

State of Idaho

Water License No. 16245
Water District No. 91-C

Amount 2.75 sec. ft.
Priority 4 - 22 - 1925

THIS IS TO CERTIFY that **KELLOGG POWER AND WATER COMPANY**
of **Kellogg, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **April 22**, 19 **25**; that Permit No. **16245**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.75 second feet, was issued thereunder on **May 7**, 19 **28**, showing that said works
were completed on the **24th** day of **April**, 19 **28**; and that on the **8th**
day of **September**, 19 **28**,

KELLOGG POWER AND WATER COMPANY

of Kellogg, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Big Creek, a tributary of South Fork of Coeur d'Alene river, for the purpose of domestic use, under Use Permit No. 16245 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 3541, on the 7th day of November, 1928;

The right hereby confirmed dates from April 22, 19 25 ;

The Point of Diversion is located
in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Tp. 48 N., R. 3 E., B. M.

County of Shoshone

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 2.75 cubic feet per second.

Description and location of use: At towns of Wardner and Kellogg, Shoshone County, Idaho

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 7th day of November, 1928.

GEO. N. CARTER
Commissioner of Reclamation

(SEAL)

94 2132

APPLICATION FOR PERMIT 94-2132

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 23042
Permit No. 16245
District No. 91-C

1. Name of Applicant: Kellogg Power & Water Company

Postoffice address: Kellogg County: Shoshone State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: June, 1900, Kellogg, Idaho.
(b) Amount of capital stock: 25,000.00
(c) Amount paid in: \$25,000.00
(d) Names and addresses of directors: James S. Ramage, Spokane, Washington; J. I. Springer, Spokane, Washington; Burke A. McIntosh, Kellogg, Idaho; D. A. Lunro, Spokane, Washington; Lee Thorpe, Spokane, Washington.

II. The financial resources of the applicant are:

- (a) Cash on hand: \$2000.00
(b) Treasury stock: None
(c) Bonds to be issued: None
(d) Other resources: \$100,000.00 in person and real property.

Diversion No. 1-5 cu. sec. ft. Total 17

2. Quantity of water claimed: Diversion No. 2-2 cu. sec. cubic feet per second.

3. Source of water supply: Big Creek-Diversion No. 1 which is a tributary of South Fork Coeur d'Alene River.
West Fork Big Creek-Diversion No. 2

4. Location of point of diversion: No. 1-S. 73° 40' E. 21900 feet distant from the N. W. corner of Section 21, T. 48 N., R. 3 E., B. M., and is in the NE 1/4 NW 1/4 SE 1/4 SE 1/4 of Section 27, T. 48 N., R. 3 E., B. M., County of Shoshone

5. Water is to be used for: Domestic purposes.

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

- (a) Point of use of water: N. 50° W. 1000.0 feet distant from S. E. corner of Section 6, T. 48 N., R. 3 E., B. M., in the SE 1/4 of Section 6, T. 48 N., R. 3 E., B. M.
(b) Amount of power generated: H. P., under 310 feet head.
(c) Water is to be returned to: South Fork Coeur d'Alene River at a point some feet distant from the corner of Section , T. , R. , B. M., in the N 1/2 of Section 6, T. 48 N., R. 3 E., B. M.

7. Estimated cost of works: \$ 124,000.00

8. Kind of works: Reservoir, dams and 10 and 12 inch pipe.

9. Height of dam No. 1 - 8 feet; length of dam at top No. 1 - 300 feet; length of dam at bottom No. 1 - 150 feet; material used in dam: Timber, rock and concrete.
No. 2 - 5 feet; length of dam at top No. 2 - 50 feet; length of dam at bottom No. 2 - 40 feet

10. Size of headgate: Width 2 feet; height 2 feet

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

Diameter of pipe 10 and 12 inches; length of conduit 7 1/5 miles.
Average grade per mile 45 feet

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

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

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

15. (a) Is reservoir to be used? Yes 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.

Kellog Power & Water Company Applicant.

By Burke A. McIntosh Agent.

Date of first receipt at Department of Reclamation. 9 A.M., April 22, 1925.

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 16245

Recorded in Book 58 Page 16245 Approved April 27, 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 June 26, 1925

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 October 27, 1926

The whole of said work to be completed on or before April 27, 1928

Beneficial use of water appropriated in accordance herewith, to be made on or before April 27, 1930.

Witness my hand this 27th day of April, 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	
			PERMIT NO. 16245. CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that Kellogg Power & Water Company, of Kellogg, County of Shoshone, and State of Idaho, the holder of Permit No. 16245, issued upon Application No. 23042 bearing date of priority of April 22, 1925, authorizing the diversion of 7.0 second feet of the waters of Big Creek and West Fork of Big Creek, County of Shoshone, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.75 second feet of the waters of Big Creek and West Fork of Big Creek; that the points of diversion of said waters are: No. 1--NE¼NW¼, Section 27; No. 2--SE¼SE¼, Section 21, Township 48 N., Range 3 E., B. M.; and that the places of use of water are in the cities of Kellogg and Wardner, Idaho. Witness my hand this 7th day of May, A. D. 1928. GEO. N. CARTER, Commissioner of Reclamation. (SEAL) Proof of completion made April 24, 1928. Certificate issued May 7, 1928.																

AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION OF WATERRIGHT - PERMIT No. 16245

STATE OF IDAHO)
) ss.
 COUNTY OF SHOSHONE)

BURKE A. McINTOSH, being first duly sworn, deposes and says: That he is the secretary of the Kellogg Power & Water Company, an Idaho corporation, which said corporation is engaged in the business of supplying domestic water to the Cities of Kellogg and Wardner in Shoshone County, State of Idaho; that said Kellogg Power & Water Company is the owner of and using a certain water right for 2.75 cu. ft. per second of water of that certain stream more commonly known as Big Creek in the County of Shoshone, State of Idaho, obtained by virtue of permit to appropriate the public waters of the State of Idaho No. 16245 approved by the Department of Reclamation of the State of Idaho on April 27, 1925, and recorded in Book 58, page 16245, as shown by the approval of the Commissioner of Reclamation on the 27th day of April, 1925, bearing date of priority of April 22, 1925, for the purpose of diverting the water from said stream of Big Creek, Shoshone County, State of Idaho, to the Cities of Kellogg and Wardner, Shoshone County, State of Idaho, for the purpose of furnishing domestic water to the inhabitants thereof. Said Kellogg Power & Water Company is the corporation to whom such right was so issued and the work under said permit was to begin on or before June 26, 1925, and the whole of said work to be completed on or before April 27, 1928, and beneficial use of water appropriated in accordance therewith to be made on or before April 27, 1930. That said waters are now diverted from said stream at a point described as follows:

N. 22° 16' E. 1967 ft. distant from the southwest (SW) corner of Section twenty-two (22), Township forty-eight (48), North, Range three (3), E. B. M., and is in the northwest quarter (NW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$) of Section twenty-two (22), Township forty-eight (48), North, Range three (3), E. B. M., Shoshone County, State of Idaho,

and conducted from said point of diversion and from said northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-two (22), Township forty-eight (48), North, Range three (3), E. B. M., in the County of Shoshone, State of Idaho, to the Cities of Wardner and Kellogg in the County of Shoshone, State of Idaho, as per map herewith filed and made a part hereof.

That affiant desires to change the point of diversion of said waters from the point described in said Application No. 23042 and for which Permit No. 16245 was issued and described as follows:

No. 1--NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27; No. 2--SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, Township 48 N., Range 3 E., B. M.,

to the point above described, namely,

N. 22° 16' E. 1967 ft. distant from the Southwest (SW) corner of Section twenty-two (22), Township forty-eight (48) North, Range three (3), E. B. M., in the Northwest quarter (NW $\frac{1}{4}$) of the southwest quarter (SW $\frac{1}{4}$), Section twenty-two (22), Township forty-eight (48), North, Range three (3), E. B. M., County of Shoshone, State of Idaho,

and thereafter conduct the same from the last mentioned point of diversion to the said Cities of Kellogg and Wardner in Shoshone County, State of Idaho, as per map above referred to.

That the reasons for desiring to make such change are as follows: That in the original Application No. 23042 for which Permit No. 16245 was issued, the location of the point of diversion was described as follows:

No. 1--NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27; No. 2--SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, Township 48 N., Range 3 E., B. M.,

but in reality the water was actually diverted from the point of diversion described as:

N. 22°16' E. 1967 ft. distant from the southwest (SW) corner of Section twenty-two (22), Township forty-eight (48) North, Range three (3), E.B.M., in the northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), Section twenty-two (22), Township forty-eight (48) North, Range three (3) E. B. M., in the County of Shoshone, State of Idaho.

That in making proof of completion of works, the said proof was submitted on the last mentioned point of diversion and a certificate of completion of works was issued under said permit and it was thereafter discovered that the water was being diverted from the last mentioned point of diversion rather than from the point of diversion mentioned in Application No. 23042. This affiant, therefore, makes this affidavit to correct and clarify the records in that respect so that the point of diversion under Application No. 23042 and Permit No. 16245 may conform to the proof submitted and so that the Application No. 23042 will show the correct point where said water is being diverted.

That no one will be injured by such change and that such change will be made at the risk of said Kellogg Power & Water Company, a corporation.

KELLOGG POWER & WATER COMPANY,

By Burke A. McIntosh,
Secretary.

(SEAL)

STATE OF IDAHO,)
County of Shoshone) SS.

BURKE A. MCINTOSH, being first duly sworn on behalf of the above Kellogg Power & Water Company, a corporation, deposes and says: That he is the secretary of said corporation and is authorized to make the above and foregoing affidavit for change of point of diversion of water right, and that he has read the same, knows the contents thereof and states that the facts therein set forth are true of his own knowledge.

BURKE A. MCINTOSH

Subscribed and sworn to before me this 2d day of November, A. D. 1928.

(SEAL)

Lester S. Harrison
Notary Public in and for the State of
Idaho, residing at Kellogg, Idaho

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 9:00 A. M., November 7, 1928.

GEO. N. CARTER
Commissioner of Reclamation

LICENSE ISSUED FOR 2.75 SEC. FT.

Page 3541

Amended Map

Permit No. 16245



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 16245

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Burke A. McIntosh; Age forty-one (41) years; Kellogg, Shoshone County,
State of Idaho; Secretary and Manager Kellogg Power & Water Company.

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. Kellogg Power & Water Company, a corporation with its principal place of business
at Kellogg, Shoshone County, State of Idaho; Secretary-Treasurer and Manager.

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

Ans. Permit No. 16245; date of priority, April 22, 1925.

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

Ans. That certain stream located in Shoshone County, State of Idaho, more commonly
known as Big Creek and the point of diversion being located as follows: In the northwest
quarter, southwest quarter, Section 22, Township 48, North, Range 3, E.B.M., whence the
southwest corner of Section 22 bears South 22° 16' West 1967 feet.

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. The works of diversion consist of a concrete dam, screens and small reservoir
sufficient to provide an intake for a pipe line 16" 14' 10" in diameter and capable of
conveying from said point to the City of Kellogg, Shoshone County, State of Idaho, 2.75
cu. ft. per second of water. The pipe line does not carry any particular name but is a
line running from said intake in a northerly direction to a point near the South Fork of the
Coeur d'Alene River, thence in a westerly direction to the City of Kellogg. The total dis-
tance is 6.25 miles.

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. The purpose for which said water is used is domestic and industrial purposes
within the Cities of Kellogg and Wardner, Shoshone County, State of Idaho,

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

Ans. -----

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

Ans. 2.75 cu. ft. per second.

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

Ans. -----

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

Ans. The work of constructing said dam, reservoir and intake was started in March, 1927,

and construction thereunder required was completed on or before the Statutory time required. Since the time the work was completed, the water has been used to supply the inhabitants of the Cities of Kellogg and Wardner, Idaho, with water for domestic and industrial purposes.

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. The only other supply of water that has been used by the above mentioned

Kellogg Power & Water Company, a corporation, is the source of supply obtained from that certain stream more commonly known as Slaughter House Gulch, Silver Creek, or Brewery Creek located in Shoshone County, State of Idaho, slightly to the east between the Cities of Wardner and Kellogg, Shoshone County, State of Idaho, said water being obtained from Permit No. _____ filed in the office of the County Auditor & Recorder of Shoshone County, State of Idaho, at (Sign) _____ Wallace, Idaho, August 3, 1888.

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 Kellogg, County of Shoshone, State of Idaho, on this 8th day of September, A. D. 1928.

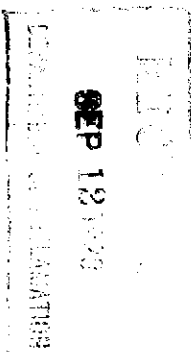
Frank A. McInnis *Kellogg Power & Water Co.*

Frank A. McInnis
Notary Public in and for the State of
Idaho, residing at Kellogg, Idaho.

My commission expires February 4, 1930.

J. M. Marchesi
Justice of the Peace.

16245



IN THE JUSTICE OF THE PEACE COURT,) OF KELLOGG NO 1 PRECINCT,
SHOSHONE COUNTY, IDAHO. BEFORE JUSTICE OF THE PEACE,

S.M.MARCHESI.

-1928-

On this 8 th day of September, /at the hour of 10 A.M. in the
Justice Court , Kellogg , Shoshone County, State of Idaho,
Appeared before me S.M.Marchesi Justice of the Peace, Burke
A.McIntosh, whom the court read, Permit No 16245-
Proof of Application of Water to Beneficial Use.

Deposition of Holder.

Answerd to by same and sworn to by L.S.Harrison , Notary .

Furthermore witnesses W.J.McGrane and W.F.Smith, appeared
and the court read to each seperately , Permit No 16245-
Proff of Application of Water to Beneficial Use .

Deposition of Witness.

Answerd to by each and sworn to by L.S.Harrison , Notary.

Furthermore inclosed find proff of publication of, Notice
of PROOF OF APPLICATION OF WATER TO BENEFICIAL USE.

Witness my hand this 8 th day of September, 1928.

S.M. Marchesi
Justice of the peace.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 16245.

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. J. W. McGrance, Age 51 years; Kellogg, Shoshone County, State of Idaho;

Ques. 2. Are you acquainted with Kellogg Power & Water Company, a corporation, the holder of Permit No. 16245? How long have you known him and where does he reside?

Ans. Have known corporation since organization, 1916 - Kellogg, Idaho

Ques. 3. Have you read or heard read said Permit No. 16245, 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. The source of supply for the Kellogg Power & Water Company is on that certain stream more commonly known as Big Creek, located in Shoshone County, State of Idaho, and the point of diversion is in the northwest quarter, southwest quarter, Section 22, Township 48, North, Range 3, E.B.M., whence the southwest corner of Section 22 bears south 22° 16' west 1967 ft. The works for conveying water from the point of diversion to the place of use consists of a dam, small reservoir consisting of an intake and pipe line from said point down the said stream of Big Creek in a northerly direction to the south fork of the Coeur d'Alene River and thence in a westerly direction to the City of Kellogg, Shoshone County, State of Idaho.

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. 2.75 cu. ft. 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. The water from said place is used to supply the inhabitants of the Cities of Kellogg and Wardner, Shoshone County, State of Idaho, for domestic and industrial purposes.

16245

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

Ans. -----

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

Ans. -----

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. I have been a resident of Kellogg, Shoshone County, State of Idaho, for more than ten years last past and witnessed and watched the construction of the above mentioned water system and its diversion of said water from the point of diversion hereinbefore mentioned and during said time have been a user of the water from said system, being an inhabitant of the City of Kellogg, Idaho, and have on divers times during the construction and since examined and inspected the same.

(Signed) John M. Lane

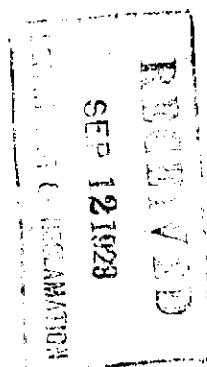
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Kellogg, County of Shoshone, State of Idaho, on this 8th day of September, A. D. 1928.

My commission expires February 4, 1930.

John M. Lane
Notary Public.
In and for the State of Idaho, residing
at Kellogg, Idaho.

S. M. Marchesi
Justice of the Peace.

16245



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 16245.

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. W. F. Smith; Age 45 years; Kellogg, Shoshone County, State of Idaho;
accountant.

Ques. 2. Are you acquainted with Kellogg Power & Water Company, a corporation, the holder of Permit No. 16245? How long have you known him and where does he reside?

Ans. Have known corporation since ~~1904~~ 1904 - Kellogg, Idaho

Ques. 3. Have you read or heard read said Permit No. 16245, 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. The source of supply for the Kellogg Power & Water Company is on that certain stream more commonly known as Big Creek, located in Shoshone County, State of Idaho, and the point of diversion is in the northwest quarter, southwest quarter, Section 22, Township 48, North, Range 3, E.B.M., whence the southwest corner of Section 22 bears south 22°16' west 1967 ft. The works for conveying water from the point of diversion to the place of use consists of a dam, small reservoir consisting of an intake and pipe line from said point down the said stream of Big Creek in a northerly direction to the south fork of the Coeur d'Alene River and thence in a westerly direction to the City of Kellogg, Shoshone County, State of Idaho.

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. 2,75 cu. ft. 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. The water from said place is used to supply the inhabitants of the Cities of Kellogg and Wardner, Shoshone County, State of Idaho, for domestic and industrial purposes.

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

Ans. -----

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

Ans. -----

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. I have been a resident of Kellogg, Shoshone County, State of Idaho, for more than ten years last past and witnessed and watched the construction of the above mentioned water system and its diversion of said water from the point of diversion hereinbefore mentioned and during said time have been a user of the water from said system, being an inhabitant of the City of Kellogg, Idaho, and have on divers times during the construction and since examined and inspected the same.

(Signed) W. J. Smith

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 Kellogg, County of Shoshone, State of Idaho, on this 8th day of September, A. D. 1928,

My commission expires February 4, 1930.

Walter S. Harrison
Notary Public.
In and for the State of Idaho, residing
at Kellogg, Idaho.

J. M. Marchesi
Justice of the Peace.

16245

SEP 12 1928

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 16245

This proof is for BEN. USE

In Water District No. 91-C

1. Name of applicant: Kellogg Power & Water Co.
2. Source of water supply: Big Creek and West Fork Big Creek
3. Location of point of diversion: Is in the ~~#1- NW 1/4~~ NW 1/4 SW 1/4 of Section ~~22~~ 27
~~#2- SW 1/4~~
- T. 48 N R. 3 E. B.M. County of Shoshone

4. Describe works as they exist, giving dimensions and capacities of same: Diversion of 12" concrete walk 9' high, overflow 20 ft crest with 3 ft freeboard, trash rack 40' long x 8' high, 7.5 mile pipe leading distribution system is 16", 14", and 12" diam

5. Water is used for: Domestic use

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): Towns of Wardner and Kellogg

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

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

Remarks: Entrance head to main pipe is 7 ft.
Pipes have 140 lb. pressure at automatic valve situated 4 miles below intake
Cost of system \$58845, exclusive of right of way

16245

This examination was made on the 27th day of Aug 1928

(Signed)

Frank A. Johnson

Examiner.

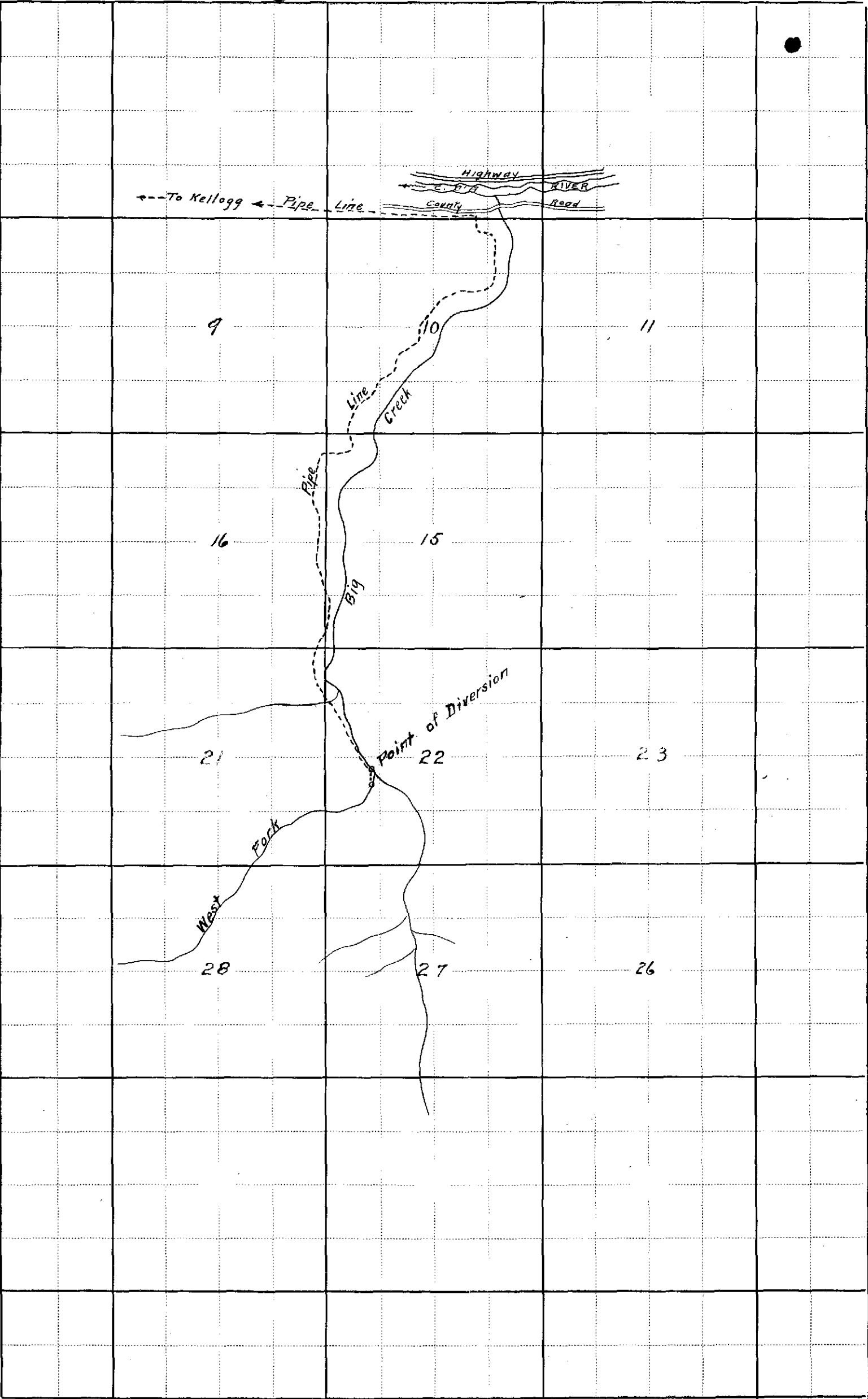
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____

2.75- & p. .



NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

NOTICE IS HEREBY GIVEN that at ten (10) o'clock, A. M., on the 8th day of September, 1928, at the City Hall in Kellogg, County of Shoshone, State of Idaho, before S. M. MARCHESI, Justice of the Peace, proof will be submitted of the application to beneficial use of 2.75 cubic feet per second of the waters of that certain stream more commonly known as Big Creek in accordance with the terms and conditions of Permit No. 16245 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the corporation holding said permit are: Kellogg Power & Water Company, Kellogg, Idaho.

The use to which said water has been applied is domestic use in that said Kellogg Power & Water Company is a corporation engaged in the business of supplying domestic water to the Cities of Wardner and Kellogg, Idaho, and obtaining the principal source of its supply from the said stream of Big Creek.

The amount applied to beneficial use is 2.75 second feet of the waters of Big Creek and West Fork of Big Creek.

The right to take said water for said purpose is based upon Permit No. 16245 issued upon application No. 23042 bearing date of priority of April 22, 1925, authorizing the diversion of 7.0 second feet of the waters of Big Creek and West Fork of Big Creek, County of Shoshone, State of Idaho, for domestic purposes.

GEO. N. CARTER

Commissioner of Reclamation.

Dis-#1-76E 21W-27/48N-36
2-55SE-21

Shoshone Co

91-C

16245

STATE OF IDAHO

Department of Reclamation

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO)
) ss.
COUNTY OF SHOSHONE)

JAS. S. RAMAGE and BURKE A. McINTOSH, being first duly sworn,
each for himself and not one for the other, upon his oath, deposes and says:

First: That he is the president and secretary-treasurer of the Kellogg Power & Water Company, a public utility corporation organized and existing under and by virtue of the laws of the State of Idaho, and engaged in the business of supplying water for domestic purposes to the inhabitants of the Cities of Kellogg and Wardner, Shoshone County, State of Idaho, and that said corporation is the holder and owner of a Permit to appropriate the Public Waters of the State of Idaho, No. 16245, and that the principal office and post office address of said corporation is Kellogg, Shoshone County, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Big Creek, Shoshone County, State of Idaho.

Third: That the point of diversion of said water is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 22, T. 48 N., R. 3 E.B.M., whence the SW corner of Sec. 22 bears S. 22° 16' W. 1967 ft.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed on or before April 27, 1928.

Fifth: That the use for which said water is intended is domestic purposes for the Cities of Kellogg and Wardner, Shoshone County, State of Idaho.

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Sixth: That on the date above mentioned, the works constructed under said permit were fully completed and consisted of the following:

I. Kind of works: Dam, reservoir and pipe line.

II. Dimensions of work:

(a) Height of dam: 11 feet. Length of dam at top: 46 feet.

Length of dam at bottom: 30 feet. Material used in construction: Reinforced concrete.

(b) Capacity of reservoir: 1 acre ft.

(c) Size of headgate: Width: 24 inch pipe. Height: 10 feet.

(d) Conduit: 14 inch pipe. Depth of water at dam: 8 feet.

Diameter of pipe: 14 inches. Average grade per mile is 10 ft. Length of conduit is 3.54 miles.

Seventh: That said works are capable of conducting to the place of intended use 2.75 second feet of water.

Eighth: That water appropriated under said permit is available for domestic purposes for the Cities of Kellogg and Wardner, Shoshone County, State of Idaho.

KELLOGG POWER & WATER COMPANY,

Attest:

Burke A. McIntosh By As. S. P. R. R.
Secretary-Treasurer

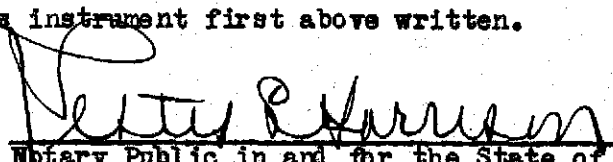
President

16245

STATE OF IDAHO)
) ss.
COUNTY OF SHOSHONE)

On this 24th day of April, A. D. 1928, before me, LESTER S. HARRISON, a Notary Public in and for the State of Idaho, personally appeared JAS. S. RAMAGE and BURKE A. MCINTOSH, personally known to me to be the president and secretary-treasurer of the KELLOGG POWER & WATER COMPANY, the corporation that executed the within and foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this instrument first above written.


Notary Public in and for the State of
Idaho, residing at Kellogg, Idaho.

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