

County: Shoshone,
Stream: Big Creek,
Amount: five (5) cu.ft.
Use: Domestic and fire protection.
Priority: April 13, 1915.

1914

STATE OF IDAHO

Water License No. 11212

WHEREAS, On the 13th day of April, A. D. 1915, Kellogg Power & Water Company, of Kellogg, County of Shoshone, State of Idaho, duly made application (No. 16285) to me for a permit to use five (5) cubic feet per second of the waters of Big Creek, County of Shoshone, State of Idaho, for domestic & fire protection purposes, and,

WHEREAS, On the 3rd day of June, A. D. 1915, Permit No. 11212 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 3rd day of June, A. D. 1916, and for the application to beneficial use of said water on or before the 3rd day of June, A. D. 1912, and,

WHEREAS, On the 5th day of October, A. D. 1915, Kellogg Power & Water Company, the holder of said permit, duly made proof of the completion of adequate works for the diversion of five (5) cubic feet per second of said waters, as evidenced by my Certificate No. 11212 dated November 5, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use five (5) cubic feet per second of said water with date of priority of April 13, 1915, and

WHEREAS, On the 27th day of November, A. D. 1915, Kellogg Water & Power Company the holder of said permit, duly made proof of the application to beneficial use of five (5) cubic feet 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 Kellogg Power & Water Company,

of Kellogg, County of Shoshone, State of Idaho, the holder and owner of said Permit No. 11212, a perpetual right, dating from April 13, 1915, to the use of five (5) cubic feet per second of the waters of Big Creek

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 which bears N. 36° W., 1589

feet from the east one-fourth corner of Sec. 10, T. 48 N., R. 3 E., B.M., and conducted to and upon the townsite of Kellogg, in the E $\frac{1}{2}$ of Sec. 6, T. 48 N., R. 3 E., B.M. and additions thereto in Section 6, and also to the townsite of Wardner in Sec. 7, T. 48 N., R. 3 E., B.M.

for the purpose of domestic use and fire protection, 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 December A. D. nineteen hundred and fifteen.

J. H. SMITH

94 2394

(Seal)

State Engineer:

No. 16285

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

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: 1898, Kellogg, Idaho

(b) The amount of capital stock: 150000

(c) The amount paid in: 150000

(d) Names and addresses of directors: Ewen McIntosh, Monrovia, Cal. John Weber, Wardner, Idaho, P. P. Weber, Kellogg, Idaho, David Rees, Venetria, Pa., B. A. McIntosh, Kellogg, Idaho.

II. The financial resources of the applicant are: (a) Cash on hand \$275.27

(b) Treasury stock: none (c) Bonds to be issued: none

(d) Other resources: The Holdings of the Kellogg Power and Water Company valued at \$25375.50

2. The quantity of water claimed is five cubic feet per second.

3. Source of water supply: Big Creek

4. Location of point of diversion: SE $\frac{1}{4}$ Of NE $\frac{1}{4}$ of Section 10, Tp. 48 N. R. 2 E. B. M.

County of Shoshone

5. To be used for: Domestic Purposes

I. Irrigation and domestic use: (a) Amount of land to be irrigated: none acres.

(b) In the following legal subdivisions:
Towns of Wardner & Kellogg.

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: \$25,000.00

7. Description of works for diversion:

I. Kind of works: Pipes

II. Dimensions of works:

(a) Height of dam 4 feet, length of dam at top 20 feet,

length of dam at bottom 18 feet. Material used in construction Wood and concrete

(b) Capacity of reservoir acre feet. (c) Size of headgate, width two feet,

Height two feet. (d) Conduit pipe width at bottom feet,

width at water line feet, depth of water 1 feet; diameter of pipe

10 inches; average grade per mile is 40 feet. Length of conduit is 3 $\frac{1}{2}$ miles, and it crosses the following quarter sections:

NE $\frac{1}{4}$ of Section 10, SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 3, SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 4, SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sect. 5, N. E. $\frac{1}{4}$ Sec. 6

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 six 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.

Kellogg Power & Water Co.

By W. F. Smith

By D. Rees

Applicant.

Agent.

Date of first receipt at office of State Engineer 2:00 P. M. Apr. 13, 1915.
 Returned to applicant for correction Apr. 26, 1915.
 Corrected application received May 3, 1915

APPROVAL OF STATE ENGINEER

The number of this permit is 11212
 Recorded in Book 38 Page 11212 Approved June 3, 1915.
 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 August 2, 1915 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 December 3, 1915.
 The whole of said work to be completed on or before June 3, 1916.
 Beneficial use of water appropriated in accordance herewith, to be made on or before June 3, 1922

Witness my hand this 3rd day of June, 1915.

J. H. Smith
 State Engineer.

Remarks:

Owing to the growth of the town and the increased demand for water for domestic purposes, it is necessary to obtain this water in order that we may supply the demand.

BEFORE THE STATE ENGINEERING DEPARTMENT OF THE STATE OF IDAHO

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In the Matter of the Permit
 -of the-

Kellogg Power and Water Com-
 pany No. 11, 212.

STATE OF IDAHO,)
)
) SS:
 COUNTY OF SHOSHONE.)

W.F.Smith, being first duly sworn deposes and says: That he now is and at all times hereinmentioned was the duly elected, qualified and acting Secretary of the Kellogg Power and Water Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, and the corporation to which Permit was issued by the State Engineer of the State of Idaho on application to appropriate five cubic feet per second of the water of Big Creek in the County of Shoshone, State of Idaho, and that he makes this affidavit for and in behalf of the said corporation; that the application for said permit and the map accompanying the same, erroneously described the point of diversion of the said water from said Big Creek as being in the Southeast quarter of the Northeast quarter of Section Ten (10) Township Forty-eight (48) North, Range Two (2) E.B.M., Whereas, as a matter of fact, the said point of diversion is in the Southeast Quarter of the Northeast Quarter of said Section Ten (10) in Township Forty-eight (48) North, Range three (3) E.B.M.

Affiant further deposes and says that no part of said Big Creek is in Range two (2) and that in giving the point of diversion as being in Range Two (2) an error was made.

WHEREFORE, Petitioner on behalf of said corporation prays that the said application may be corrected and the records in the office of the STATE ENGINEER of the State of Idaho may also be corrected so, as to show that the said point of diversion is in Range Three (3) instead of Range Two (2).

W.F.Smith.

Subscribed and sworn to before me this 12th day of July, A.D.1915.

(SEAL)

W.A. Barte;,
Notary Public in and for the State of Idaho,
residing at Kellogg.

Received and filed for record in the office of the State Engineer at Boise,
9.00 A M July 14, 1915.

J.H.Smith,

State Engineer.

Proof of completion of works made
October 5th, 1915.

Certificate of completion of works
issued November 5th, 1915.

Permit No. 11212.

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. 11212, issued upon Application No. 16285, bearing date of Priority of April 13, 1915, authorizing the diversion of five (5) second feet of the waters 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 five (5) second-feet of the waters of Big Creek; that the point of diversion of said waters is in the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Tp. 48 N., R. 3 E.B.M.; and that the place of use of said water is in the towns of Wardner & Kellogg, County of Shoshone, State of Idaho.

Witness my hand this 5th day of November, A.D.1915.

J.H.Smith,

State Engineer of the State of Idaho.

License issued for 5 second

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AFFIDAVIT FOR CHANGE OF POINT OF DIVERSION OF WATER RIGHT

PERMIT NO. 11212.

STATE OF IDAHO)
) ss:
COUNTY OF SHOSHONE)

WILLIARD C. JOHNSON, being first duly sworn, deposes and says: That his postoffice address, Kellogg, Idaho, that he is the Manager of the Kellogg Power & Water Company, a corporation, which said Kellogg Power & Water Company is the owner of and using a certain water right, for five cubic feet per second, of the water of "BIG CREEK", Co of Shoshone, State of Idaho, obtained by virtue of Permit to appropriate the public waters of the State of Idaho, 11212, issued by the Department of Reclamation of the State of Idaho, dated June 3, 1915, bearing date of prior April 13, 1915, for the purpose of a domestic water supply for the City of Kellogg, Idaho, and other purposes and that the said Kellogg Power & Water Company is the company to which said right was issued.

That said waters are now diverted from said stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Twp. 48 N, R. 3 E. B. M. conducted to the place of use through the said company's pipe lines, as per map filed herewith and of this affidavit a part; That affiant desires to change the point of diversion of said waters from the point above described to a point located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 22, Twp. 48 N., R. 3 E. B. M., and thereafter conduct same to the above described point of use through the company's pipe lines as per map above referred to:

That the reason for desiring to make such change is to prevent excessive pollution; that no one will be injured by such change and that such change has already been made at affiant's own risk and expense, and the purpose of this affidavit is for the purpose of having such change of point of diversion of record in the office of the Department of Reclamation of the State of Idaho

(Signed) Williard C. Johnson
Manager of the Kellogg Power &
Water Company.

Affiant.

Subscribed and sworn to before me this 6th day of November, 1931.

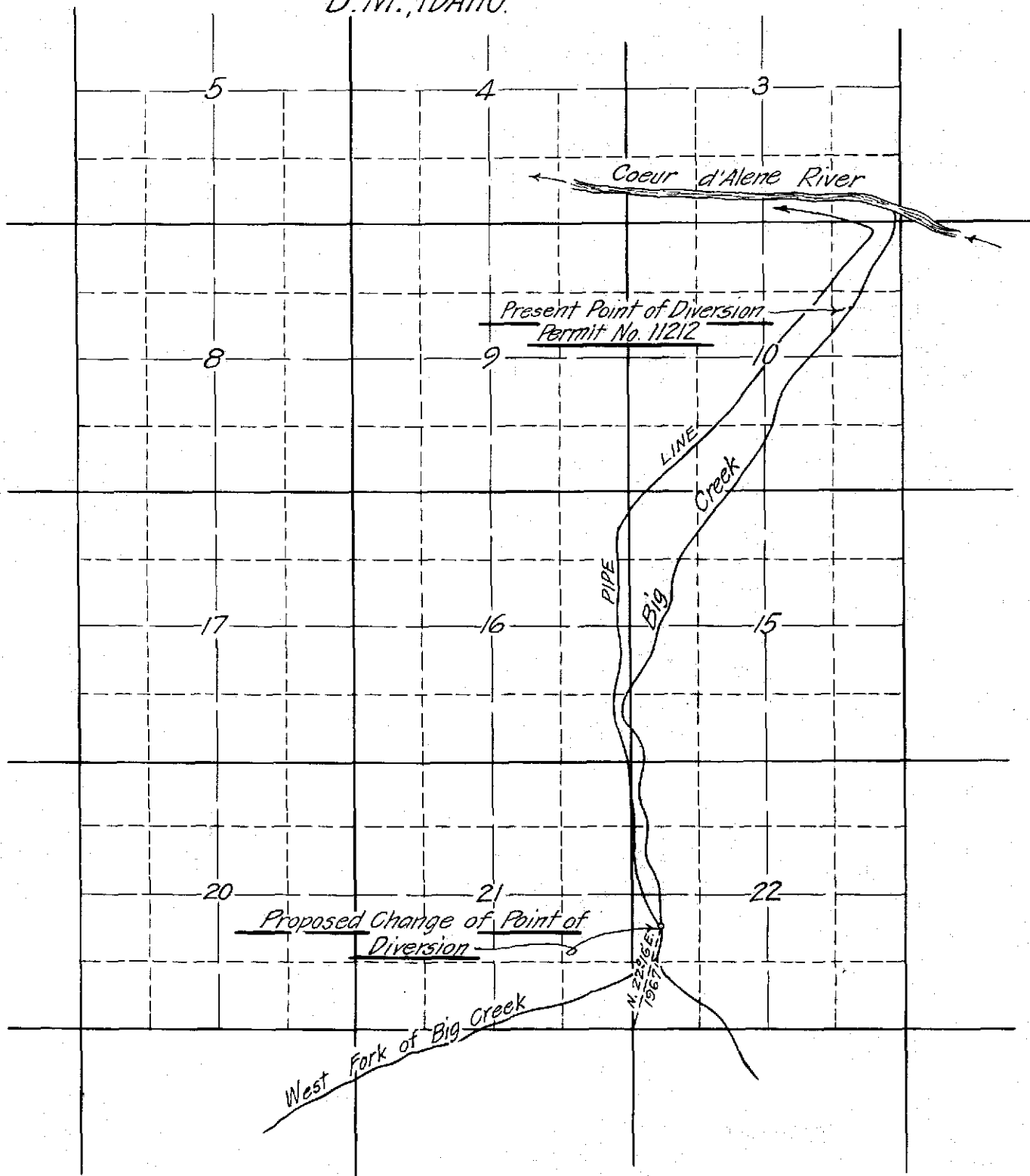
(Signed) Edid Quivey
Notary Public in and for the
State of Idaho
Residence, Boise, Idaho.

My commission expires April 11, 1933.

(SEAL)

Permit No 11212

T. 48 N., R. 3 E.
B.M., IDAHO.



Map To Accompany
Proposed Change of Point of Diversion of
Water from Big Creek By
Kellogg Power and Light Co.
By Willard Johnson - Agent
Nov. - 1931

PERMIT No. 11,212**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

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

Ans. Wm. F. Smith: 32 Years: Residence, Kellogg, Idaho: Secretary and Treasurer of Kellogg Power and Water Company and dealer in lumber and feed; Post Office Address, Kellogg, 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 acting for Kellogg Power and Water Company, whose principal place of business is Kellogg, Idaho. I am secretary of said corporation and appear for it by authority of a resolution of its board of directors.

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

Ans. No. of Permit is 11,212; date of permit is, June 3, 1915, and propose to establish as date of priority April 13, 1915.

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

Ans. Source of supply is Big Creek, in Shoshone County, Idaho, and the exact point of diversion is a point whence the southeast corner of the south half of the North-east Quarter of Section 16, Township Forty-eight (48) North, Range Three (3) E. B. M. bears south 36° east 1588.96 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. Water is diverted by means of a concrete dam across creek at point of diversion and is conveyed from point of diversion through ~~the~~ wooden pipes to city of Kellogg - the first 17,120 feet of said pipe being twelve inches in diameter and the remainder or 2380 feet thereof being ten inches in diameter - the pipe line being called Big Creek Pipe line capable of carrying between four and five cubic feet per second to end of large pipe.

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

Ans. Water is used for domestic purposes by inhabitants of cities of Kellogg, and Wardner, Idaho, and in vicinity thereof and also for fire protection by said cities and sprinkling their streets and flushing sewers in city of Kellogg, Idaho.

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

Ans. The water is brought through a wooden pipe from point of diversion to a pumping station in said Kellogg from where it is pumped to high ground and forced through mains for the uses above mentioned.

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

Ans. as towns grow will probably require full five cubic feet per second.

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

Ans. _____

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

Ans. October 10, 1915. water is being diverted by said dam through said pipe line to full capacity thereof.

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.

(Sign)

Wm. F. 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, at my office in Kellogg, _____, County of Shoshone, _____, State of Idaho, on this 27th day of November

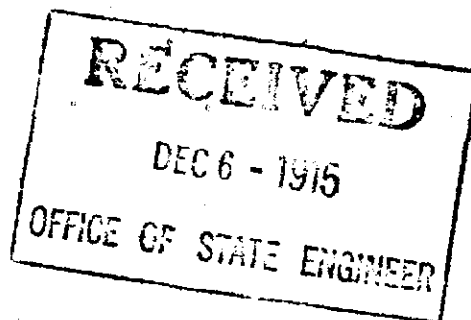
A. D. 1915.

W. F. Smith
Notary Public for Idaho,
residing at Kellogg, Idaho.

My commission expires June 29, 1916

NOT '03 and '04 were not signed by

11212



Permit No. 11,212....

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

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

Ans. William Voightlander; sixty two years old; Residence, Kellogg, Idaho; Formerly a miner, now retired, Post Office Address, Kellogg, Idaho.

Ques. 2. Are you acquainted with Kellogg Power and Water Company, the holder of Permit No. 11,212....? How long have you known ^{it} ~~him~~ and where does ^{it} ~~he~~ reside?

Ans. Yes. I have known ^{it} ~~him~~ for at least twelve years during all of

which times it has done business in Wardner and Kellogg,

Idaho, and all of its officers have been residents of said Kellogg, Idaho. ~~Idaho, and all of its officers have been residents of said Kellogg, Idaho.~~

Ques. 3. Have you read or heard read said Permit No. 11,212...., 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. Big Creek; place of diversion is the South east Quarter of the North east quarter of Section 10, Tp. 48 North, Range 3 E. B. M. , Concrete dam across creek at point of diversion, water conveyed thence through twelve inch pipe most of way and rest of way through ten inch wooden pipe to city of Kellogg where it connects with a pump that pumps to high ground and then water is forced through mains supplying inhabitants of cities of Wardner and Kellogg with water for domestic purposes and the cities of Wardner and Kellogg with water for fire protection.

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?

1 Ans. All I can say is that the pipes run full all the time.

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. Water is used by the inhabitants of the Cities of Wardner and Kellogg for domestic purposes and by said municipalities for fire protection, sprinkling streets and flushing sewers.

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

Ans. Domestic use for residents of Cities of Kellogg and Wardner, ~~Ida~~ Idaho, and for fire protection to inhabitants of said cities and for sprinkling streets and flushing sewers in Kellogg.

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. I have no interest in said works or water whatever.

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.

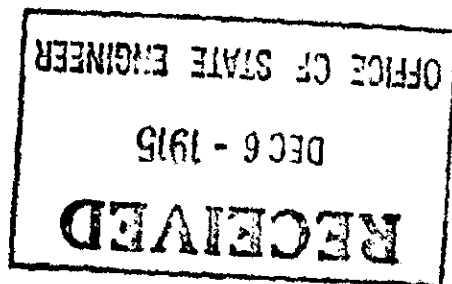
Ans. I have seen the water running through the Pipes to full capacity and pumped up through the mains and know that it is being used for the purposes hereinbefore mentioned from actual observation.

(Sign) *Wm. Voigtlander*

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 twenty seventh day of November, A. D. 1915.

My Commission Expires June 30, 1916.

Geo. Summons
Notary Public
for Idaho, Residing at Kellogg,
Idaho.



Permit No. 11212

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans.

*James H. Ross, Jr. Bookkeeper,
Residence 1000 Keellogg Ave. Kellogg, Idaho*

Ques. 2. Are you acquainted with *Keellogg Power & Water Co.*, the holder of Permit No. 11212? How long have you known *it* and where does *it* reside?

Ans.

*Yes Since February 1915 Stoppage
place of business is Kellogg Idaho*

Ques. 3. Have you read or heard read said Permit No. 11212, 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.

*Big Creek, 136 ft above Owl Creek, conveyed
by 12" pipe 17,120 ft, & 2380 ft 10" pipe connecting
with City mains - Pumped to high ground, diverted from Creek
from the SE 1/4 of NW 1/4 Sec 10, T48 N2, R3 E, by Concrete Dam, from
High Ground water is forced through all mains for Kellogg and part of the City
of Hardner.*

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.

All Sanitary Water possible above pipes full

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.

*Domestic and Fire Purposes for the City
of Kellogg Idaho, and City of Hardner Idaho, also used by
this City for sprinkling streets and flushing sewers*

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

Ans.

*Lower Triplex pump 8" x 12" x 12" Capacity
Domestic Purpose for the use of the people of Cities of
Kellogg and Hardner Idaho, and fire protection, Street sprinkling
and flushing sewers in the City of Kellogg*

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.

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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 Interest whatever

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.

Have use of water as Residenc as pressure of 150 pounds. Also have visited pumping station several times and am familiar with the service. Have also visited the dam and whole pipe system from point of diversion on Big Creek to the pumping station.

(Sign)

James J. 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, in Kellogg, County of Shoshone,

State of Idaho, on this

27th

day of

November

A. D. 1915

C. W. Simmons

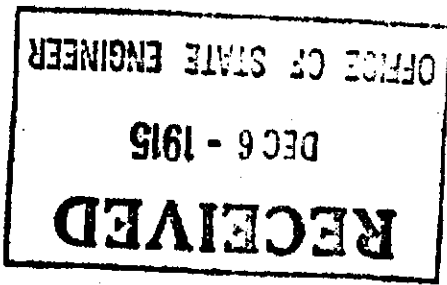
Notary Public.

for Shoshone Co. Idaho

My Commission Expires

June 29th 1916

11212



REPORT OF ENGINEER

Kellogg Power and Water Company
Permit No 11212

1. State name of applicant and number of permit: _____

2. State source of water supply: Big Creek, Shoshone County, Idaho3. Location of point of diversion: Bears N 36° W. 1589 ft from
E 1/4 Sec 10 T48N R3E B.W.4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Works of diversion are fully completed in accordance with terms of permit for approximately one half acre5. Describe works as they exist, giving dimensions and capacities of same: Concrete

3 1/2' high for bottom creek bed downstream face - 5' long on top, 2' wide on top
2" batter on downstream face - two 12 ft wing walls of concrete
1700 ft 12" wood stave pipe - 2380 ft 10" wood stave pipe to valve
635 ft 6" cast iron pipe to pressure pump - capacity 25 galls. per min.
Head approximately 100 ft.

Distributing system includes 2170 ft 8" pipe, 4800 ft 4" pipe, 4300 ft 3" pipe
9000 ft 2" pipe, 1500 ft 1" pipe and 700 ft 3/4" pipe

Cast iron pipe used under railroad crossings

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

Water has been turned into pipe line

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): _____

Kellogg Townsite (E 1/2 Sec 6 - T48N R3E B.W.) and
additions thereto in said Section 6.
Wardner Townsite in Sec 7 T48N R3E B.W.

For Domestic Consumption in above cities

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: Location of point of diversion checked by resurvey
Map made from surveys of the company but found by
inspection to be correct within the limits of this
map.

This examination was made on the 26 day of November 1915(Signed) Fred W. Callaway Examiner.

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of water applied for.

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

STATE OF IDAHO

County of

Shoshone

SS.

Fred W Callaway

, being first duly sworn, deposes and says that the state-

ments 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 November 1915

My commission expires June 29, 1917

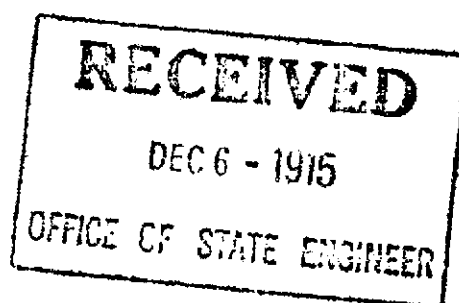
C. S. Summons

Notary Public.

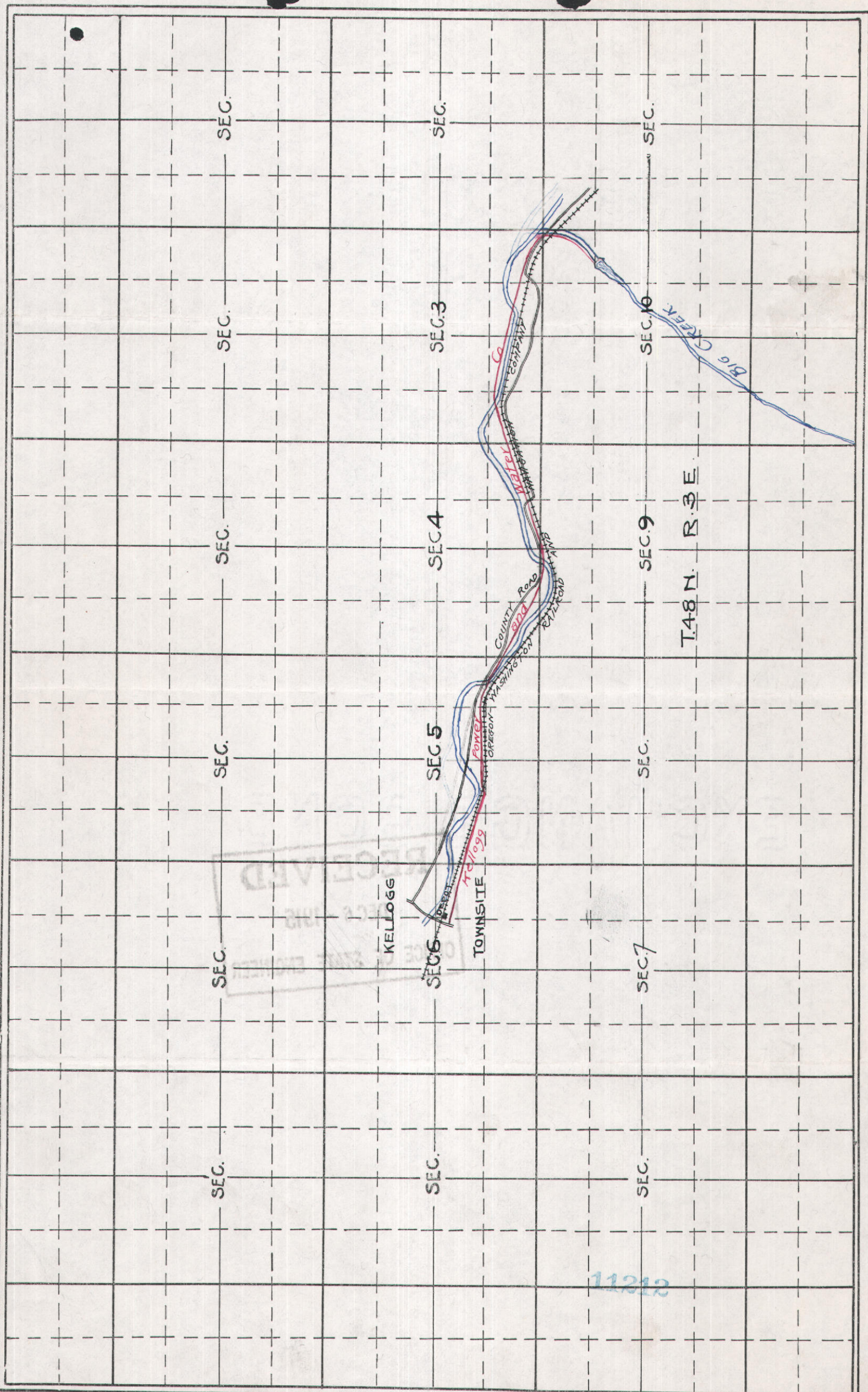
My Commission Expires

Residing at Kellogg
Shoshone Co Idaho

11212



Name of Applicant KELLOGG POWER AND WATER



NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 27th day of November, 1915,
 at the City of Kellogg, County of Shoshone, State of Idaho,
 before C. W. Simmons, a Notary Public, proof will be submitted
 of the application to beneficial use of Five cubic feet per second of the waters of
Big Creek in Shoshone Co., Idaho in accordance with the terms and conditions of Permit No. 11,212
 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 Kellogg Power and Water Company of Kellogg, Shoshone County, State of Idaho.
2. The use to which said water has been applied is domestic use and fire protection for the inhabitants of the cities of Kellogg and Wardner, Idaho.
3. The amount applied to beneficial use is Five 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) the cities of Kellogg and Wardner, in Shoshone County, State of Idaho.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is the Kellogg Power & Water Company's Big Creek Pipe line.
6. The right to take the water from such works is based upon Permit No. 11,212
7. The source of supply from which such water is diverted is Big Creek and is diverted from a point whence the Southeast corner of the South half of the NE $\frac{1}{4}$ of sec. 10, Twp. 8 N. R. 3 E. B. M. bears S. 36° E. 1588.96 feet. in Shoshone County, State of Idaho.
8. The date of the priority which said user is prepared to establish is the 3rd day of June, 1915.
April 3, 1915. J. H. Smith.

R. B. HARRIS
 State Engineer.

OFFICE OF STATE ENGINEER

Permit No. 11,212

Proof of Completion of Works

Affidavit of Holder

STATE OF IDAHO,

County of Shoshone

ss.

Oct 9 - 1915

-----W. F. Smith----- being first duly sworn upon his oath deposes and says:
 That he is Secretary of the Kellogg Power and Water Company, a corporation,
 and makes this affidavit for and in behalf of said corporation.
 First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State
 of Idaho, No. 11,212 and that his postoffice address ~~is~~ and the post office address
 of said corporation is Kellogg, County of Shoshone, State of Idaho.
 State of -----

Second: That under the terms and conditions of said permit, construction thereunder was required
 to be completed by -----June Third-----, 1916.

Third: That the use for which said water is intended is domestic use for the inhabi-
tants of the cities of Kellogg and Wardner, Shoshone County, Idaho
and fire protection. That on the 1st of October, 1915 the works constructed under said permit were ~~for~~
~~not~~ fully completed and consisted of the following:

I. Kind of works: Dam across creek at point of diversion.

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

II. Dimensions of work:

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

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

(b) Capacity of reservoir -----acre-feet.

(c) Size of headgate: Width about 3 feet, height about 2 feet.

(d) Conduit wooden pipe width at bottom -----feet, width at water
 line -----feet, depth of water -----feet, diameter of pipe twelve inches;

average grade per mile is ---37--- feet. Length of conduit is four miles.

Fifth. That said works are capable of conducting to the place of intended use five
cubic----- second feet of water.

Sixth. That water appropriated under said permit is available for ----- acres of land
 described as follows:

Seventh. Remarks: That the water is now being used by the inhabitants
 of the cities of Kellogg and Wardner, Shoshone County, Idaho for
 domestic use and available to the said cities for protection against
 fire.

W F Smith

Sign here.

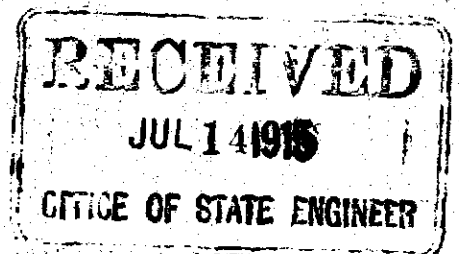
Subscribed and sworn to before me this 5th day of October, 1915.

My commission expires Oct. 10, 1916.

James E. Gyle
 Notary Public in and for the State of
 Idaho, residing at Wallace, Idaho.

BEFORE THE STATE ENGINEERING DEPARTMENT OF THE
STATE OF IDAHO

-----000-----
: : : : :
In the Matter of the Permit :
: : : : :
-of the- :
: : : : :
Kellogg Power and Water Company, :
No. 11,212. :
: : : : :



: : : : :
STATE OF IDAHO,)
COUNTY OF SHOSHONE,) SS.

W.F. Smith, being first duly sworn deposes and says: That he now is and at all times herein mentioned was the duly elected, qualified and acting Secretary of the Kellogg Power and Water Company, a corporation organized and existing under and by virtue of the laws of the State of Idaho, and the corporation to which Permit was issued by the State Engineer of the State of Idaho on application to appropriate five cubic feet per second of the water of Big Creek in the County of Shoshone, State of Idaho, and that he makes this affidavit for and in behalf of the said corporation; that the application for said permit and the map accompanying the same, erroneously described the point of diversion of the said water from said Big Creek as being in the Southeast Quarter of the Northeast Quarter of Section Ten (10), Township Forty-eight (48) North, Range Two (2) E. B. M.. Whereas, as a matter of fact, the said point of diversion is in the Southeast Quarter of the Northeast Quarter of said Section Ten (10) in Township Forty-Eight (48) North, Range Three (3) E. B. M..

Affiant further deposes and says that no part of said Big Creek is in Range Two (2) and that in giving the

point of diversion as being in Range Two (2) an error was made.

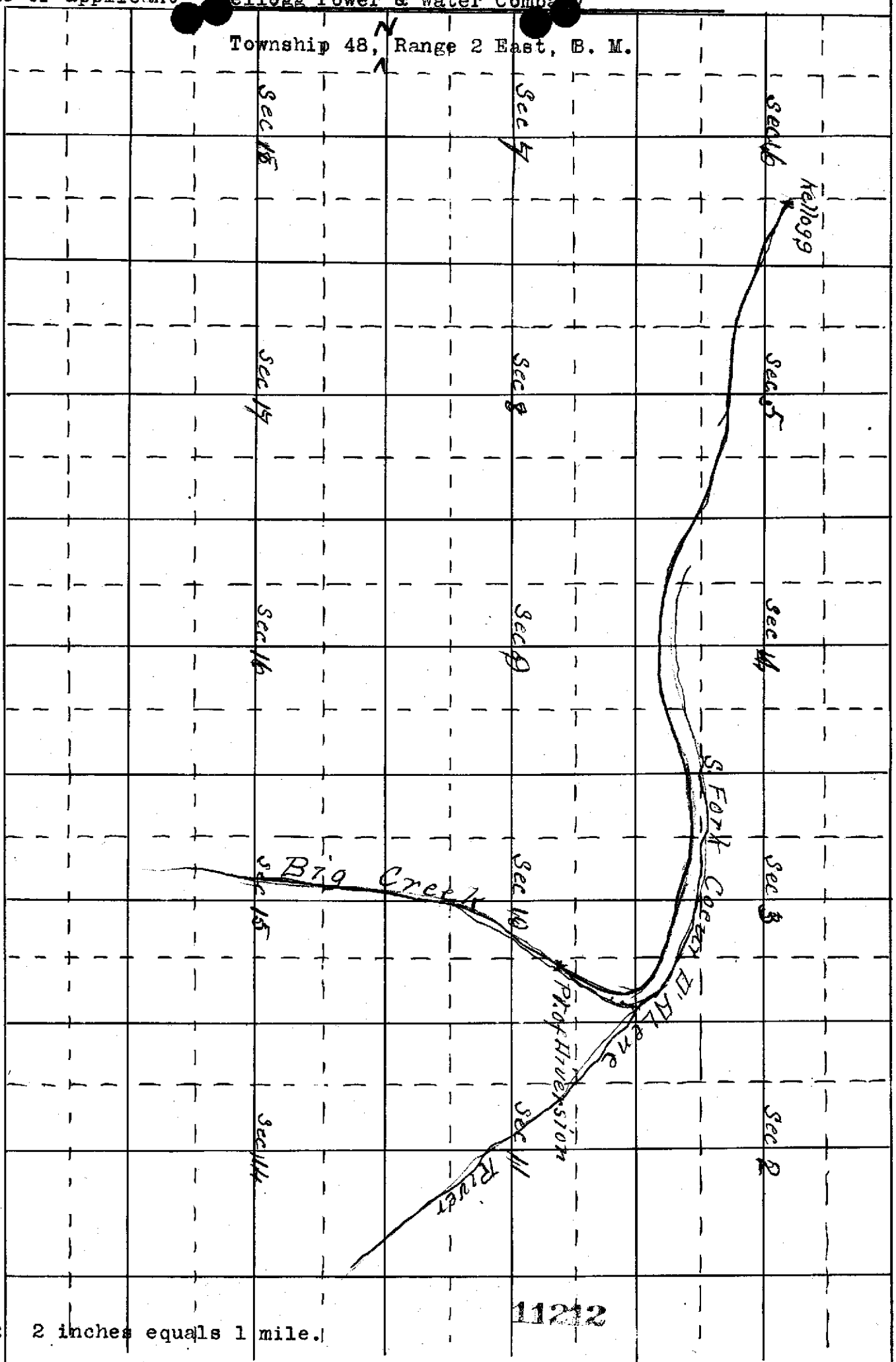
WHEREFORE, Petition^{er} on behalf of said corporation prays that the said application may be corrected and the records in the office of the State Engineer of the State of Idaho may also be corrected so that the said point of diversion is in Range Three (3) instead of Range Two (2).

Subscribed and sworn to before me this 12th day of July A. D. 1918.

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

Name of applicant Kellogg Power & Water Company

Township 48, Range 2 East, B. M.



Scale: 2 inches equals 1 mile.

11212