

Affidavit of Publication.

STATE OF IDAHO,
County of Bonner } ss.

Don C. D. Moore

....., being duly sworn, says that
he is the....Publisher.....of the NORTHERN IDAHO NEWS,
a weekly newspaper printed and published at Sandpoint, Bonner
County, Idaho, and that said newspaper during all the time herein men-
tioned is, and was, a newspaper of general circulation, published weekly,
and that the annexed is a true copy of the notice for publication in the
case of Notice of Proof of Completion of Works and

Application of Water to Beneficial Use

as it was published in the regular and entire issue of said paper for a
period of four..... consecutive

weeks, commencing on the.....29th.....day of

.....September....., 191..6., and ending on the.....17th.....day

of.....October.....191..6, and that said notice was pub-
lished in said newspaper proper, and not in supplement form.

Don C. D. Moore

Subscribed and sworn to before me this.....21st.....day

of.....November.....A. D., 191..6.

9553

Peter Johnson
Notary Public, State of
Idaho, Residing at
Sandpoint, Idaho.

NOTICE OF PROOF OF COMPLE-
tion of Works and Application of
Water to Beneficial Use.—Notice is
hereby given that at Two p. m. on
the First day of November, 1916, at
Sandpoint, County of Bonner, state
of Idaho, before Peter Johnson, No-
tary Public, proof will be submitted
of the completion of works for the
diversion of Twenty-five cubic feet
per second of the waters of Trestle
Creek and of the application to bene-
ficial use of said water in accordance
with the terms and conditions of
Permit No. 9553 heretofore issued
by the State Engineer of the State
of Idaho.

1. The name and postoffice ad-
dress of the person, or corporation,
holding said permit, are Black Bear
Mining and Milling Co., by J. W.
Morrison, Trustee, 538 Sibley St., St.
Paul, Minn.

2. Said works of diversion will be
fully completed on the date set for
such completion, and the amount of
water which said works are capable
of conducting to the place of use, in
accordance with the plans accom-
panying the application for such per-
mit is Twenty-five cubic feet per sec-
ond.

3. The use to which said water
has been applied is Power for min-
ing purposes, and the amount ap-
plied to beneficial use is 25 cubic
feet per second.

4. The place where said water
is used is the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$,
Sec. 15, T 57 N., R 1, E. B. M.

5. The date of priority which
said user is prepared to establish is
July 28th, 1913.

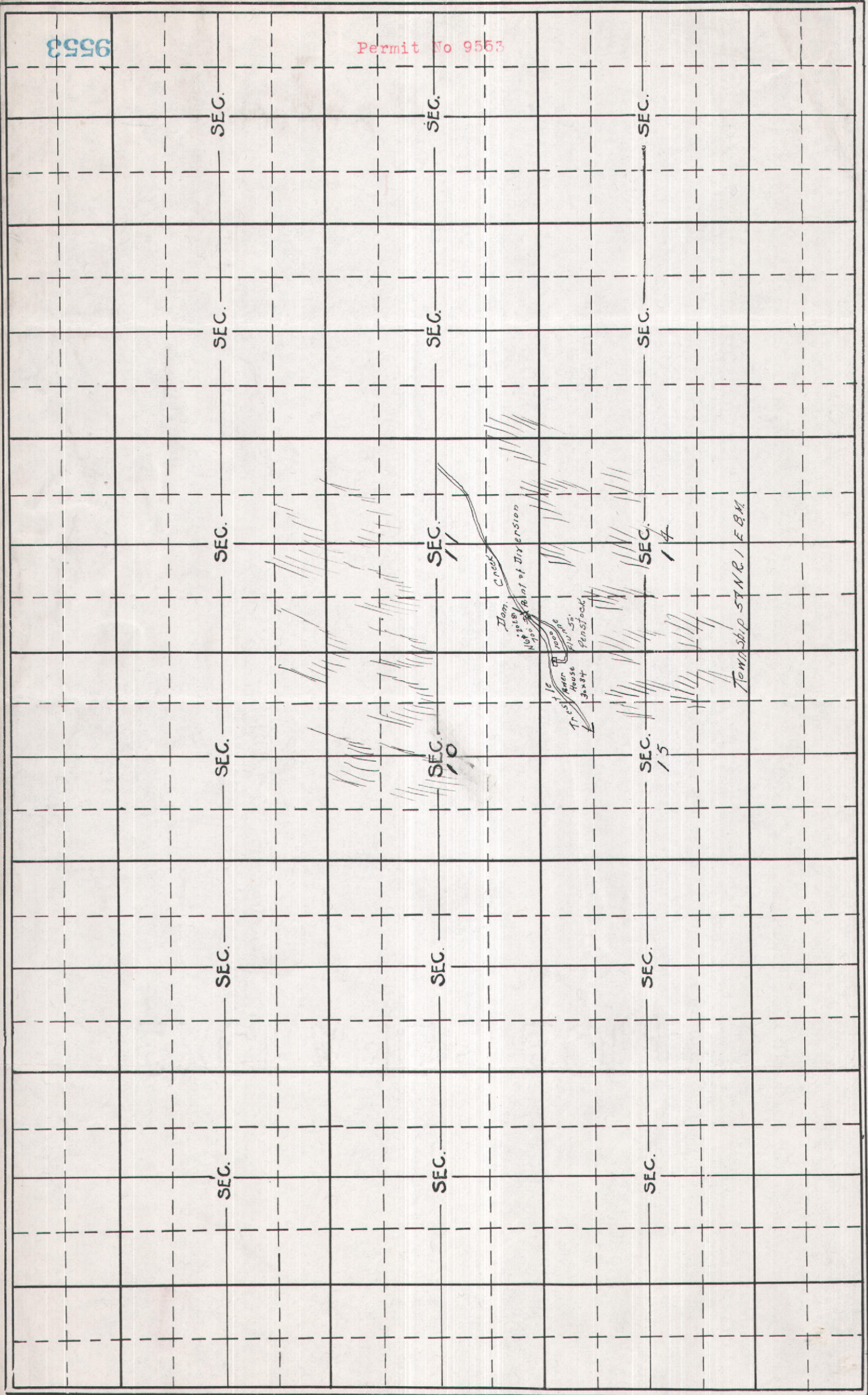
J. H. SMITH, State Engineer.
Sep 29-Oct 17.

9553

SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

9553

Permit No 9553



Permit 9553

SE-

SECS-

575

SEC.

SEC-

SECS.

55

235

SEC.

25

—SFC.

SEC.

54-

1
2

SFC

23

235

235

Township 57 N R 1 E B M.

9553

August 14th, 1916.

Re: Permit 9553.

Black Bear Mining & Milling Co.,
J.F. Jones, Sec'y.,
538 Sibley St.
St. Paul, Minne.

Dear Sir:-

Your letter of the 10th; the map which you have submitted shows your present point of use in the same forty as described by Permit 9553, and shows the source of supply to be the same as stated under that permit, consequently you can make proof of completion of works under this permit with the works now constructed, as shown by the map.

We enclose herewith two blank notices for publication which should be filled out by you and forwarded to this office. These will then be published by us at your expense and the proof will proceed as explained in marked paragraphs on page five of the enclosed folder.

At the time of forwarding this notice should also file affidavit of change of point of diversion. This affidavit should be prepared on the enclosed blank as per instructions on the back. This is necessary for the reason that under permit No. 9553, the point of diversion is described as being in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 11, while according to the map that you sent, the present diversion point is located in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 11.

We return herewith the map and Mr. Ashley's letter to you of August 4th.

Very truly yours,

J.H. SMITH,

State Engineer.

9553

County: Bonner
 Stream: Trestle Cr.
 Amount: 25 sec. ft.
 Use: Power
 Priority: July 28, 1913.

STATE OF IDAHO

Water License No. 9553
 WATER DISTRICT NO. 98

WHEREAS, On the 28th day of July, A. D. 1913, Black Bear Mining & Milling Company,

of St. Paul, County of Ramsay, State of Minnesota, duly made application (No. 14311) to me for a permit to use 25 cubic feet per second of the waters of Trestle Creek, in Water District No. 98

County of Bonner, State of Idaho, for power purposes, and,

WHEREAS, On the 6th day of September, A. D. 1913, Permit No. 9553 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 6th day of September, A. D. 1917, and for the application to beneficial use of said water on or before the 6th day of September, A. D. 1920, and,

WHEREAS, On the 27th day of November, A. D. 1916, Black Bear Mining & Milling Company,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of 25 cubic feet per second of said waters, as evidenced by my Certificate No. 9553, dated January 12, 1917, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 25 cubic feet per second of said water with date of priority of July 28, 1913, and

WHEREAS, On the 27th day of November, A. D. 1916, Black Bear Mining & Milling Company,

the holder of said permit, duly made proof of the application to beneficial use of 25 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

Black Bear Mining & Milling Company

of St. Paul, County of Ramsay, State of Minnesota, the holder and owner of said Permit No. 9553, a perpetual right, dating from July 28, 1913, to the use of 25 cubic feet per second of the waters of Trestle Creek,

in the County of Bonner and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 11, T. 57 N., R. 1 E., B.M.,

and conducted to ~~the power house~~ the power house, located 100 feet S. W. of Cor. of Secs. 10-11-14-15, T. 57 N., R. 1 E. B.M.,

for the purpose of generating power, 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 12th day of January, A. D. nineteen hundred and seventeen.

J. H. Smith,

(Seal)

State Engineer:

No. 14311.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Black Bear Mining and Milling Co. by J. W. Morrison, trustee.

Postoffice address: 538 Sibley St. St. Paul, Minn. County: Ramsey State: Minn.

- I. If applicant is a corporation, give Working under articles of agreement.

(a) Date and place of incorporation: Signed Jan. 1st, 1903.

(b) The amount of capital stock: \$100,000.00 (c) The amount paid in: \$40,000.00

(d) Names and addresses of directors: J. W. Morrison, M. L. Gordon, J. P. Hones, A. T. Rosen, P. G. Olson, Dr. W. H. Grary, and F. W. Zollman, all of St. Paul, Minn.

- II. The financial resources of the applicant are: (a) Cash on hand: \$1,000.00

(b) Treasury stock: All assessable stock ~~has been~~ issued as needed.

(d) Other resources: Loyalty of members.

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

3. Source of water supply: Trestle Creek.

4. Location of point of diversion: S. 54° 36' W. 1431.5 from
- $\frac{1}{4}$
- cor. Bet. S. 11 and 12. T. 57 N.R. 1 E. B. M.

County of Bonner.

5. To be used for: Power.

- 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: In NE $\frac{1}{4}$ NE $\frac{1}{4}$ S. 15 T. 57, N., R. 1 E. B. M.

[b] Amount of power to be generated: 100 H. P. under 195 ft. head

[c] Is water to be returned to any stream? Yes. (d) If so, name stream and locate point of return: Trestle Creek. From point of return S. 41° 30' E. 90 feet, thence N. 60° 21' E. 189 feet thence N. 36° 35' E. 272 feet to corner to sections 10, 11, 14 and 15, T. 57 N. R. 1 E. in NE $\frac{1}{4}$ NE $\frac{1}{4}$ said Sec. 15.

6. Estimated cost of works: \$10,000.00

7. Description of works for diversion:

- I. Kind of works: Dam Flume and pipe.

- II. Dimensions of works:

[a] Height of dam 10 feet, length of dam at top 100 feet,

length of dam at bottom 100 feet. Material used in construction: Concrete.

[b] Capacity of reservoir acre feet. [c] Size of headgate, width 3 feet,

Height 3 feet. (d) Conduit wood width at bottom 3 feet,

width at water line 3 feet, depth of water 2 $\frac{1}{2}$ feet, diameter of pipe3 ft. ~~inches~~; average grade ~~is~~ 0.2 of 1% ~~length~~ Length of conduit is 5194 feet ~~and~~ and it crosses the following quarter sections: NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of S. 11, also NW $\frac{1}{4}$ NW $\frac{1}{4}$ S. 14 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ S. 15 T. 57, N. R. 1 E. B. M.

8. The time required for the completion of the construction of such work is 4 years.

9. Time required for the complete application of the water to the proposed use is 3 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.

Black Bear Mining & Milling Co., J. W. Morrison, Trustee, Applicant.

By John K. Ashley, Jr., Agent.

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

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER.

The number of this permit is 9553.

Recorded in Book 31 Page 9553 Approved September 6, 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 5, 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 September 6, 1915.

The whole of said work to be completed on or before September 6, 1917.

Beneficial use of water appropriated in accordance herewith, to be made on or before September 6, 1920.

Witness my hand this 6th day of September, 1913.

F.P. King,

State Engineer.

Remarks:

The Black Bear Mining and Milling Company has used and is now using the water of Trestle Creek, but desires to increase the head, therefore this new application.

STATE OF IDAHO,)
: ss.
County of Bonner)

J.W. Morrison Trustee, The Black Bear Mining and Milling Co.,

being first duly sworn, upon his oath deposes and says:

That it is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 9553;

That it intends to change the point of diversion, as described in said permit, to the following described point:

To the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11, T. 57 N.R. 1 E.B.M.

That such change will be made for the following reasons, to-wit:

Further examination showed that the conditions in general at the present point of diversion were best adapted for the needs of the company.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

J.W. Morrison

Subscribed and sworn to before me this 18th day of September, 1916.

(NOTARIAL SEAL)

T.J. Doyle,
Notary Public.

My commission expires Aug. 1st, 1921.

Received and filed for record in the office of the State Engineer at Boise Idaho at 9:00 A.M. Nov. 20th, 1916.

J.H. Smith, State Engineer.

Permit No. 9553

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Black Bear Mining & Milling Company of St. Paul, County of Ramsay, and State of Minnesota, the holder of Permit No. 9553, issued upon Application No. 14311, bearing date of priority of July 28, 1913, authorizing the diversion of twenty-five (25) second feet of the waters of Trestle Creek, County of Bonner, State of Idaho, for power 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 twenty-five (25) second feet of the waters of Trestle Creek; that the point of diversion of said waters is in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 11, T. 57 N., R. 1 E., B. M. and that the place of use of said water is at power house, located about 100 ft. southwest from corner of Secs. 10-11-14-15, T. 57 N., R. 1 E., B. M.

Witness my hand this 12th day of January, A. D. 1917.

J. H. Smith,

State Engineer of the State of Idaho.

License issued for 25 second feet

Page 2099

January 23, 1917.

Re Permit 9553. Black Bear Mining & Milling Co.

Mr. J. F. Jones, Secretary,
Black Bear M. & M. Co.,
538 Sibley St.,
St. Paul, Minn.

Dear Sir:

Enclosed herewith Certificate of Completion of
Works and License issued under above permit, with
receipts for fee.

Very truly yours,

J. H. SMITH,
State Engineer.

By _____.

CCW:L - R8827-8828.

9553

BLACK BEAR MINING AND MILLING CO.

BOARD OF DIRECTORS

J. W. MORRISON
M. L. GORDER
J. F. JONES
P. G. OLSON
A. T. ROSEN
DR. W. H. GRAY
F. W. ZOLLMAN

DEC 1 1916

ST. PAUL, MINN.

DEC 13th 1916

Mr J. H. Smith, State Engineer.
Boise, Idaho.

Dear Sir.

Complying with your instructions of the 7th inst I inclose Express money order for \$14.50, together with receipt for your signature.

I am very glad that depositions were found to be satisfactory.

In closing our account with your office we desire to express our deep appreciation of your unfailing courtesy, your helpfulness, and endless patience with our ignorance of the game.

Wishing you a merry Christmas, and many happy years to come.

We remain Sincerely Yours,

J. F. Jones Sec

December 7th, 1916.

Re Permit 9553.

Mr. J. F. Jones, Secretary
Black Bear M. & M. Co.,
538 Sibley St.,
St. Paul, Minnesota.

Dear Sir:--

Am just in receipt of your letter of the 4th inst., enclosing depositions, affidavit for publication and check for fees for final proof under above permit. The depositions have been checked and are satisfactory.

The fees amount to only \$14.50 and I am accordingly returning herewith the check in the sum of \$20.00, as in excess of the amount required. Upon receipt of correct fees, the certificate and license will be issued.

Very truly yours,

J. H. SMITH,

State Engineer.

Ch.No.0 373329. By _____
R-

9553

BLACK BEAR MINING AND MILLING CO.

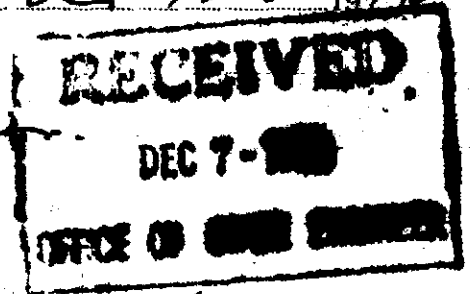
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20⁰⁰

BOARD OF DIRECTORS

J. W. MORRISON
M. L. GORDER
J. F. JONES
P. G. OLSON
A. T. ROSEN
DR. W. H. CRARY
F. W. ZOLLMAN

ST. PAUL, MINN.,

Dec 4th 1916



Mr J. H. Smith, State Engineer.
Boise, Idaho.

Dear Sir.

We hand you herewith depositions of two witnesses and permit holder, Mr J. W. Morrison. The latter was taken at St Paul, as Mr Peter Johnson ruled that this course was permissible in order to save time & expense. We hope it will meet with your approval. We also inclose affidavit of publication of notice.

You will please find Express money order for \$20.⁰⁰ which we figure will be sufficient to cover required fees.

Hoping that above documents will prove satisfactory, and thanking you again for your kindly helpfulness,

Very Sincerely Yours, J. F. Jones

9553

Affidavit of Publication.

STATE OF IDAHO, }
County of Bonner } ss.

Tom C. E. Moore

....., being duly sworn, says that he is the.....Publisher.....of the NORTHERN IDAHO NEWS, a weekly newspaper printed and published at Sandpoint, Bonner County, Idaho, and that said newspaper during all the time herein mentioned is, and was, a newspaper of general circulation, published weekly, and that the annexed is a true copy of the notice for publication in the case of Stick of Proof of Completion of Works and.....

.....Application of Water to Beneficial Use.....
as it was published in the regular and entire issue of said paper for a
period of four..... consecutive
weeks, commencing on the.....29th.....day of
.....September....., 1916, and ending on the.....17th....day
of....October.....1916, and that said notice was pub-
lished in said newspaper proper, and not in supplement form.

Don Moore

Subscribed and sworn to before me this.....21st.....day
of.....November.....A. D., 1916.....

9553

191. *Peter Johnson*
Notary Public, State of
Idaho. Residing at
Sandwich, Idaho.

per second, and the use of Two Creek and of the Colorado River, State of said water for agricultural purposes to irrigate certain of Permit No. 10, as hereinafter provided by the State Engineer of said State as follows:

1. The name and address of each of the person or persons to whom said permit is placed in place and filling out by J. H. Smith, Trustee, 520 Miller Street, Denver, Colo.
2. Said works of irrigation will be fully completed on the day set for such completion, and the amount of water which said works are capable of conducting to the place of use, in accordance with the plans, specifications, the application for such permit is twenty-five cubic feet per second.
3. The use to which said water has been applied is power, for mining purposes, and the amount applied is ten cubic feet per second.
4. The place where said water is used is the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$.
Sec. 15, T. 57 N., R. 1, E. B. M.
5. The date of priority which said user is prepared to establish is July 28th, 1915.

J. H. SMITH, State Engineer.
Sep 29-Oct 17.

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. J.W. Morrison, 54, St Paul, Minn., Automobile business
538 Ashley St, St Paul Minn.

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

Ans. Trustee in behalf of Black Bear Mining and Milling Company, a partnership, 538 Ashley St, St Paul Minn.
Duly elected by co-partners as trustee

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

Ans. 9553, date 28th day of July, 1913. 2.5 ft per second
of Little Creek, Bonner County, Idaho, 200 feet in N.E. direction from corner
of 10 11 14 & 13 Township 57 N Range 1 E 13 W.

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

Ans. Generating power for mining purposes

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

Ans. Yes, 8 years ago, part of time used all the water
and part of the time but a part

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

Ans. Completed, and comply with terms of permit

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

Ans.

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

Ans. Dam constructed of logs and rock across creek, 58 feet
with a wing 81 feet long, 6 1/2 feet high on lower side and 4 feet
on upper side, head gate 37 feet wide and 3 feet high with 1000 feet
of 3x3 feet flume inside the upper, all of 54 feet of 3 inch penstock leading
to a double flume 36 inch diameter wheel which runs a compressor
for two drill capacity from house 34x55 feet
Cost, about \$6000.

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 St. Paul, Minnesota, County of Ramsey,

State of Idaho, on this 29th day of November, A. D. 1916

My Commission expires Aug 1st 1921

J. Doyle
Notary Public.
Ramsey County Minn.

9553

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 9553.

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. Hugh Smith, I am 51 years old, Miner, Hope, Idaho.

Ques. 2. Are you acquainted with J.W. Morrison, Trustee for Black Bear Mining and Milling Co.,

holder of Permit No. 9553, authorizing the diversion of 25 cubic second-feet of the waters of Trestle Creek, in Bonner County, Idaho, at Trestle Creek,

for Power purposes? How long have you known him, and where does he reside?

Ans. I am, about 8 years, he resides at St. Paul, Minnesota.

Ques. 3. Have you read or heard read said Permit No. 9553, and are you familiar with its terms and conditions?

Ans. I have never read the Permit.

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

Ans.

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

Ans. They are.

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

Ans. Dam built of rock and logs, about 50 feet accross the creek, and with a wing about 80 long, the same is about 6 feet high on the lower side, and about 4 feet on the upper; the head gate is 3 1/2 feet wide and 3 feet high, with about from 900 to a 1000 feet of 3 feet by 3 feet flume, also 50 feet of 36 inch Penstock, connecting with double 36 inch undershot wheel, which runs the compressor capable of driving two rock drills; also Power house about 30 feet by 34 feet.

(Sign here.)

Hugh 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 Sandpoint, ---, County of --- Bonner, ---, State of Idaho, on this --- 1st --- day of November, --- A. D. 1916.

9553

Clay Johnson
Notary Public, State of Idaho,
Residing at Sandpoint, Idaho.

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 9553.

Proof of Completion of Works

DEPOSITION OF WITNESS

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

Ans. P.D. Young, 54 years old, Hope, Idaho, that Post Office Address,
Occupation, Mining.

Ques. 2. Are you acquainted with J.W. Morris, Trustee of the Black Bear, the Mining and Milling Co., holder of Permit No. 9553, authorizing the diversion of 25 cubic second-feet of the waters of Trestle Creek, at Trestle Creek, for Power purposes? How long have you known him, and where does he reside?

Ans. Yes, I am, about 18 years, resides at St. Paul, Minnesota.

Ques. 3. Have you read or heard read said Permit No. 9553, and are you familiar with its terms and conditions?

Ans. I have; I am.

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

Ans.

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

Ans. They are.

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

Ans. A Dam constructed of logs and rocks 58 feet across the creek with a wing 81 feet long; height of 6½ feet on lower side, and 4 feet on the upper side; head gate 3.7 feet wide, and 3 feet high, with about 1000 feet of 3 by 3 feet flume inside measure; there is also 50 feet 36 inch Penstock, leading to a double Pelton wheel 36 inch undershot wheel, which runs a Compressor of two-drill capacity; Power-House 34 feet by 30 feet.

(Sign here.) P. D. Young

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 Sandpoint, Bonner County of Bonner, State of Idaho, on this 1st day of November, A. D. 1916.

9553

Notary Public, State of Idaho,
Residing at Sandpoint, Idaho.

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. J. W. Morrison, 54, St. Paul Minn. Automobile business, 538 Libby Street
St. Paul Minn.

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. Acting as Trustee for Black Bear Mining and Milling Co.
a Co-partnership, 538 Libby Street St. Paul Minn.

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

Ans. 9553, Date July 28th, 1913

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

Ans. Grettle Creek, Bonner County, Idaho, diversion about 700 feet N.E. 1/4
from corner of Secs. 10, 11, 14 and 15 Township 57 N. Range 1, E.B.M.

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. about 1000 feet of 3x3 inch flume and 54 feet and 36 inch penstock
amount of water 2.5 cubic feet 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. Generating power for mining purposes at the
Power house, situated about 100 feet south west from the corner
of Secs. 10, 11, 14 and 15, Township 57 N. Range 1, E.B.M.

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

Ans. Water wheel running an air compressor of a 2 drill capacity

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

Ans. 2.5 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. _____

9553

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

Ans. *Have used about 25 Cubic feet per second, continuously for about 8 years*

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) _____

J. W. Morrison

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 *St. Paul*, _____, County of

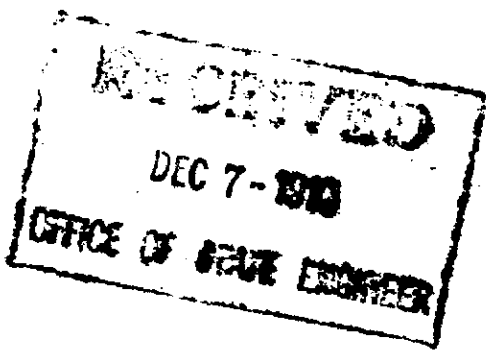
Ramsey

Minnesota, State of *Idaho*, on this *27th* day of *November*

A. D. 19*16*

J. Doyle
Notary Public, Ramsey County, Minnesota
My Commission expires Aug 1st 1921

9553



Permit No. 9553.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. P.D. Young, I am 54 years old, reside at Hope, Idaho, my occupation is Mining, with Hope, Idaho, as Post Office address.

Ques. 2. Are you acquainted with J. W. Morrison, Trustee for Black Bear--the Mining and Milling Co., holder of Permit No. 9553? How long have you known him and where does he reside?

Ans. I am, I have known him for 18 years, and he resides at St. Paul, Minnesota.

Ques. 3. Have you read or heard read said Permit No. 9553, and are you familiar with its provisions and conditions?

Ans. I have, I am

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. Trestle Creek in Bonanza County, Idaho; about 700 feet in a northeasterly direction from the corner to sections 10, 11, 14 and 15, Twp. 57 N. Range 1, E.B.M. About 1000 feet of 3 feet by 3 feet flume, and 50 feet of 36 inch Penstock.

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. 25 cubic feet per second, and I have seen that much water running in the flume.

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 generating power for mining purposes, at the Power house, situated about 50-100 feet southwest from the corner of Sections 10, 11, 14 and 15, Twp. 57 N. Rg. 1, E.B.M.

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

Ans. When machinery is being used to its full capacity, all the water claimed is used.

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. Yes, in a small way, to the amount of 2000 shares of an agreed capital of 300,000 shares of an un-incorporation association.

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. Continuously for about eight years, part of the time using all the water claimed, and a part of the time only a part of it.

I hereby certify that the foregoing testimony was read to the above subscriber before its signing,

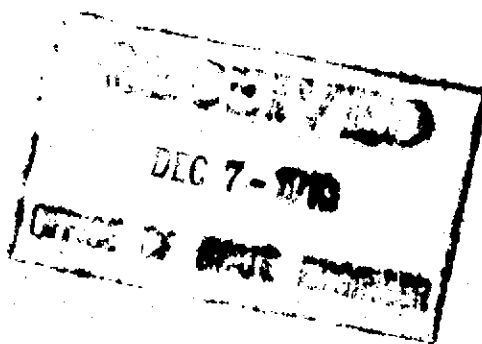
that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Sandpoint, _____, County of Bonner,

State of Idaho, on this _____ day of _____, 1916. A.D. 1916.

Notary Public.

Deane Johnson

My commission expires October 9th, 1919.



9553

Permit No. 9553.

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Hugh Smith, age 51 years, Miner, Hope, Idaho.

Ques. 2. Are you acquainted with J. W. Morrison, Trustee for Black Bear ~~---aa~~
Mining and Milling Co.,

holder of Permit No. 9553? How long have you known him and where does he reside?

Ans. I am, I have known him about 8 years, he lives at St. Paul, Minnesota.

Ques. 3. Have you read or heard read said Permit No. 9553, and are you familiar with its provisions and conditions?

Ans. I have never read the Permit.

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. Trestle Creek, Twp. 57 N. Rg. 1, E. B. M., about 1000 feet of 3 feet by 3 feet flume and about 50 feet of 36 inch Penstock.

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. 25 cubic feet per second, and I have seen the flume running full with water.

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 generating Power for Mining purposes, at the Power house situated about 100 feet southwest from the corner of sections 10, 11, 14 and 15, Twp. 57 N. Rg. 1, E. B. M.

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

Ans. All the water claimed is used.

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 not.

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. It has been continuously used for about 8 years up to the present time- and is now being used.

(Sign) *Wm. H. Smith*

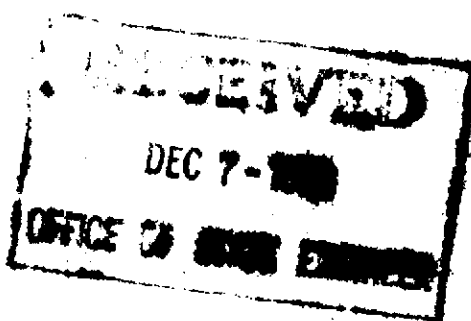
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Sandpoint, ---, County of Bonner, ---

State of Idaho, on this ---1st, ---day of ---November, ---A. D. 1916.

Notary Public.

John Johnson

My commission expires October 9th, 1919.



9553

November 22, 1916.

Re Permit 9553.

Mr. Peter Jones,
Sandpoint, Idaho.

Dear Sir:--

On November 1st the Black Bear M. & M. Co. was to have made proof of completion of works and beneficial use of water before you but, as yet, the depositions have not been received here. Please advise me as to whether or not this proof was made.

Very truly y urs,

J. R. SMITH,

State Engineer.

By _____

9553

JOHN K. ASHLEY, JR.
CIVIL AND MINING ENGINEER

OFFICE IN
FIDELITY TRUST BUILDING

SANDPOINT, IDAHO.

November 17 16

Mr. J. H. Smith

State Engineer

Poise Idaho

Dear Sir,

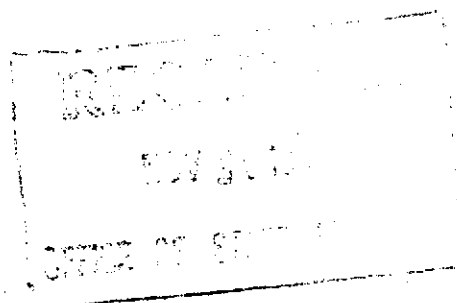
I enclose herewith Report on the completion of works
and the application of water to beneficial use under permit No
9553. Also Application and two sketches showing Point of Diversion

I trust that you will find all in proper form, Should there be
any additional information required please advise me. Thanking you

I am

Yours very truly,

John K. Ashley, Jr.



9553

STATE OF IDAHO,

County of Bonner

} ss.

J. W. Morrison Trustee
The Black Bear Mining and Milling Co. being first duly sworn, upon his
oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:

.....
as evidenced by the decree dated day of
in the cause entitled Plaintiff,

vs., Defendant, brought
in the District Court of the Judicial District of the State of Idaho; or,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of
Idaho No. 9553

That he intends to change the point of diversion, as described in said ~~decree~~ or permit, to the
following described point:

..... To the Sw. $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 11 T. 57 N. R. 1 E. B. M.

That such change will be made for the following reasons, to-wit:

..... Further examination showed that the conditions in

..... general at the present point of diversion were best

..... adapted for the needs of the company

That no one will be injured by such change and that deponent will make such change at his own
risk.

And further deponent saith not.

Subscribed and sworn to before me this 18th day of September, 1921

My commission expires Aug 1st 1921

(Over.)

Received and filed for record
of the State Engineer at Boise, Idaho, at

9:00 A.M. Nov. 26 1921

J. Smith
STATE ENGINEER

9553

STATE ENGINEER'S OFFICE

*Regulations as to Change of
Point of Diversion.*

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section.

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify the amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the land to be irrigated.
 - (f) Lands to be irrigated to be shown by cross-hatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Point or points of use.
 - (g) Point or points of return to stream after use.

If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

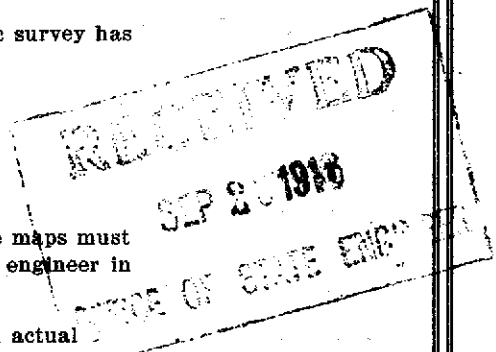
I hereby certify that this map was prepared from an actual survey made by me.....191..., and correctly shows position of points indicated thereon.

.....
Engineer.

P. O.....

Date.....191...
(Over.)

Recorded in Book 31 Of Permits
Page 9553



REPORT OF ENGINEER

1. State name of applicant and number of permit: Black Bear Mining and Milling Co
by J. W. Morrison Trustee Permit No 9553
2. State source of water supply: Trestle Creek
3. Location of point of diversion: N 61 20 E 700 feet from the corner to
Sections 10 11 14 and 15 T 57 N. R. 1 E. B. M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: The works are fully completed and in operation
5. Describe works as they exist, giving dimensions and capacities of same: The work
done under this permit consists of a diversion dam constructed
of logs and stone 58 feet across the creek with wing 81 feet
Height of dam above is 4 feet and below 6.5 feet Head gate 3.7
feet wide and 3 feet high. 1000 feet of 3 feet x 3 feet flume
capable of carrying 25 feet of water per second, 50 feet of 36"
penstock A double Pelton Undershot wheel working under a head of
thirty feet Compressor of two drill capacity and Air Tank. The
power house is a substantial log building 30x34 feet. The water
after passing over the wheel is returned to the stream in the
N.E. 1/4 of the N.E. 1/4 of Section 15 T 57 N. R. 1 E. B. M.
6. State whether or not water has been turned into works of diversion: Yes water
has been turned into flume and is in use
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):
There is no land to be irrigated

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

Remarks: At the time this examination was made there was 10.8
cubic feet of water per second passing through the flume and same
was not half filled. When they are using two drills it requires
the full capacity of the flume to operate same on account of the
small head.

This examination was made on the 12th day of October 1916.

(Signed)

John F. Ashley Jr. C. E.

Examiner.

9553

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

STATE OF IDAHO

County of Bonner

} ss.

John K. Ashley Jr., 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 1st day of November 1916

My Commission Expires

Oct 9, 1919

John J. Johnson
Notary Public.

9553

Permit 9553

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SEC.

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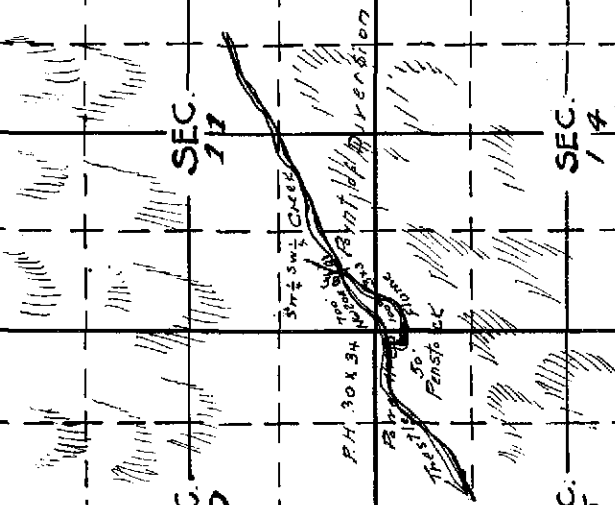
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Township 07 N. R. 1 E. B. M.

9553

9553

Permit No 9553

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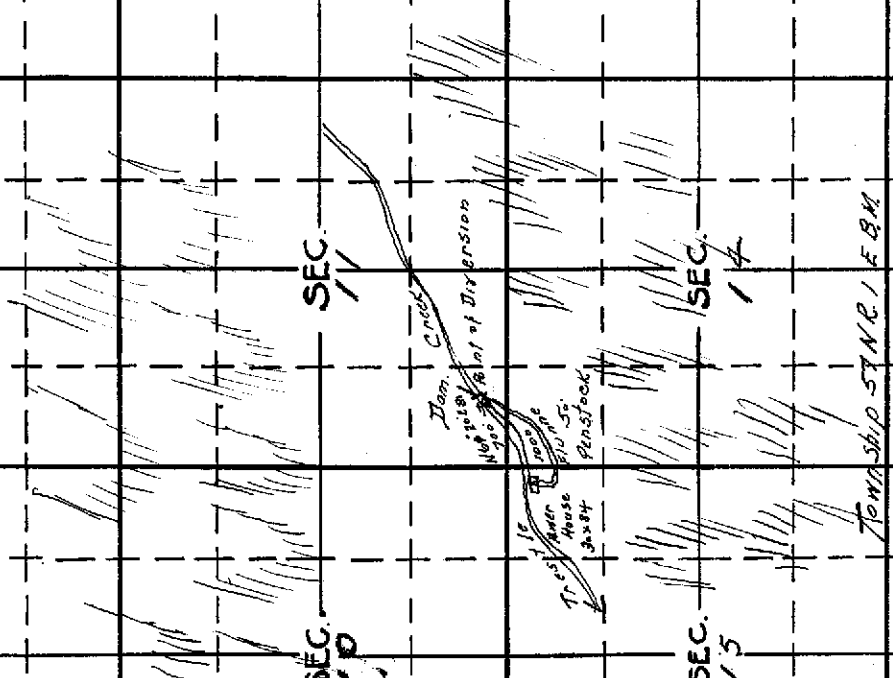
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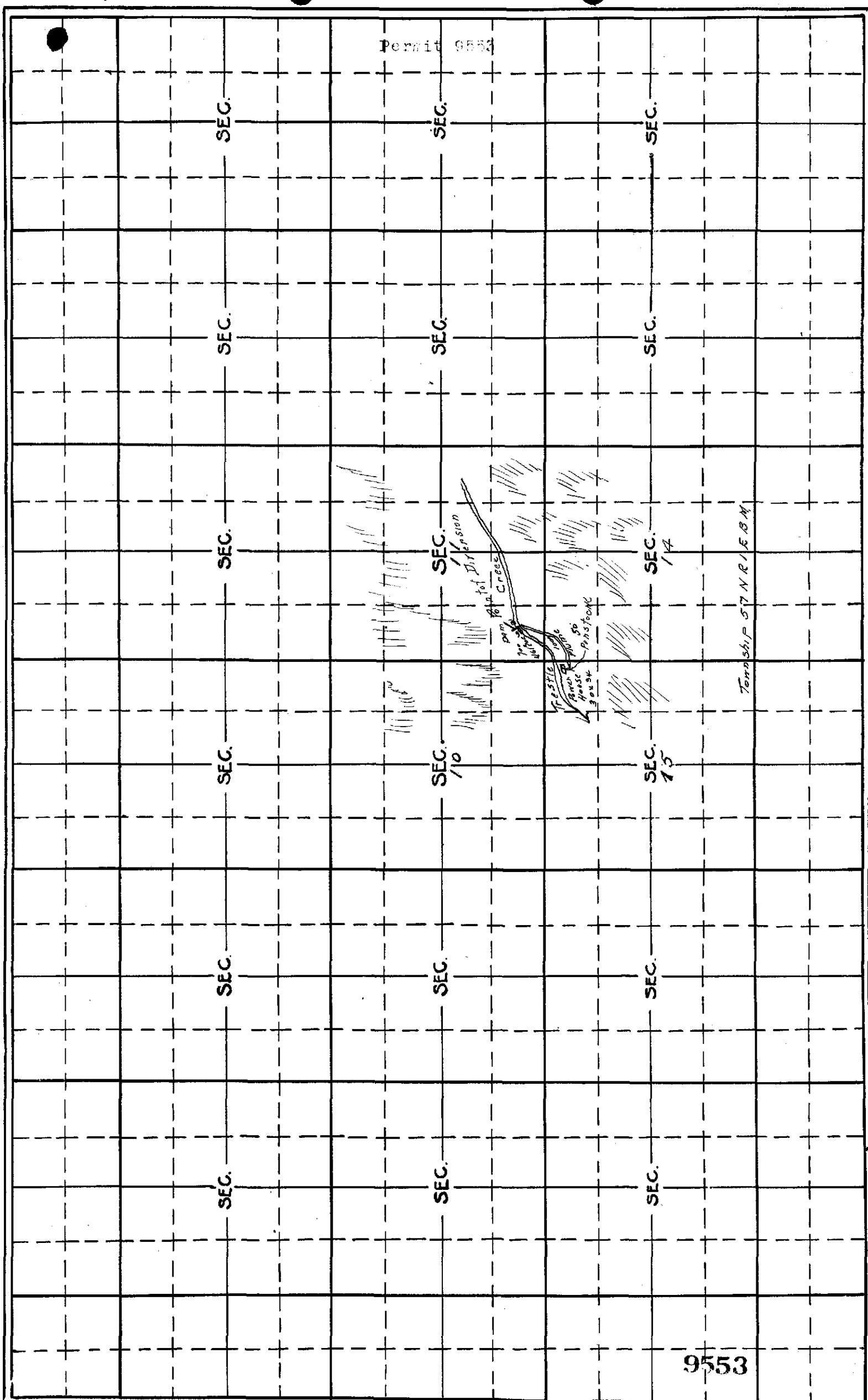
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A M E N D E D M A P
PERMIT NO. 9563.



AMENDED MAP
PERMIT NO. 9653.

State of Idaho

A. E. ROBINSON
ENGINEER

ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

Black Bear M.&M.Co., Proof of Completion of Works
c/o Peter Jones, and
Sandpoint, Idaho. Proof of Beneficial Use of water.

Boise, Idaho, October 17, 1916.

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. 9553.

Deposition of Permit Holder,

Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of your rights:

1. On November 1st, 1916, the date set for proof, the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at Sandpoint before Peter Johnson, N.P.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fees as follows: Fee for proof of completion of works is \$5.00 for ten second feet or less. Over ten second feet a charge of 30 cents a second foot is made. The fee for beneficial use of water, for power purposes is \$5.00; if for irrigation, \$2.00 for each 40-acre tract, or fraction, to which water has been beneficially applied.

When these have been received, together with report of the Water Commissioner, if everything is properly executed, Certificate of Completion of Works and License will issue.

Yours truly,

J.H.SMITH, ~~State Engineer~~ ~~A.E. ROBINSON~~

State Engineer.

9553

ms 1
September 29, 1916.

Re Permit 9553.

Mr. J. K. Ashley, Jr.,
Sandpoint, Idaho.

Sir:--

At the request of the Black Bear M. & M. Co.,
I hereby authorize you to make the examination and
report on completion of works and beneficial use of
water under above permit and enclose herewith blanks
for same.

We are just in receipt of an affidavit for change
of point of diversion, unaccompanied by duplicate maps,
as required. Mr. J. F. Jones, secretary of the company,
states in his letter that you will attend to any details
lacking. I am, therefore, returning to you the affidavit
and ask that you return same to us with duplicate maps.
This can be sent in with your report.

Very truly yours,

J. H. SMITH,

State Engineer.

RMF

By _____

9553

Sandpoint, Idaho

(P. O.) Sandpoint, Idaho

(Date) Sept. 23, 1916

State Engineer, Boise.

Dear Sir:

I have your letter of Sept. 21st enclosing Notice of Proof
of Completion of Works and Beneficial Use of Water under Permit No. 9553 which
will be published as you request, beginning with our issue of Sept. 26

Northern Idaho News

Don E. Moore
Manager

9553

BLACK BEAR MINING AND MILLING CO.

BOARD OF DIRECTORS

J. W. MORRISON
M. L. GORDER
J. F. JONES
P. G. OLSON
A. T. ROSEN
DR. W. H. CRARY
F. W. ZOLLMAN

ST. PAUL, MINN.

Sep 24th 1916

Mr J. E. Smith, State Engineer,
Boise, Idaho.

Dear Sir:

Your favor of the 20th inst
has been received.

We will designate Mr
J. K. Ashley Jr as Engineer to make
the report required. He is located
at Sand Point, Idaho, and is thoroughly
familiar with all the details.

We enclose the affidavit covering
the change of point of diversion.
If any details are lacking Mr
Ashley will furnish all necessary
information.

Again thanking you
for your patient courtesy we await
your bill of expenses.

Very truly Yours,

538 Sibley St.

J. Jones
Sec

9553

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT BOISE

Northern Idaho News,
Sandpoint, Idaho.

Boise, Idaho, Sept. 21, 1916.

Dear Sirs:

Enclosed find Notice for Publication of Proof of Completion of Works and Beneficial Use of Water under Permit No. 9553 which please publish once a week for four consecutive weeks in your paper in accordance with provisions of Sec. 4, House Bill No. 146, laws of the Seventh Session of the Legislature. The expense of this publication will be paid by J. W. Morrison, Trustee Black Bear M. & M. Co., 538 Sibley St., St. Paul, Minn., to whom you will please furnish proof of publication of this notice on or before November 1st.,

Please promptly acknowledge receipt of this notice, and kindly mail me your first issue containing its publication that I may compare it with my records.

Yours truly,

J. H. SMITH, ~~State Engineer~~
A. E. ROBINSON,
State Engineer.

(P. O.)

(Date)

State Engineer, Boise.

Dear Sir:

I have your letter of enclosing Notice of Proof of Completion of Works and Beneficial Use of Water under Permit No. which will be published as you request, beginning with our issue of

Permit 98
Nov 1

September 20, 1916.

Re Permit 9553.

J. F. Jones, Secretary
Black Bear M. & M. Co.,
538 Sibley St.,
St. Paul, Minn.

Dear Sir:--

Am just in receipt of yours of the 17th inst., enclosing notices for proof of completion of works and beneficial use of water under Rowe permit. These have been checked and are satisfactory. Notice for publication will be mailed to the Northern Idaho News, at Sandpoint, in time for the required four weeks publication prior to November 1st, and deposition blanks will be mailed to Peter Johnson, Notary Public, at Sandpoint.

It will also be necessary for us to have a report made by some competent engineer. If you will send us the name of some one near the mining property who can do this work for you, we will authorize to make the examination and send blanks for his report.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

9553

**NOTICE OF PROOF OF COMPLETION OF WORKS
AND
APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that at Two P. M. on the First
day of November, 1916, at Sandpoint, County of
Bonner, State of Idaho, before Peter Johnson Notary Public
proof will be submitted of the completion of works for the diversion of Twenty Five
cubic feet per second of the waters of Trestle Creek
and of the application to beneficial use of said water in accordance with the terms and conditions
of Permit No. 9553 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

Black Bear Mining and Milling Co by J. W. Morrison

Trustee 538 Sibley St St Paul Minn

2. Said works of diversion will be fully completed on the date set for such completion, and
the amount of water which said works are capable of conducting to the place of use, in accord-
ance with the plans accompanying the application for such permit, is Twenty Five
cubic feet per second.

3. The use to which said water has been applied is 333 Power for Mining
irrigation and domestic
purposes, and the amount applied to beneficial use is 25 cubic feet per second.

4. The place where said water is used is The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ S 15 T 57 N

Range 1 E B. M.

5. The date of priority which said user is prepared to establish is July 28th 1913

J. H. SMITH,

9553

State Engineer.

J. W. MORRISON, President.

M. L. GORDER, Vice Pres.

Di-98
J. F. JONES, Sec'y and Treas.

BLACK BEAR MINING AND MILLING CO.

BOARD OF DIRECTORS

J. W. MORRISON

M. L. GORDER

J. F. JONES

P. G. OLSON

A. T. ROSEN

DR. W. H. CRARY

F. W. ZOLLMAN

ST. PAUL, MINN.

Sept 17th 1916

Mr J. H. Smith.

State Engineer, Boise, Idaho.

Dear Sir.

Complying with your instructions of Aug 14th, we inclose notice for publication.

The blank for affidavit was mailed to J. H. Ashley Jr. at Sand Point Idaho, in order that exact location might be shown thereon. This document has been returned, but does not seem to carry all the information required. We are again sending the paper to Mr Ashley for completion of details with instructions to mail directly to you.

Hoping this will meet the requirements, and thanking you for your assistance,
We are sincerely yours

538 Bihler St.

9553

J. F. Jones. Secy

August 14th, 1916.

Re: Permit 9553.

Black Bear Mining & Milling Co.,
J.F. Jones, Sec'y.,
538 Sibley St.
St. Paul, Minne.

Dear Sir:-

Your letter of the 10th; the map which you have submitted shows your present point of use in the same forty as described by Permit 9553, and shows the source of supply to be the same as stated under that permit, consequently you can make proof of completion of works under this permit with the works now constructed, as shown by the map.

We enclose herewith two blank notices for publication which should be filled out by you and forwarded to this office. These will then be published by us at your expense and the proof will proceed as explained in marked paragraphs on page five of the enclosed folder.

At the time of forwarding this notice should also file affidavit of change of point of diversion. This affidavit should be prepared on the enclosed blank as per instructions on the back. This is necessary for the reason that under permit No. 9553, the point of diversion is described as being in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 11, while according to the map that you sent, the present diversion point is located in NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 11.

We return herewith the map and Mr. Asuley's letter to you of August 4th.

Very truly yours,

J.H. SMITH,

State Engineer.

9553

BLACK BEAR MINING AND MILLING CO.

BOARD OF DIRECTORS

J. W. MORRISON

M. L. GORDER

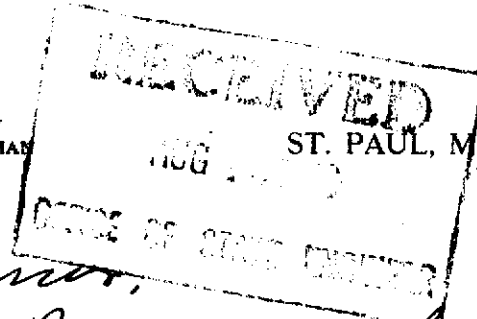
J. F. JONES

P. C. OLSON

W. J. ROSEN

DR. W. H. CRARY

F. W. ZOLLMAN



Aug 10th 1916

State Engineer,
Boise, Idaho.

Dear Sir,

Following your advice,
we have had our present flume
way surveyed in order to determine
point of diversion, and other information
required by your office.
Mr J. H. Ashby Jr. of Sand Point, Idaho,
whom we employed for this purpose,
has submitted plan of our present pro-
ject, on which he has traced in red,
the course of our Comptons flume.
In his letter, which I inclose, he
gives the information which you require.
We own the ground on which flume
is constructed. And if it is possible, we
desire to prove up on our Comptons
project under our present permit.
If it is not consistent to grant this

BLACK BEAR MINING AND MILLING CO.

BOARD OF DIRECTORS

J. W. MORRISON
M. L. GORDER
J. F. JONES
P. G. OLSON
A. T. ROSEN
DR. W. H. CRARY
F. W. ZOLLMAN

ST. PAUL, MINN., ... 19.....

request we will have to make a
new filing. In your former favor
you promised your advice as to best
procedure for us to follow, when
you were furnished certain data
which we inclose.

We shall greatly appreciate your early
decision as to whether we must make
a new filing. If it is permissible to
prom up under the old, kindly advise
proper procedure.

Thanking you for past favors
we beg to remain

Sincerely Yours

J. F. Jones. sec

538 Sibley St.

St Paul

Minn

9553

March 21st, 1916.

Black Bear Mining & Millin Co.,
J. F. Hones, Sec'y.,
538 Sibley St., St. Paul, Minn.

Dear Sir:-

We have your letter of the 13th inquiring further in regard to the Company's water rights on Trestle Creek in Bonner County.

Your permit No. 9553 covering 25 sec.ft., from that stream describes the point of diversion on the stream as being in NE 1/4 Section 11, Tp. 57 N., R. 1 E. and the power house on the Gold Leaf claim. Your permit No. 3705 which has lapsed is ~~not~~ very nearly the same location. We are not quite certain whether the water that you are using would come under your Permit 9553 but if it would, you could prepare to make proof on Permit 9553 thereby securing a priority of the date upon which Permit 9553 was filed.

If this permit will not apply, however, then the only thing for you to do is to file a new application for permit. If you will give us the location of your diversion point as now located, the place of use of the water and the amount of water used, we can give you definite information as to how to proceed.

Very truly yours,

J.H. SMITH,

State Engineer.

By

9553

RFH-NLS

BLACK BEAR MINING AND MILLING CO.

BOARD OF DIRECTORS

J. W. MORRISON
M. L. GORDER
J. F. JONES
P. G. OLSON
A. T. ROSEN
DR. W. H. CRARY
F. W. ZOLLMAN

RECEIVED

MAR 14

OFFICE OF

ST. PAUL, MINN.

(See also file on P. 3705)

March 13th 1916

Mr B. Hamilton, State Engineer,
Boise, Idaho.

Dear Sir.

At the risk of becoming
redundant, would like to explain the
situation a little more fully.

In view of our present permit #9553,
it is desired to prove up and obtain
permanent title to our present plant
which has been completed and in
operation since Jan 1st 1909.

This plant was constructed as auxiliary to
the main project for which we had
your permit #3705.

From present prospects it is doubtful
if we ever complete the development
of power as originally planned, and
the point we ^{now} like to settle is, whether
by cancelling permit #9553, we could
obtain permanent control of the water

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F. W. ZOLLMAN

ST. PAUL, MINN., ... 19.....

Necessary to operate our present plant which has been completed and in use for the last several years.

Our flume extends a little more than 1000 feet up the creek from power house and develops 50 H.P.

Sorry and blue print submitted before construction work was begun. The present plant furnishes all the power we need at present; and as we do not desire to play "dog in the manger," we should like to secure title to our small use of water in exchange for Capitation of our present ^{power} thereby releasing the upper creek for the use of others if they desire it. If there is any procedure by which we can lawfully obtain this concession would you please advise. If not, kindly overlook our ~~ignorance~~ ^{ignorance} of legal procedure. Very truly yours, J. F. Jones

9553 - Treatle Creek - 78 cu 20

POD NE/SE - 11 - 57N-1E. - 554°-36'W - 1431' from E 1/4 Sec 11,
Pown House on Gold Loop Claim

P 3705 - POD 559°-15'W - 1565' from E 1/4 Sec 11.

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

A. E. ROBINSON,
STATE ENGINEER

Permit No. 9553. Black B.M & M. Co.
John K. Ashley, Jr.,
Sandpoint, Idaho.

BOISE, IDAHO, Sept. 9, 1913.

Dear Sir:

I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of State Engineer on the third page.

F. P. KING
A. E. ROBINSON,
F. P. KING
State Engineer.