

State of Idaho
License and Certificate of Water Right

Water License No. 9648
Water District No. 91 E

Amount 5 cu. ft.
Priority 8-28-13

THIS IS TO CERTIFY that the Cedar Creek Mining and Development Co., Ltd., of Wallace, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated August 28th, 1913; that Permit No. 9648 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5 second feet, was issued thereunder on July 21st, 1916, showing that said works were completed on the 23d day of June, 1916; and that on the 27th day of September, 1918, the Cedar Creek Mining and Development Company, Ltd.,

of Wallace, State of Idaho, made proof to the satisfaction of the State Engineer of Idaho, of a right to the use of the waters of Cedar Creek, a tributary of Granite Creek, for the purpose of power, under Use Permit No. 9648 of the State Engineer, 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 State Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2458, on the 12th day of April, 1919;

The right hereby confirmed dates from August 28th, 1913;

The Point of Diversion is located 1600 feet westerly from point of confluence of Cedar and Granite Creeks, $\frac{1}{4}$ Sec. 27, Tp. 49 N., R. 5 E., B.M.

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 five cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			At compressor for power and six hundred feet below for milling purposes.		

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 State Engineer, affixed at Boise, Idaho, this 12th day of April, 1919.

W. G. Swendsen
Commissioner of Reclamation. State Engineer

No. 14402.

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of applicant: Cedar Creek Mining and Development Co., Limited.

Postoffice address: Wallace, Idaho

County,

Shoshone

State,

Idaho.

I. If applicant is a corporation, give

(a) Date and place of incorporation, June 28, 1905, Wallace, Idaho.

(b) The amount of capital stock: 1,000,000 shares (c) The amount paid in: All paid in.

(d) Names and addresses of directors J. W. Wyer, Clem Meyer, Jno. M. Wyer and Wm. Becker, all of Wallace, Idaho.

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

(b) Treasury stock: 79,835 shares (c) Bonds to be issued:

(d) Other resources: 14 lode mining claims.

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

3. Source of water supply: Cedar Creek, a branch of Granite Creek.

4. Location of point of diversion: 1600 feet westerly from point of confluence of Cedar and Granite Creeks

County of Shoshone

5. To be used for:

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: At Compressor for power and 600 feet below for milling purposes.

[b] Amount of power to be generated: 160

H. P. under 315 ft. head

[c] Is water to be returned to any stream? Yes

(d) If so, name stream and locate point of

return: Into Granite Creek below proposed mill.

6. Estimated cost of works: \$3500.00

7. Description of works for diversion:

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

II. Dimensions of works:

[a] Height of dam six feet, length of dam at top 75 feet,

length of dam at bottom 75 feet. Material used in construction: Wood, Stone and earth.

[b] Capacity of reservoir 25,000 cu. ~~1500~~ feet. [c] Size of headgate, width one feet,

Height one feet. (d) Conduit 8 to 10 ins. width at bottom feet,

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

8 to 10 inches; average grade per mile is 530 feet. Length of conduit is 3700 ft. ~~and~~ and it crosses the following quarter sections: (approximately) of the Unsurveyed lands 22 and 27; Tw. 49 N., R. 5 E.B.M.

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

9. Time required for the complete application of the water to the proposed use is two 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.

The Cedar Creek Mining and Development Co.,

Applicant.

By Wm. Becker,
and Secretary.

Agent.

Date of first receipt at office of State Engineer 9.00 A.M. August 28, 1913.

Returned to applicant for correction September 2, 1913.

Corrected application received September 12, 1913.

APPROVAL OF STATE ENGINEER.

The number of this permit is 9648.

Recorded in Book 32 Page 9648 Approved September 27, 1913.

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 26, 1913, 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 27, 1915.

The whole of said work to be completed on or before September 27, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before September 27, 1918.

Witness my hand this 27th day of September. 1913.

F.P.King,
State Engineer.

Remarks:

It is not intended to impound any winter or Spring flow. The purpose of a dam and reservoir is to preserve a constant head in order to have steady power. It is the intention of this company to use water thus applied for, for power purpose, to drive a tunnel to tap their ore body at a lower depth of 200 feet below the present showing of ore. In the upper workings during the last winter all power and working plants were destroyed by snow slides and as a matter of safety it has been decided to undertake another tunnel. After using this water for power it is proposed to use it for mill purposes at a point 600 feet below the compressor giving a further head of 50 feet.

Other than necessary treasury stock the Company will pay for this work by assessments as they have done for all work to date amounting to over \$80,000.00 (Eighty thousand).

It is not the intention to use the resources of the treasury stock at present.

.....

Permit No. 9648

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:-

This is to certify that Cedar Creek Mining & Development Co., Limited, of Wallace, County of Shoshone, and State of Idaho, the holder of Permit No. 9648 issued upon Application No. 14402, bearing date of priority, of August 28, 1913, authorizing the diversion of five (5) second feet of the waters of Cedar Creek, County of Shoshone, State of Idaho, for power and milling purposes, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of 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 Cedar Creek; that the point of diversion of said waters is 1600 feet westerly from point of confluence of Cedar and Granite Creeks; and that the place of intended use of said water is at the Compressor for power, and 600 feet below for milling purposes.

Witness my hand this 21st day of July, A.D. 1916.

J.H. SMITH, State Engineer of the State of Idaho.

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REPORT OF ENGINEER

This proof is for _____

In Water District No. 918

1. State name of applicant and number of permit: Cedar Creek Mining and Development Co #448
 2. State source of water supply: Cedar Creek
 3. Location of point of diversion: N.E. 1/4 NW 1/4 Sec. 27 T. 49 R. 5 E B.M.

4. Describe works as they exist, giving dimensions and capacities of same: Water is diverted from Cedar Creek by a dam 75 ft. long by 6 ft. deep, made of wood, earth and stone. The water then is conveyed to point of use through steel pipe starting at a diameter of 10 inches and reducing to 8 inches and thence to 6 inches at point of use. At point of use a Charlesair compressor has been installed and air so furnished has been used in actual mining operations

5. State whether or not water has been turned into works of diversion: Yes

6. Give exact location 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):

This water is used to generate power for a compressor on the west bank of Granite Creek in the S.E. 1/4 of S.E. 1/4 of Sec. 22 T. 49 N. R. 5 E B.M.

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

8. How many parties conduct water in this system? one only

9. Give names and amount of each right: _____

10. What large stream would the water here appropriated finally reach? North Fork Colorado River

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

From point of use, empties into Granite Creek, thence into Richland Creek, thence into the North Fork of the Colorado River.

Remarks:

The power so furnished has been used to run a long tunnel known as Cedar Creek No. 3 tunnel.

This examination was made on the 15 day of September 1918

(Signed)

Charles F. J. 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 Shoshone } ss.

Charles F. Merriam, 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 March 1919

My commission expires _____

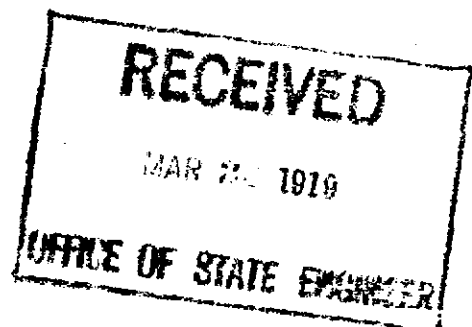
*In Idaho, Idaho. My Commission expires
January 6th, 1923*

L. Leighty Notary Public

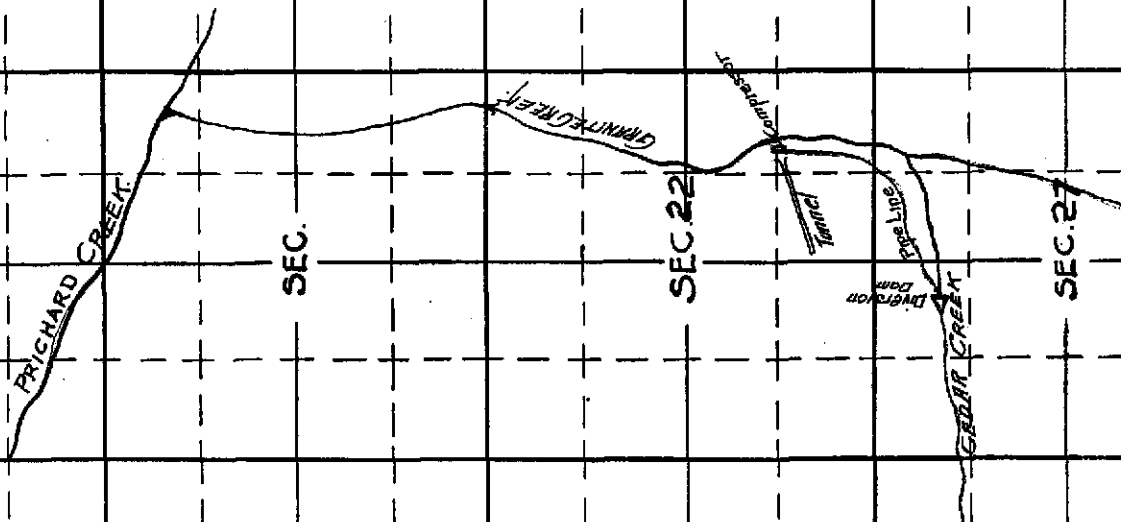
9648

Instructions To Examiners

1. Examiners will not be permitted to examine any of the records in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own rights in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.



Name of Applicant



9648

Cedar Creek Mining & Development Co.

---Limited---

CAPITALIZATION \$1,000,000

MINES ON SUNSET PEAK

J. W. WEYER, PRESIDENT
WM. BECKER, SECY-TREAS.
P. O. BOX 162

WALLACE, IDAHO Sept 30th, 1918.

Mr. Fred A. Wilkie,

State Engineer,

Boise, Idaho.

Dear Sir:-

Please find enclosed herewith, Deposition of permit holder and depositions of two witnesses, as well as proof of advertising in proof of beneficial use of water under permit #9648 granted the Cedar Creek Mining & Development Co., Limited.

We are unable at this time to furnish you report of our Engineer, Mr C.F.O. Merriam who has just returned from a business trip to Oregon where he was detained longer than he expected, he has just informed me that he had misplaced the form which was mailed him from your office, he will wire you tonight for another form, and we will mail report to you as soon as possible, trusting this will prove satisfactory.

Yours truly,

Cedar Creek Mining & Development Co., Ltd

By

Wm Becker
Secretary.

RECEIVED

OCT 3 1918

OFFICE OF STATE ENGINEER

9648

PERMIT NO. 9648**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

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

Ans.

William Becker, 49 years, Wallace, Idaho,
Bookkeeper, Wallace, 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.

Cedar Creek Mining & Development Co. Limited
Secretary and Treasurer

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

Ans.

9648, September 27th 1913

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

Ans.

Cedar Creek, in the NE $\frac{1}{4}$ of NW $\frac{1}{2}$ Sec. 27, T. 49 N., R. 5 E., B. M.
1600 feet westerly from point of confluence of Cedar Creek
and Granite Creek

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.

Dam, Reservoir, and pipe line 3100 feet long
of 8 and 10 inch 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 used for Power purposes at Compressor, in
the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 22, T. 49 N., R. 5 E., B. M.
3100 feet below point of diversion

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

Ans.

Power purposes for Compressor, between 55 and 160
horse power

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

Ans.

55 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. Since September 1914, we have since driven 3250 feet of tunnel with above power closing down only at such times as there was not enough water for power purposes have been closed down since May 20th this year on account of scarcity of labor, and high cost of all mining materials.

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. Have used no other water

(Sign)

Cedar Creek Mfg. & Dev. Co. Ltd.
By J. M. Becker Secy. - Treas.

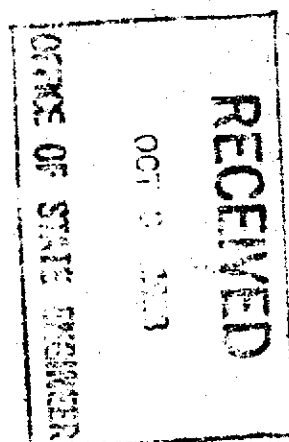
I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Wallace, County of

Shoshone State of Idaho, on this 27th day of September

A. D. 1918.

R. E. Langer
PROBATE JUDGE, SHOSHONE COUNTY, IDAHO

9648



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. *J. H. Meyer, Gardner, Hallau, Idaho*Ques. 2. Are you acquainted with *Cedar Creek Mining & Dev Co. Ltd*, the holder of Permit No. *9648*? How long have you known him and where does he reside?Ans. *June 1905, Hallau Idaho.*Ques. 3. Have you read or heard read said Permit No. *9648*, 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. *Cedar Creek, 1600 feet westerly from point of confluence of Cedar and Granite Creek. Dam. Reservoir. pipe line*

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. *5 cubic feet 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. *Power purposes at Compressor plant*

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

Ans. *for Power at Compressor, 3250 feet of tunnel driven to date*

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. stockholder in Company owner of 24000 shares
58 years old

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 visited the property very often to witness
work being done

(Sign) J. W. Meyer

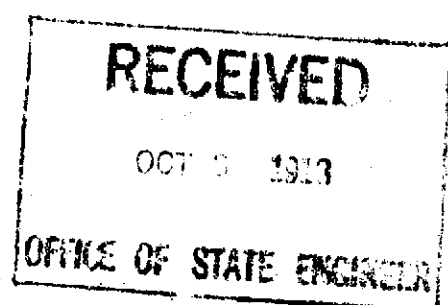
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Wallace, County of Shoshone, State of Idaho, on this 27th day of September A. D. 1918

R. H. Heninger
PROBATE JUDGE, SHOSHONE COUNTY, IDAHO

~~Notary Public~~

My commission expires _____

9648



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. *John M. Hegan, Hollau Ida, Blacksmith**Hollau Ida, 62 years old*Ques. 2. Are you acquainted with *Cedar Creek Mining & Dev Co., Ltd.*, the holder of Permit No. *9648*? How long have you known him and where does he reside?Ans. *June 1905*Ques. 3. Have you read or heard read said Permit No. *9648*, 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. *Cedar Creek, 1600 feet westerly from Point of**Confluence of Cedar and Granite Creeks*

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. *5 Cubic feet 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. *Power purposes at Compressor plant*

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

Ans. *3250 feet of tunnel has been driven to date*

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. Stockholder. owner of 65000 shares of stock have
been managers of property since 1906

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. Ran the Compressor and done the Black Smithing
since work has been completed September 1914

(Sign) John M. Wager

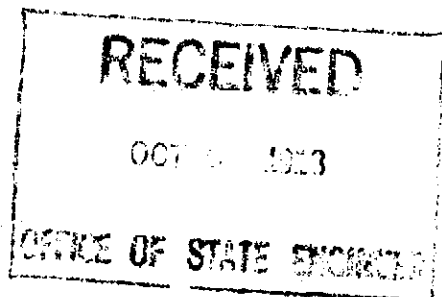
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Wallace, County of Shoshone, State of Idaho, on this 27th day of Sept. A. D. 1918

R. E. Keniger
PROBATE JUDGE, SHOSHONE COUNTY, IDAHO

Notary Public.

My commission expires _____

9648



NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 27 day of September, 1913,
 at Wallace, County of Shoshone, State of Idaho,
 before Probate Judge, proof will be submitted
 of the application to beneficial use of five cubic feet per second of the
 waters of Cedar Creek in accordance with the terms and conditions of
 Permit No. 9648 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
Cedar Creek Mining and Development Co. Limited., Wallace, Idaho
2. The use to which said water has been applied is A compressor for power
3. The amount applied to beneficial use is five cu. ft. per second
4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) At compressor, in the N.E. 1/4 of the S.E. 1/4 Sec. 22, T. 49 N.R. 5 E.B.M.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is An 8 inch ^{and 10 inch} steel pipe line.
6. The right to take water from such works is based upon Permit No. 9648
7. The source of supply from which such water is diverted is Cedar Creek, in the N.E. 1/4 of the N.W. 1/4 Sec. 27 T. 49 N.R. 5 E.B.M.
8. The date of the priority which said user is prepared to establish is August 28, 1913.
Sept. 27 1913.

Fred A. Wilkie,

9648

State Engineer.

Permit No. 9648

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of Shoshone } ss.Wm. Becker, Secretary

, 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. 9648 and that his postoffice address is Wallace
State of Idaho

Second: That the name of the stream from which said water is to be diverted is Cedar Creek, a tributary of Granite Creek

Third: That the point of diversion of said water is 1600 feet westerly from confluence of Cedar and Granite Creeks.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by September 27 1916

Fifth: That the use for which said water is intended is General Mining purposes.

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

I. Kind of works: Diverting dam and pipe line

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

II. Dimensions of work: _____

(a) Height of dam 8 feet, length of dam at top 80 feet, length of dam at bottom 75 feet. Material used in construction wood stone and earth.

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir 25,000 cu. feet.

18 inches diameter.

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

(d) Conduit _____ width at bottom _____ feet, width at water

(State whether ditch, flume or pipe)

line _____ feet, depth of water _____ feet; diameter of pipe 8 to 12 inches; average grade per mile is 530 feet. Length of conduit is 0.70 miles.

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

Eighth: That water appropriated under said permit is available for _____ acres of land described as follows: not intended or used for irrigation.

Ninth: Remarks: That The dam and reservoir are not intended to store but to divert the water into the pipe. The first 1000 feet of the pipe is 12 ins. diameter, the next 1000 feet 10 ins diameter, and the last 1700 feet 8 ins. diameter. After the issuance of this permit it was found that the last 600 feet intended for mill interfered with pre-existing rights and was abandoned.

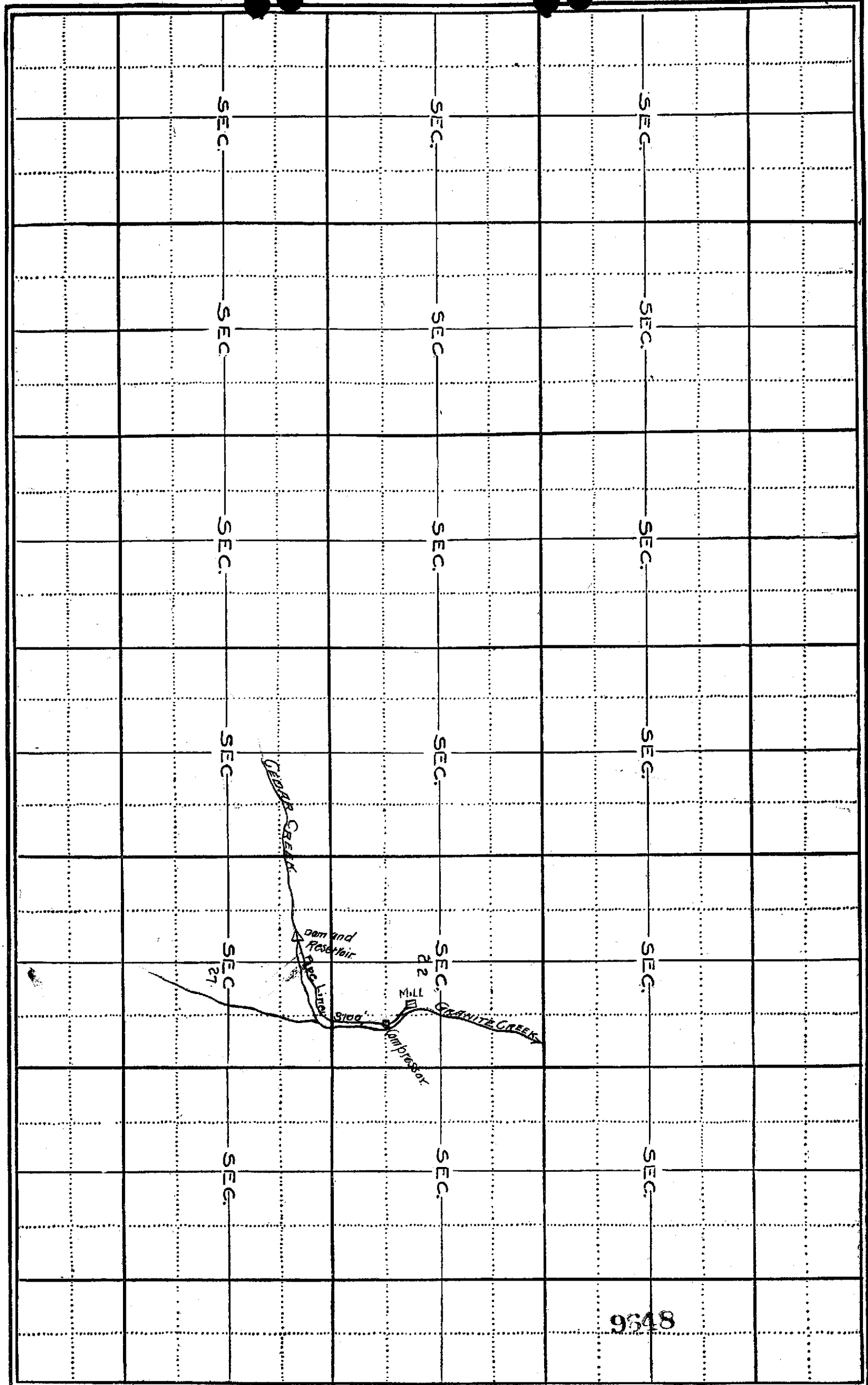
Subscribed and sworn to before me this 23rd day of July 1916

Wm. Becker (Sign here.)
Notary Public.

My commission expires January 6th 1919

9648

Name of Applicant Cedar Creek Mining and Development Co. Ltd.



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