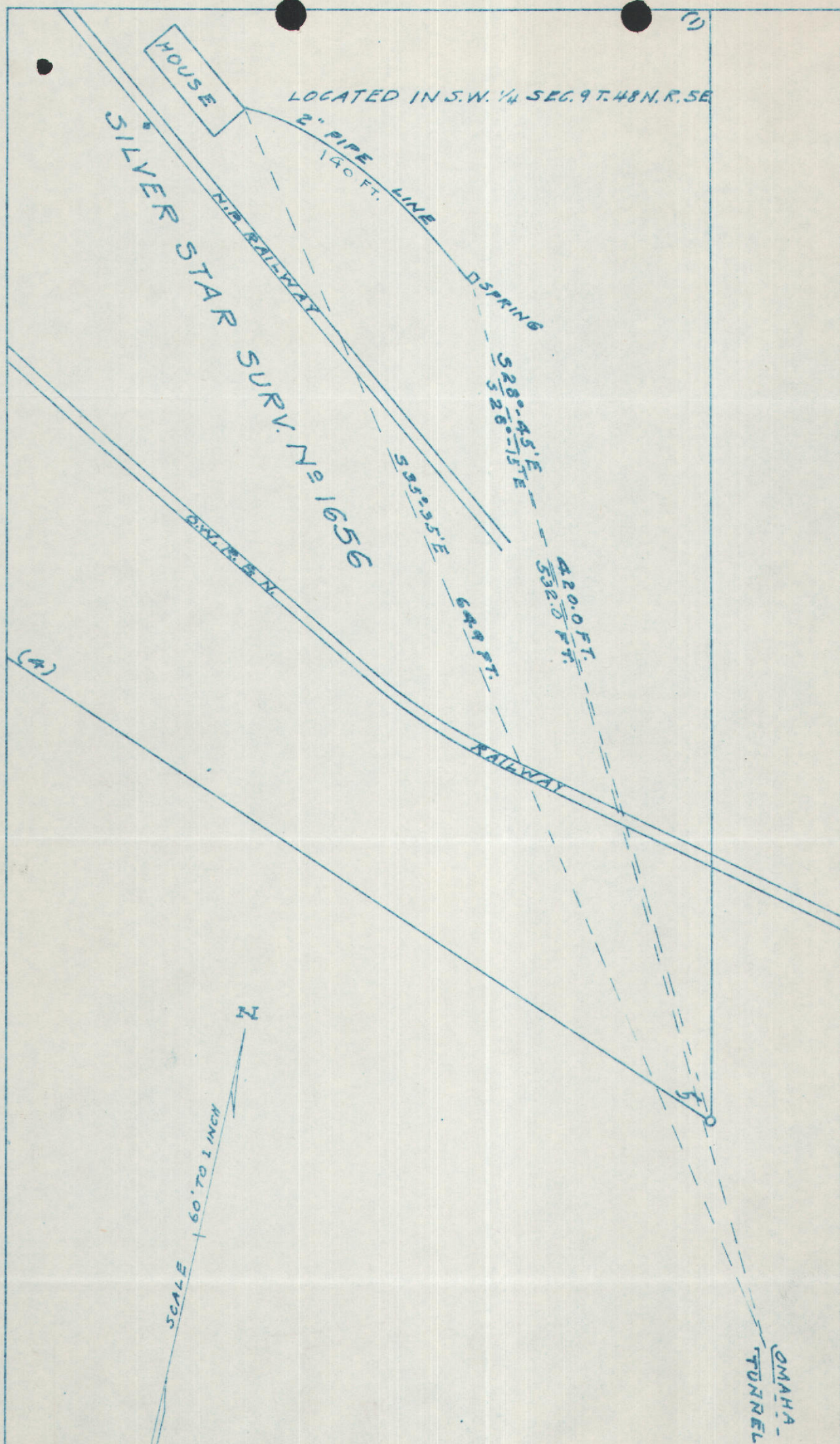




MAP
OF
WORKS OF DIVERSION
BY
L. H. Hays.
PERMIT No. 12528.

12528

P.V. R. R. N.

656

1955 E

(R)

N

SCALE 160' TO 1 INCH

WATER
APPL

17 578

1.

County: Shoshone.
Stream: Spring.
Amount: 1/50 of 1 sec. ft.
Use: Domestic.
Priority: Sept. 18-16.

STATE OF IDAHO

Water License No. 12528.
Water District No. 91 C.

WHEREAS, On the 18th day of September, A. D. 1916, L. H. Hays,

of Wallace, County of Shoshone, State of Idaho, duly made application (No. 18019) to me for a permit to use 1/10 of 1 cubic foot per second of the waters of a small spring, in Water District No. 91 C.,

County of Shoshone, State of Idaho, for domestic purposes, and,

WHEREAS, On the 26th day of September, A. D. 1916, Permit No. 12528 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 26th day of September, A. D. 1917, and for the application to beneficial use of said water on or before the 26th day of September, A. D. 1918, and,

WHEREAS, On the 3d day of February, A. D. 1917, L. H. Hays,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 1/10 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 12528 dated September 21, 1917, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1/10 of 1 cubic foot per second of said waters, with date of priority of September 18, 1916, and

WHEREAS, On the 3d day of February, A. D. 1917, L. H. Hays,

the holder of said permit, duly made proof of the application to beneficial use of 1/50 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to L. H. Hays,

of Wallace, County of Shoshone, State of Idaho, the holder and owner of said Permit No. 12528, a perpetual right, dating from September 18, 1916 to the use of 1/50 of 1 cubic foot per second of the waters of a small spring,

in the County of Shoshone and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point N. 28° 15' W. 532 ft. from the portal of the Omaha Tunnel,

and conducted to ~~and upon~~ the dwelling of applicant, about 140 feet from the spring,

for the purpose of 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 21st day of September, A. D., nineteen hundred and seventeen.

(Seal)

J. H. Smith,

State Engineer.

Application No. 18019
Permit No. 12528

APPLICATION FOR PERMIT

94-2103

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

District No. 91-C

1. Name of applicant: L.H. Hays

Postoffice address: Wallace County Shoshone State: Idaho

- I. If applicant is a corporation, give
- (a) Date and place of incorporation:
 - (b) The amount of capital stock:
 - (c) The amount paid in:
 - (d) Names and addresses of directors:

- II. The financial resources of the applicant are:
- (a) Cash on hand:
 - (b) Treasury stock:
 - (c) Bonds to be issued:
 - (d) Other resources:

2. The quantity of water claimed is one-tenth cubic feet per second.

3. Source of water supply: small spring

4. Location of point of diversion: N. 28° 15' W. 532 feet distant from the portal of the Omaha Tunnel and N. 28° 45' W. 420 ft. from Cor. 5 Sur. 1656 Silver Star Lode, and is in the SW $\frac{1}{4}$ of Section 9 T. 48 N.R. 5 E.P.M. County of Shoshone

5. To be used for: Domestic purposes (See "Remarks")

- I. Irrigation and domestic use:
- (a) Amount of land to be irrigated: acres.
 - (b) In the following legal subdivisions:

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

- (b) Amount of power to be generated: H. P. under ft. head
- (c) Is water to be returned to any stream? (d) If so, name stream and locate point of return:

6. Estimated cost of works: \$100

7. Description of works for diversion:

I. Kind of works: tank and 2" pipe

II. Dimensions of works:

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

(b) Capacity of reservoir acres feet. (c) Size of headgate, width feet,
Height feet. (d) Conduit width at bottom feet,
width at water line feet, depth of water feet; diameter of pipe

2 inches; average grade per mile is feet. Length of conduit is 140 feet, and it crosses the following quarter sections:

8. The time required for the completion of the construction of such work is one years.

9. Time required for the complete application of the water to the proposed use is one additional years.

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

L.H. Hays Applicant.

By A.H. Featherstone Agent.

Date of first receipt at office of State Engineer 9:00 A.M. Sep. 18, 1916

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 12528

Recorded in Book 43 Page 12528 Approved September 26, 1916

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 November 25, 1916 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 26, 1917

The whole of said work to be completed on or before September 26, 1917

Beneficial use of water appropriated in accordance herewith, to be made on or before September 26, 1918

Witness my hand this 26th day of September, 1916

J.H. SMITH State Engineer.

Remarks:

15. (a) Is reservoir to be used? No.

Point of use of water for domestic purposes is N. 35° 35' W. 649 feet from portal of Omaha Tunnel.

Proof of completion of works made August 15, 1917.

Certificate of completion of works issued September 21, 1917.

Permit No. 12528.

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that L. H. Hays of Wallace, County of Shoshone, and State of Idaho, the holder of Permit No. 12528, issued upon Application NO. 18019, bearing date of priority of September 18, 1916, authorizing the diversion of 1/10 of 1 second foot of the waters of a small spring, 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 1/10 of 1 second foot of the waters of a small spring; that the point of diversion of said waters is at a point N. 28° 15' W. 532 ft. from the portal of the Omaha Tunnel, and that the place of use of said waters is the dwelling of the applicant, about 140 feet from the spring.

Witness my hand this 21st day of September, A. D. 1917.

J. H. Smith,

State Engineer of the State of Idaho.

License issued for 1/10 of 1 second foot

Page 2153

Permit No. 12528

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Shoshone } SS.L H Hays, being first duly sworn upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 12528 and that his postoffice address is Sunnah State of Idaho.

Second: That the name of the stream from which said water is to be diverted is unnamed

Small Spring

Third: That the point of diversion of said water is N 28° 15' W 532 feet from
portal of Omaha Tunnel E 71 28° 45' N 425 ft from cor No 3 Sec 16 56
Star Road in SW 1/4 Sec 9 T 48 N R 32 W 30 E

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Sept 26 1917.

Fifth: That the use for which said water is intended is Domestic Purpose

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

I. Kind of works: bank of wood and 2" pipe 140' in

length

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam none feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir none feet.

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

(d) Conduit Pipe 2" width at bottom _____ feet, width at water

(State whether ditch, flume or pipe)

line _____ feet, depth of water _____ feet; diameter of pipe 2" inches;

average grade per mile is _____ feet. Length of conduit is 140 feet feet.

Seventh: That said works are capable of conducting to the place of intended use 1/10 second feet of water.

Eighth: That water appropriated under said permit is available for _____ acres of land described as follows: now for irrigation

Ninth: Remarks: That _____

L H Hays

(Sign here)

Subscribed and sworn to before me this 15 day of August, 1917.

Albert H. Robertson

Notary Public.

My commission expires May 20 1918

12528

75

PERMIT NO. _____

Proof of Application of Water to Beneficial Use**DEPOSITION OF HOLDER**

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

Ans. L. H. Hays, age forty-two, residence Sunset, Idaho; occupation accountant; postoffice address Sunset, 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. I am not acting in behalf of any corporation.

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

Ans. No. of Permit 12528; date September 18, 1916. September 18, 1916

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

Ans. Small spring. N. 28° 15' W. 532 feet distant from the portal of the Omana Tunnel and N. 28° 45' W. 420 ft. from Cor. 5 Sur. 16562 Silver Star Road, and is in the SW $\frac{1}{4}$ of Section 9, T. 48 N. R. 5 E. B. M., County of Shoshone, state of Idaho.

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 tank 4 $\frac{1}{2}$ by 4 $\frac{1}{2}$ feet and three feet high, and a pipe 2 inches in diameter, 140 feet long, to the dwelling house, which is capable of conveying one-tenth of one cubic foot per second.

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. For domestic purposes only, in dwelling 140 feet from point of diversion.

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

Ans. No power generated.

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

Ans. One-tenth of one cubic foot.

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. I am the original applicant.

12528

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

Ans. ~~To the full amount of the water diverted for a long time~~
prior to September 18th 1916

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. Has been used since date of diversion for domestic purposes
as above mentioned.

(Sign)

L H Stays

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 Wallace, County of

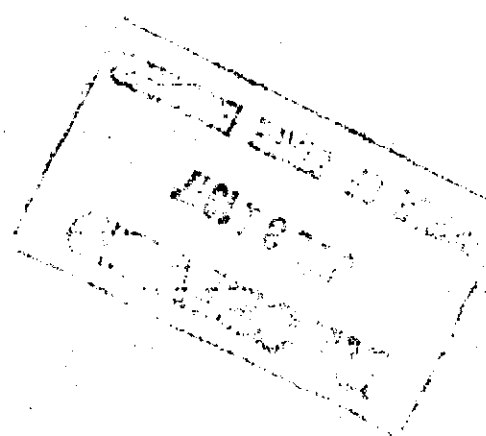
Shoshone

State of Idaho, on this 3rd day of February

A. D. 1917

Albert H. Seachuck
Notary Public

12528



Permit No.

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

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

Ans. R. G. Walton; age thirty-seven years; Occupation carpenter;
Postoffice, Sunset, Idaho.

Ques. 2. Are you acquainted with L. E. Hays, the holder of Permit No. 12528? How long have you known him and where does he reside?

Ans. Yes. Twelve years. He resides at Sunset, Idaho.

Ques. 3. Have you read or heard read said Permit No. 12528, 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. Small spring. N. 28° 15' W. 532 feet distant from the portal of
the Omaha Tunnel and N. 28° 45' W. 420 ft. from Cor. 5 Sur.
1656 Silver Lode, and is in the SW $\frac{1}{4}$ of Section 9, T.48 N.R.
5 E.B.M. The works of diversion consist of a tank 4 $\frac{1}{2}$ by 4 $\frac{1}{2}$ feet
and 3 feet high, and a pipe 2 inches in diameter, 140 feet long
to the dwelling house, which is capable of conveying one-tenth
of one cubic foot per second.

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. One-tenth of one cubic foot per second.

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.) 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. For domestic purposes only, in dwelling 140 feet from point
of diversion.

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

Ans. No power generated.

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. Not for irrigation purposes

12528

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. To the full amount for a long time prior to September 16, 1916.

(Sign)

R G Walton

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 Malheur, County of Shoshone.

State of Idaho, on this

3rd

day of

July

A. D. 1917

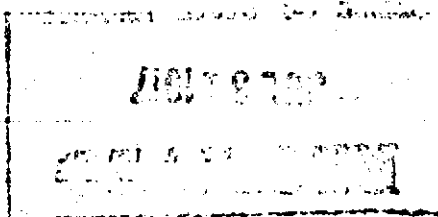
Albert H. Henderson

Notary Public.

My Commission Expires

May 20-1918

12528



Permit No.

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

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

Ans. Fred Bond. age thirty-seven. Mace, Idaho, Occupation merchant.
Postoffice Mace, Idaho.Ques. 2. Are you acquainted with L. H. Hays, theholder of Permit No. 12528? How long have you known him and where does he reside?

Ans. Eight years. He resides at Sunset, Idaho.

Ques. 3. Have you read or heard read said Permit No. 12528, 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. Small spring. N. 28° 15' W. 532 feet distant from the portal of the Omaha Tunnel and N. 28° 45' W. 420 ft. from Cor. 5 Sur. 1656 Silver Lode, and is in the SW $\frac{1}{4}$ of Section 9, T. 48 N.R. 5 E.D.M. The works of diversion consist of a tank 4 $\frac{1}{2}$ by 4 $\frac{1}{2}$ feet and 3 feet high, and a pipe 2 inches in diameter, 140 feet long to the dwelling house, which is capable of conveying one-tenth of one cubic foot per second.

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. One-tenth of one cubic foot per second.

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.) 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. For domestic purposes only. in dwelling 140 feet from point of diversion

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

Ans. No power generated

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. Not for irrigation purposes.

12528

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. To the full amount for a long time prior to September 18, 1916.

(Sign)

Gard Bond

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 Wallace, County of Shoshone,

State of Idaho, on this 3rd day of February A. D. 1917

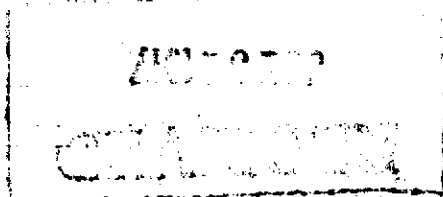
Albert H. Featherston

Notary Public.

My Commission Expires

May 20th 1918

12528



REPORT OF ENGINEER

1. State name of applicant and number of permit: 12528
2. State source of water supply: small spring.
3. Location of point of diversion: N. 28° 15' W. 532 ft. from the portal of the
Omaha Tunnel.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.
5. Describe works as they exist, giving dimensions and capacities of same: Tank, 4½' x 4½' x
3 ft. deep, 2" pipe, 140 feet.
6. State whether or not water has been turned into works of diversion: Yes
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):
8. Submit map on enclosed plat, showing location and details of above description.

Remarks:

This examination was made on the 7th day of February 1917.

(Signed)

J. S. Merriam

Examiner.

(This report must be sworn to when not made by an attache of the State Engineer's office)

STATE OF IDAHO

County of

SS.

Shoshone }
W. J. Murrian, 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.

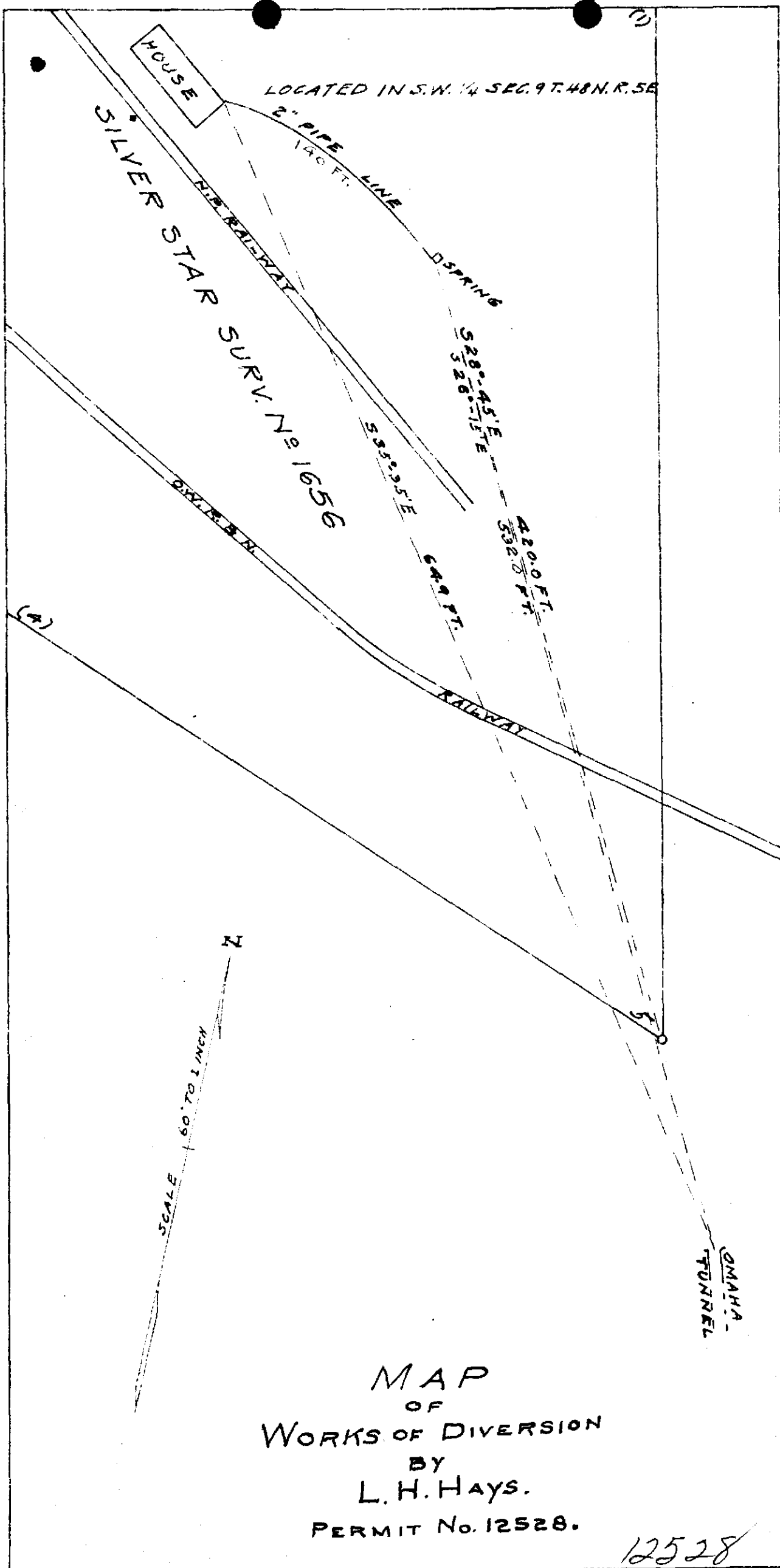
Subscribed and sworn to before me this 2nd day of April 1917

Walter B. Griffith
Notary Public.

My Commission Expires Oct 9, 1919

FOR THE STATE OF IDAHO

12528



MAP
OF
WORKS OF DIVERSION
BY
L. H. HAYS.
PERMIT No. 12528.

12528

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 3rd day of February, 1917,
 at at Wallace, County of Shoshone, State of Idaho,
 before A. H. Featherstone, Notary Public, proof will be submitted
 of the application to beneficial use of 1/10 of 1 cubic ~~foot~~ per second of the
 waters of a small spring, in accordance with the terms and conditions of
 Permit No. 12528, 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
L. H. Hayes, Sunset, Idaho.

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

3. The amount applied to beneficial use is 1/10 of 1 ~~xxx~~ cubic foot per second.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) N. 25° 35' W. 649 feet from portal of Omaha Tunnel.

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

5. The right to take the water from such works is based upon Permit No. _____

6. The source of supply from which such water is diverted is a small spring

8. The date of the priority which said user is prepared to establish is Sept. 18, 1916.

J. H. Smith,

State Engineer.

12528