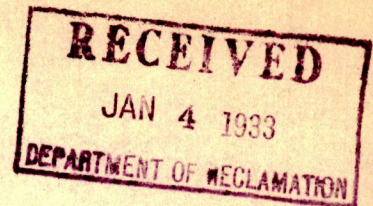
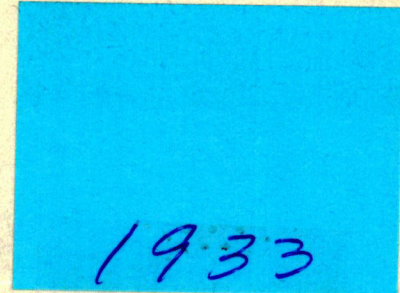


UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Idaho Falls, Idaho
January 3, 1933.



R. W. Farris,
Commissioner of Reclamation,
Boise, Idaho



Dear Mr. Farris:-

Reference is made to your letter of December 31, 1932, relative to the reservoir site on Henrys Fork and requesting a tracing or blue print of same.

We have recently completed a survey of a potential reservoir site on the Henrys Fork, as you have been informed, but the site is still in a very preliminary status as to it's feasibility and no assurance can be given at this time that the site will even be found to be feasible. It would be impossible for me to give out anything definite on this site at the present time as all information to be released is subject to the endorsement of the Chief Engineer prior to it's issuance.

It will be necessary to diamond drill this site before anything of a definite nature can be determined. I trust that it will be possible to release this information, thru the proper channels, in time to serve your purpose.

Wishing you a happy and successful New Year, I am,

Sincerely yours,

A handwritten signature in dark ink, appearing to read "F. F. Smith".

F. F. Smith,
Engineer.

C. M. HATCH

VAN A. PRICE

J. D. LAURITZEN

GEO. A. DEWEY

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OF EVERY KIND
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MONEY
BUYS MORE

GENERAL MERCHANDISE - - - - - FRESH AND CURED MEATS

VICTOR, IDAHO, Jan 4th 33.

Commissioner R.W. Faris,
Department of Reclamation.
Boise, Idaho.
Dear Mr. Faris:

Answering your letter under date of Dec. 28th 32. It is reported here, by John R. Cluff, who lives in the mouth of Trail Creek Canyon, that a group of surveyors, presumably, under the direction of Mr. Smith, made a survey of the prospective reservoir sight just below the junction of Trail and Moose Creeks, and that at this point about 25,000 acre feet of water could be impounded.

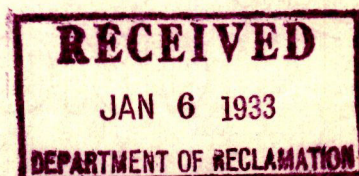
I have no idea who wrote to you. However, if this report is true, you can readily see that it is of very great interest to the irrigators of this neighborhood, and that the earlier they can secure the official report the better. I shall very much appreciate it if you can arrange to have this report sent to me at the earliest possible date.

Mr Cluff and the Hotel proprietor seem to be the only ones who knew of the presents of these engineers. We had hoped to know when they would be here, so that we could have provided saddle and pack horses. We believe that the best prospects for reservoirs are off the highway, in places reached, now only by horseback.

May I hear from you at an early date. Thanking you for your letter, and extending to you my very best wishes I am

Very truly yours,

C. M. Hatch



January 7, 1933

Re: INVESTIGATION WATER RESOURCES
UPPER SNAKE RIVER VALLEY
36-C Miscellaneous

Hon. C. M. HATCH,
Victor,
Idaho

Dear Mr. Hatch:

I have your letter of January 4, 1933, re surveys by the U. S. Bureau of Reclamation in your vicinity. I called Mr. Smith's attention to this matter at the time of the meeting in Driggs last summer, but apparently these sites were overlooked when the engineers were in that neighborhood. When this fact came to my notice later in the season I again contacted Mr. Smith and it has been my understanding that all possibilities in that section were covered.

I am advised by Doctor Mead, U. S. Bureau of Reclamation, that the results of these surveys will not be available until spring, but was later advised by Mr. Debler, Chief Hydraulic Engineer of the Department, that if we were interested in any particular site advance information might be had with reference to it. So if you will advise me just what the situation is and what information you desire I will try to secure it for you.

We received a letter from John R. Cluff some time ago on the same subject and are mailing him a copy of this letter as an answer to his letter to us.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

RWF/mt

C. M. HATCH

VAN A. PRICE

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BUYS MORE

GENERAL MERCHANDISE FRESH AND CURED MEATS

VICTOR, IDAHO, Jan 10th 33.

Commissioner B.W. Faris,
Department of Reclamation
Boise, Idaho.
Dear Mr. Faris:

Answering yours of the 7th inst., for which I
thank you.

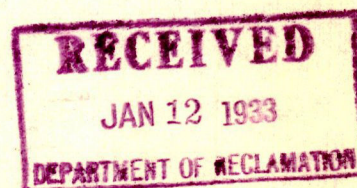
John R. Cluff, advises that the engineers,
told him that there was a possibility of storing about 25,000 acre
feet of water in the mouth of Trail Canyon, near the junction of
Moose and Trail Creeks.

If it is possible to get quick report on this,
or any other storage sight, near here, I would very much appreciate it.
I am therefore asking you to have this report sent to me as soon as
it is possible.

Thanking you I am

Very truly yours,

C. M. Hatch



Victor Ida.
January 10 ; 33

Irrigation Resources
Commissioner of Reclamation
R F Faria

Dear Mr. Fares :

Your letter of January seventh recieved, requesting the information we would like to have on the survey Mr. Smith made in our vicinity for water resources

We desire, as near as possible, the amount of water this sight will impound & the acre feet, according to Mr. Smith's survey: The extent of construction; The cost of construction and if he found any thing that would not pass the requirements of the Reclamation in construction.

We do not feel to ask any information out of reason in this matter, but the position we are facing is this: The old decrees of the Snake River, valleys are being executed on us when the water supply is low which hampers crop production beyond endurance; and if we cannot store sufficient water, which is our only resuscitation, we will have to go delinquent.

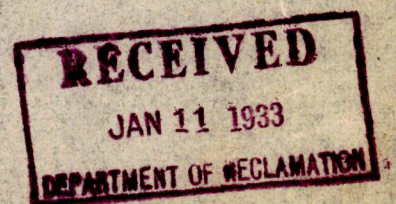
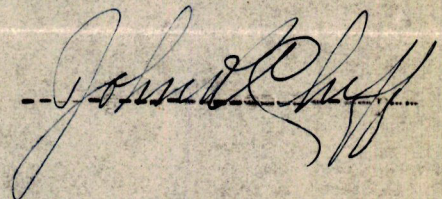
We feel that this sight will fill our required needs if we can get it constructed. With material and labor cheap, and so many in dire need of a few dollars and willing to work for it, that no time has presented itself for construction than now.

Mr. Hatch feels that he cannot devote the required time in this matter at present, is the reason why I am answering this letter.

You will be visited by Mr. Hynes our representative within a few days. All information you may give to him.

Yours very truly

JRC



DISTRICT No. 36-C Misc.
INV. WATER RESOURCES
UPPER SNAKE R. VALLEY

January 14, 1933

Mr. JOHN R. CLUFF,
Victor,
I d a h o

Dear Mr. Cluff:

We have your letter dated January 10, 1933, with reference to storage possibilities on Trail Creek. I wrote the Engineer of the U. S. Bureau of Reclamation at Idaho Falls requesting information with reference to this site and others a short time ago, and was advised that such information would have to come from the Chief Engineer at Denver. I am now writing Mr. Walter, the Chief Engineer, requesting maps and profiles of this site, together with others in which we are interested.

I will be glad to transmit to you whatever information is furnished me.

Very truly yours,

Commissioner of Reclamation

RWF/mt

36-C Misc.
INVESTIGATION WATER RESOURCES
UPPER SNAKE RIVER VALLEY

January 14, 1933

Mr. R. F. WALTER,
Chief Engineer,
U. S. Bureau of Reclamation,
Denver, Colo.

My dear Mr. Walter:

Pending the adjustment of the differences between Wyoming and Idaho with reference to interstate waters, there are several small reservoir sites on the Idaho side of the line in which local parties are interested, particularly one investigated by the Bureau on the North Fork of Snake River near Ponds and one on Trail Creek near Victor.

Doctor Mead advised me at the recent meeting in Salt Lake City that the results of the surveys made by the Bureau would not be available until sometime next spring. Mr. Debler subsequently suggested that if there were any particular sites in which we were interested advance information might be had, or at least contour maps and profiles furnished.

If consistent with your rules and regulations I would greatly appreciate whatever information you have with reference to the two sites above mentioned. I wrote Mr. Smith some time ago regarding this matter and he advised that any information would have to come from your office.

With kindest personal regards, I am

Very truly yours,

Commissioner of Reclamation

RWF/mt

cc - F. F. Smith,
Idaho Falls

INV. WTR. RESOURCES UPPER SNAKE R. VALLEY.

January 14, 1933

Mr. LYNN CRANDALL
Idaho Falls
I d a h o

Dear Mr. Crandall:

We have your letter dated January 11, 1933, re discontinuance of gaging station on Teton River and establishing a new one near the proposed dam site on Henry's Fork near Ponds.

Since the Teton dam site has been definitely rejected, I see no point in maintaining that station longer, but it is important to get a record at the proposed site on Henry's Fork as long as it is under consideration at least, so it will be satisfactory to me for you to proceed as suggested in your letter.

I assume that Mr. Newell advised you that our budget request for cooperation with the U. S. Geological Survey was reduced to \$20,000 for the coming biennium. Very much to my surprise when the budget came out with the Governor's approval, the request had been still further cut to \$15,000. Of course there is no knowing what the Legislature may do in the matter, but it is pretty safe to assume that they will not increase the Governor's request, so I do not know just where we are going to get off.

Very truly yours,

Commissioner of Reclamation

RWF/mt

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

CUSTOMHOUSE

DENVER, COLORADO

OFFICE OF THE CHIEF ENGINEER

January 17, 1933

Mr. R. W. Faris,
Commissioner, Department of Reclamation,
Boise, Idaho.

Dear Mr. Faris:

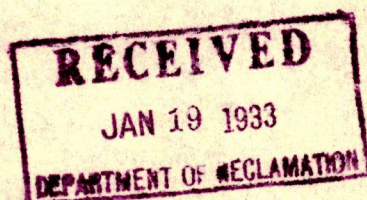
Replying to your letter of January 14, 1933 I wish to advise that the maps of the reservoir sites near the Idaho-Wyoming state line are still in the original pencil form and cannot be readily reproduced. The reservoir site near Ponds on the North Fork of the Snake river which you mention, is apparently not involved in the negotiations with Wyoming, being quite distant from the Wyoming state line and receiving no waters that originate in Wyoming.

It has frequently occurred, when the Bureau of Reclamation has made surveys of reservoir sites in numerous localities, that individuals have attempted to take advantage of the situation by making filings for water rights on such reservoir sites with the view of demanding payment for such rights when the time came for their utilization. In some states the situation has been met by a blanket withdrawal by the state of the entire flow of the affected streams and in others by the issuance of permits to state officials for the benefit of the public.

I would suggest that in case the Idaho laws permit a course of action along these or similar lines to prevent speculative filings, you take such action prior to the time the bureau report on the Snake River investigations may be completed.

Very truly yours,

R. F. Walter
R. F. Walter
Chief Engineer

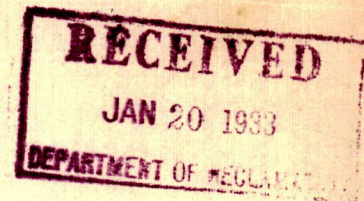


SHELBY HUGH ATCHLEY
PROSECUTING ATTORNEY

OFFICE OF
PROSECUTING ATTORNEY
TETON COUNTY

DRIGGS, IDAHO,

Jan. 18, 1933



Mr. R. W. Faris, Commissioner
Department of Reclamation
Boise, Idaho

Dear Mr. Faris:

I am sending you herewith a rough map of the irrigation system of Trail Creek, a stream in the South end of Teton County. I understand that you have gone over the system there and that you are fairly familiar with it. However, the inclosed map may be used to advantage in refreshing your memory concerning same.

The past two years the water users down in Madison county have had an agreement with some of the users of Trail Creek to the effect that Trail Creek users should deliver so much water to Warm Creek or to live water elsewhere. For example, the lower users were represented by the "Ricks' Committee". The Ricks' Committee had an agreement with the String Canal users whereby the String Canal users were to deliver some many inches to Warm Creek. This arrangement was made in 1931 for the season of 1931 and again Aug. 7, 1932, to Aug. 20, 1932. The String Canal people did not deliver a satisfactory quantity to the Ricks' Committee under said agreement, so the Ricks' Committee entered into an agreement with the Tonks' Canal people which seemed to be fairly satisfactory. Now they wish to enter into a similar agreement for the coming irrigation season, but they wish to have the following questions answered by your office first:

First. When the water falls to a point where the Ricks' Committee can demand it all, does it become mutual, or priority of right water? In other words, if the Tonks' canal users have saved any water by virtue of their agreement with the Ricks' Committee, does it belong to those who have saved it?

Second. Can the Tonks' canal people make a compromise agreement whereby Ricks' Committee can take more than their decree, either by agreement or by purchase?

Third. Can the String canal users hold anything by virtue of their having had an agreement with the Ricks' people during the two seasons of 1931 and 1932?

Fourth. Can the Ricks'

SHELBY HUGH ATCHLEY
PROSECUTING ATTORNEY

OFFICE OF
PROSECUTING ATTORNEY
TETON COUNTY

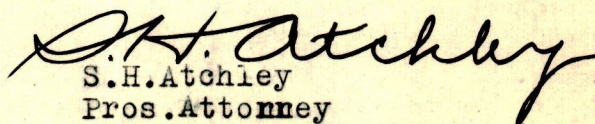
DRIGGS, IDAHO,

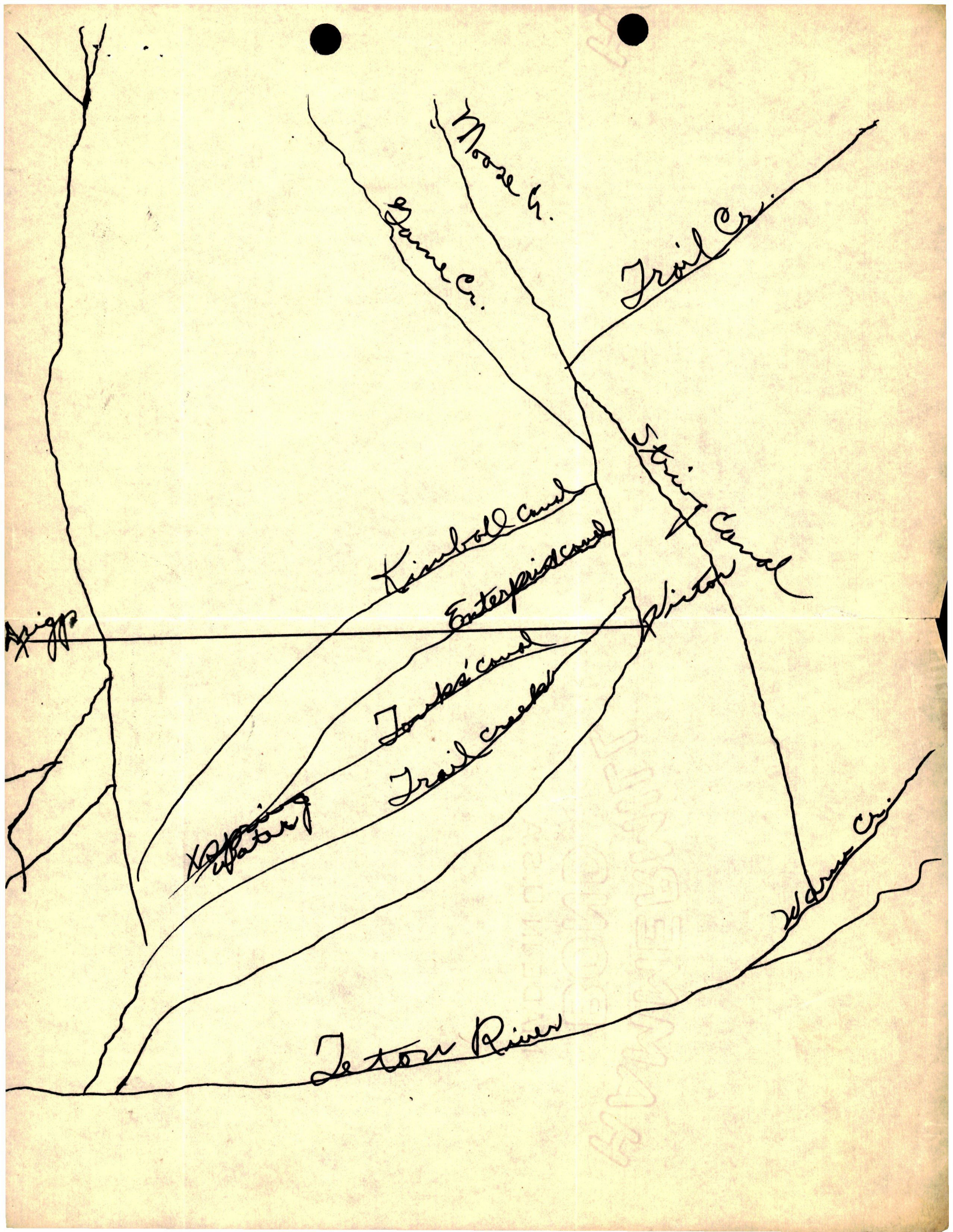
R.W.Faris, page 2.

Fourth. Can the Ricks' Users below make canals from the various canons? That is, have they a right to demand a right-of-way from the canons to the Teton River? Or, will the waters be forced to run through the natural channels?

The foregoing are questions which the Tonks' canal and the Kimball canal users asked me to submit to you. Your answer to the same will be greatly appreciated.

Very truly yours,


S.H. Atchley
Pros. Attorney
Teton County, Idaho



Moose Cr.

Gardner Cr.

Trail Cr.

Kimboll canal

Enterprise canal

Jones' canal

Trail creek

~~Kimboll~~
water

Spring Canal

Plinton

Warner Cr.

Teton River

Niggs

Hwy

Hwy

Hwy

SHELBY HUGH ATCHLEY
PROSECUTING ATTORNEY

OFFICE OF
PROSECUTING ATTORNEY
TETON COUNTY

DRIGGS, IDAHO,
Feb. 3, 1933

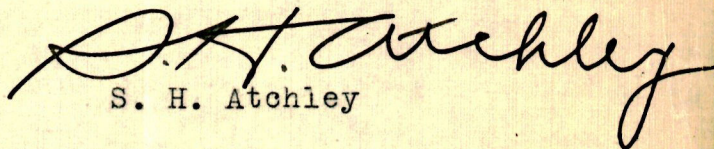


Mr. R. W. Faris, Commissioner
Department of Reclamation
Boise, Idaho

Dear Mr. Faris:

On the 18th of last month I wrote you in regard to the waters of Trail Creek, Victor, Idaho. Since that time some of the users of the various canals from said stream have called to see me relative to the rights of the lower country users. They seem to have the idea that inasmuch as previous tests have shown that only 25% of the waters of Trail Creek reach Teton River by allowing the stream to run down the natural channel, the lower users would not be entitled to more than that amount if its waters are taken through a canal or canals. In other words, only 25% of said stream should be delivered to live water, and they want you to hold that in your opinion.

Very truly yours,


S. H. Atchley

Re: DISTRICT No. 36

February 13, 1933

Mr. S. H. ATCHLEY,
Prosecuting Attorney,
Driggs, Idaho

My dear Mr. Atchley:

Your letters of January 18th and February 3, 1933, re distribution of water in TETON BASIN, were received in due course of mail, but reply has been deferred awaiting a termination of negotiations between Idaho and Wyoming with reference to the distribution and handling of interstate waters which it was thought might, to some extent, affect your situation. However, it now seems probable that no agreement will be reached between the states with reference to the matter.

Replying to the several questions contained in your letter of January 18th, I would say:

1. Our Supreme Court, in the case of Reno vs. Richards, 32 Idaho 1, laid down the following rule:

"A person who, by removing obstructions from a stream and constructing artificial works, prevents the loss of water flowing therein through seepage and evaporation, and materially augments the amount of water available from the stream for a beneficial use, has the right to make use of the amount of water so conserved by his efforts in excess of the natural flow of the stream."

This rule has been adopted in many subsequent decisions of the Court.

In your case it would seem that a substantial saving of water could be effected by diverting the whole stream through either the String Canal or the Tonks Canal or other canals on the east side of the Basin. As I see it, the disposition of the water saved should be taken care of by mutual agreement among the various users. In case the users cannot agree, the only recourse would be a decree of court, which would be expensive, involve delay and, no doubt, result in friction and ill feeling among the people.

2. Neither the Tonks Canal nor anyone else could make an agreement whereby the lower user could take more water than was decreed to them.

2/13/33

3. The question as to whether or not the String Canal acquired any right by virtue of its agreement with the lower users during the seasons of 1931 and 1932, is one for legal determination, with reference to which you, as a lawyer, are in a better position to advise your clients than I am. However, from a layman's standpoint, I would imagine that the rule of adverse possession would apply, under which, as you know, it takes five years adverse possession to acquire a right.

4. I assume your inquiry goes to the question of the rights of the lower users with reference to streams coming out of the various canyons and sinking in the gravel beds at the mouth of the canyons. I know of no statute or rule of law applying to such a situation except possibly Section 41-108, Idaho Code Annotated, relating to change of point of diversion. Of course the decree covers the stream and its tributaries, but a court might hold that when a tributary ceased to reach the main stream it was no longer a tributary, but then would arise the old question of subsurface flow, which is a question that must be decided in the light of the facts and circumstances surrounding each particular case.

The question propounded in your letter of February 3rd comprehends the entire situation. In equity, if after a reasonable and conclusive test were made it was found that only 25 per cent of the waters of the several streams reached the lower users, only that amount should be delivered to them after diversion through other canals; but the Commissioner of Reclamation is an administrative officer, with no judicial powers to settle such a question.

Trusting that the foregoing answers your several questions, I am, with kindest personal regards to you all,

Very truly yours,

Commissioner of Reclamation

RWF/mt

THE PACIFIC BUILDER AND ENGINEER

The Construction News of the Pacific Northwest

ARCADE SQUARE
SEATTLE, WASHINGTON

March 24, 1933.

State Commissioner of Reclamation,
Boise, Idaho.

Dear sir:

Some few months ago the All-Idaho reclamation committee recommended the expenditure of more than \$2,000,000 for Reconstruction Finance Corporation funds in construction of reservoirs in the upper Snake River Region.

Will you please let us know if any definite action has been taken on this?

We would like as well a statement concerning work contemplated for 1933 in the state of Idaho, that is work contemplated under your bureau?

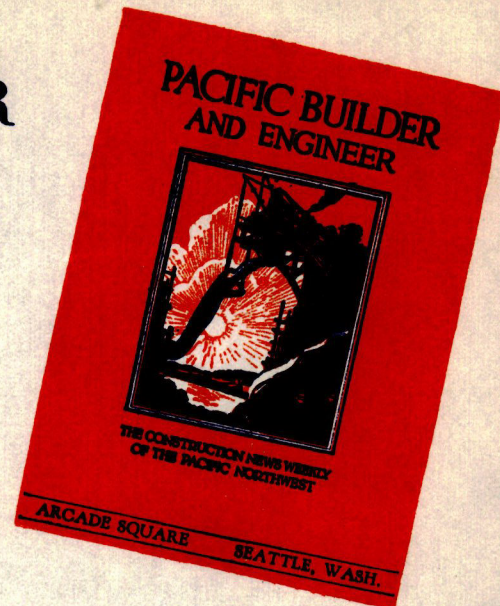
We are completing our annual survey of proposed work in the Pacific Northwest and would like a statement from you to complete the picture.

To partially pay you for this service we will send you one years subscription to our public works edition. We feel that you will find its pages of interest to you.

Sincerely,

NEWS EDITOR

F. A. Allen



April 7, 1933

Re: 36-C misc.
Inv. Water Resources, Upper Snake River

THE PACIFIC BUILDER AND ENGINEER,
Arcade Square,
Seattle, Washington

Gentlemen:

We have your letter dated March 24, 1933, re expenditures by the Reconstruction Finance Corporation in construction of reservoirs in the Upper Snake River region. The only action that has been taken with reference to this matter so far was investigations made by the U. S. Bureau of Reclamation last summer, which were not completed, but it is expected that they will be continued during the coming season. So far no information has been given out as to the results of such investigations.

There is no work contemplated for 1933 under the direction of this Department.

Very truly yours,

Commissioner of Reclamation

RWF/mt