

Township 28 North of Range 22 East

SEC. 13. SEC. 24. SEC. 25.
Made and Plan of Works, in duplicate
to accompany application of William Wittenburg
for permit to appropriate public water

Application No. 2862

SEC. 24. SEC. 25.
WILLIAM WITTENBURG

1.6 aco. Co. of Garmon Creek
Legal County
Approved October 24, 1903.

State Engineer

John D. McConville

SEC. 26.

SEC. 25.

1631

SEC. 24.

SEC. 25.

24

Creek

Garmon

1631

Boise, Idaho, October 23, 1905.

Mr. J. C. Sinclair,
Salmon City, Idaho.

Dear Sir:-

I enclose herewith Permit No. 1631 in favor of
William J. Wittenburg, Carmen, Idaho.

Yours truly,

State Engineer.

1631

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS

Proof of Completion of Works.

Boise, Idaho,

July 1, 1907.

William J. Wittenburg
Carmen, 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.

This form ~~1680~~ must be filled out and mailed to the State Engineer at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before Upon receipt of the
blank, properly filled out, notice for 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. October 24, 1907.

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.

One of the requirements of the law is that an examination of the works constructed shall be made under the authority of the State Engineer. In order to make the expense as light as possible you are requested to furnish the name of a competent engineer, or surveyor, who can do this work for you at a reasonable cost. Upon receipt of name of such engineer or surveyor I will authorize him to make the examination and send me a report on or before the date set for the proof.

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 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,

JAS. STEPHENSON, JR.,

State Engineer.

1681

Salmon, Idaho

August 10th 1907

PERMIT NO. 1631, - WILLIAM J. WITTENBURG

Hon. Jas. Stephenson, Jr.

State Engineer,

Boise, Idaho:

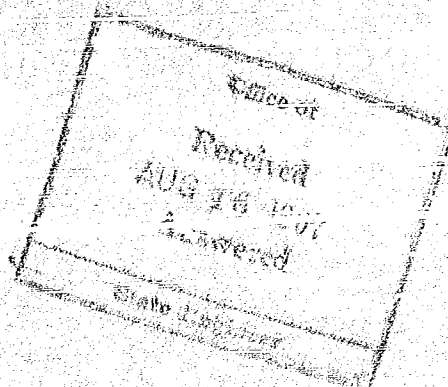
Sir:

I enclose notice of proof of completion of works
in above permit.

Mr Wittenburg has lost or mislaid his permit, and
desires a certified copy of same, which please send to me with
blank depositions. I will remit fees.

Will you kindly examine enclosed notice and see that
it is correct according to your records.

Truly yours



J. J. in clail

1631

Notice of Proof of Completion of Works.

(This blank must be filled out by holder of permit and forwarded by registered mail to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Carmen, Idaho

(Date) August 10th 1907

To the State Engineer of the State of Idaho, Boise, Idaho.

Dear Sir:

Notice is hereby given that at 2 P. M. on the 24th day of October 1907, at Salmon County of Lemhi State of Idaho, before W. C. Smith Clerk of the District Court proof will be submitted of the completion of works for the diversion of 1.6 cubic feet per second of the waters of Carmen Creek, Lemhi County in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is William J. Witterburg.
2. The postoffice address of such person or the place of business of such corporation is Carmen, County of Lemhi, State of Idaho.
3. The number of such permit is 1631, and the date set for the completion of such work is October 24, 1907.
4. Said water is to be used for irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.6 cubic feet per second.
6. The amount of lands for which said water is available is 80

3 1/2 NW 1/4 of Section 24 in Twp. 23 North of Range 22 East acres, particularly described as follows:

(In case of all 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 above notice are true.

Engineer.

I desire that the above notice be published, according to law, in the Lemhi Herald of Salmon, Idaho, published in the county in which said works are situated; the expense of which publication will be borne by me.

(Signature) William J. Witterburg

No. _____

Notice of Proof of Completion of Works.

Received *Aug 14 1911*

Date of proof

Place

Notice sent to

for publication on

NOTICE OF PUBLICATION

Notice is hereby given that at 2 P. M., on the 21st day of October
1907, at Salmon, County of Lemhi State of Idaho,
 before W. C. Smith, Clerk of the District Court proof will be submitted of the completion of works for the
 diversion of 1.6 cubic feet per second of the waters of Carmen Creek

Lemhi County in accordance with the terms and conditions of a certain permit
 heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person or corporation holding said permit is William J. Wittenburg

2. The postoffice address of such person or the place of business of such corporation is Carmen
XXXXXXXXXXXXXXXXXXXXXXXXXXXX
 County of Lemhi State of Idaho.

3. The number of such permit is 1631, and the date set for the completion of such work is
October 24, 1907

4. Said water to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water
 which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the
 application for such permit, is 1.6 cubic feet per second.

6. The amount of lands for which said water is available is 80 1631 acres,
 particularly described as follows: 80 of NW 1/4 Section 24, Township 23 North, Range
22 East of Boise Meridian.

Jas. Stephenson, Jr.
 State Engineer.

Boise, August 16, 1907

Certified copy P.1631.

Mr. J. C. Sinclair,
Salmon, Idaho.

Sir:

I enclose you herewith certified copy of permit No.
1631, favor of Wm. J. Wittenburg, per your request the
10th inst. Please to remit \$1.00 for same.

Very truly yours,

1631

State Engineer.

nc.

J. C. SINCLAIR.

ATTORNEY AT LAW AND NOTARY PUBLIC.

SALMON, IDAHO.

Salmon, Idaho
Aug. 20th 1907.

Permit No 1631

William J. Wittenburg

Hon. Jas. Stephenson Jr
Boise - Idaho

Sir: I enclose postal money order for
\$1.00 to pay for certified copy of above
permit.

Truly yours
J. C. Sinclair

10223

Boise, Idaho, August 23, 1907

1631

J.C.Sinclair
Salmon, Idaho.

Sir:

Enclosed find receipt for \$1.00 payment of certified
copy of above permit.

Very truly yours,

1631

FFR826

State Engineer.

State of Idaho

ENGINEERING DEPARTMENT

BOISE

JAS. STEPHENSON, JR.
STATE ENGINEER

INSTRUCTIONS.

Proof of Completion of Works.

Boise, Idaho,

August 29, 1907

William J. Tittenburg
Carmen, Idaho

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under your permit No.

1631.

Depositions 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 your rights:

1. On the date set for the proof of completion of works, the enclosed deposition forms (two for permit holder and two each for two witnesses) should be filled out and sworn to, at

2. To complete the proof, I wish to know that an examination be made of the works as constructed, which examination must be under the authority of the State Engineer. It is the desire to make this expense as light as possible to the permit holder. Will you therefore give me the name of a competent engineer, or surveyor, in your neighborhood who could do this work with as little expense as possible to you? Upon receipt of name of such engineer or surveyor I will authorize him to do the work. The examination should be made on or before the date set for the proof.

3. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$5.00. When these have been received, together with report of examining engineer, if everything is properly executed, Certificate of Completion of works will issue.

1631

Yours truly,

JAS. STEPHENSON, Jr.,

State Engineer.

(Place) Salmon, Idaho
(Date) Sept 2, 1917

State Engineer, Boise, Idaho.

Dear Sir:

I have your letter of 8/29/17 enclosing Notice of
Completion of Works under Permit No. 1631 which will be published
as you request, beginning with our issue of 9/5

Abbott & Preston

1631

J. C. SINCLAIR.

ENGINEER AT EAST AND NEPARK IN DEPT.

SALMON, IDAHO.

Salmon, Idaho.
Sept. 11th 1907.

William J. Wittenburg

Permit No. 1631.

Hon. Jas. Stephenson Jr. State Engineer Boise - Idaho.

Sir: Mr Wittenburg will submit proof of completion of works, Oct. 21. 1907, and he requests that Mr Allen C. Merritt be authorized to make a report, as engineer, to accompany said proof.

Respectfully Yours
J. C. Sinclair

2034

Boise, Idaho, September 14, 1907

Mr. Allen C. Merritt

Salmon, Idaho

DEAR SIR:

The holder of Permit No. 1631, William E. Wittenburg, residing at Carmen, Idaho, which permit authorizes the diversion of 1.5 second-feet of the waters of Carson Creek at _____, desire to make proof of the completion of works of diversion, at _____, on October 31, 1907.

Will you therefore please arrange with the holder of said permit for an examination of the works of diversion, ascertain whether or not they comply fully with the terms of said permit, and render me a report on the condition of such works before the date fixed for said proof of completion, in accordance with the provisions of Sections 4 and 5 of House Bill No. 146, passed by the Seventh Session of the Legislature, approved March 11, 1903.

Your report should be of sufficient detail to enable me to figure out the amount of water the works are capable of diverting and conveying to the place of use; giving also the description of the location of the point of diversion, and, in case of irrigation, the legal description of the land to be irrigated.

Will you also make a map on the enclosed plat, giving all the essential features of the works, such as point of diversion, route of ditch, place of use, etc.

You should also arrange with the holder of said permit for the payment of your fee for this service and such proper expenses as you will incur in making this examination and report.

Please advise me promptly of your receipt of this communication, and whether or not you will be able to make the examination and report requested.

Yours truly,

1631

JAS. STEPHENSON, Jr.,

State Engineer.

AFFIDAVIT OF PUBLICATION.

State of Idaho, 1st.
County of Lemhi.

Edwin K. Abbott

being first duly sworn, deposes and says that he is one of the publishers of THE LEMHI HERALD, a newspaper of general circulation published every Thursday in Salmon, Lemhi county, state of Idaho; that the annexed advertisement,

Notice for Publication

was published once a week for 7 successive weeks in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 5th day of September, 1907, and the date of the last publication was on the 26th day of September, 1907.

Edwin K. Abbott

Subscribed and sworn to before me this 21st day of

October, 1907

John C. Sinclair

Notary Public in and for Lemhi Co., Idaho.

My commission expires *Dec 1st* 1911.

Oct. 25-07

Notice for Publication

Notice is hereby given that at 2 p. m. on the 21st day of October, 1907, at Salmon, County of Lemhi, State of Idaho, before W. C. Smith, clerk of the district court, will be submitted of the completion of works for the diversion of 16 cubic feet per second of the waters of Carmen creek, Lemhi county in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of Idaho.

1. The name of the person holding said permit is William J. Wittenburg.

2. The postoffice address of such person is Carmen, County of Lemhi, State of Idaho.

3. The number of such permit is 1037, and the date set for the completion of such work is October 24, 1907.

4. Said water to be used for irrigation and domestic purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for each permit, is 16 cubic feet per second.

6. The amount of lands for which said water is available is 80 acres, particularly described as follows: 3 1/2 of NW 1/4 section 24, township 22 north, range 23, east of Boise Meridian.

JAS. STEPHENSON, JR., State Engineer.

First Publication Sept. 5.

William J. Wittenburg

Permit No. 1631.

Salmon, Idaho

October 21st 1907.

Hon Jas. Stephenson Jr.

State Engineer Boise Idaho:

Sir: I enclose herewith the proof of completion of
works in above permit.

Mr Merritt has made an examination of the
works, and will send in his report.

Postal money order for \$5 also enclosed.

Respectfully yours

J. C. Sinclair

1631

Oct 25-07

State Engineer,

Boise, Idaho.

Sir:

Under your instructions dated September 14, 1907, I have made an examination and survey of the Works of Diversion under Permit No. 1631, and report as follows:

A dam 3 ft. high, 14 ft. long on the bottom and 20 ft. long on crest has been constructed of timber filled with stone.

The headgate is 3 ft. wide and 18 ins. high, which connects with

The flume, which is constructed of 1½ in. plank, 2 ft. wide, and 14 ins. deep, having a grade of 0.2 ft. per 100 ft., this extends from the headgate 1040 ft., where it connects with

The ditch, 2½ ft. wide on bottom, 3½ ft. wide at the water line and carrying 1 ft. of water, the grade is 0.15 ft. per 100 ft. and 4950 ft. in length.

This ditch will safely carry 2.5 cu. ft. per second and the flume will carry 4.5 cu. ft. per second.

The works as a whole are in first-class condition.

The enclosed map gives the point of diversion, and terminus to the ditch as well as the route of the ditch, which was surveyed by me October 20, 1907.

Respectfully,

Chas. O. Hewitt
1631
Engineer.

Dated: Salmon, Idaho, November 5, 1907.

PERMIT NO.

Proof of Completion of Works.

DEPOSITION OF HOLDER.

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

Ans. William J. Kittenburg, 34 years, Lemhi County, Idaho. Border
Carmen, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. No. 1631, October 24, 1905. 1.6 cubic feet per second. The source is Carmen
Creek, Lemhi County. The point of diversion is in the SE 1/4 SE 1/4 of Sec. 13 in Twp. 23 N. of Range 12 East.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Water is to be used for irrigation. The number of acres to be irrigated,
80 acres. The land is 1/2 NW 1/4 of Sec. 24 in Township 23 N. of R. 12 East.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Yes. During the irrigating season of 1906 and 1907. About all of the
water, 1.6 cubic feet per second, was used.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. The works of diversion are fully completed and comply with terms of permit,
except as stated below.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. The works of diversion comply with terms of permit, except that
there is a flume 900 feet long, 3 ft wide, and 14 inches high in addition
to one mile of ditch.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. The works consist of a flume 900 feet long, 3 ft wide, and 14 inches high, and one mile of ditch
2 ft wide at bottom, 2 1/2 ft on water line and one foot deep. Dam 3 ft high, 20 ft long at top and 16
feet at bottom, and head gate 3 ft wide and 14 inches high. Capacity of works about 3 cubic feet per
second. Cost at least \$500.

(Sign here.)

William J. Kittenburg

1631

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

Proof of Completion of Works.

DEPOSITION OF WITNESS.

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

Ans. Gardner Humphill, 48 years, Lemhi County, Idaho, miner, Carmen Idaho.

Ques. 2. Are you acquainted with William S. Wittenburg, the holder of Permit No. 1631, authorizing the diversion of 1.6 second-feet of the waters of Carmen Creek, at Lemhi County, Idaho for irrigation purposes? How long have you known him, and where does he reside?

Ans. I am. I have known him for four years. He now resides in Lemhi County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 1631, and are you familiar with its terms and conditions?

Ans. I have read said permit No 1631, and I am familiar with its terms and conditions.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. The land is the S. 1/4 of Sec. 24 in Township 23 N. of R. 22 E. 40 N. it is sandy, gravelly soil. I estimate that it would require 1 1/2 miner inches to the acre for its profitable cultivation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. The works consist of a flume 900 ft long, 3 ft wide and 14 inches high, and one mile of ditch 2 ft wide at bottom, 2 1/2 ft at water line and one foot deep. Dam 3 ft high 20 ft long at top and 10 ft at bottom. It is 6 ft wide and 14 inches high. Capacity at least 6 cubic feet per second. Cost of flume, dam & ditch at least \$700.

(Sign here.) Gardner Humphill

1631

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 Carmen, County of Lemhi, State of Idaho, on this 21st day of October, A. D. 1907.

Wm. A. Smith

Chief of the Division of Reclamation

Proof of Completion of Works.

DEPOSITION OF WITNESS.

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

Ans. James B. McKie, 50 years, Lemhi County, Idaho, miner, Carmen, Idaho.

Ques. 2. Are you acquainted with William J. Nissenburg, the holder of Permit No. 1631, authorizing the diversion of 1.6 second-feet of the waters of Carmen Creek, at Lemhi County, Idaho, for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes. I have known him for 4 years. He now resides in Lemhi County, Idaho.

Ques. 3. Have you read or heard read said Permit No. 1631, and are you familiar with its terms and conditions?

Ans. I have read said permit, and I am familiar with its terms and conditions.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes. The land is the S 1/4 NW 1/4 of Sec. 24 in Township 23 N. of R. 12 East. The soil is sandy and gravelly. At least an inch and a half of water to the acre would be required to profitably cultivate the land.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. The works consist of a flume 900 ft long, 3 ft wide and 18 inches high, and one mile of ditch 3 ft wide at bottom, 1 1/2 ft on water line and one foot deep - Dam 3 ft high, 90 ft long at top and 16 ft at bottom. There are 3 ft wide and 18 inches high. Capacity at least 3 cubic feet per second.

(Sign here.)

James B. McKie
1631

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 Lemhi, County of Lemhi, State of Idaho, on this 21st day of October, A. D. 1904.

John C. Smith
Clerk of the District Court

Form No. 12

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

Boise, Idaho, July 1, 1909

William J. Whittenburg,
Carmen, Idaho

Dear Sir:

I enclose herewith blank Notice of Proof of Application of Water to Beneficial Use under your permit No. 1631 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 the date it is submitted.

Yours truly,

JAS. STEPHENSON, Jr.,
State Engineer.

1631

Notice of Proof of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Engineer at least 60 days before the time set for application of water.)

(P. O.)

Carmen, Idaho

(Date)

July 28th 1925

TO THE STATE ENGINEER OF THE STATE OF IDAHO, BOISE, IDAHO:

DEAR SIR: Notice is hereby given that at 10 A. M. on the 21st day of October 1907, at Salmon, County of Lemhi, State of Idaho, before H. C. Smith, Clerk of the District Court, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of Carmen Creek in accordance with the terms and conditions of Permit No. 1631 heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are

William J. Wittenburg, Carmen, Idaho.

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

3. The amount applied to beneficial use is 1.6.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) The South Half of the North West Quarter of Section 24, in Township 23 North of Range 22 East of Boise Meridian.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is the Wittenburg Ditch.

6. The right to take the water from such works is based upon Permit No. 1631.

7. The source of supply from which such water is diverted is Carmen Creek, Lemhi County, Idaho.

8. The date of the priority which said user is prepared to establish is

October 21st 1925

I desire that the above notice be published, according to law, in the Lemhi Herald, of Salmon, Lemhi County, Idaho, published in the county in which said water is to be used; the expense of which publication will be borne by me

1631

(Sign)

William J. Wittenburg

1631-13-153-226

State of Idaho
ENGINEERING DEPARTMENT
BOISE

JAS. STEPHENSON, JR.,
ENGINEER

INSTRUCTIONS.

Proof of Beneficial Use.

Boise, Idaho, September 15, 1909.

William J. Wittendurg,

Cannon, Idaho,

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your permit No. 1631.

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 your rights:

1. On October 21, 1909, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and two each for two witnesses) should be filled out and sworn to, at Salmon, Idaho, before Wm. C. Smith, Clerk of Dist Court.

2. To complete the proof, it is also necessary that an examination be made of the works as constructed, which examination must be under the authority of the State Engineer. It is the desire to make this expense as light as possible to the permit holder. Will you therefore give me the name of a competent engineer, or surveyor, in your neighborhood who could do this work with as little expense as possible to you. Upon receipt of name of such engineer or surveyor I will authorize him to do the work. The examination should be made on or before the date set for the proof.

3. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received, together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,

1631

JAS. STEPHENSON, Jr.,

State Engineer.

JOHN C. SINCLAIR,
ATTORNEY AT LAW.
SALMON, IDAHO

Salmon, Idaho,
Sept. 18th 1909.

Hon. Jas. Stephenson Jr.
State Engineer
Boise - Idaho.

Sir,

Referring to

Permit No. 10701 - William J. Wittenburg.

I have to state that July 28th 1909, I transmitted to your office, by registered mail, a notice that Mr. Wittenburg was prepared to submit proof of beneficial use of water under his permit.

The advertisement has not yet appeared, and his proof should be taken on or before October 24th 1909.

Respectfully Yours

J. C. Sinclair

1031

JOHN C. SINCLAIR,
ATTORNEY AT LAW,
SALMON, IDAHO

Salmon, Idaho,
Sept. 18th 1909.

Hon. Jas. Stephenson Jr
State Engineer Boise - Idaho.

Sir:

Referring to

Permit No. 1831 - William J. Kittenburg,

I have to state that July 28th 1909, I transmitted to your office, by registered mail, a notice that Mr. Kittenburg was prepared to submit proof of beneficial use of water, under his permit.

The advertisement has not yet appeared, and his proof should be taken on or before October 24th 1909.

Respectfully Yours

J. C. Sinclair

1631

September 24, 1909.

Permit 1631-Mr. J. Wittenburg.

J. C. Sinclair, Lawyer,
Salmon, Idaho.

Sir:-

In reply to your letter of the 18th inst. relative to above permit would say that notice for publication was mailed to the Idaho Herald on the 15th inst. and deposition blanks mailed the holder. I am inclosing herewith another set of deposition blanks in case the ones sent to Mr. Wittenburg fail to reach him.

Trusting this will be satisfactory, I am

Very truly yours,

1631

State Engineer.

DB

By...

Carman Idaho
Oct 5 - 1909

Jas. Stephenson Jr

Dear sir

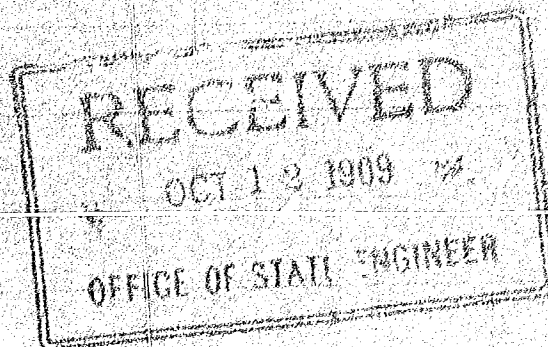
Forms at hand for proof of
Water for beneficial use under
Permit No 1631

For surveyor of works I
would recommend Allen C Merrill
Salmon

Respectfully

W J Hittendurg

1631



October 12, 1909.

Permit 1631

Allen C. Merritt,
Salmon, Idaho.

Sir:-

William J. Wittenburg, of Carmen, Idaho, the holder of Permit No. 1631, authorizing the diversion of 1.6 second feet of the water of Carmen creek, desires to make proof of beneficial use of water on October 21, 1909. Will you, therefore, arrange with the holder of said permit for an examination of the works and render me a report on same prior to date of proof.

Very truly yours,

1631

1631

W. J. Wittenburg

Inc.

By...

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that on the 21st day of October, 1909, at Carmon, County of Lema, State of Idaho, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of Carmon Creek in accordance with the terms and conditions of Permit No. 1631, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are William J. Wittenburg, Carmon, Idaho
2. The use to which said water has been applied is irrigation and domestic purposes
3. The amount applied to beneficial use is 1.6 cubic feet per second
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) 32 NW 1/4 Section 24, Tp. 23 N., R. 22 E., S. 11
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is the Wittenburg ditch
6. The right to take the water from such works is based upon Permit No. 1631
7. The source of supply from which such water is diverted is Carmon Creek
8. The date of the priority which said user is prepared to establish is October 23, 1909

1631

Jas. Stephenson, Jr.
State Engineer.

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that on the 21st day of October, 1909, at Carmen, Idaho, County of Laramie, State of Idaho, proof will be submitted of the application to beneficial use of 1.6 cubic feet per second of the waters of Carmen creek in accordance with the terms and conditions of Permit No. 1631, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person or corporation holding said permit are William J. Wittenburg, Carmen, Idaho
2. The use to which said water has been applied is irrigation and domestic purposes
3. The amount applied to beneficial use is 1.6 cubic feet per second
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) S2 NW4 Section 24, Tp. 23-N., R. 22-E., N. 22
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is the Wittenburg ditch
6. The right to take the water from such works is based upon Permit No. 1631
7. The source of supply from which such water is diverted is Carmen creek
8. The date of the priority which said user is prepared to establish is October 23, 1909

1631

Jas. Stephenson, Jr.
State Engineer.

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. William J. Kittenburg, 36 years, - Santa Fe, N.M.
Rancher - Carmen, Idaho

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

Ans.

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

Ans. No. 1631 - October 23, 1905 - Date of priority - October 23, 1905

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

Ans. Carmen Creek - At a point 1420 feet northeasterly from the north quarter corner of Sec. 24 - Twp 23 N. of Range 22 East

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. Works consist of flume, dam and ditch - capable of conveying 2 second feet. I have seen that amount conveyed. The name of ditch is the Kittenburg ditch. Dam 20 feet long, 3 ft high. Flume 3 ft wide 14 inches deep, 1040 ft long. Ditch 3 1/2 ft wide, 2 ft deep, 4950 ft long.

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.)

Ans. Irrigation - All 4 of the 40 acre subdivisions in NW 1/4 of Sec. 24 - 5 acres in NE 1/4 - 5 acres in NW 1/4 - 18 acres in SE 1/4 and 35 acres in SW 1/4.

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

Ans.

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

Ans. 1.6 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.

1631

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

Ans. Every year since 1906. used for irrigation through dam and ditch. 1-6 cubic ft per second has been diverted and used.

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

Ans. No other waters except those diverted under permit have been used upon lands herein described.

(Sign) *William J. Wittenburg*

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 *Salmon*

County of *Lemhi*, State of Idaho, on this *21st* day of *October* A. D. 190*9*

1631

John C. Smith
Clerk of the District Court

Permit No.

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

Amount of Water second feet

Source

County

Purpose

Place of use

Date of Priority

1631

1631

Received and filed

STANDARD CO. PRINTERS & BINDERS, BOISE

DEPOSITION OF WITNESS

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

Ans. James AlKire, 52 years - Lemhi County, Idaho -
Rancher - Carmen, Idaho.

Ques. 2. Are you acquainted with William F. Kittenburg the
holder of Permit No. 1631? How long have you known him and where does he reside?

Ans. Yes. I have known him for 6 years. He resides in Lemhi County
Idaho.

Ques. 3. Have you read or heard read said Permit No. 1631, 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 con-
veying water from point of diversion to place of use.

Ans. Carmen Creek - At a point 1420 ft northeasterly from the north quarter
corner of Sec. 24 - Twp. 23 N. of R. 22 East. Works consist of flume dam and ditch.
Dam is 20 ft long - 3 ft high - flume 3 ft wide, 14 inches deep - 10 to 12 ft long. Ditch 3 1/2
ft wide, 12 ft deep, 4950 ft long.

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. Works will safely conduct 3 cubic ft per second - have seen that much conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give
each subdivision in which water has been used and number of acres irrigated in each sub-
division.)

Ans. Irrigation - All four fourths of NW 1/4 of Sec. 24 - 5 acres in NE 1/4 -
5 acres in NW 1/4 - 15 to 18 acres in SE 1/4 and 35 acres in SW 1/4 -

RECEIVED

JUL 25 1903

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

Ans.

1611

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. The soil is gravelly. It is good tillable bar land, and requires
at least one minor inch to the acre for profitable cultivation.

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

Ans. I have not.

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

Ans. Every year since 1906, during irrigating seasons. It was used for irrigation through the works. 1.6 cubic feet per second have been diverted and used.

(Sign) James. Alkire

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 Salmon

County of Lemhi, State of Idaho, on this 21st day of October

A. D. 1909

John C. Smith
Clerk of the District Court.

1631

Permit No.

Proof of Application of Water to
Beneficial Use

DEPOSITION OF WITNESS

Received and filed

STANDARD CO. PRINTERS & BINDERS, 1015
7817

DEPOSITION OF WITNESS

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

Ans. Frank Ross. 29 years. Lemhi County, Idaho. rancher.
Carmen, Idaho

Ques. 2. Are you acquainted with William J. Hittnerberg the holder of Permit No. 1631? How long have you known him and where does he reside?

Ans. I am, I have known him for 8 years, and he now resides in Lemhi County, Idaho

Ques. 3. Have you read or heard read said Permit No. 1631, 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. Carmen Creek. At a point 100 feet northeasterly from the north quarter corner of Sec. 24 - Twp. 23 N. of R. 22 east. Works consist of flume dam and ditch. Dam is 10 ft long, 3 ft high. Flume 3 ft wide 14 inches deep, 100 ft long. Ditch 3 1/2 ft wide, 2 ft deep, 4050 ft long.

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. Works will safely conduct 3 cubic ft per second. I have seen about that much conveyed.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.)

Ans. Irrigation. All four corners of NW 1/4 of Sec. 24 - 5 acres in NE 1/4 - 5 acres in NW 1/4 - 15 to 18 acres in SE 1/4 and 35 acres in SW 1/4

RECEIVED

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

Ans.

1631

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. It is a gravelly soil - good tillable land. It would require at least one million inch to the acre for profitable cultivation.

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

Ans. I have not

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

Ans. Every year since 1906. It was used for irrigation through the canals. 1.6 cubic ft per second have been diverted and used.

(Sign) Frank Ross

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 Salmon County of Lemhi State of Idaho, on this 21st day of October A. D. 1909.

John C. Smith
Clerk of the District Court

1631

Permit No.

Proof of Application of Water to
Beneficial Use

DEPOSITION OF WITNESS

Received and filed

1914-1915 CO., TARRANT & WILSON, 4018
1917

Report of Engineer

1. State name of applicant and number of permit: Wm. Edmonburg, Permit No. 1931
2. State source of water supply: Larson Creek, Lemhi County
3. Location of point of diversion: N. 30° 25' E. 1420 ft. from the North $\frac{1}{2}$ corner of Section 24, T. 23 N., R. 22 E., S. 1.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Fully comply with the terms of Permit
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: Flume 3 ft. Ditch 2 $\frac{1}{2}$ ft.
 - (b) Width at water line: Flume 3 ft. Ditch 3 $\frac{1}{2}$ ft.
 - (c) Depth of water: 1 ft. in both
 - (d) Grade per mile: 100 feet: Flume 0.2 ft. Ditch 0.15 ft.
6. State whether or not water has been turned into works of diversion and if so, to what extent: Water has been turned into the works to their full capacity.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.2 acres; NE $\frac{1}{4}$ NW $\frac{1}{4}$ 6.00 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$ 15.32 acres; SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35 acres; in Section 24, also 1.20 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 23, all in T. 23 N., R. 22 E., S. 1.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: The works of diversion are in first-class condition and have sufficient capacity for at least 4.5 cu. ft. per sec.
The land irrigated has produced a first-class crop of hay.

RECEIVED

OCT 26 1909

OFFICE OF THE ENGINEER

Allen C. Merrill

STATE OF IDAHO

County of Lemhi

ss.

1909

Allen C. Merrill, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 27th day of October 1909

My Commission Expires Jan 1 1910

John C. Sinclair
Notary Public.

AFFIDAVIT OF PUBLICATION.

State of Idaho, } ss.
County of Lemhi, }

Evan K. Abbott

being first duly sworn, deposes and says that he is one of the publishers of THE LEMHI HERALD, a newspaper of general circulation published every Thursday in Salmon, Lemhi county, state of Idaho; that the annexed advertisement

Water Permit No. 1631 OCT 26 1909

was published once a week for four successive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 23rd day of

Sept 1909, and the date of the last publication was on the 14th day of October 1909.

Evan K. Abbott

Subscribed and sworn to before me this 21st day of

October 1909.

John C. Sinclair

Notary Public in and for Lemhi Co., Idaho.

My commission expires February 1st 1909.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that on the 21st day of October 1909, at Salmon, County of Lemhi, State of Idaho, proof will be submitted of the application to beneficial use of 16 cubic feet per second of the waters of Carmen creek in accordance with the terms and conditions of Permit No. 1631, heretofore issued by the State Engineer of the State of Idaho.

1. The name and postoffice address of the person holding said permit is William J. Wittenburg, Carmen, Idaho.
2. The use to which said water has been applied is irrigation and domestic purposes.
3. The amount applied to beneficial use is 16 cubic feet per second.
4. The place where said water is used is for irrigation, give full and accurate description of the lands irrigated) 92 m² sec. 22, T. 23 N., R. 22 E. B. M.
5. The name of the canal or ditch or other means by which said water is conducted to each place of use is the Wittenburg ditch.
6. The right to take the water from such works is based upon Permit No. 1631.
7. The source of supply from which such water is diverted is Carmen creek.
8. The date of the priority which said user is prepared to establish is October 23, 1905.

JAS. STEPHENSON, Jr.
State Engineer.

1631

Salmon, Idaho

October 21st, 1909

Mr. J. A. Johnson for
State Engineer Boise, Idaho:

I enclose herewith the proof of application of
water to beneficial use of William J. Wittenburg,-

Permit No. 1631.

Respectfully yours

J. O. Sinclair

1631

Enclosures

Deposition of Holder

Depositions of 2 Witnesses

Affidavit of Publication

Postal Money for P. H.

RECEIVED

OCT 26 1909

OFFICE OF THE STATE ENGINEER

October 36, 1909.

Permit 1631-W. J. Witterburg

J. C. Sinclair, lawyer,
Salmon, Idaho.



I am today in receipt of depositions in proof of beneficial use of water, affidavit of publication and money order for \$4.00.

In looking over the depositions and report of Mr. Allen C. Herriott, I find a discrepancy in regard to the lands to be irrigated.

The permit gives only the south half of the northwest quarter of section 24 as the land to be irrigated. The depositions state that all of the northwest quarter of section 24 is included in the land to be irrigated while the report gives the northwest quarter of said section and also 1.29 acres in southeast quarter of northeast quarter of section 23. Kindly have Mr. Wittenburg furnish an amended list of lands to be recorded in connection with the permit here if he desires to include other land than that mentioned in the permit, to-wit, the south half of northwest quarter of section 24.

As the fees for beneficial use of water are \$2.00 for each forty acre tract, or fraction, to which water has been beneficially applied, I am returning herewith money orders

Very truly yours,

1689

劉國治 著

Salmon, Idaho

Nov. 6th 1909

Permit No. 1631

W. J. Wittenburg

Hon. Jas. Stephenson Jr

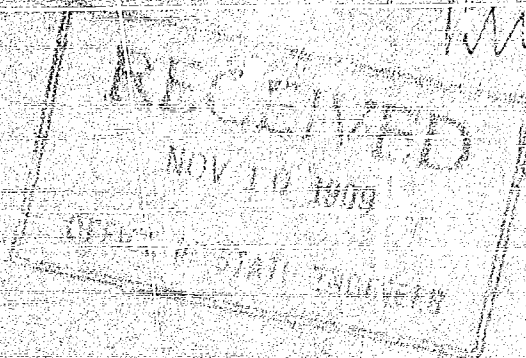
State Engineer

Boise - Idaho:

17: Referring to your letter of Oct. 26. 1909 in relation to proof of beneficial use of water under permit No. 1631, I enclose herewith an amended list of lands to be recorded in connection with said permit, and also two postal money orders, - one for \$4, and one for \$6.

Very truly

1631



November 26, 1909.

Permit 1631-W.J. Wittenburg

J. C. Sinclair, Lawyer,
Salmon, Idaho.

Sir:-

I am inclosing you herewith amended list of lands filed under
above permit, same having been duly recorded in connection with the
permit in this office. Am also inclosing receipt for fees.

License will be issued and mailed to you in a few days.

Very truly yours,

1631

State Engineer.

Inc-1125-R2217

By...

Brice, Idaho, December 12, 1909

Permit No 1631
W.J. Wittchenburg

J.C. Sinclair, Lawyer,
Salmon, Idaho

Sir:--

Inclosed herewith find Water License issued
under above Permit,

Very truly yours,

1631

State Engineer

By _____

Enc. "L"

Carmen Creek *
Lemhi County *
1.0778 *
Irrigation and Domestic *
Priority 10-23-1905 *

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

Water License No. 1631.

WHEREAS, On the 23rd day of October A.D.1905, WILLIAM J. WITTENBURG, of Carmen, County of Lemhi, State of Idaho, duly made application (No. 2263) to me for a permit to use 1.6 cubic feet per second of the waters of Carmen Creek, County of Lemhi, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 24th day of October A.D.1905, Permit No. 1631, was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 24th day of October, A.D.1907, and for the application to beneficial use of said water on or before the 24th day of October, A.D.1909, and

WHEREAS, On the 21st day of October A.D.1907, WILLIAM J. WITTENBURG, the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.6 cubic feet per second of said waters, as evidenced by my Certificate No.1631, dated November 13,1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.6 cubic feet per second of said waters with date of priority of October 23,1905, and

WHEREAS, On the 21st day of October A.D.1909, WILLIAM J. WITTENBURG, the holder of said permit duly made proof of the application to beneficial use of 1.0778 cubic feet per second of said water:

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to WILLIAM J. WITTENBURG, of Carmen, County of Lemhi, State of Idaho, the holder and owner of said Permit No. 1631, a perpetual right, dating from October 23,1905, to the use of 1.0778 cubic feet per second of the waters of Carmen Creek, in the County of Lemhi, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the southeast quarter of southeast quarter (~~SE 1/4~~ SE 1/4) Section 13, Township 23 North of Range 22 East of the Boise Meridian, and conducted to and upon (6.2 acres in Northwest quarter of Northwest, 6.08 acres in northeast quarter of northwest quarter, 15.32 acres in southeast quarter of northwest quarter, and 35 acres in south west quarter of northwest quarter of section 24, and 1.29 acres in southeast quarter of north east quarter of section 23, township 23 North of Range 22 East Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 8th day of December,
A.D. Nineteen hundred and nine,

(SEAL)

Recorded December 8, 1909

Jas. Stephenson, Jr.

State Engineer