principal office shall be located is Ogden City, Weber County, Utah, but branch offices and places of business, may be established and carried on elsewhere within or without the State of Utah, by resolution of the Board of Directors. Meetings of the Board of Directors may be held at Ogden City, Utah, or elsewhere within the State of Utah, and such places outside of the State of Utah, as the Directors may by

Sheet No 29

resolution or by-laws provide.

ARTICLE VII

The amount of the capital stock of this corporation shall be five hundred thousand ($500,000) Dollars, divided into five hundred thousand (500,000) shares of the par value of one ($1.00) Dollar per share, which said capital stock shall be assessable in the manner provided by law, and the amount of the capital stock subscribed by each of the several incorporators, parties to this agreement, is as follows, to-wit:

| | | | |
|---|---|---|---|
| George S. Hovey, | 41,900 | Shares | $41,900.00 |
| Frank J. Stevens, Trustee | 33,200 | " | 33,200.00 |
| R. B. Hovey | 10,000 | " | 10,000.00 |
| E. J. Kelly | 63,200 | " | 63,200.00 |
| P. M. Hansen, Trustee | 15,400 | " | 15,400.00 |
| M.A.Low Estate, George S. Hovey, Trustee | 50,600 | " | 50,600.00 |
| C. A. Day, Trustee | 6,700 | " | 6,700.00 |
| C. R. Hollingsworth | 3,500 | " | 3,500.00 |
| A. B. Sawyer | 3,000. | " | 3,000.00 |
| | | Total . . . | $227,500.00 |

The 272,500 shares of the capital stock not hereinbefore subscribed shall be and remain treasury stock and the same may be issued and sold at such prices and upon such terms and conditions as the Board of Directors may prescribe and such treasury stock when so issued and sold shall be full paid stock but assessable in the manner provided by law.

ARTICLE VIII

The officers of this corporation shall be a Board of Directors, consisting of five (5) persons, a President, a Vice President, or Vice President and Treasurer, or Secretary and Treasurer, may be held by the same person. The Board of Directors may appoint an assistant secretary and assistant treasurer, neither of whom need be a director or stockholder, and the same person may be both assistant secretary and assistant treasurer

ARTICLE XIV

No business shall be transacted at any meeting of the stockholders, either general or special, unless a majority of the capital stock is represented, provided, however, that any such meeting may be adjourned to a specified time and place by those present and no additional notice in such event shall be required to validate such other meeting.

Stockholders shall be allowed one vote for each share of stock owned or held by such stockholder at all meetings of the stockholders, as shown by the books of the corporation at the time of holding such meeting.

Each stockholder may appear and vote either in person or by proxy.

Election of Directors shall be by ballot and a majority of the votes repreat the meeting shall be essential to elect.

Any officer of the corporation may resign his office by giving the Board of Directors thirty (30) days notice in writing before the same is to take effect, but the same may be accepted by the Board of Directors on shorter notice.

Any director or officer may be removed at any general or special meeting of the stockholders upon a majority vote of the capital stock represented thereat.

Regular meetings of the Board of Directors shall be held at such time and place as shall be fixed by the by-laws, or resolutions of the Board of Directors. Unless otherwise specified by the by-laws to be adopted by the Board of Directors, special meetings of the Board of Directors may be called by the President, or by three members of the Board. Notice of any special meeting must be given at least ten (10) days before holding the same, unless other notice be waived in writing by the Directors. Notice may be given by personal service thereof on a member, or by depositing a notice in the United States Postoffice, duly stamped and addressed to the member at the address of such member last appearing on the books of the corporation and the time shall begin to run from the time of depositing the same in the postoffice.

ARTICLE XX

The capital stock of this corpora ti on shall be assessable for the purpose of raising funds necessary for the repair, improvement, maintenance and development of the property owned by the corporation and for operating expenses, such assessment or assessments to be levied and collected in the manner and form and to the extent as may be determined by the board of directors.

ARTICLE XXI

This corporation shall and does hereby purchase, take and hold in full payment of its issued capital stock, the following described property, to-wit:

The so-called Malad Reservoir and that certain reinforced dam in and on the Little Malad River, in Section 7, Township 13 South, Range 35 East, Boise Meridian, in Oneida County, Idaho; all applications and permits to appropriate the public waters of the State of Idaho, and to construct the said Malad Reservoir and to store said unappropriated waters therein all as heretofore made by or granted to the Malad Reservoir Company, Limited, a corporation of the State of Idaho by the State of Idaho; all reservoir rights of way granted by the Department of Interior to said company; and all the property, real, personal or mixed, and all appurtenances and hereditaments belonging to or in anywise appertaining to the said property, which was heretofore owned by said Malad Reservoir Company, Limited, and sold at a mortgage foreclosure sale by the Sheriff of Oneida County, Idaho, on February 25, 1924, and purchased by, and conveyed by a Sheriff's Deed to George S. Hovey, Trustee.

ARTICLE XXII

That the aforesaid property described in the preceding article is necessary to the pursuit agreed upon as stated in article XXI of these articles of incorporation, and that the fair and cash value of the property particularly described in the preceding article hereof and the whole thereof is $500,000.00 and is accepted by the corporation as and being in full payment of 500,000 shares or $500,000 of the capital stock of the corporation. The fact that the fair cash value of the property is $500,00 more fully appears upon the following affidavit of three persons who know the value of same, to-wit:

State of Utah
County of Weber, ss

Frank J. Stevens, E. J. Kelly, and P. M. Hansen, being first duly sworn, depose and say:

That they are acquainted with the real and personal property described in article XXI of the foregoing agreement for the corporation of Malad Reservoir Company, and of the values thereof, and that the said property is reasonably worth

Sheet No 31

the sum in cash for which it was accepte d by said corporation, to-wit, the sum of $500,000.00

Frank J. Stevens, E. J. Kelly, P. M. Hansen

Subscribed and sworn to before me this 16th day of July, 1924.

Joe E. Evans, Notary Public, residing at Ogden, Utah (Seal)

In Witness whereof the parties hereto have hereunto set their hands at Ogden City, Utah, this the 16th day of July, 1924.

| | |
|---|---|
| Frank J. Stevens, Trustee | E. J. Kelly |
| P. M. Hansen, Trustee | George S. Hovey |
| R. B. Hovey | A. B. Sawyer |
| C. R. Hollingsworth | C. A. Day |

State of Utah
County of Weber, ss

Frank J. Stevens, E. J. Kelly and P. M. Hansen, being first duly sworn depose and say:

That they are three of the incorporators who entered into and signed the foregoing agreement incorporating the Malad Reservor Company, that it is bona fide the intention of the incorporators to commence and carry on the business mentioned in said agreement; and that the affiants verily believe that each party signing the foregoing agreement of incorporation has paic or is able to and will pay the amount of the capital stock subscribed for by him, and that at least ten (10) per cent of the capital stock subscribed by each stockholder and not less than ten (10% ) per cent of the capital stock of the corporation has been paid in.

Frank J. Stevens, E. J. Kelly, P. M. Hansen

Subscribed and sworn to before me this 16th day of July, 1924

Jos. E. Evans, Notary Public, residing at Ogden, Utah; Seal

UNITED STATES OF AMERICA

State of Utah
County of Weber, ss

I, Lawrence A. Van Dyke, County Clerk in and for Weber County, in the State of Utah, do hereby certify that the incorporators of Malad Reservoir Company did on the 30th day of August, 1924, file in my office the original Articles of Incorporation of said corporation, duly ackno wledged together with the oath of office of each director of said corporation, as is required by Section 865 and 866 of Chapter I, of Title 19, Compiled Laws of Utah, 1917.

And I do further certify, that the a bove and foregoing is a full, true and correct copy of said original articles, deposited, filed and recorded in my office on said 30th day of August, 1924, as the same appears on file andof record.

In Witness Whereof I have hereunto set my hand and affixed my official seal this the 30th day of August, 1924.

Lawrence A. Van Dyke, County Clerk
By Emma Fahey, Deputy County Clerk

Filed and Certificate issued on 2nd day of Sept. 1924.

H. E. Crockett, Secretary of State

- - - - o - - -

Filed for record in the office of the County Recorder of Oneida County, Idaho, on December 15, 1924, at 2:20 P.M. in the files.

R-857

No taxes due and unpaid, no unredeemed tax sales
No tax deeds issued

No suits pending or judgments against any of the within grantees which are liens on the land described

State of Idaho
County of Oneida, ss

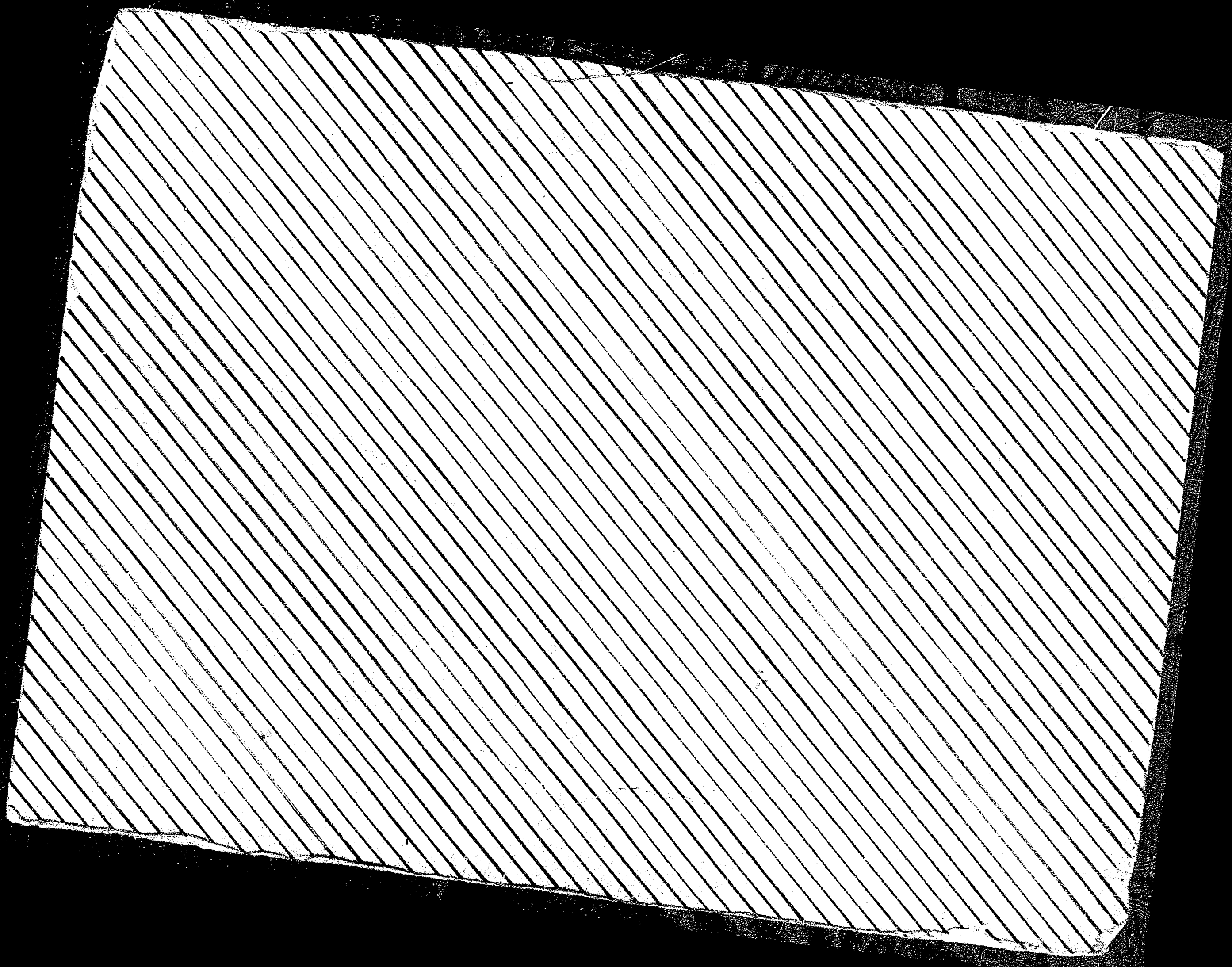
I hereby certify that the foregoing 31 Sheets contain a full and correct abstract of all instruments in writing of record in the office of the County Recorder of said County which in any way affects the title to the land described in the Caption Sheet of this abstract, or that conflict in any way with the rights of the Malad Reservoir Company therein

Witness my hand and seal July 27th, 1950, 5:00 PM

Malad Abstract Company

(Seal) J E Kay Owner

R-85



R- 857

STATE OF WATER FILING'S ORDER
[illegible] CODE ANNOTATED

Date of Notice May 4 1950
Date of Publication 5-11 to 5-25 1950
Last Date for Protest 6-13 1950

IF PROTESTED

Date of Notice of Hearing 7-13 & 8-10 1950
8-23 1950
1950

# APPLICATION FOR PERMIT

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 29183
Permit No. R 857

Dr. D. C. Ray, President
Pocatello, Idaho

1. Name of Applicant: MALAD RESERVOIR COMPANY

Postoffice address: Ogden County Weber State Utah

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Ogden, Utah, August 30, 1921 (b) Amount of Capital Stock: $500,000.00

(c) Amount paid in: $ 500,000.00 (d) Names and addresses of directors: Phil G. Hovey, Kansas City, Mo.; D. C. Ray, Pocatello, Idaho; Jesse H. Dredge, Malad, Idaho; Lawrence Jones, Malad, Idaho; Morgan Tovey, Malad, Idaho.

applicant

II. The financial resources of the ~~corporation~~ are:

(a) Cash on hand: $ None (b) Treasury Stock: $ 25,000.00

(c) Bonds to be issued: $ None (d) Other resources: 480 acres of land, with large concrete dam 50' high.

2. Quantity of water to be stored: 15,330 acre feet per annum. ~~acre feet per annum.~~

3. Source of water supply is Little Malad (Creek) (River) (Spring), a tributary of Big Malad River.

4. The outlet of the proposed reservoir is located S. 25° 32' 24" E./ (bearing) feet, distant from the N W corner of Section 7, Township 13 S., Range 35 E., B. M. and is in the NE ¼ of SW ¼ of Section 7, Township 13 S., Range 35 E., B. M. County of Oneida

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Little Malad (Creek) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B. M., and is in the ¼ of ¼ of Section, Township, Range, B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is acres.

(b) The reservoir capacity is 15,330,65 acre feet.

7. Height of reservoir dam 70 feet, length at top 600 feet, length at bottom 100 feet, size of outlet Two 24" radial gates feet by feet. The dam is to be constructed of materials as follows:

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or acqueduct, thence to land to be irrigated without commingling with natural flow of Little Malad River (Creek) (River) ? No

(b) Water stored in reservoir will be carried in the channel of Little Malad River (Creek,) (River,) a distance of approx. 4½ miles to point of diversion located S. 15° 45' W. 2978 (bearing) feet, distant from the E ¼ corner of Section 28 Township 13 S., Range 35 E., B. M., and in the NE ¼ of NE ¼ of Section 33, Township 13 S., Range 35 E. B. M.

9. Amount of water claimed from (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.

10. Water is to be used for Irrigation and domestic purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water (bearing) feet, distant from Corner of Section, Township, Range B. M. and is in the ¼ of ¼ of Section, Township, Range, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section, Township, Range, B. M., in the ¼ of ¼ of Section, Township, Range B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. , which is hereby referred to and made a part hereof.

13. Kind of diversion works: Dam, headgate and canals
(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 9 feet, length at top 16 feet, length at bottom 16 feet. The dam is to be constructed of materials as follows: Reinforced concrete

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width 14 feet, Height 10 feet.

16. Diversion Canal: Width at bottom 6 feet, width at water line 15 feet, depth of water 3 feet, Dimensions of Flume Diameter of Pipe inches; Length of Conduit 21 miles. Average grade per mile 2.64 feet.

17. Estimated cost of Works: Storage Works: $350,000.00 Diversion Works: $ 10,000.00

18. Time required for completion of work Three (3) years.

19. Time required for complete application of water to proposed beneficial use is Three (3) years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 13 S. | 35 E. | 33 | 25 | | | 39 | | | | | | | | | 20 | | | | 84 |
| | | 34 | | | 3 | | | 3 | 39 | 38 | 40 | 40 | 30 | 40 | | 13 | 37 | 24 | 307 |
| 14 S. | 35 E. | 1 | | | 40 | 40 | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 480 |
| | | 2 | | | 40 | 40 | | 20 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 500 |
| | | 3 | 39.95 | 39.58 | 40 | 40 | 39.67 | 9 | 3 | 40 | 40 | | 14 | 40 | 40 | 40 | 40 | 40 | 505.20 |
| | | 9 | 2 | | 6 | 36 | | | | | 1 | | | 10 | 40 | 34 | 40 | 40 | 209 |
| | | 10 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 11 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 12 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 13 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 14 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 15 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 16 | 40 | 40 | 40 | 40 | 12 | | | 13 | 14 | | | 10 | 40 | 40 | 40 | 40 | 369 |
| | | 21 | 40 | 32 | 25 | 40 | 1 | | | | | | | 2 | 40 | 30 | 40 | 40 | 290 |
| | | 22 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 23 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 24 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 25 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 26 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 27 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| 14 S. | 35 E. | 28 | 40 | 39 | 30 | 40 | | | | | | | | | 40 | 25 | 7 | 30 | 251 |
| | | 34 | 40 | 40 | 40 | 40 | 40 | 38 | 38 | 40 | 40 | 37 | 36 | 40 | 40 | 40 | 40 | 40 | 629 |
| | | 35 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 36 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| 14 S. | 36 E. | 4 | | | | | | | | | | 20 | 40 | 40 | | | 40 | | 140 |
| | | 5 | | | 40 | 18 | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 458 |
| | | 6 | | | 40 | 40 | | | 38.70 | 40 | 40 | 39.05 | 39.4 | 40 | 40 | 40 | 40 | 40 | 477.15 |
| | | 7 | 40 | 40 | 40 | 40 | 40 | 39.4 | 39.4 | 40 | 40 | 39.5 | 39.5 | 40 | 40 | 40 | 40 | 40 | 637.80 |
| | | 8 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 9 | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 600 |
| | | 16 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 17 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 18 | 40 | 40 | 40 | 40 | 40 | 39.7 | 39.8 | 40 | 40 | 40 | 40.1 | 40 | 40 | 40 | 40 | 40 | 639.60 |
| | | 19 | 40 | 40 | 40 | 40 | 40 | 40.2 | 40.3 | 40 | 40 | 40.4 | 40.5 | 40 | 40 | 40 | 40 | 40 | 641.40 |
| | | 20 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 29 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 30 | 40 | 40 | 40 | 40 | 40 | 40.6 | 40.6 | 40 | 40 | 40.7 | 40.8 | 40 | 40 | 40 | 40 | 40 | 642.70 |
| | | 31 | 40 | 40 | 40 | 40 | 40 | 40.9 | 40.9 | 40 | 40 | 40.9 | 41 | 40 | 40 | 40 | 40 | 40 | 643.70 |
| | | 32 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |

Totals: 21,304.55

*Total Number of Acres to be Irrigated*..... 21,304.55

Remarks:

BE IT K
as herein

Date of f
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16. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are.....

13. Kind of diversion works: Dam, headgate and canals
(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 9 feet, length at top 16 feet, length at bottom 16 feet. The dam is to be constructed of materials as follows: Reinforced concrete

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width 14 feet, Height 10 feet.

16. Diversion Canal: Width at bottom 6 feet, width at water line 15 feet, depth of water 3 feet, Dimensions of Flume. Diameter of Pipe inches; Length of Conduit 21 miles. Average grade per mile 2.64 feet.

17. Estimated cost of Works: Storage Works: $350,000.00 Diversion Works: $ 10,000.00

18. Time required for completion of work Three (3) years.

19. Time required for complete application of water to proposed beneficial use is Three (3) years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

| Twp. | Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | | |

Remarks:

21,304.55

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: $.....

8. Kind of works: .....
(Reservoir, dam, ditch, flume, pipe, etc.)

9. Height of dam ..... feet; length of dam at top ..... feet; length of dam at bottom .....
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for Regulations.)

..... 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.

BE IT K
as herein set forth, and that the enclosed map is hereby made a part of this application.

MALAD RESERVOIR CO, Applicant.

By D. C. Ray, Pres. Agent.
Jesse H. Dredge

Date of first receipt at office of ~~Commissioner of Reclamation~~ State Reclamation Engineer: 9:30 A. M. April 29, 1950

Returned to applicant for correction

Corrected application received

STATE RECLAMATION ENGINEER

## APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~

The number of this permit is R 857

Recorded in book R 3, page 857 Approved September 11, 1950

This is to certify that I have examined the within application for a permit to construct a reservoir and store and 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 $ 1,000, to be filed on or before November 11, 1950

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before March 11, 1952

The whole of said work to be completed on or before September 11, 1953

Beneficial use of water stored in accordance herewith, to be made on or before September 11, 1956

Witness my hand this 11th day of September, 19 50.

MARK R. KULP
~~Commissioner of Reclamation~~
State Reclamation Engineer

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, 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 September, 1950.

( S E A L )

Coundersigned:
By J. D. "CY" PRICE
Secretary of State

STATE OF IDAHO
By C. A. ROBINS
Governor

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. R-857, to September 11, 1955.

Witness my hand this 15th day of July, 1953.

MARK R. KULP
State Reclamation Engineer

Assignment of Permit No. R-857

For value received the Malad Reservoir Company has assigned and by these presents does assign and transfer unto Carol D. Jones and Ivan Schwartz, that certain Permit No. R-857 to construct a reservoir and to store the unappropriated public waters of the State of Idaho, approved by the State Reclamation Engineer of the State of Idaho on September 11, 1950

Subject to all its terms and conditions
Dated at Malad, Idaho, this 28th day of April, 1954

Malad Reservoir Company

By, J. H. DREDGE
President

Attest:

LAWRENCE JONES
Secretary
(Corporate Seal)

Warranty Deed

THIS INDENTURE, Made this 16th day of December, 1954, between IVAN SCHWARTZ and wife, CLEO SCHWARTZ of Malad, State of Idaho, the parties of the first part, and CAROL D. JONES of Malad, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of $1500.00 DOLLARS lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Oneida, State of Idaho, to-wit:

Those certain permits, to-wit: Permits R-857 and R-889 to construct dams and to store the unappropriated public waters of the State of Idaho, approved by the State Reclamation Engineer of Idaho on September 11, 1950 and June 3, 1952, respectively, subject to all their terms and conditions.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever; and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

Signed and Delivered in the Presence of

IVAN SCHWARTZ
CLEO SCHWARTZ

State of Idaho )
County of Oneida ) ss.

On this 16th day of December in the year 1954, before me, T. E. Ray, a Notary Public and for said State, personally appeared Ivan Schwartz and wife Cleo Schwartz known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

T. E. RAY
Notary Public for the State of Idaho
Residing at Malad, Idaho

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. R-857

Comes Now CAROL D. JONES, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. R-857, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

SW¼NE¼, Lots 1 and 2, E½NW¼ Section 7, Township 13 South, Range 35 East, B.M.
NE¼ Section 12, Township 13 South, Range 34 East B.M.,

making a total of 360 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 18th day of January, 1955.

CAROL D. JONES.
DEWEY T. JONES.

Date of receipt at Office of Department of Reclamation Jan. 18, 1955

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. R-857. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

---

Permit No. R-857
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CAROL D. JONES of Malad, County of Oneida and State of Idaho, the holder of Permit No. R-857, issued upon Application No. 29183, bearing date of priority of April 29, 1950, authorizing the construction of a reservoir, with the right to appropriate and store 15,330 acre feet per annum of the waters of Little Malad River a tributary of Big Malad River, in the County of Oneida, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 625 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the NE¼ of the SW¼ of Section 7, Township 13 South, Range 35 East, and that the place of use, or the lands proposed to be irrigated by the use of said water, are described as follows, to-wit: NE¼ Section 12; Township 13 South, Range 34 East, B. M.; NW¼ Section 7, Township 13 South, Range 35 East, B. M.

Witness my hand this 13th day of April, 1956.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made March 4, 1955.
Certificate of Completion of Works issued April 13, 1956.

LICENSE ISSUED FOR 625 acre ft.
Page 5691

R- 857

NOTICE OF WATER FILINGS UNDER
4[illegible] CODE ANNOTATED

Date of Notice May 4 1950
Date of Publication 5-11 to 5-25 1950
Last Date for Protest 6-13 1950

IF PROTESTED

Time and Place of Hearing 7-13 & 8-10 1950
8-23 1950
[illegible] 19

# APPLICATION FOR PERMIT

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 29183
Permit No. R 857

Dr. D. C. Ray, President
Pocatello, Idaho

1. Name of Applicant: MALAD RESERVOIR COMPANY

Postoffice address: Ogden County Weber State Utah

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Ogden, Utah, August 30, 1921 Amount of Capital Stock: $500,000.00

(c) Amount paid in: $ 500,000.00 (d) Names and addresses of directors: Phil G. Hovey, Kansas City, Mo.; D. C. Ray, Pocatello, Idaho; Jesse H. Dredge, Malad, Idaho; Lawrence Jones, Malad, Idaho; Morgan Tovey, Malad, Idaho.

II. The financial resources of the ~~corporation~~ applicant are:

(a) Cash on hand: $ None (b) Treasury Stock: $ 25,000.00

(c) Bonds to be issued: $ None (d) Other resources: 480 acres of land, with large concrete dam 50' high.

2. Quantity of water to be stored: 15,330 acre feet per annum. ~~acre feet per annum.~~

3. Source of water supply is Little Malad (Creek) (River) (Spring), a tributary of Big Malad River.

4. The outlet of the proposed reservoir is located S. 25° 32' E. / 3324 feet, distant from the N W corner of Section 7, Township 13 S., Range 35 E., B. M. and is in the NE ¼ of SW ¼ of Section 7, Township 13 S., Range 35 E., B. M. County of Oneida

(bearing)

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of Little Malad (Creek) (River).

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B. M., and is in the ¼ of ¼ of Section, Township, Range, B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is acres.

(b) The reservoir capacity is 15,330.65 acre feet.

7. Height of reservoir dam 70 feet, length at top 600 feet, length at bottom 100 feet, size of outlet Two 24" / radial gates feet by feet. The dam is to be constructed of materials as follows:

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or acqueduct, thence to land to be irrigated without commingling with natural flow of Little Malad River (Creek) (River) ? No

(b) Water stored in reservoir will be carried in the channel of Little Malad River (Creek,) (River,) a distance of approx. 4½ miles to point of diversion located S. 15° 45' W. 2978 (bearing) feet, distant from the E ¼ corner of Section 28 Township 13 S., Range 35 E., B. M., and in the NE ¼ of NE ¼ of Section 33, Township 13 S., Range 35 E. B. M.

9. Amount of water claimed from (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.

10. Water is to be used for Irrigation and domestic purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water (bearing) feet, distant from Corner of Section, Township, Range, B. M. and is in the ¼ of ¼ of Section, Township, Range, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section, Township, Range, B. M., in the ¼ of ¼ of Section, Township, Range B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. , which is hereby referred to and made a part hereof.

13. Kind of diversion works: Dam, headgate and canals
(Dam, canal, flume, pipe, etc.)

14. Height of diversion dam: 9 feet, length at top 16 feet, length at bottom 16 feet. The dam is to be constructed of materials as follows: Reinforced concrete

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width 14 feet, Height 10 feet.

16. Diversion Canal: Width at bottom 6 feet, width at water line 15 feet, depth of water 3 feet, Dimensions of Flume Diameter of Pipe inches; Length of Conduit 21 miles. Average grade per mile 2.64 feet.

17. Estimated cost of Works: Storage Works: $350,000.00 Diversion Works: $ 10,000.00

18. Time required for completion of work Three (3) years.

19. Time required for complete application of water to proposed beneficial use is Three (3) years.

20. The land to be irrigated is described in the following tabulation:

(Give Irrigable acreage in each 40-acre subdivision.)

| Twp. | Range | Sec. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 13 S. | 35 E. | 33 | 25 | | | 39 | | | | | | | | | 20 | | | | 84 |
| | | 34 | | | 3 | | | 3 | 39 | 38 | 40 | 40 | 30 | 40 | | 13 | 37 | 24 | 307 |
| 14 S. | 35 E. | 1 | | | 40 | 40 | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 480 |
| | | 2 | | | 40 | 40 | | 20 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 500 |
| | | 3 | 39.95 | 39.58 | 40 | 40 | 39.67 | 9 | 3 | 40 | 40 | | 14 | 40 | 40 | 40 | 40 | 40 | 505.20 |
| | | 9 | 2 | | 6 | 36 | | | | | 1 | | | 10 | 40 | 34 | 40 | 40 | 209 |
| | | 10 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 11 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 12 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 13 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 14 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 15 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 16 | 40 | 40 | 40 | 40 | 12 | | | 13 | 14 | | | 10 | 40 | 40 | 40 | 40 | 369 |
| | | 21 | 40 | 32 | 25 | 40 | 1 | | | | | | | 2 | 40 | 30 | 40 | 40 | 290 |
| | | 22 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 23 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 24 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 25 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 26 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 27 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| 14 S. | 35 E. | 28 | 40 | 39 | 30 | 40 | | | | | | | | | 40 | 25 | 7 | 30 | 251 |
| | | 34 | 40 | 40 | 40 | 40 | 40 | 38 | 38 | 40 | 40 | 37 | 36 | 40 | 40 | 40 | 40 | 40 | 629 |
| | | 35 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 36 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| 14 S. | 36 E. | 4 | | | | | | | | | | 20 | 40 | 40 | | | 40 | | 140 |
| | | 5 | | | 40 | 18 | | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 458 |
| | | 6 | | | 40 | 40 | | | 38.70 | 40 | 40 | 39.05 | 39.4 | 40 | 40 | 40 | 40 | 40 | 477.15 |
| | | 7 | 40 | 40 | 40 | 40 | 40 | 39.4 | 39.4 | 40 | 40 | 39.5 | 39.5 | 40 | 40 | 40 | 40 | 40 | 637.80 |
| | | 8 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 9 | | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 600 |
| | | 16 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 17 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 18 | 40 | 40 | 40 | 40 | 40 | 39.7 | 39.8 | 40 | 40 | 40 | 40.1 | 40 | 40 | 40 | 40 | 40 | 639.60 |
| | | 19 | 40 | 40 | 40 | 40 | 40 | 40.2 | 40.3 | 40 | 40 | 40.4 | 40.5 | 40 | 40 | 40 | 40 | 40 | 641.40 |
| | | 20 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 29 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |
| | | 30 | 40 | 40 | 40 | 40 | 40 | 40.6 | 40.6 | 40 | 40 | 40.7 | 40.8 | 40 | 40 | 40 | 40 | 40 | 642.70 |
| | | 31 | 40 | 40 | 40 | 40 | 40 | 40.9 | 40.9 | 40 | 40 | 40.9 | 41 | 40 | 40 | 40 | 40 | 40 | 643.70 |
| | | 32 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 640 |

Totals: 21,304.55

*Total Number of Acres to be Irrigated* 21,304.55

Remarks:

BE IT K
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Date of fi
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15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are.....

Twp.

Totals

Application No.

Permit No.

Ditchet No.

1. Name of applicant:

Post office address ..... County ..... State .....

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: ..... cubic feet per second.

3. Source of water supply: .....

which is tributary of .....

4. Location of point of diversion: ..... feet distant from the ..... corner of Section ..... T. ..... R. ..... B.M. and is in the ..... of Section ..... T. ..... R. ..... B.M. County of .....

13. Kind

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|---|---|---|---|---|---|
| | | | | | |

Total Number of Acres to be Irrigated 21,304.55

Remarks:

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

MALAD RESERVOIR CO, Applicant.

By D. C. Ray, Pres. Agent.
Jesse H. Dredge

Date of first receipt at office of ~~Commissioner of Reclamation~~ State Reclamation Engineer: 9:30 A. M. April 29, 1950

Returned to applicant for correction

Corrected application received

STATE RECLAMATION ENGINEER

## APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~

The number of this permit is R 857

Recorded in book R 3 , page 857 Approved September 11, 1950

This is to certify that I have examined the within application for a permit to construct a reservoir and store and 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 $ 1,000 , to be filed on or before November 11, 1950

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before March 11, 1952

The whole of said work to be completed on or before September 11, 1953

Beneficial use of water stored in accordance herewith, to be made on or before September 11, 1956

Witness my hand this 11th day of September, 19 50.

MARK R. KULP
~~Commissioner of Reclamation.~~
State Reclamation Engineer

R-857

IN TESTIMONY WHEREOF, We, C. A. ROBINS, Governor of the State of Idaho, and J. D. "CY" PRICE, 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 September, 1950.

( S E A L )

Coundersigned:
By J. D. "CY" PRICE
Secretary of State

STATE OF IDAHO
By C. A. ROBINS
Governor

---

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. R-857, to September 11, 1954.

Witness my hand this 15th day of July, 1953.

MARK R. KULP
State Reclamation Engineer

Assignment of Permit No. R-857

For value received the Malad Reservoir Company has assigned and by these presents does assign and transfer unto Carol D. Jones and Ivan Schwartz, that certain Permit No. R-857 to construct a reservoir and to store the unappropriated public waters of the State of Idaho, approved by the State Reclamation Engineer of the State of Idaho on September 11, 1950

Subject to all its terms and conditions
Dated at Malad, Idaho, this 28th day of April, 1954

Malad Reservoir Company

By, J. H. DREDGE
President

Attest:

LAWRENCE JONES
Secretary
(Corporate Seal)

---

Warranty Deed

THIS INDENTURE, Made this 16th day of December, 1954, between IVAN SCHWARTZ and wife, CLEO SCHWARTZ of Malad, State of Idaho, the parties of the first part, and CAROL D. JONES of Malad, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of $1500.00 DOLLARS lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in the County of Oneida, State of Idaho, to-wit:

**********

Those certain permits, to-wit: Permits R-857 and R-889 to construct dams and to store the unappropriated public waters of the State of Idaho, approved by the State Reclamation Engineer of Idaho on September 11, 1950 and June 3, 1952, respectively, subject to all their terms and conditions.

**********

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever; and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

Signed and Delivered in the Presence of

IVAN SCHWARTZ
CLEO SCHWARTZ

State of Idaho )
County of Oneida ) ss.

On this 16th day of December in the year 1954, before me, T. E. Ray, a Notary Public and for said State, personally appeared Ivan Schwartz and wife Cleo Schwartz known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(SEAL)

T. E. RAY
Notary Public for the State of Idaho
Residing at Malad, Idaho

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. R-857

Comes Now CAROL D. JONES, and represents to the State Reclamation Engineer of the State of Idaho.

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. R-857, and requests that the list of lands to be irrigated, as described in said permit, be changed to read as follows:

SW¼NE¼, Lots 1 and 2, E½NW¼ Section 7, Township 13 South, Range 35 East, B.M.
NE¼ Section 12, Township 13 South, Range 34 East B.M.,

making a total of 360 acres.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Boise, Idaho, this 18th day of January, 1955.

CAROL D. JONES.
DEWEY T. JONES.

Date of receipt at Office of Department of Reclamation Jan. 18, 1955

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to Appropriate the Public Waters of the State of Idaho, No. R-857. This approval constitutes a new permit and is issued as an amendment to the original permit, to which it refers and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

---

Permit No. R-857
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CAROL D. JONES of Malad, County of Oneida and State of Idaho, the holder of Permit No. R-857, issued upon Application No. 29183, bearing date of priority of April 29, 1950, authorizing the construction of a reservoir, with the right to appropriate and store 15,330 acre feet per annum of the waters of Little Malad River a tributary of Big Malad River, in the County of Oneida, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works set out and described in said Permit; that said works include a dam and reservoir adequate for the storage of 625 acre feet of water per annum, with adequate diversion works and conduit to the reservoir, and a conduit capable of conducting said water to the place of intended use; that the point of outlet of said reservoir is located in the NE¼ of the SW¼ of Section 7, Township 13 South, Range 35 East, and that the place of use, or the lands proposed to be irrigated by the use of said water, are described as follows, to-wit: NE¼ Section 12; Township 13 South, Range 34 East, B. M.; NW¼ Section 7, Township 13 South, Range 35 East, B. M.

Witness my hand this 13th day of April, 1956.

MARK R. KULP
State Reclamation Engineer

Proof of Completion of Works made March 4, 1955.
Certificate of Completion of Works issued April 13, 1956.

LICENSE ISSUED FOR 625 acre ft.
Page 5691
&
Trans. 282

D. W. DAVIS, GOVERNOR

# STATE OF IDAHO
## DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER

BUREAU OF WATER RESOURCES
WATER APPROPRIATIONS
CAREY ACT DEVELOPMENT

~~BOISE~~ Idaho Falls, Idaho,

September 2, 1920.

Mr. W. G. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Swendsen:

Receipt is hereby acknowledged of certificate of transfer No. 282 issued to A. S. Farnsworth.

Very truly yours,

H. Clyde Baldwin

Special Deputy.

T-282
15-2071

August 31, 1920.

Mr. C. Clyde Baldwin,
Idaho Falls, Idaho.

Dear Sir:--

Enclosing herewith copy of certificate of transfer issued to A. S. Farnsworth. This water is conducted through a small private ditch.

Very truly yours,

T. C. SWENDSEN,

Commissioner of Reclamation.

C

By_____

1-282
15-2078

Aug. 31, 1920.

Re Transfer. Farnsworth.

Mr. H. D. King,
St. Anthony,
Idaho.

Dear Sir:—

Enclosing herewith Certificate of Transfer issued to Albert S. Farnsworth, with receipt for fee.

Am also enclosing certified copy, per your wire received the 30th, for which please to remit $1.00.

Very truly yours,

W. J. SWENDSEN,

Commissioner of Reclamation.

By_____

CT282-R5805-CC

T-282
15-2028

S T A T E  O F  I D A H O
DEPARTMENT OF RECLAMATION.

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| | |
|---|---|
| In the Matter of the Application of Albert S. Farnsworth for Transfer of Water Right: Water Dist. #36-A. Case No. 60. | ORDER GRANTING TRANSFER. |

WHEREAS, On the 31st day of July, 1920, at the Department of Reclamation of the State of Idaho, before the Commissioner of Reclamation, the matter of the application of Albert S. Farnsworth for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, written testimony was filed by the applicant with his application in support of the transfer , and no one appearing to protest the said application; and,

WHEREAS, the evidence filed in support of the transfer shows that a greater duty of water would result by making the transfer, and that no one would be injured thereby:

IT IS, THEREFORE, Hereby ordered that that said application for transfer be allowed and a certificate be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department at Boise, Idaho, this 27th day of August, 1920.

Commissioner of Reclamation.

T-284
15-3078

S T A T E  O F  I D A H O
DEPARTMENT OF RECLAMATION.

In the Matter of the Application of Albert S. Farnsworth for Transfer of Water Right: Water Dist. #36-A. Case No. 60.

ORDER GRANTING TRANSFER.

WHEREAS, On the 31st day of July, 1920, at the Department of Reclamation of the State of Idaho, before the Commissioner of Reclamation, the matter of the application of Albert S. Farnsworth for a transfer of water right came regularly on for hearing, pursuant to the published notice; and,

WHEREAS, written testimony was filed by the applicant with his application in support of the transfer , and no one appearing to protest the said application; and,

WHEREAS, the evidence filed in support of the transfer shows that a greater duty of water would result by making the transfer, and that no one would be injured thereby:

IT IS, THEREFORE, Hereby ordered that that said application for transfer be allowed and a certificate be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department at Boise, Idaho, this 27th day of August, 1920.

Commissioner of Reclamation.

T-282
15-2028

D. W. DAVIS, GOVERNOR

# STATE OF IDAHO
## DEPARTMENT OF RECLAMATION
W. G. SWENDSEN, COMMISSIONER
BOISE

BUREAU OF WATER RESOURCES
WATER APPROPRIATIONS
CAREY ACT DEVELOPMENT

August 24, 1920.

Re Transfer Water Right-A.S.Farnsworth.

Mr. M. E. King,
St. Anthony,
Idaho.

Dear Sir:--

On August 2nd we wrote Mr. Farnsworth that his certificate of transfer would be issued upon receipt of $1.00 fee but, as yet, we have had no reply. Kindly take this up with Mr. Farnsworth in order that the record may be closed.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By C. Brown

Mr Swendsen;

Will you kindly issue this certificate & forward to me so that I may get it into the Blackfoot, Idaho, land office before Sept 1st as I am holding papers of Mr Farnsworth in connection with the matter.

Yours truly,

M E King

St Anthony, Idaho, Aug 25-1920

T-282
15-2078

RECEIVED
[illegible] 7 1920
DEPARTMENT OF RECLAMATION

August 24, 1920.

Re Transfer Water Right-A.S.Farnsworth.

Mr. H. E. King,
St. Anthony,
Idaho.

Dear Sir:--

On August 2nd we wrote Mr. Farnsworth that his certificate of transfer would be issued upon receipt of $1.00 fee but, as yet, we have had no reply. Kindly take this up with Mr. Farnsworth in order that the record may be closed.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By_____

1-282
15-2078

FIRE INSURANCE
BOARD COMPANIES ONLY

# M. E. KING

U. S. COMMISSIONER
SURETY BONDS

REAL ESTATE
FARM LOANS

ST. ANTHONY, IDAHO.

Aug 9-1920

Mr W.G.Swendsen
Comm of Reclamation
Boise,Idaho.

Dear Sir;

You set hearing of Farnsworth water transfer at your office for July 31st; I mailed you affidavit of publication of notice on July 26th,but as yet have not received certificate authorizing the transfer.

Am having the U.S.Land Office at Blackfoot,Idaho,hold final proof on land for this certificate & if you can hurry the matter it will be very much appreciated.

Yours truly,

M E King

RECEIVED
AUG 1 1920
DEPARTMENT OF RECLAMATION

T-20??
15-20??

August 2, 1920.

Re Transfer #60.

Mr. H. S. Farnsworth,
Chester, Idaho.

Dear Sir:--

As no appeared to protest your application for transfer of water right, the certificate will be issued you upon receipt of fee of $1.00.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By_____.

1-282
15-2078

July 10, 1920.

Re Farnsworth Transfer.

Mr. M. E. King, Attorney,
St. Anthony, Idaho.

Dear Sir:—

Relative to the above transfer would say that I have set the hearing at this office on July 31st and notice has today been mailed to the Teton Peak Chronicle, per your request.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____.

T. 2 N.
R. 39 E.

July 10, 1920.

Re Pub.Notice.

Teton Peak Chronicle,
St. Anthony, Idaho.

Gentlemen:—

Enclosing herewith notice of transfer of water right which please publish once a week for two consecutive weeks, the expense of such publication to be paid by Albert S. Ainsworth, or his attorney, H.E.King, of St.Anthony.

Please send us a copy of the first publication of the notice.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By_____.

E

T-382
15-2078

Form 21

# Notice of Proposed Transfer of Water Right

Notice is hereby given that Albert S. Farnsworth of Chester Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 1.0 second foot of the water of Fall River,

from the land upon which it is now used, i. e. $E\frac{1}{2}NW\frac{1}{4}$ & $W\frac{1}{2}SW\frac{1}{4}$ Sec. 17, T. 8 N., R. 42 E., B.M.,

to the following described tract $SW\frac{1}{4}SW\frac{1}{4}$ Sec. 17, & $NW\frac{1}{4}NW\frac{1}{4}$ Sec. 20, T. 8 N., R. 42 E., B.M.

And that, on the 31st day of July A. D. 1920, at 10.00 A.M., at the Department of Reclamation, Boise, Idaho, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

W. G. SWENDSEN,
Commissioner of Reclamation

T-8N
15-20E

FIRE INSURANCE
BOARD COMPANIES ONLY

# M. E. KING

U. S. COMMISSIONER

SURETY BONDS

REAL ESTATE
FARM LOANS

ST. ANTHONY, IDAHO.

July 8-1920.

Mr W.G.Swendsen
Commr of Reclamation
Boise,Idaho.

Dear Sir;

Replying to your letter of July 6th in reference to transfer of water right of A.S.Farnsworth.

Kindly advertise the matter in the Teton Peak Chronicle at St Anthony,Idaho,and set the hearing at your Department as suggested to save additional expense.

The U.S.Land Office will give us until Sept 1st to get this matter thru.

Thanking you for your interest in the matter,I am.

Yrs truly,

M.E. King

T-282
15-2078

July 6, 1920.

Re: Application for Transfer.

Mr.N. E. King,
St. Anthony, Idaho.

Dear Sir:

This will acknowledge receipt of the application for transfer of water right in the name of Albert T. Farnsworth. On checking up the same, I find it to be correct in every particular, but it is a requirement of this Department that an advertisement and hearing be had in the matter, all at the applicant's expense. If you will designate the paper in which you prefer the advertisement, we will prepare the proper notice and forward it to said paper and the same will be advertised for two weeks. If the applicant prefers, we will set the hearing at this Department, thus saving this additional expense to the application. It will not be necessary for him to appear in person.

I would suggest that you obtain, if possible, further extension of time from the U. S. Land Office at Blackfoot, as the procedure in cases of this kind consume from four to six weeks. We will hold the application until the receipt of the information requested.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation.

By

STR:VB

Assistant.

T-B ✓

T-282
15-2018

FIRE INSURANCE
BOARD COMPANIES ONLY

# M. E. KING

U. S. COMMISSIONER

SURETY BONDS

REAL ESTATE
FARM LOANS

ST. ANTHONY, IDAHO,

July 3
1920

Mr W.G.Swendsen
Commr of Reclamation
Boise,Idaho.

Dear Sir;

In compliance with your instructons under date June 18-1920,I have had the "Application For Transfer of Water Right"in the case of Albert S.Farnsworth--Mary Alice Farnsworth,properly executed by applicant, two users of Fall River water,& Water Master John Empey.

The U.S.Land Office at Blackfoot,Idaho,advised that they would hold the desert land entry of Mary Alice Farnsworth until July 1st to give her time to get this certficate,& have asked them for a further extension until July 15th,so if you will give this matter your usual prompt attention in her behalf it will be very much appreciated.

Yours truly,

M E King

RECEIVED
JUL -5 1920
DEPARTMENT OF RECLAMATION

T-8-80
15-2072

Form 52

# Application for Transfer of Water Right

*STATE OF IDAHO,*
*County of* Fremont } ss.

A.S.Farnsworth, being first duly sworn, deposes and says:

That his name is Albert S.Farnsworth; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Chester,Fremont County,Idaho.

That he is the owner and using a certain water right, bearing date of priority of June 1st-1896 for 150 inches of the waters of Fall River County of Fremont, State of Idaho, decreed to Thomas W.Lloyd by decree of Judge, J.H.Stevens, of the 6th Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Co,et al Plaintiffs vs. Teton Irrigation Canal Co,et al Defendants, said decree bearing date of Dec 16-1910 (or obtained by virtue of License No. ....., issued by the State Engineer of the State of Idaho, dated ....., 19....), bearing date of priority of ....., 19...., for the purpose of irrigating the following described lands situate, lying and being in Water District No 36-A in the County of Fremont and State of Idaho, to wit:

S½NW¼ NE¼SW¼ Sec 17,T 8 N,R 42 EBM.

.....and is the person (or the representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. by purchase of land & water right from Thomas W.L loyd per certified copy of warranty deed hereto attached as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream at SW¼SE¼ Sec 20,T 8 N,R 42 EBM and conducted to the above described lands through private ditch as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 50 inches of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Fremont and State of Idaho, to wit:

SW¼SW¼ Sec 17,NW¼NW¼ Sec 20,T 8 N,R 42 EBM.

That his reasons for desiring to make such transfer are as follows:

My wife Mary Alice Farnsworth owns a desert land entry of 80 acres, (the SW¼SW¼ Sec 17,NW¼NW¼ Sec 20 ,T 8 N,R 42 EBM)and I own sufficient water to irrigate all of the cultivable land of my own & that belonging to my wife as above described.

T-282
15-3077

That he intends to divert and convey said 50 inches ~~xxxxxxfeet~~ of water to the tract of land last above described in the following manner, to wit:

by private ditch

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Master of Water District No. 36-a, in accordance with the provisions of Section 3264 of the Revised Codes of Idaho, as amended.

Albert S. Farnsworth

Subscribed and sworn to before me this 23rd day of June A. D. 19 20

T H E. King Notary Public residing at St Anthony, Idaho.

By

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Fall River

Where is the diversion point located? SW¼SE¼ Sec 20, T 8 N, R 42 EBM.

Through what ditch is it now conducted? private ditch

How much land is now irrigated by the water sought to be transferred? 50 acres

Give the description: 20 acres irrigated in S½NW¼ and 30 acres irrigated in N½SW¼ Sec 17, T 8 N, R 42 EBM.

What is the total amount of water in inches, or second feet, dedicated to said land? 150 inches

What kind of crops are being raised? Alfalfa Hay & Grain

How much water per acre is now required to irrigate said land? One inch

What will be the effect on the land now irrigated, if the use of water on it is discontinued? The use of the water on the land now irrigated will not be discontinued, there being sufficient water for both tracts of land above described.

From what stream will the water be diverted if the transfer is made? Fall River

Give location of new point of diversion SW¼SE¼ Sec 20, T 8 N, R 42 EBM

Through what ditch will it be conducted after transfer? private ditch

How much water will be required per acre to irrigate the land to which this water is transferred? One inch

Do you claim any other water right for the land from which you seek to abandon the use of this water? No

Is there now any other water right for the land to which you seek to make this transfer? No

Signed Albert S. Farnsworth
Applicant.

STATE OF IDAHO,
County of Fremont } ss.

I. E. Houghton and J. P. Clark

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at St Anthony, Idaho that he is a user of water from Fall River, in Water District No. 36-a, County of Fremont, State of Idaho; that he has read or heard read the foregoing affidavit and petition of A. S. Farnsworth and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

I. E. Houghton.
J. P. Clark.

Subscribed and sworn to before me this 24th day of June 1920 A. D. 19

T H E. King
Notary Public residing at St Anthony, Idaho

STATE OF IDAHO,
County of Bonneville. ss.

I, John Empey, Watermaster of Snake river and tributaries Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address is Idaho Falls, Ida R7 #3, have read or heard read the foregoing affidavit and petition of Albert S. Farnsworth, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; ~~or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:~~

John Empey
Watermaster, Dist. No. 36

Dated at Idaho Falls, Idaho, this 30th day of June, 1920

That he intends to divert and convey said 50 inches ~~second-feet~~ of water to the tract of land last above described in the following manner, to wit:

by private ditch

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Master of Water District No. 36-a, in accordance with the provisions of Section 3264 of the Revised Codes of Idaho, as amended.

Albert S. Farnsworth

Subscribed and sworn to before me this 23rd day of June A. D. 19 20

W T S. King Notary Public residing at St Anthony, Idaho.
By

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Fall River

Where is the diversion point located? SW¼SE¼ Sec 20, T 8 N, R 42 EBM.

Through what ditch is it now conducted? private ditch

How much land is now irrigated by the water sought to be transferred? 50 acres

Give the description: 20 acres irrigated in S½NW¼ and 30 acres irrigated in N½SW¼ Sec 17, T 8 N, R 42 EBM.

What is the total amount of water in inches, or second feet, dedicated to said land? 150 inches

What kind of crops are being raised? Alfalfa Hay & Grain

How much water per acre is now required to irrigate said land? One inch

What will be the effect on the land now irrigated, if the use of water on it is discontinued? The use of the water on the land now irrigated will not be discontinued, there being sufficient water for both tracts of land above described.

From what stream will the water be diverted if the transfer is made? Fall River

Give location of new point of diversion SW¼SE¼ Sec 20, T 8 N, R 42 EBM

Through what ditch will it be conducted after transfer? private ditch

How much water will be required per acre to irrigate the land to which this water is transferred? One inch

Do you claim any other water right for the land from which you seek to abandon the use of this water? No

Is there now any other water right for the land to which you seek to make this transfer? No

Signed Albert S. Farnsworth
Applicant.

STATE OF IDAHO,
County of Fremont } ss.

I. E. Houghton and J. P. Clark

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at St Anthony, Idaho that he is a user of water from Fall River, in Water District No. 36-a, County of Fremont, State of Idaho; that he has read or heard read the foregoing affidavit and petition of A. S. Farnsworth and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

I. E. Houghton.
J. P. Clark.

Subscribed and sworn to before me this 24th day of June 1920 A. D. 19

W T S. King
Notary Public residing at St Anthony, Idaho

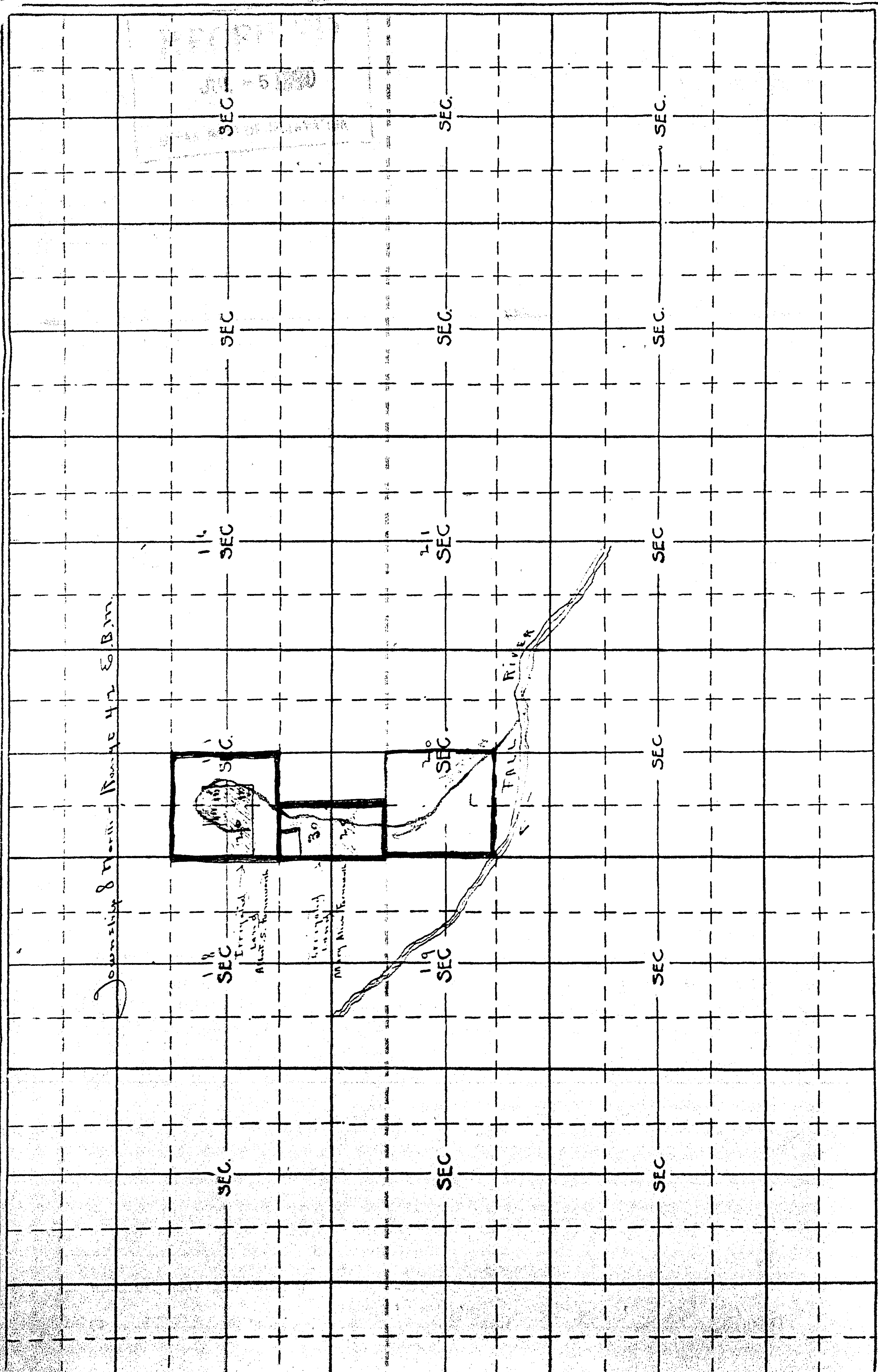
STATE OF IDAHO,
County of Bonneville } ss.

I, John Empey, Watermaster of Snake river and tributaries Water District No. 36, County of Bonneville, State of Idaho, whose postoffice address is Idaho Falls, Ida R ft #3 have read or heard read the foregoing affidavit and petition of Albert S. Farnsworth, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; ~~or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:~~

John Empey
Watermaster, Dist. No. 36

Dated at Idaho Falls, Idaho, this 30th day of June, 1920

Name of Applicant ______________________




Scale: 2 Inches—1 Mile. Draw Plan in Ink

# AFFIDAVIT OF PUBLICATION.

*STATE OF IDAHO,* }
*County of Fremont.* } *ss.*

team is a fast aggregation in a strong league.

Regular admission prices will prevail.

Other games scheduled for next week are:

St. Anthony at Rigby.
Rexburg at Idaho Falls.
Blackfoot at Pocatello.

Below are the batting averages of the St. Anthony Ball club, including the game with Blackfoot on July 21st:

| | AB | R | H | Pct. |
|---|---|---|---|---|
| Bill Hall | 9 | 1 | 6 | .667 |
| Bayless | 16 | 4 | 8 | .500 |
| Ray Hall | 8 | 4 | 3 | .375 |
| Kane | 50 | 8 | 15 | .300 |

*emnly swear that I am the printer and publisher of the TETON PEAK-er of general circulation, published once a week at St. Anthony, Fremont per has been continuously and uninterruptedly published in said County and City during a period of fifty-two consecutive weeks prior to the first publication of the ..... in the above entitled action; that the notice attached hereto, and which is a part of this affidavit and a part of the proof of publication, was published in said newspaper ..... consecutive weeks; first publication having been made on the ..... day of 9 ..... 190..... ; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the notice was published in the newspaper and not in a supplement.*

.....
PRINTER AND PUBLISHER.

*Subscribed and sworn to before me this* 26th *day of* July *A. D. 1920*

T. E. King
NOTARY PUBLIC.

Residing at St Anthony Idaho

*My commission expires* ..... *190*.....

RECEIVED
JUL 28 1920
DEPARTMENT OF RECLAMATION

T-282 15-3078

# AFFIDAVIT OF PUBLICATION.

*STATE OF IDAHO,*
*County of Fremont.* } *ss.*

I, WOOD D. PARKER, *do sole r and publisher of the TETON PEAK-CHRONICLE, a weekly newspaper d once a week at St. Anthony, Fremont County, Idaho: that said newspape nterruptedly published in said County of fifty-two consecutive weeks prior to in t the notice attached hereto, and which d a part of the proof of publication. paper consecutive weeks: first publication having been made on the day of 9 190 ; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the notice was published in the newspaper and not in a supplement.*

**Notice of Proposed Transfer of Water Right.**

Notice is hereby given that Albert S. Farnsworth of Chester, Idaho, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing him to transfer the use of 1.0 second feet of the water of Fall River, from the land upon which it is now used, i. e., S½ NW¼ and N½ SW¼, Sec. 17, Tp. 8 No., R. 42 E., B. M. to the following described tract, SW¼ SW¼, Sec. 17, and NW¼ NW¼, Sec. 20, Tp. 8 N., R. 42 E., B. M.

And that, on the 31st day of July, A. D. 1920, at 10:00 a. m., at the Department of Reclamation, Boise Idaho, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for his consideration any reasons why a certificate should not be issued authorizing such transfer.

W. G. Swendsen,
14-15. Commissioner of Reclamation

RECEIVED
JUL 28 1920
DEPARTMENT OF RECLAMATION

PRINTER AND PUBLISHER

*Subscribed and sworn to before me this* 26th *day of* July *A. D. 1920*

T. E. King
NOTARY PUBLIC.

*My commission expires* Residing at St Anthony Idaho

RECEIVED
DEC 21 1964
Department of Reclamation

# ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS, that we, CAROL D. JONES and DEON JONES, husband and wife, of Malad City, Idaho, for and in consideration of the sum of $10.00nand other valuable consideration to us in hand paid, do by these presents assign, transfer set over and grant unto the St. John Irrigating Company, a water corporation of the State of Idaho, all of our right, title, estate and interest in and to State of Idaho License and Certificate of Water Right issued by the State of Idaho, Department of Reclamation, under Water License No. R-857, together with all of our right, title, estate and interest in and to Permit No. 889 issued by the State of Idaho, Department of Reclamation, to construct the Malad Reservoir and to store the unappropriated public waters of the State of Idaho, approved by the State Reclamation Engineer on June 3, 1952.

Dated this 1st day of August, 1962

Carol D Jones

Deon D Jones

State of Idaho
County of Oneida, ss

On this 6th day of August, 1962, before me, E. L. Scott, a Notary Public in and for said State, personally appeared Carol D. Jones and Deon Jones, his wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Witness my hand and seal the day and year in this certificate first above written.

E L Scott

Notary Public

15 ACP

COPY

E. L. SCOTT
ATTORNEY AT LAW
26 COURT STREET
MALAD CITY, IDAHO

TELEPHONE NO. 1

RECEIVED
AUG 16 1965
Department of Reclamation

December 18, 1964

State of Idaho
State Reclamation Engineer
Boise, Idaho

Dear Sir:

On or about August 1, 1962, the St. John Irrigating Company purchased from Carol D. Jones and his wife, the old Elkhorn Dam and Reservoir site, together with the water right which they had established through your office as water license #R-857. At this time I obtained from Carol D. Jones an Assignment of this water right in favor of the St. John Irrigating Company. I am enclosing the original of this Assignment.

Also in connection with this, I enclose an Application for Transfer of Water Rights executed by the St. John Irrigating Company to transfer the water right under license #R-857 to the proposed point of diversion which will be the new dam and reservoir which the company is hoping to build.

Please record the Assignment and make the transfer of the water right in accordance with the application enclosed, and oblige.

Very truly,

E. L. Scott
Attorney at Law

ELS/yj

15 2078

R-857

E. L. SCOTT
ATTORNEY AT LAW
26 COURT STREET
MALAD CITY, IDAHO

TELEPHONE NO. 1

RECEIVED
DEC 21 1964
Department of Reclamation

December 18, 1964

State of Idaho
State Reclamation Engineer
Boise, Idaho

Dear Sir:

On or about August 1, 1962, the St. John Irrigating Company purchased from Carol D. Jones and his wife the old Elkhorn Dam and Reservoir site, together with the water right which they had established through your office as water license #R-857. At this time I obtained from Carol D. Jones an Assignment of this water right in favor of the St. John Irrigating Company. I am enclosing the original of this Assignment.

Also in connection with this, I enclose an Application for Transfer of Water Rights executed by the St. John Irrigating Company to transfer the water right under license #R-857 to the proposed point of diversion which will be the new dam and reservoir which the company is hoping to build.

Please record the Assignment and make the transfer of the water right in accordance with the application enclosed, and oblige.

Very truly,

E. L. Scott

E. L. Scott
Attorney at Law

ELS/yj

15 2078

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that St. John Irrigation Co. of Malad, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing It to change the point of diversion ~~and/or place of use~~ of the waters of Little Malad River as follows:

Amount: 625 Acre cubic ~~feet~~ per Annum ~~second~~. Priority: 4-29-50

Reservoir Outlet:
Point of diversion: NE ¼ SW ¼, Section 7, Township 13 S Range 35E, B.M.

Place of Use: NE4 Section 12, Twp. 13S., Range 34E;
NW4 " 7 " 13S " 35E.

To Be Transferred To

Point of diversion: SE ¼ SE ¼, Section 26, Township 12 S, Range 34E B. M.

Place of Use: Irrigation Co. Land.

And that on the 14 day of January, 1965, at 2:00 o'clock P. M., at Room 107 Statehouse Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

State Reclamation Engineer

15 2078

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that St. John Irrigation Co., of Malad, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing it to change the point of diversion of the waters of Little Malad River as follows:

Amount: 625 acre feet per annum. Priority: April 29, 1950

Reservoir Outlet: NE ¼ SW ¼, Section 7, Township 13 S. Range 35 E, B.M.

Place of Use: NE¼ Section 12, Twp. 13 S., Rge. 34 E.

NW¼ " 7, " " " , " 35 E.

To Be Transferred To

Point of Diversion: SE ¼ SE ¼, Section 26, Township 12 S., Range 34 E., B.M.

Place of Use: Irrigation Co. Land

And that on the 14th day of January, 1965, at 2:00 o'clock P. M. at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

CARL E. TAPPAN
State Reclamation Engineer

15 2078

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho

December 21, 1964

Re: Change in Point of Diversion
St. John Irrigation Co.

Idaho Enterprise,
Malad, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to January 14, 1965 the date set for hearing; the expense of the publication is to be paid by the applicant St. John Irrigation Co. of Malad, Idaho to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

** 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.

15 2078

The IDAHO ENTERPRISE
Excellent Advertising Medium
High Quality Printing
31 COURT ST. MALAD CITY, IDAHO

MALAD CITY
DEC 26
PM
1964
IDAHO

5¢ U.S. POSTAGE

Department of Reclamation,

State of Idaho,

Boise, Idaho

Attention:
Robert W. Hamilton

15 2078

**NOTICE OF PROPOSED TRANSFER OF WATER RIGHT**

Notice is hereby given that St. John Irrigation Co., Malad, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing it to change the point of diversion of the waters of the Little Malad River as follows:

Amount: 625 acre feet per annum. Priority: April 29, 1950. Reservoir Outlet: NE¼SW¼, Section 7, Township 13 S. Range 35 E.B.M. Place of Use: NE¼ Section 12, Twp. 13 S., Rge. 34 E NW¼ Section 7, Twp. 13 S., Rge. 35 E.

To Be Transferred To Point of Diversion: SE¼ SE¼, Section 26, Township 12 S., Range 34 E.B.M. Place of Use: Irrigation Co. Land.

And that on the 14th day of January, 1965, at 2:00 o'clock P.M. at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

**CARL E. TAPPAN**
**State Reclamation Engineer**
12-31 1-7 t2

Brad

RECEIVED
DEC 28 1964
Department of Reclamation

**NOTICE OF PROPOSED TRANSFER OF WATER RIGHT**

Notice is hereby given that St. John Irrigation Co., Malad, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing it to change the point of diversion of the waters of the Little Malad River as follows:

Amount: 625 acre feet per annum. Priority: April 29, 1950. Reservoir Outlet: NE¼SW¼, Section 7, Township 13 S. Range 35 E.B.M. Place of Use: NE¼ Section 12, Twp. 13 S., Rge. 34 E NW¼ Section 7, Twp. 13 S., Rge. 35 E.

To Be Transferred To Point of Diversion: SE¼ SE¼, Section 26, Township 12 S., Range 34 E.B.M. Place of Use: Irrigation Co. Land.

And that on the 14th day of January, 1965, at 2:00 o'clock P.M. at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

**CARL E. TAPPAN**
**State Reclamation Engineer**
12-31 1-7 t2

We changed this on Dec 31 to January 1965 instead of 1964 as shown on the copy sent us.

15 2073

January 6, 1965

Re: Transfer of Water Right

COPY

Mr. Calvin Dredge, Secretary,
St. John Irrigation Co.,
Route #1,
Malad, Idaho.

Dear Mr. Dredge:

We failed to note your application for transfer of water right had not been notarized. Will you please have your signature notarized and return the application to us.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl. - Form 20
RWH:pmk

15 20[illegible]

February 12, 1965

Re: Transfer of Water Right

COPY

Mr. Calvin Dredge, Secretary,
St. John Irrigation Company,
Route #1,
Malad, Idaho.

Dear Mr. Dredge:

To date we have not received the Affidavit of Publication or the $1.00 recording fee in connection with your transfer of water right.

The certificate of authorized change in point of diversion will be issued upon receipt of these items. The Affidavit can be obtained from the Idaho Enterprise in the event you do not already have it.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:pmk

15 2078

ROBERT E. SMYLIE
Governor

CARL E. TAPPAN
State Reclamation Engineer

# STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

FEB 19 1965
Department of Reclamation

February 12, 1965

Re: Transfer of Water Right

Mr. Calvin Dredge, Secretary,
St. John Irrigation Company,
Route #1,
Malad, Idaho.

Dear Mr. Dredge:

To date we have not received the Affidavit of Publication or the $1.00 recording fee in connection with your transfer of water right.

The certificate of authorized change in point of diversion will be issued upon receipt of these items. The Affidavit can be obtained from the Idaho Enterprise in the event you do not already have it.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Robert W. Hamilton

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH;pmk

15 2078

March 11, 1965

COPY

Re: Transfer of Water Right

Mr. Calvin Dredge, Secretary,
St. John Irrigation Company,
Route #1,
Malad, Idaho.

Dear Mr. Dredge:

To date we have not received the $1.00 recording fee in connection with your application for transfer of water right.

Upon receipt of this fee, a certificate of transfer will be issued.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:pmk

15 2078

ROBERT E. SMYLIE
Governor

# STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

CARL E. TAPPAN
State Reclamation Engineer

RECEIVED
MAR 24 1965
Department of Reclamation

March 11, 1965

Re: Transfer of Water Right

Mr. Calvin Dredge, Secretary,
St. John Irrigation Company,
Route #1,
Malad, Idaho.

Dear Mr. Dredge:

To date we have not received the $1.00 recording fee in connection with your application for transfer of water right.

Upon receipt of this fee, a certificate of transfer will be issued.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Robert W. Hamilton

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:pmk

15 2078

April 5, 1965

Re: Change in Point of Diversion
Certificate No. 282

COPY

Mr. Calvin Dredge, Secretary,
St. John Irrigation Company,
Route #1,
Malad, Idaho.

Dear Mr. Dredge:

We are enclosing Certificate No. 282 of Authorized Change in Point of Diversion, together with Departmental Receipt No. 32717, which was issued covering payment in the amount of $1.00 for the recording fee of the above mentioned certificate.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl.
RWH:pmk

15 2073.

RECEIVED
JAN 20 1965
Department of Reclamation

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DEC 21 1964
Department of Reclamation

Form 20

# Application For Transfer of Water Right

STATE OF IDAHO
County of Oneida } ss.

Calvin Dredge, being first duly sworn, deposes and says:

That his name is Calvin Dredge; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Rt. 1, Malad, Idaho

St. John Irrigation Company, a corporation

That ~~he~~ is the owner and using a certain water right, bearing date of priority of 4-29, 1950, for 625 ~~xxxxx~~ Acre Annum cubic feet per ~~xxxx~~ second of the waters of Little Malad River

County of Oneida, State of Idaho, ~~decreed to~~

~~by decree of Judge of the Judicial District of the State of Idaho, in and for the County of, in the case of~~

~~vs.~~, ~~said decree bearing date of~~

~~(or~~ obtained by virtue of License No. R-857, issued by the State Department of Reclamation of the State of Idaho, dated Apr. 13, 1956, bearing date of April 29, 1950~~)~~ for the purpose of irrigating the following described lands situate, lying and being in Water-District No. in the County of Oneida and State of Idaho, to-wit:

NE¼ Sec. 12, Twp. 13 S., R 34 East Boise Meridian; NW¼ Sec. 7, Twp. 13 South, Range 35 East Boise Meridian

and ~~is the person (or representative of the corporation) to whom such right so issued, or~~ has become the owner thereof in the following manner, i.e. purchase

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream ~~xxxx~~ outlet NE¼SW¼ of Section 7, Township 13 South, Range 35 East, B. M., and conducted to the above described lands through No diversion

as per map herewith and of this affidavit made a part.

## CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of and State of Idaho, to-wit:

That reasons for desiring to make such transfer are as follows:

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15 2078

That he intends to divert and convey said.....second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

.....

.....

.....

.....

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

## CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in SE ¼ of SE ¼ of Section 26, Township 12 S, Range 34 E.B.M. and thereafter conduct same to the above described land through the Little Big Malad River ~~ditch~~, as per map appended.

That his reasons for desiring to make such change are as follows: The old point of diversion known as the Elkhorn Dam and Reservoir site never was sufficient to store water. These properties were purchased by the St. John Irrigation Company in order to extinguish any existing water rights and to develop the full water right under their application at the new point of diversion.

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

ST. JOHN IRRIGATING COMPANY
By Calvin C. Dredge
SECRETARY
.....Applicant.

Subscribed and sworn to before me this 14th day of December, 19 64.

E L Scott
.....
Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? ~~Big~~ Little Malad River

Where is the diversion point located? storage rights in process of development

Through what ditch is it now conducted? ~~Big~~ Little Malad River

How much land is now irrigated by the water sought to be transferred? Not applicable

Give the description:.....

.....

15 2078

What is the total amount of water in inches, or second feet, dedicated to said land?.....

What kind of crops are being raised?.....

How much water per acre is now required to irrigate said land?.....

What will be the effect on the land now irrigated, if the use of water on it is discontinued?.....

.....

.....

Give location of new point of diversion, if change is to be made SE¼SE¼ Sec. 26, Tp. 12 S., R 34 EBM

Through what ditch will it be conducted after transfer? ~~Big~~ Little Malad River

How much water will be required per acre to irrigate the land to which this water is transferred?.....

Not applicable

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source.....

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source Not applicable

St. John Irrigating Company

Signed Calvin C. Hulse

Secretary ~~Applicant~~

STATE OF IDAHO,
County of..... } ss.

I, ....., Watermaster of.....

Water District No....., County of....., State of Idaho, whose postoffice address is....., have read or heard read the foregoing affidavit and petition of....., and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:.....

.....

.....

.....

Watermaster, District No.....

.....

Dated at....., Idaho, this.....day of....., 19.....

15 2078

Name of Applicant.....

SEC. SEC. SEC.

SEC. SEC. SEC.

SEC. SEC. SEC.

SEC. SEC. SEC.

SEC. SEC. SEC.

Scale: 2 Inches—1 Mile. Draw Map in Ink.

RECEIVED
FEB 19 1965
Department of Reclamation

**NOTICE OF PROPOSED TRANSFER OF WATER RIGHT**

Notice is hereby given that St. John Irrigation Co., Malad, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing it to change the point of diversion of the waters of the Little Malad River as follows:

Amount: 625 acre feet per annum. Priority: April 29, 1950. Reservoir Outlet: NE¼SW¼, Section 7, Township 13 S. Range 35 E.B.M. Place of Use: NE¼ Section 12, Twp. 13 S., Rge. 34 E NW¼ Section 7, Twp. 13 S., Rge. 35 E.

To Be Transferred To Point of Diversion: SE¼ SE¼, Section 26, Township 12 S., Range 34 E.B.M. Place of Use: Irrigation Co. Land.

And that on the 14th day of January, 1965, at 2:00 o'clock P.M. at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

**CARL E. TAPPAN**
**State Reclamation Engineer**

River Cubs

# Affidavit of Publication

State of Idaho
County of Oneida, ss.

Marion R. Hansen .... being first duly sworn on h.s oath, states: That ...he is .publisher. 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 advertisiment:

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 seventeen 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 at regular intervals not less frequently than once a week.

That the annexed notice was published per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for .... successive weekly issues thereof the date of the first publication being the 31. day of ..December....., 1964. the date of the last publication being the ..7.. day of .January.... 19 .65..

.....Marion Hansen

Subscribed and sworn to before me this .18th.... day of .....February....., 19.65.....

.....E. Scott.....

Notary Public, residing at Malad, Idaho

My Commission expires the 19.. day of .May..., 1967.

Costs: ..36.. lines at 13c per line first insertion $. 4.68.

..... lines tabulated at 20c per line $.....

10c per line each subsequent insertion $. 3.60.

TOTAL ..... $. 8.28.

(Rates for legal notices are fixed by Idaho law)

15 2078

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

DEPARTMENT OF RECLAMATION

---

CERTIFICATE NO. 282 OF AUTHORIZED CHANGE IN POINT OF DIVERSION OF LICENSED WATER RIGHT

THIS IS TO CERTIFY, That St. John Irrigation Company, of Route #1, Malad, Idaho, is the owner of and using a certain water right of 625 acre feet of the waters of Little Malad River, said water being obtained by virtue of License No. R-857, issued by the State of Idaho, dated April 13, 1956, bearing priority date of April 29, 1950, for the purpose of irrigating the following described lands situate, lying and being in the County of Oneida, State of Idaho, to-wit:

NE¼, Section 12, Township 13 South, Range 34 E. B. M.,
NW¼, Section 7, Township 13 South, Range 35 E. B. M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume No. 9 of Licenses, at Page 5691 thereof;

That said St. John Irrigation Company, a corporation, has become the owner of said water right by purchase and by virtue of said License No. R-857;

And that now, upon the application of St. John Irrigation Company for Certificate of Change in Point of Diversion of 625 acre feet of the waters of Little Malad River made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change said point of diversion is HEREBY GRANTED;

That said change of point of diversion will not modify in effect said water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

625 acre feet of the waters of Little Malad River with priority of April 29, 1950;

That said water right is appurtenant to the following described lands:

NE¼, Section 12, Township 13 South, Range 34 E. B. M.,
NW¼, Section 7, Township 13 South, Range 35 E. B. M.,

15 2078

That the water right hereby described has heretofore been diverted from the Little Malad River outlet with point of diversion in the NE¼SW¼, Section 7, Township 13 South, Range 35 E. B. M.,

That the water right hereby described will hereafter be diverted from the Little Malad River with point of diversion in the SE¼SE¼, Section 26, Township 12 South, Range 34 E. B. M.,

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 5th day of April, 1965.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

15 2078

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

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| | | |
|---|---|---|
| In the Matter of the Application of | ) | |
| St. John Irrigation Company, a corporation, of Route #1, Malad, Idaho, | ) | ORDER GRANTING CHANGE IN POINT OF DIVERSION |
| For a Change in Point of Diversion, County of Oneida, State of Idaho, | ) | NO. 282 |

WHEREAS, On the 14th day of January, 1965, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of St. John Irrigation Company, a corporation, of Route #1, Malad, Idaho, for a change in point of diversion, came on regularly for hearing, pursuant to the published notice, in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Change in Point of Diversion be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 5th day of April, 1965.

CARL E. TAPPAN
State Reclamation Engineer

15 8078

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

DEPARTMENT OF RECLAMATION

---

CERTIFICATE NO. 282 OF AUTHORIZED CHANGE IN
POINT OF DIVERSION OF LICENSED WATER RIGHT

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NE¼, Section 12, Township 13
South, Range 34 E. B. M.,
NW¼, Section 7, Township 13
South, Range 35 E. B. M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume No. 9 of Licenses, at Page 5691 thereof;

That said St. John Irrigation Company, a corporation, has become the owner of said water right by purchase and by virtue of said License No. R-857;

And that now, upon the application of St. John Irrigation Company for Certificate of Change in Point of Diversion of 625 acre feet of the waters of Little Malad River made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change said point of diversion is HEREBY GRANTED;

That said change of point of diversion will not modify in effect said water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

625 acre feet of the waters of
Little Malad River with priority
of April 29, 1950;

That said water right is appurtenant to the following described lands:

NE¼, Section 12, Township 13
South, Range 34 E. B. M.,
NW¼, Section 7, Township 13
South, Range 35 E. B. M.,

15 2078

That the water right hereby described has heretofore been diverted from the Little Malad River outlet with point of diversion in the NE¼SW¼, Section 7, Township 13 South, Range 35 E. B. M.,

That the water right hereby described will hereafter be diverted from the Little Malad River with point of diversion in the SE¼SE¼, Section 26, Township 12 South, Range 34 E. B. M.,

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 5th day of April, 1965.

CARL E. TAPPAN
State Reclamation Engineer

15 2078

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

---

| | |
|---|---|
| In the Matter of the Application of<br><br>St. John Irrigation Company, a corporation, of Route #1, Malad, Idaho,<br><br>For a Change in Point of Diversion, County of Oneida, State of Idaho, | ORDER GRANTING CHANGE IN POINT OF DIVERSION<br><br>NO. 282 |

WHEREAS, On the 14th day of January, 1965, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of St. John Irrigation Company, a corporation, of Route #1, Malad, Idaho, for a change in point of diversion, came on regularly for hearing, pursuant to the published notice, in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Change in Point of Diversion be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 5th day of April, 1965.

(SEAL)

s/ CARL E. TAPPN

CARL E. TAPPAN
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

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NE¼, Section 12, Township 13
South, Range 34 E. B. M.,
NW¼, Section 7, Township 13
South, Range 35 E. B. M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume No. 9 of Licenses, at Page 5691 thereof;

That said St. John Irrigation Company, a corporation, has become the owner of said water right by purchase and by virtue of said License No. R-857;

And that now, upon the application of St. John Irrigation Company for Certificate of Change in Point of Diversion of 625 acre feet of the waters of Little Malad River made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change said point of diversion is HEREBY GRANTED;

That said change of point of diversion will not modify in effect said water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

625 acre feet of the waters of
Little Malad River with priority
of April 29, 1950;

That said water right is appurtenant to the following described lands:

NE¼, Section 12, Township 13
South, Range 34 E. B. M.,
NW¼, Section 7, Township 13
South, Range 35 E. B. M.,

45 202

That the water right hereby described has heretofore been diverted from the Little Malad River outlet with point of diversion in the NE¼SW¼, Section 7, Township 13 South, Range 35 E. B. M.,

That the water right hereby described will hereafter be diverted from the Little Malad River with point of diversion in the SE¼SE¼, Section 26, Township 12 South, Range 34 E. B. M.,

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 5th day of April, 1965.

CARL E. TAPPAN
State Reclamation Engineer

15 20

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

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| | | |
|---|---|---|
| In the Matter of the Application of | ) | |
| St. John Irrigation Company, a corporation, of Route #1, Malad, Idaho, | ) | ORDER GRANTING CHANGE IN POINT OF DIVERSION |
| For a Change in Point of Diversion, County of Oneida, State of Idaho, | ) | NO. 282 |

WHEREAS, On the 14th day of January, 1965, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of St. John Irrigation Company, a corporation, of Route #1, Malad, Idaho, for a change in point of diversion, came on regularly for hearing, pursuant to the published notice, in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Change in Point of Diversion be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 5th day of April, 1965.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

15 2078

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

| | |
|---|---|
| In the Matter of the Application of ) | |
| St. John Irrigation Company, a corporation, of Route #1, Malad, Idaho, ) | ORDER GRANTING CHANGE IN POINT OF DIVERSION |
| For a Change in Point of Diversion, County of Oneida, State of Idaho, ) | NO. 282 |

WHEREAS, On the 11th day of January, 1965, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of St. John Irrigation Company, a corporation, of Route #1, Malad, Idaho, for a change in point of diversion, came on regularly for hearing, pursuant to the published notice, in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Change in Point of Diversion be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 5th day of April, 1965.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

15 2078

5691

Transf. P.D. Change #282

# State of Idaho
# License and Certificate of Water Right

Water License No. R-857 Amount 625 acre feet

Water District No. Priority April 29, 1950

THIS IS TO CERTIFY that MALAD RESERVOIR COMPANY

of Ogden, Utah, made application for a permit to appropriate the public waters of the State of Idaho, dated April 29, 19 50; that Permit No. R-857 was issued under said application; that Certificate of Completion of works, with a ~~carrying~~ storage capacity of 625 ~~second~~ acre feet, was issued thereunder on April 13, 19 56, showing that said works were completed on the 4th day of March, 19 55; and that on the 4th day of March, 19 55,

CAROL D. JONES, Assignee of Malad Reservoir Company

of Malad, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Little Malad River, a tributary of Big Malad River, for the purpose of irrigation and domestic, under Use Permit No. R-857 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 9 of Licenses at page 5691, on the 13th day of April, 1956;

The right hereby confirmed dates from April 29, 1950;

The Point of ~~Diversion~~ Outlet is located

in the NE ¼ SW ¼, Sec. 7, Tp. 13 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 625 ~~cubic~~ acre feet per ~~second~~ annum.

Description and location of use:

| Twp. | Range | Sec. | Forty-acre Tract | No. Acres Described in Permit | No. Acres Actually Irrigated |
|---|---|---|---|---|---|
| 13 S. | 34 E. | 12 | NE¼ NE¼ | -- | 35 |
| | | | NW¼ NE¼ | -- | 30 |
| | | | SW¼ NE¼ | -- | 2 |
| | | | SE¼ NE¼ | -- | 18 |
| 13 S. | 35 E. | 7 | NE¼ NW¼ | -- | 10 |
| | | | NW¼ NW¼ (lot 1) | -- | 7.5 |
| | | | SW¼ NW¼ (lot 2) | -- | 7.5 |
| | | | SE¼ NW¼ | -- | 15 |
| | | | Number of Acres Actually Irrigated | | 125.0 |

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 13th day of April, 19 56.

MARK R. KULP
State Reclamation Engineer.

(SEAL)

15 2078

RECEIVED
APR 0 2 2001
Department of Water Resources
Eastern Region

# CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim. Daniels Dam

[ ] Water Right Number(s): D15-2080

RECEIVED
APR - 9 2001
Department of Water Resources

[ ] Old Mailing Address: David Deschamps, President
St. John Irrigating Co.
331 Deschamps Rd.
Malad, Id. 83252

[ ] New Mailing Address: Jesse D. Harrison
St. John Irrigating Co.
390 S 3600 W MALAD ID 83252

[ ] Telephone Number: 208-766-2678

[ ] Signature of Claimant: by Loyd Briggs - Treasurer
LOYD BRIGGS

[✓] Date: March 26, 2001

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: By:
Further Action Needed:
Further Action Taken
Date: By:
Final Review and Data-Entry
Date: 7.19.01 By: KLT

address update for:
15-42
15-44
15-58
15-59
15-71
* 15-2078
15-2080
} Done 7.19.01 Ket