

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 23207
Permit No. 16385
District No. 25

1. Name of Applicant: BERT ELIASON

Postoffice address: Stone County: Oneida State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. Quantity of water claimed: 0.02 cubic feet per second.

3. Source of water supply: Spring which is a tributary of

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B. M., and is in the NE¹/₄ of SW¹/₄
of Section 3 , T. 14 S., R. 31 E., B. M., County of Oneida

5. Water is to be used for: watering stock

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: 30 feet from ^{Spring} distant from corner of Section
T. , R. , B. M., in the NE¹/₄ SW¹/₄ of Section 3 , T. 14 S., R. 31 E., 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: \$ 200.00

8. Kind of works: Pipe and trough

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet

11. Ditch: Width at bottom feet; width at water line feet; depth of water
feet; dimensions of flume

Diameter of pipe 1 inches; length of conduit miles.

Average grade per mile feet

12. The time required for the completion of such work is nine months years.

13. The time required for the complete application of the water to the proposed use is 10 additional years.

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

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
 (b) Name of reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

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

Bert Eliason

Applicant.

By _____

Agent.

Date of first receipt at Department of Reclamation. 9 A.M. October 28, 1925

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16385

Recorded in Book 59 Page 16385 Approved November 3, 1925

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before January 2, 1926 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 18, 1926

The whole of said work to be completed on or before August 5, 1926

Beneficial use of water appropriated in accordance herewith, to be made on or before August 3, 1926

Witness my hand this 3rd day of November, 1925

W. G. SWENDSEN
Commissioner of Reclamation.

Remarks:

14 Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			Proof Completion Works made 5-22-26 Certificate Completion Works issued 5-24-26 Permit No. 16385 CERTIFICATE OF COMPLETION OF WORKS To All Whom It May Concern: This is to certify that Bert Eliason of Stone, County of Oneida, and State of Idaho, the holder of Permit No. 16385, issued upon Application No. 23207, bearing date of priority of October 28, 1925, authorizing the diversion of 0.02 second feet of the waters of a spring, County of Oneida, State of Idaho, for watering stock purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.02 second feet of the waters of said spring; that the point of diversion of said waters is in the NE¼SW¼, Sec. 3, Twp. 14 S., R. 31 E., B. M., and that the place of intended use of said water is about 30 feet from spring, in the NE¼SW¼, Sec. 3, Twp. 14 S., R. 31 E., B. M. Witness my hand this 24th day of May, A. D. 1926. W. G. SWENDSEN Commissioner of Reclamation BY GEO. W. CARTER Assistant. License issued for <u>0.02</u> second feet Page 3400 Vol. 6																

Trough
Head of Spring

NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 3 T. 14. R. 31.

16385

Permit was No

a. Approved

Nov. 3, 1925

W. L. SWENSON
Commissioner of Reclamation

So. W. $\frac{1}{4}$ of Sec. 3. T. 14. R. 31.

16385

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 16385

Mr. Bert Eliason,
Stone, Idaho

Boise, Idaho, November 5, 1925

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE
LIMITATIONS AND CONDITIONS OF SAME as given under approval of
the Commissioner of Reclamation on the third page.

W. G. SWENDSEN
Commissioner of Reclamation.

16385



Stoner Idaho
April 28-26

State Department of
Reclamation Boise Ida
In regards to Permit No.
16388, Application No. 23207.
I have Completed the work
as specified. I have two
Troughs 16 feet each and
fenced the head of the spring
and cleaned it out.

I find that on March 12th
1926. another party filed a
stock homestead on the
Land that this spring is on,
would you give me what
information you can as to
what rights he would
have to this water?

16388-



als advise me what I
have to do to get a deed
to this water or Spring?

Yours Truly

But Elginson
Stoner Idaho

May 3, 1926.

Re: Permit No. 16385.

Mr. Bert Eliason,
Stone, Idaho.

Dear Sir:-

Referring to your letter of the 28th ult. would say that a filing on the waters of the spring in question made prior to the date of the homestead filing would give the ~~permit~~ filing the prior right to the waters thereof, to the extent of his filing.

We are enclosing an affidavit form for proof of completion of works under your permit, also, blank notices for proof of beneficial use of the water.

For proof of completion of works, where the amount of water claimed does not exceed 6.4 second feet, all that is required is the affidavit of the holder and fee of \$5.00.

For proof of beneficial use of the water the notice is required to be published for period of four weeks prior to the date of making proof and, on the date set by the holder for making such proof, he should appear at the office of the notary public, or other officer before whom proof is to be made, and fill out the deposition blanks which will be furnished from this office. Two witnesses will be required for this proof. An examination will then be made by our field engineer to ascertain the extent the water has been used.

Very truly yours,
W. C. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

Encl.

16385

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

May 10, 1928

Mr. Bert Eliason

Stone, Idaho

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 16385, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN
Commissioner of Reclamation

16385-

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. Bert Eliason
Stone, Idaho

Boise, Idaho,

May 10, 1926

Dear Sir:—

Under the terms of your permit No. 16385 you are required to complete your diversion works on or before I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

W. G. STENDSEN
Commissoner of Reclamation.

16385 -

Permit No.

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Oneida }

ss

Bert Eliason

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the state of Idaho, No. 16385, and that his postoffice address is Stone, State of Idaho

Second: That the name of the stream from which said water is to be diverted is Spring in NE 1/4 SW 1/4 Sec. 3, Tp. 14 S. R. 31 E.B.M.

Third: That the point of diversion of said water is 30 feet from spring in NE 1/4 SW 1/4 Sec. 3, Tp. 14 S. R. 31 E.B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Aug 3, 1926.

Fifth: That the use for which said water is intended is watering livestock

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: Pipe and trough
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

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

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line feet, depth of water feet; diameter of pipe one inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 0.02 second feet of water.

Eighth: That water appropriated under said permit is available for acres of land described as follows: watering stock

Ninth: Remarks: That

Bert Eliason
(Sign here)

Subscribed and sworn to before me this 22nd day of May, 1926

My commission expires 12-30-26

J. J. May
Notary Public
Malad, Idaho

16385-

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 22nd 1926

(P. O.) Stone, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

Paul Eliaon

(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 compe-
tent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

.....
Engineer.

16385-

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 28th day of July, 1926,
at Malad, County of Oneida, State of Idaho,
before T. E. Ray, Notary public, proof will be submitted
of the application to beneficial use of 0.02 cubic feet per second of the
waters of Spring located in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Tp. 14 S. R. 31 E.B.M. in accordance with the terms and conditions of
Permit No. 16385 heretofore issued by the Department of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Bert Eliason,
Stone, Idaho.

The use to which said water has been applied is watering livestock

The amount applied to beneficial use is 0.02 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) on NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Tp. 14 S. R. 31 E.B.M.

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

The right to take water from such works is based upon Permit No. 16385.

The source of supply from which such water is diverted is spring in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3,
Tp. 14 S. R. 31 E.B.M.

The date of the priority which said user is prepared to establish is November 27, 1925
October 28, 1925.

NE SW - 3 - 14 S - 31 E
Aruda
- 23 -

W. G. Swendsen,
Commissioner of Reclamation.

16385

May 25, 1926.

Re: Permit No. 16385.

Mr. Bert Eliason,
Stone, Idaho.

Dear Sir:-

We are in receipt of notice of proof of beneficial use of water under the above numbered permit. One copy will be mailed to the Oneida County Enterprise for the required four weeks publication prior to August 3rd, the date set for making proof. If an earlier date would be more convenient for you and your two witnesses, please advise us and the date in the notice will be changed prior to mailing a copy to the paper for publication.

Deposition blanks will be mailed to the notary public, C. T. E. Ray one for the holder and one each for two witnesses.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

16 385-

May 26, 1926

Re: Permit No. 16385

Mr. Bert Eliason
Stone, Idaho

Dear Sir:

Inclosed herewith you will find
certificate of completion of works issued
under the above numbered permit, together
with receipt for fees paid.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

CB:HH

ENC: C.C.W., R. 11255

16385-

Permit No 16385'

Stone Ida May
28

State Department of
Reclamation

Dear Sir in reply
to yours of May 25th
if I can make proof. Either
28-29-30 of June or 1st or 2nd of July
this would make, it more
convenient for me, if it can
be made on one of these
dates make it the earliest
date possible

Resp. Brit Ellison

Permit No 16385'

16385-

July 2-1926

June 4, 1926

Re: Permit No. 16385

Mr. Bert Eliason
Stone, Idaho

Dear Sir:

In accordance with your letter of May 28, we have changed the date upon which you are to make proof of beneficial use of water to July 2, 1926, and we are to-day sending notices to the Oneida County Enterprise for the required four weeks publication.

Deposition blanks will be mailed to the notary, Mr. T. E. Ray, in time for the proof.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By
Chief Clerk

E

16385-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date June 4, 1926

Editor, Oneida County Enterprise
Malad, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to July 2, 1926, the date set for proof, the expense of the publication to be paid by the applicant, Bert Eliason, Stone, 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.

Very truly yours,

W. G. SWENDSEN

Commissioner of Reclamation.

16385-

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, June 22, 1926

Bert Eliason,
c/o F. E. Ray,
Malad, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 16386

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

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

1. On July 2nd, 1926, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Malad, before F. E. Ray, notary public.

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

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

Yours truly,

.....W. G. STENDSEN.....
Commissioner of Reclamation.

16 385-

HENRY SEEGER

ATTORNEY AT LAW

MALAD, IDAHO 7-2-26

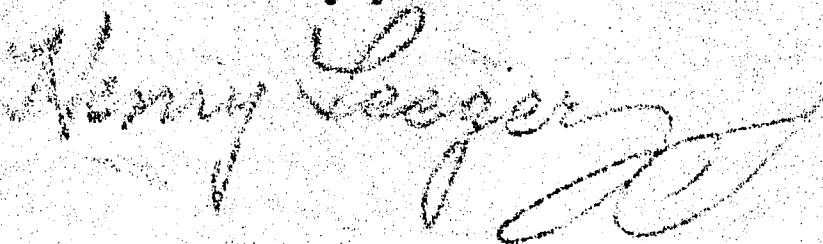
HON. W. G. SWENDSEN, ESQ.,
COMMISSIONER OF RECLAMATION,
BOISE, IDAHO.

DEAR SIR:

IN RE: Permit No. 16385.
Bert Eliason, Stone, Oneida County,
Idaho.

Find enclosed herewith "Copy of Protest" in the
above matter; the protestant, who lives at Declo, Idaho, was
not aware of this matter until just recently and came into
this office this morning.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Henry Seeger", written over a horizontal line.

16385-

IN THE MATTER OF THE PROOF OF)
 APPLICATION OF WATER TO BENEFICIAL) P R O T E S T .
 USE BY BERT ELIASON OF STONE, IDAHO)

* * * * *

Comes now Wm. S. Dalton of Declo, in the County of Cassia, State of Idaho, and objects to a license being issued to Bert Eliason of Stone, Idaho for the right to the use of two hundredths (.02) cubic feet per second, or any other amount, of the flow of the waters of a spring located upon the Northeast quarter of the Southwest quarter (NE-SW $\frac{1}{4}$) of Section three (3), township fourteen (14) South, Range thirty-one (31) East Boise Meridian, on the ground and for the reasons:

1. That the said spring is now located upon Government land for which this Protestant has made application to be permitted to file upon under the Act to Provide for Stock-raising Homesteads, the same being the Act of Congress of December 29, 1916, 39 Statutes 862; and which application is now pending, waiting to have the said land designated as subject to the terms and conditions of said Act.
2. That the said application so made by this protestant was filed prior to the time that the said Bert Eliason made application for a permit to appropriate said water.
3. That the flow of the waters of said spring are not sufficient to be taken or conveyed to or upon the lands owned by the said Bert Eliason, and that the said Bert Eliason cannot make beneficial use of the said waters upon the lands now owned by the said Bert Eliason, either for stock, domestic or irrigation purposes, without hauling the water from said spring to the lands of the said Bert Eliason in some water tight vessel.
4. That there is a spring arising upon the Southeast quarter of the Southeast quarter (SE-SE $\frac{1}{4}$) of Section 4, township 14 South, 31 East Boise Meridian, which land is owned by Bert Eliason or Eliason Brothers, the exact ownership of which is to this protestant unknown, which flows sufficient water for use for stock and domestic purposes upon the land owned by the said Bert Eliason, and to which the said Bert Eliason has any right, title or interest and that the spring upon the Northeast quarter of the Southwest quarter of Section 3 is not needed nor cannot be beneficially used by the said Bert Eliason upon any lands to which he is entitled.
5. That the said Bert Eliason has never made any beneficial use of the waters of the spring upon the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 3.
6. That this protestant, during the year 1919, appropriated the waters of the spring upon the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, township 14 South, Range 31 East Boise Meridian for stock and domestic purposes, erected and constructed troughs at said spring for the purpose of watering live stock thereat, and that at all times since the year 1919 this protestant has maintained troughs for the purpose of watering stock thereat, and all of the flow of the waters of said spring have been carried into and used in the troughs of this protestant.

7. That since the year 1919 no other person has ever constructed troughs at said spring, nor has the water ever been diverted or turned from the troughs constructed and owned by this protestant during the grazing season, and that the said Bert Eliason has never made beneficial use of said waters by use of the troughs of this protestant or otherwise, since the year 1919, or at any time prior thereto.

Dated this 29th day of June, 1926.

W. S. Dalton
Protestant.

State of Idaho)
(ss
County of Cassia)

Wm. S. Dalton being first duly sworn, deposes and says; that he is the Protestant named in the above and foregoing Protest; that he has read the same and knows the contents thereof, and the facts therein stated are true.

W. S. Dalton

Subscribed and sworn to before me this 29th day of June 1926.

D. T. Jones
Notary Public, residing at
Burley, Idaho

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 16385

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Bert Eliason, age 38 years, residence Stone, Idaho,
occupation Farmer and Livestock man, Postoffice address Stone, Idaho.

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

Ans. XXXXXXXX

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

Ans. No. 16385 dated October 28, 1925, date of priority Oct. 28, 1925

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

Ans. Spring located in NE 1/4 SW 1/4 Sec. 3, Tp. 14 S. R. 31 E. B. W.
point of diversion about 30 feet from said spring

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

Ans. pipe, trough and fence-0.02 cubic feet per second, iron pipe

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. used for watering live stock in troughs- 2 troughs 16 ft long
12 in at top, 12 in at bottom, 12 in deep, made out of native lumber
bolted and planned

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

Ans. XXXX

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

Ans. 0.02 cubic feet per second

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

Ans. am the identical person

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

Ans. used by approximately 300 head livestock to
has been full extent for the past three weeks through diversion
thru pipe into troughs as stated

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. none

(Sign)

Bert Ellison

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, County of Oneida
State of Idaho, on this 2nd day of July

AUG 19 1926

W. E. Ray

Notary public for Idaho
Residing at Malad, Idaho

My commission expires Dec 30, 1926

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.PERMIT NO. 16385

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Buck Allen, age 24 years, residence Stone, Idaho, occupation
livestock rider, postoffice address, Stone, IdahoQues. 2. Are you acquainted with Bert Eliason, the
holder of Permit No. 16385? How long have you known him and where does he reside?Ans. Yes, have known him for 9 years resides at Stone, IdahoQues. 3. Have you read or heard read said Permit No. 16385, and are you familiar with
its provisions and conditions?Ans. Yes, YesQues. 4. State source of water supply, place of diversion, and describe works for conveying water
from point of diversion to place of use.Ans. Spring located in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Tp. 14 S. R. 31 E.B.M.
place of diversion about 10 or 12 feet from spring, water flows in
channel to said point, where it is taken from channel and diverted thru
2 in iron pipe 20 feet long to two troughs where it is used by livestockQues. 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. 1 cubic inch per second--0.02 cubic feet per secondQues. 6. State for what purpose water is used and at what place. (If for irrigation, give each
sub-division in which water has been used and number of acres irrigated in each subdivision.) State
whether cultivated or natural meadow land and the nature of all improvements which have been made
as a direct result of said use.Ans. Used by livestock in troughs about 30 feet from spring in
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Tp. 14 S. R. 31 E.B.M.

16385

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

Ans. for livestock has been used by livestock past three weeks thru diversion works consisting of iron pipe and two troughs, 0.02 cubic feet per second having been used, being all the said spring is now discharging

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. XXXXX

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

No

Ans.

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

Ans. For past three weeks, diverted from channel of spring located as aforesaid, thr said pipe into said two troughs and used by livestock of approximately 300 head, all of the water from said spring being so used, being about 0.02 cubic feet per second

(Signed)

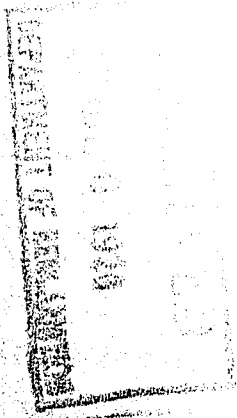
Buck Allen

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad, County of Oneida, State of Idaho, on this 2nd day of July, A. D. 1926.

J. S. May

Notary Public.

My commission expires Dec 30 1926



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.PERMIT NO. 16385Proof of Application of Water to Beneficial UseDeposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Rollin Showell, age 28 years, occupation Stock raiser,

Residence Stone, Idaho, postoffice address, Stone, Idaho

Ques. 2. Are you acquainted with Bert Eliason, the holder of Permit No. 16385? How long have you known him and where does he reside?

Ans. 25 years, Stone Idaho

Ques. 3. Have you read or heard read said Permit No. 16385, and are you familiar with its provisions and conditions?

Ans. Yes, 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. Spring located in NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Tp. 14 S. R. 31 E.B.M.

water is diverted from the channel of spring at a point about 10 feet from the spring, where the same is taken from said channel by an iron pipe about 2 in in diameter; this iron pipe is about 20 feet long, and conveys the water into two wooden troughs where it is used by livestock

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. 1 cubic feet per second; 0.02 cubic feet per second

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Used by livestock in troughs about 30 feet from the spring in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, Tp. 14 S. R. 31 E.B.M.

16385

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

Ans. Water has been used by livestock for the past three weeks thru diversion works which consist of natural channel from spring to iron pipe, thru said pipe into two wooden troughs, and 0.02 cubic feet per second has been used by livestock said time, being approximately all the water coming from the said spring

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. ~~XXXXXX~~

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

Ans. No

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

Ans. For the past three weeks, diverted from channel of spring located in ~~XXXX~~ NE $\frac{1}{4}$ SW $\frac{1}{2}$ Sec. 3, Tp. 14 S. R. 31 E.B.M. thru said pipe into said two troughs and used by livestock of approximately 300 head, all of the water from said spring being so used, being about 0.02 cubic feet per second

(Signed)

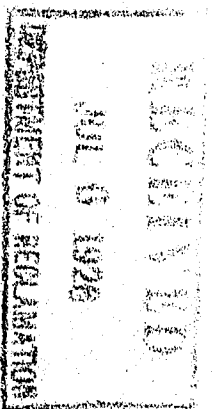
Robert Sharrell

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Malad, County of Oneida, State of Idaho, on this 2nd day of July, A. D. 19 26.

J. E. Ray
Notary Public.

My commission expires Dec. 30, 1926

Residence Malad



Affidavit of Publication

County of Oneida)

) ss:

State of Idaho)

.....*B. Elton*.....being first duly sworn on his oath, states: That he is *manager*..... of the Oneida County 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 ~~unin~~ interruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement:

THAT the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof for.....*4*.....successive weekly issues thereof, the date of the first publication being the *10th* day of *June*....., 192*6*..... the date of the last publication being the *1st* day of *July*..... 192*6*.....
.....*B. Elton*.....

Subscribed and sworn to before me this *2* day of *July*..... 192*6*.....
.....*J. E. Ray*.....
Notary Public, residing at Malad, Idaho
My commission expires the *30* day of *July*..... 192*6*.....

COSTS: *4* lines at 10c per line first insertion \$ *4*..
5c per line each subsequent insertion *10*..
TOTAL \$ *14.25*

NOTICE FOR PUBLICATION

Notice of Proof Application of Water To Beneficial Use

Notice is hereby given that at 10 a. m. on the 2nd day of July, 1926, at Malad, County of Oneida, State of Idaho, before T. E. Ray, Notary Public, proof will be submitted of the application to beneficial use of 0.02 cubic feet per second of the waters of Spring located in NE 1/4 SW 1/4 Sec. 3 Tp. 14 S. R. 31 E. B. M. in accordance with the terms and conditions of Permit No. 16385 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Bert Eliason, Stone, Idaho.

The use to which said water has been applied is watering livestock.

The amount applied to beneficial use is 0.02 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) on NE 1/4 SW 1/4 Sec. 3, Tp. 14, S. R. 31 E. B. M.

The right to take water from such works is based upon Permit No. 16385.

The source of supply from which such water is diverted is spring in NE 1/4 SW 1/4 Sec. 3, Tp. 14 S. R. 31 E. B. M.

The date of the priority which said user is prepared to establish is October 28, 1925.

W. G. SWENDSEN,

Commissioner of Reclamation

6-10-7-164

16385-

July 8, 1926.

Re: Permit No. 16385.
Bert Eliason

Mr. Wm. S. Dalton,
Declo, Idaho.

Dear Sir:-

We are in receipt of your protest against proof under the above numbered permit. No action will be taken in the matter until the report of our examining engineer has been filed. You will then be further advised as to what action can be taken.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

16385

S. T. LOWE
ATTORNEY AND COUNSELLOR AT LAW
BURLEY, IDAHO

July 6, 1926.

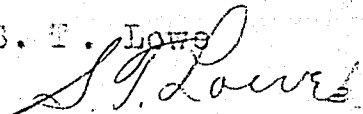
Hon. W. E. Swendsen,
Commissioner of Reclamation,
Boise, Idaho.

Dear sir;-

Enclosed herewith please find affidavit of Wm. S. Dalton in opposition to the proof submitted by Bert Ellison of the application of .02 cu. ft. per second of the flow of water from a certain spring, to beneficial use.

Yours truly,

S. T. Lowe



B

16395

BEFORE THE COMMISSIONER OF RECLAMATION OF THE
STATE OF IDAHO.

IN THE MATTER OF THE PROOF OF APPLICATION)
OF WATER TO BENEFICIAL USE BY BERT ELISON,) AFFIDAVIT.
OF STONE, IDAHO.)

State of Idaho)
County of Cassia) ss

Wm. S. Dalton, being first duly sworn, deposes and says; that he is a resident of the United States and of the State of Idaho, over the age of twenty-one years, and is a resident of Declo, County of Cassia, State of Idaho, and makes this affidavit in opposition to the proof of Bert Elison, submitted on the 2nd day of July, 1926, at Malad, Idaho, before one Ray, a Notary Public, residing at Malad, Idaho, proving and establishing beneficial use of .02 cubic feet per second of the flow of the waters of a certain spring located upon the Northeast quarter of the Southwest quarter (NE-SW-1/4) of Section 3, township 14 South, Range 31 East Boise Meridian; that this affiant appeared at the office of the said notary public at Malad, on the 2nd day of July, 1926, at the hour of ten o'clock A.M., the hour specified in said notice, and requested that he be permitted to cross examine the said Bert Elison, the applicant, and the witnesses which were submitted by said applicant, in support of his claim to have appropriated to beneficial use .02 cubic feet per second of the flow of the waters of the spring, aforesaid, and further requested that he be permitted to submit testimony at such hearing in opposition to the application of the said Bert Elison. That this affiant was advised by the said Ray, notary public, as aforesaid, that he was not entitled to examine the said applicant or the witnesses produced by the said applicant, and therefore refused to permit this affiant to examine the same or either of them, or to have them examined; that this affiant was further advised by the said Ray that he had no right to submit any proof or testimony in opposition to the claim of the said Bert Elison and the said Ray refused to permit this affiant to submit any proof in opposition to said application.

That if this affiant had been permitted to submit proof in opposition to said application he would have testified that the said spring is located upon the Northeast quarter of the Southwest quarter (NE-SW-1/4) of Section 3, township 14 South, Range 31 East Boise Meridian; that the land above described on which said spring is located is unimproved, unenclosed, Government land; that on the 6th day of October, 1925, this affiant made application to file upon said land, under the provisions of the Act of Congress of December 29, 1916, (39 Stat. 826) known as the stock raising homestead, and that the said application is now pending, waiting to have the land designated as subject to the terms and conditions of said Act. That in the spring of 1919, this affiant appropriated the waters of the spring, aforesaid for stock and domestic purposes; that he erected and constructed certain watering troughs at said spring and turned and

diverted the water from said spring into the said watering troughs and that he used the said water for watering livestock from said water troughs; that all of the water was diverted by this affiant and used in the said watering troughs; that the said water has at all times since the spring of 1919, during the grazing season, up to and including the year 1925, been used for the purpose of watering livestock thereat; that this affiant's trough was located about ten feet from the said spring, that the water from the spring to the trough was conveyed thru a one and one half (1½) inch iron pipe; that the trough was about 22 feet long, 2 ft. wide at the bottom and about 30 feet wide at the top and about 2 feet deep, and was so constructed as to hold water for stock watering purposes; that this affiant claims to be the owner of the use and the right to the use of said water for domestic and stock purposes;

That at the hearing of said application before the said Ray at Malad, Idaho, on the 2nd day of July, 1926, this affiant presented and filed with the said Ray, a protest in writing, which said protest, this affiant hereby refers to and by such reference makes a part of this affidavit as fully and completely as if fully set forth herein.

Affiant requests that the Commissioner furnish him with a copy of the decision of the Commissioner of Reclamation on the application of said applicant.

W. S. Dalton

Subscribed and sworn to before me this 6th day of July, 1926.

D. T. Fox
Notary Public, residing at
Burley, Idaho

August 4, 1926

Re: Permit No. 16385

MR. WILLIAM S. DALTON
Declo
Idaho

Dear Sir:

Reference is had to the matter of proof of application of water to beneficial use under the provisions of Permit No. 16385, issued out of this office to one, Bert Eliason, and particularly, to your protest against the allowance of such proof and issuance of a license.

Consideration of your protest, bearing date of June 29, 1926, does not disclose any substantial ground for protest, as defined in Section 5583, Idaho Compiled Statutes, except it be Clause 5 thereof, which is not sustained by the field report on this permit, made by a representative of this department, and now on file in this office.

Clause 6 of your protest alleges that prior appropriation was made by you during the year 1919. Such appropriation is not of record in this office, and in any event if same is valid, priority date attached thereto would automatically adjust the use of water in favor of your alleged prior right to the extent of its quantity.

The matter of adverse claim to physical works constructed for the appropriation and use of water is not one which can be properly considered by this department, and neither is the matter of priority of right given consideration. A license issued by this office bears the priority date which rightfully attaches in accordance with the permit law.

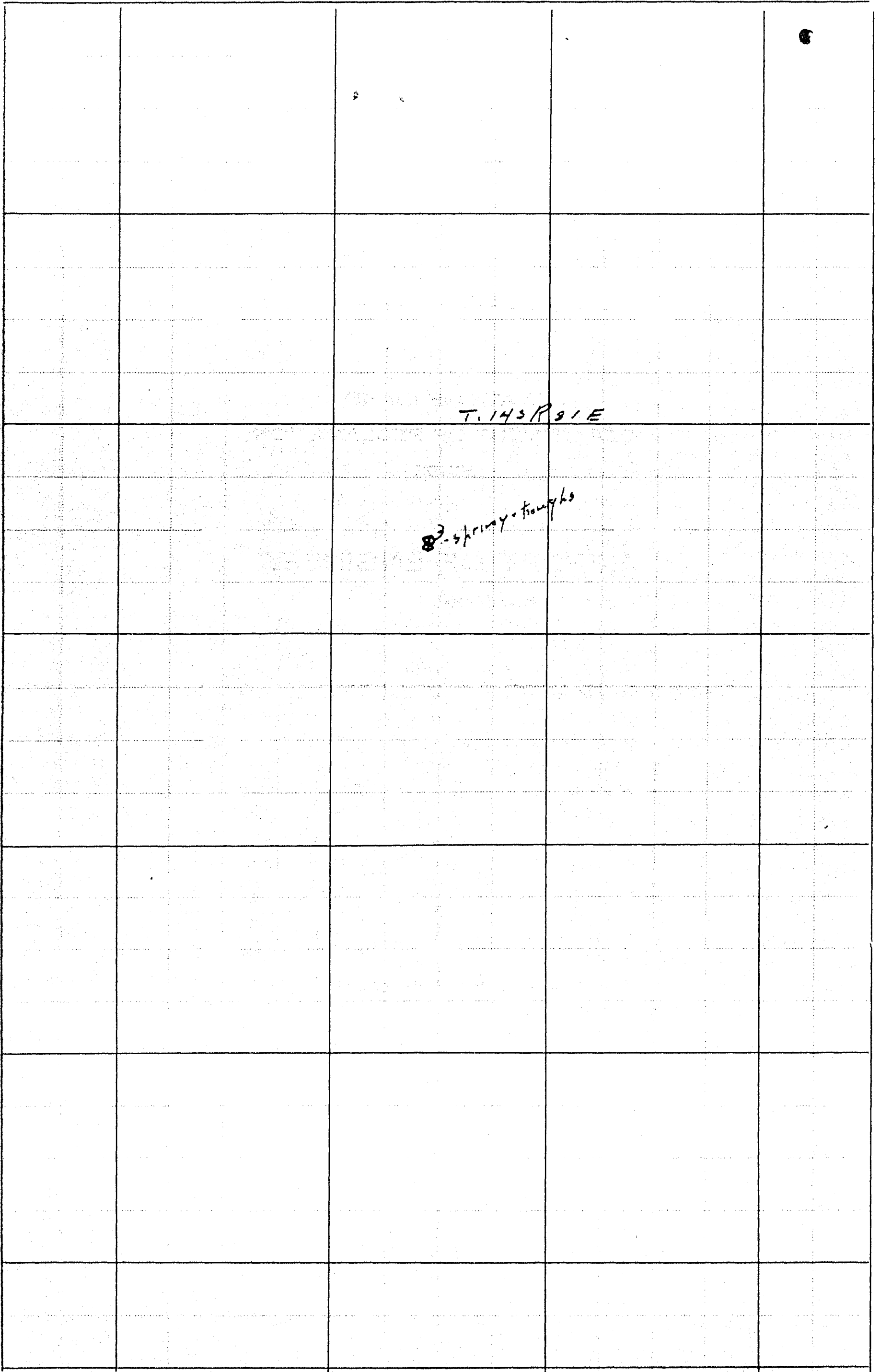
In view of the foregoing, and the fact that examiner's report discloses that pipes and watering troughs were in place and being used, it appears that it becomes the duty of this office to issue license to permit holder, Bert Eliason, and same will be done upon completion of all requirements in connection with the permit.

Very truly yours,

Director of Water Resources

CNC:E

16385



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

16:385-

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

Permit No. 16385

This proof is for Beneficial UseIn Water District No. 23

1. Name of applicant: Bert Eliason
2. Source of water supply: Spring
3. Location of point of diversion: Is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3
T. 14 S R. 31 E.B.M. County of Oneida
4. Describe works as they exist, giving dimensions and capacities of same:
Spring on side hill slope in gulch, cleaned out in good
shape, small ditch 10 ft, 10 ft 2" pipe empties water into two
troughs connected, each 16' long, 12" wide 13" deep
made of 3" material bolted and nailed together.
Spring pipe fenced 2 rods x 1 rod, 7 wires + 2 traps.
5. Water is used for: watering stock
6. State whether or not water has been turned into works of diversion: yes

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 for other than irrigation): On NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3, 14S-31E.B.M.

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

8. What large stream would the water here appropriated finally reach? None

Remarks: Looked over this spring with Mr Bert Eliason & his
brother. Work looked to me as tho it had been done early this
spring. Ground is in open range country, miles of range
to south & east & west. Cattle were watering there when
we arrived. Had to go horse back. no roads. Eliason has
320 acres pasture land almost adjoining spring on water
north. could easily by about 100 ft pipe put some on their
ground. slope of country at this spring, north.

This examination was made on the 20 day of July 1920

(Signed)

R. T. Duffell
Examiner.

16385-

August 11, 1926.

In re: Permit No. 16385.

Mr. Bert Eliason,
Stone, Idaho.

Dear Sir:-

The report of our filed engineer for proof of beneficial use of water under your above numbered permit is now on file here and is satisfactory. Upon receipt of fees in the sum of \$5.00, the license will be granted you.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

16 385-

Stoner Idaho Aug 14-26

State Department of Reclamation

Dear sir I have enclosed money order \$5.00. due on Permit No 16385.

Would it be possible at this time to change the point of diversion to the West Forty North. it is between 300 to 500 feet to the forty this would be the S E $\frac{1}{4}$ No W $\frac{1}{4}$ Sec 3 T14 N 31. I own this land and I find that W.S. Dalton has filed on the land where I now have my troughs. he filed March 12th 1926.

Or could I ~~strip~~ this water and move my troughs without changing the point of diversion?

Respectfully
Paul But Eliason

16385-

August 18, 1926

Re: Permit No. 16385

Mr. Bert Eliason
Stone, Idaho

Dear Sir:-

In reply to your letter of the 14th inst., would say that the point of diversion may be changed under the above numbered permit if such change does not interfere with anyone else. The affidavit form inclosed should be filled out and returned to this office with maps showing the change made.

If, by moving the water troughs into another forty-acre tract without changing the point of diversion, will give you the change desired the affidavit will not be necessary.

The water license will be held pending the receipt of your reply to this letter.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____ Chief Clerk

CB:HH
Enc.

16385-

Stone Idaho Aug 21 1924

State Department of Reclamation

Dear sir in reply to
yours of Aug 18 in regards to Permit No
16385. My idea was to move the troughs
on to the next forty and extend my pipe
on down to them. the point of discussion
as I understand your letter is where the
water is taken from the spring I
wouldnt be making any change there
so I havent filled out the affidavit
hoping this will be ok.

Yours Truly Bert Eliason

16385

August 25, 1926.

Re: Permit 16385.

Mr. Bert Eliason,
Stone, Idaho.

Dear Sir:-

In order that our records may be clear as to the place of use of the water under your above permit and that the change in location of troughs, etc., may show upon the record of the permit in this office, the enclosed application for change of place of use should be filled out and returned to us. This will be recorded under the permit and become a part of the record.

In the blank space we have marked with lead pencil, give the changes to be made in the location and length of troughs, etc. The license will then be issued showing the change.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

F12

16385-

September 23, 1926

Re: Permit No. 16385

Mr. Bert Eliason,
Stone, Idaho

Dear Sir:-

Inclosed herewith you will
find Water License issued to you under
the above numbered Permit, together
with the receipt for fees paid.

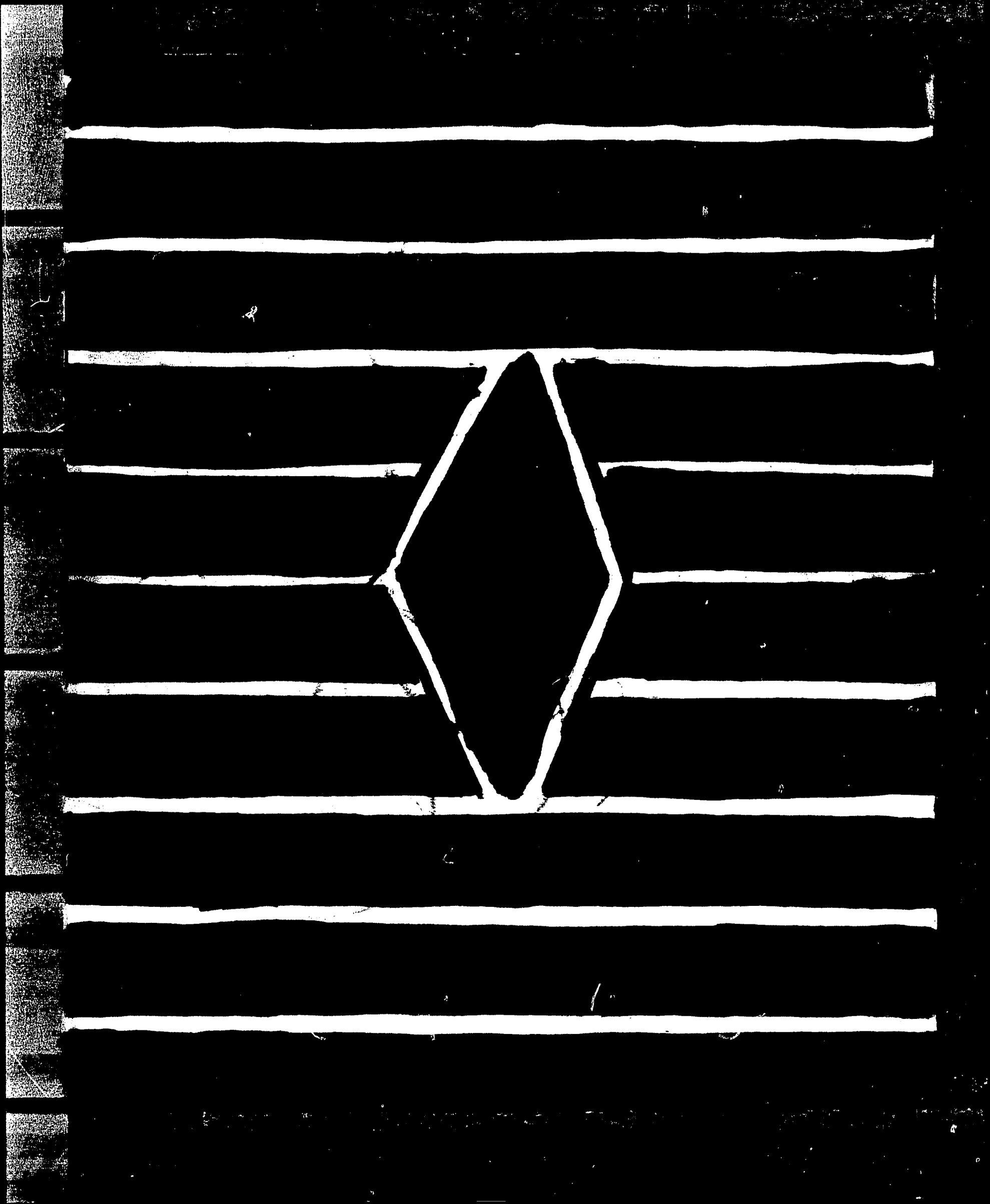
Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____ Chief Clerk

CB:HH
Encl.

16385-



State of Idaho

License and Certificate of Water Right

Water License No.16385.....

Amount 0.02 sec. ft.

Water District No. 23

Priority...10-28-1925....

THIS IS TO CERTIFY that Bert Eliason
of Stone, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 28, 1925; that Permit No. 16385
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.02 second feet, was issued thereunder on May 24, 1926, showing that said works
were completed on the 22nd day of May, 1926; and that on the 2nd
day of July, 1926,

Bert Eliason

of Stone, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of a spring
, a tributary of , for the purpose of watering stock
, under Use Permit No. 16385 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3400 on the 23rd day of September, 1926;
The right hereby confirmed dates from October 28, 1925;

The Point of Diversion is located
in the NE ¼ SW ¼, Sec. 3, Tp. 14 S., R. 31 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 0.02 cubic feet per second.

Description and location of use: SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 3, Twp. 14 S., Range 31 E., B. M.

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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 Commissioner of Reclamation, affixed at Boise, Idaho,
this 23rd day of September, 1926.

W. G. SWENDSEN
Commissioner of Reclamation

(SEAL)

By Geo. N. Carter Assistant.

17 2916