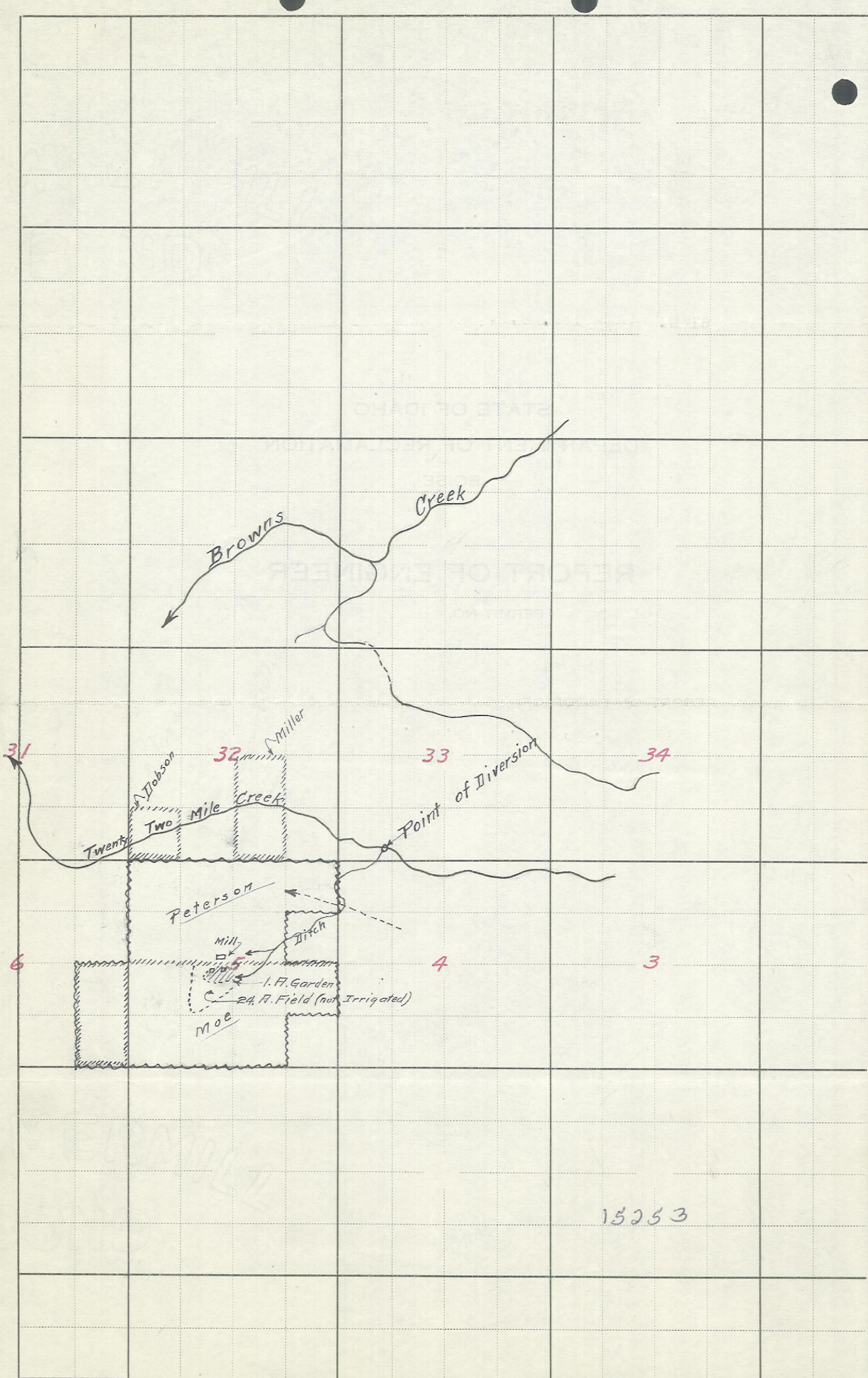




15253

Naples Ida.
Sept. 14, 1931

--- A PETITION ---

TO THE STATE HYDRAULIC ENGINEER, STATE OF IDAHO
BOISE, IDAHO.

WE THE UNDERSIGNED PROPERTY OWNERS AND DOMESTIC WATER USERS ON AND
OF TWENTY MILE ^{TWO} CREEK NORTHEAST OF THE VILLAGE OF NAPLES IDAHO PETITION
YOU TO CANCEL ANY AND ALL WATER RIGHTS AND FILINGS WHICH HAVE BEEN
GRANTED OR IS BEING GRANTED ON SAID CREEK. THE WATER IN SAID CREEK TO BE
USED FOR DOMESTIC PURPOSES ONLY.

NAME.

ADDRESS.

J. H. Wilson
Olivia Shoemaker

Naples, Ida
Naples, Ida

J. S. Bond

" "

J. H. Mann

Ralph Dobson

Orissia Miller

Chas A. Louwre
Carl Shoemaker

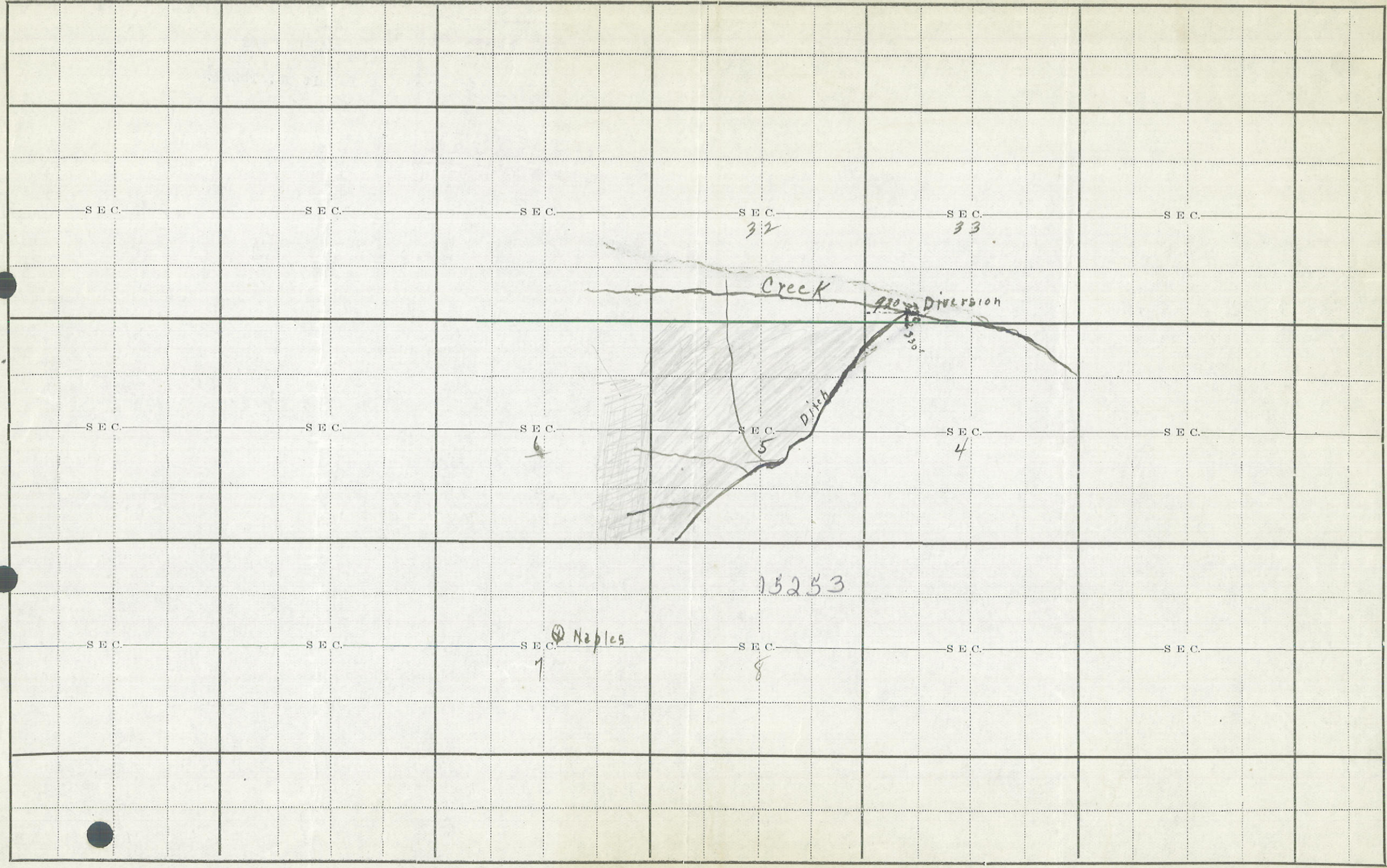
Naples, Idaho

Mrs J. S. Bond
Rita Heath

Pearl Heath

NAME OF APPLICANT

H.E. Brown



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

SEC.

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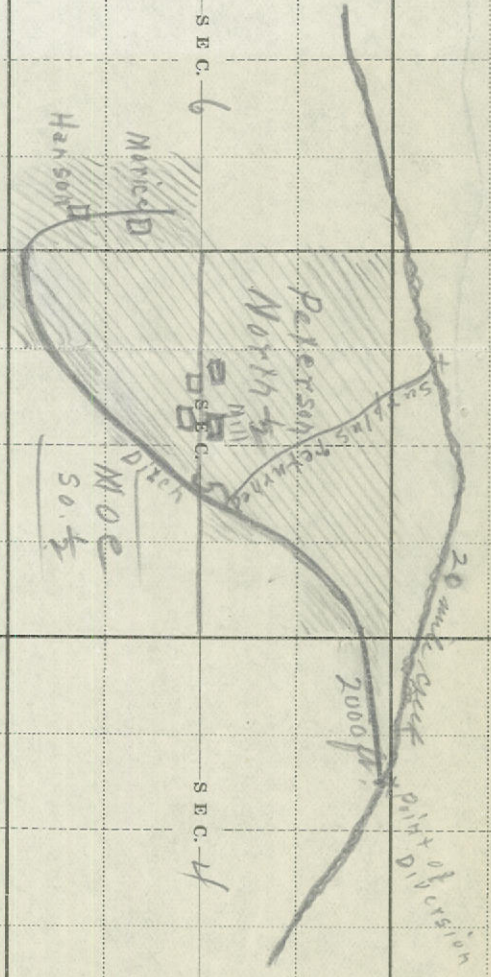
SEC.

SEC.

SEC.

SEC.

SEC.



15253

Permit Map No. 15253
As Approved
JUL 29 1921
W. G. SWENDBEN
Commissioner of Reclamation

State of Idaho

License and Certificate of Water Right

Water License No. 15253

Amount 0.5 Sec. Ft.

Water District No.

Priority October 12, 1925

THIS IS TO CERTIFY that Hans F. Petersen & Peder Moe of Naples, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 26th, 1921; that Permit No. 15253 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 8.0 second feet, was issued thereunder on August 17th, 1922, showing that said works were completed on the 17th day of July, 1922; and that on the 26th day of October, 1931

Hans F. Petersen & Peder Moe of Naples, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Twenty Two Mile Creek, a tributary of Deep Creek, for the purpose of Irrigation, domestic & power, under Use Permit No. 15253 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 3673, on the 30th day of December, 1931;

The right hereby confirmed dates from October 12, 1925;

The Point of Diversion is located in the SW 1/4, Sec. 33, Tp. 61 N., R. 1 E., B. M. Boundary County.

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 0.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
60 N.	1 E.	5	NE 1/4 SW 1/4	40	25

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 30th day of December, 1931

Mans. H. Coffin
Assistant Commissioner of Reclamation

(SEAL)

98 2025

APPLICATION FOR PERMIT 98-2025

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 21685
Permit No. 15253
District No. 102

1. Name of Applicant: Hans F. Petersen, Pedér Moe, G. Hanson, J. A. Norice and H. E. Brown

Postoffice address: Naples

County: Boundary

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2 Quantity of water claimed: eight (8)

cubic feet per second.

3. Source of water supply: ~~Twenty-mile~~ ^{Twenty-two Mile} Creek

which is a tributary of Deep Creek

4 Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B. M., and is in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$

of Section 4 , T. 60 N., R. 1 E , B. M., County of Boundary

5. Water is to be used for: irrigation, domestic and power purposes

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

center of Section 5

(a) Point of use of water: mill near / feet distant from corner of Section

T. , R. , B. M., in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5 , T. 60 N. , R. 1 E. , B. M.

(b) Amount of power generated: None - only supply / H. P., under water for 50 H.P. steam engine feet head.

(c) Water is to be returned to Twenty-mile creek at a point feet

distant from the corner of Section , T. , R. , B. M., in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$

of Section 34 , T. 61 N , R. 1 E , B. M.

7. Estimated cost of works: \$ 3000.00

8. Kind of works: dam ditch and flume

9. Height of dam four (4) feet; length of dam at top 30 feet; length of dam at bottom 25

feet; material used in dam logs and soil

10. Size of headgate: width two (2) feet; height two (2) feet

11. Ditch: Width at bottom 2 feet; width at water line 3 feet; depth of water 1

feet; dimensions of flume 2 ft x 1 ft.

Diameter of pipe inches; length of conduit 6000 ft miles.

Average grade per mile 30 feet

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

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

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

- 15. (a) Is reservoir to be used? no If so, fill in (b) and (c) below.
 (b) Name of reservoir and number of Storage Permit: _____
 (c) Date of filing of Application for Storage Permit and Name of Applicant: _____

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

Hans. F. Petersen and Peder Moe

Applicant.

By H. E. Brown
Sandpoint, Idaho.

Agent.

Date of first receipt at Department of Reclamation. 9 A. M. July 26, 1921.

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 15253

Recorded in Book 54 Page 15253 Approved July 29, 1921.

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 September 28, 1921 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 January 29, 1922.

The whole of said work to be completed on or before July 29, 1922.

Beneficial use of water appropriated in accordance herewith, to be made on or before July 29, 1927.

Witness my hand this 29th day of July, 1921.

W. G. SWENDSEN
Commissioner of Reclamation.

Remarks :

14 Twp	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
60	1 E	5	20	30	40		30	30	40	40	40	40	15		15			380	
60	1 E	6												40		40		80	
			All private land								Total number of acres to be irrigated				460				
STATE OF IDAHO)																			
) ss.																			
County of ----)																			
H. E. Brown being first duly sworn, upon his oath deposes and says:																			
That he is the owner and holder of Permit to appropriate the Public Waters of																			
the State of Idaho No. 15253.																			
That he intends to change the point of diversion, as described in said permit,																			
to the following described point:																			
To SW¼ of SW¼ Sec. 33-61-1E																			
That such change will be made for the following reasons, to-wit: Distance																			
shorter and cost lower. We found after making survey that water could be taken from																			
Creek lower down than we first thought.																			
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.																			
H. E. BROWN, for Applicants.																			
Subscribed and sworn to before me this 10th day of March, 1922.																			
E. D. FARMIN																			
Notary Public.																			
My commission expires July 1st, 1923.																			
Received and filed for record in the Department of Reclamation at Boise, Idaho,																			
at 9:00 A. M. Mar.. 13, 1922.																			
W. G. SWENDSEN,																			
Commissioner of Reclamation																			
By C. BROWN																			
(SEAL)																			

A F F I D A V I T

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

H. E. Brown, being first duly sworn deposes and says:

That he is the H. E. Brown who acted as agent in application No. 21685 to appropriate public water in the State of Idaho, for which Permit No. 15253 was issued, and makes this affidavit for the purpose of correcting an error in this Application in that the source of water supplied is shown therein as "Twenty Mile Creek" whereas the correct name of this stream is "Twenty-two Mile Creek."

H. E. Brown

Subscribed and sworn to before me this 29th day of July, A. D. 1922

E. D. Farmin.
Notary Public, State of Idaho,
Residing at Sandpoint, Idaho,
Commission expires July 1, st, 1923.

(SEAL)

Proof of Completion of works made July 17th, 1922
Certificate of Completion issued August 17th, 1922

Permit No. 15253

CERTIFICATE OF COMPLETION OF WORKS

To All whom it May Concern:

This is to certify that Hans F. Peterson, Peder Moe, G. Hanson, J. A. Norice, and H. E. Brown, Naples, County of Boundary, and State of Idaho, the holders of Permit No. 15253, issued upon Application No. 21685 bearing date of priority of July 26, 1921 authorizing the diversion of 8.0 second feet of the waters of Twenty-two mile creek County of Boundary, State of Idaho, for irrigation, domestic and power purposes, have 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 8.0 second feet of the waters of Twenty-two mile creek, that the point of diversion of said waters is in the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 33--61N-1E, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 90 acres in NE $\frac{1}{4}$, 120 acres in NW $\frac{1}{4}$, 120 acres in SW $\frac{1}{4}$ and 15 acres in SE $\frac{1}{4}$, Sec. 5-60N-1 E.B.M. Also 80 acres in SE $\frac{1}{4}$ Sec. 6-60N-1 E.B.M.

Witness my hand this 17th day of August, A.D., 1922.

W. G. SWENDSEN
Commissioner of Reclamation

LICENSE ISSUED FOR 0.5 SEC. FT.

Vol 7, page 3673

August 8, 1932

Re: PERMIT No. 13253

Mrs. CARL SHORMAKER
Naples
Idaho

Dear Madam:

We are in receipt of a petition signed by yourself and 3 other waterusers of 22 MILE CREEK, requesting an investigation of the amount of water being diverted by PEDRO MOE.

Last year, Mr. Moe was granted a license by this department to divert and use 20 miner's inches of the water of 22 MILE CREEK.

If he is diverting more than this, you may start action in the courts to protect your own rights.

Until the various rights of this creek have been established by the court, we are not in position to appoint a watermaster to supervise these waters.

I would suggest that you take this matter before the County Prosecuting Attorney.

Very truly yours,

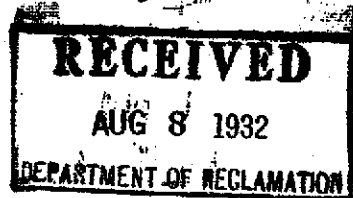
Assistant Commissioner
of Reclamation

15253

Naples

Aug. 4 - 32

Bureau of Water Resources
Boise Idaho



Dear Sir:- We, the undersigned,
being property owners on 20 mile
Creek, ask that an investigation be
made in regard to the amount of
water Pedro More is using on his
water right.

We understood he was allowed 25 cu. ft.

He has been taking $\frac{2}{3}$ of all water in
the creek all spring and all of it
the last few days.

Mr. Dobson and Mrs. Miller cannot get
their allowance and we below have
none for domestic use.

Signed -
Mrs. Carl Shoemaker

Chas. A. Laitner

Ralph Dobson

Mrs. A. W. Miller

15253

CHAS. O'CALLAGHAN
ATTORNEY AT LAW

PAID VALLEY FRUIT, FARMING AND TIMBER LANDS
ONWARD TRACTS AND CITY PROPERTY. FIRE INSURANCE

15253

~~*****~~

Naples, Idaho Dec 17, 1931

R.W.Paris,
Commissioner of reclamation,
Boise, Idaho.

Sir;

Having received your letter of Dec 10, I am
herewith enclosing you my check for \$2.00 as
requested in your letter, for my water permit
15253.

Very truly yours,

Robert Moe

15253

December 10, 1931

Re: PERMIT No. 15253

CARL H. SHOEMAKER, et al.
Naples
I d a h o

Dear Sirs:

Regarding the application for permit to divert water from TWENTY-TWO MILE CREEK by Mr. PEDER MOE, et al., and the protest filed against the issuance of the license by yourself and others:

Our Field Engineer in his examination for proof of beneficial use reported that Mr. Moe had approximately 25 acres in cultivation, ready to receive water.

This department can see no reason why Mr. Moe should not be granted a license for the diversion of .50 cubic foot per second or:

25 inches from said TWENTY-TWO MILE CREEK

It appears to me that by granting this right for only 25 inches, it will, during most of the season, be ample water for you all.

Unless additional reasons are filed as to why this license should not be granted, upon the payment of a small fee requested of Mr. Moe, it will issue.

Very truly yours,

Assistant Commissioner
of Reclamation

15253

October 29, 1931

Re: PERMIT No. 15253

Mr. CARL H. SHOEMAKER
Naples
Idaho

Dear Sir:

In regard to your petition against granting of license to
PEDER MOE and HANS PETERSON: Proof of beneficial use has
been filed in this office. License will not issue until
an examination has been made by an engineer from this de-
partment; probably due to the lateness of the season, this
will not be made until next spring.

At that time you and the other protestants will be given a
chance to present your side.

Very truly yours,

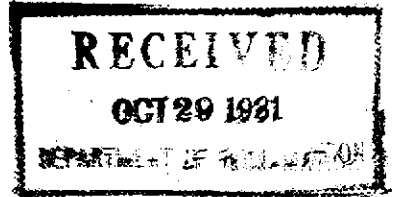
Assistant Commissioner
of Reclamation

15253

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

On October 16, 1931 this proof was duly and regularly continued to October 26, 1931 at 1 o'clock P.M. for the reason that the proper forms for the depositions had not arrived on the former date.

Permit No. 15253



Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Peder Moe and Hans F. Peterson, Farmers, both of Naples, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Not a corporation

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

Ans. Permit No. 15253, Dated July 25, 1921. Date of priority is October 12, 1925

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

Ans. Source is Twenty-Two Mile Creek in Section 33, Twp 61, Range 1 East, Diverted about 1200 feet North East of the SW Corner of Section 33, Township 61, Range 1 E. of 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. 5 Cuvic feet per second

Ans. First a floom about 15 feet long, 14X 12 inches. Second, a ditch, about 2500 feet, about two feet deep and two feet wide. Third about 112 feet floom, 12X12 inches wide and high. Fourth, a ditch about 700 feet long, about on foot deep and one foot wide. Fifth, about 40 feet of floom, 12X12 inches. Sixth, about 500 feet of ditch, one foot deep and 12 inches wide. Seventh, 160 feet of floom, 12X12. Eighth, 300 feet of ditch, 12 inches deep and 12 inches wide

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. Used for irrigation and domestic uses, places of use are on NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5, T. 60 R. 1 E for pasture only. In SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 5, Twp 60 R. 1 East of B.M. For irrigation and domestic use. 10 acres of this is plowed, and water is applied to this 10 acres.

The NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5, Twp 60, R. 1 E. for irrigation and domestic use. 30 acres of this is under cultivation and water is used on it for irrigation and domestic use.

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

Ans. No power applied

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

Ans. 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. Not a corporation

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

Ans. In the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 5 have been using it all the time since 1922, through ditches and flumes named above, from $\frac{1}{2}$ cubic foot to 5 $\frac{1}{2}$ cubic feet, owing to the flow and the season. On SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 5 have been using it there since May 1931; got only small quantity the creek was nearly dry. On NE $\frac{1}{4}$ of SW $\frac{1}{4}$ sec 5 using since May 1931

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. No None other

Hans F. Petersen
(Sign) Peder Mae

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 Boundary, County of Boundary State of Idaho, on this 26th day of October, A. D. 1931

Chas O Callington
Notary Public

My commission expires Nov 25 1934

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 15253

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. ~~Peter Thompson, Age 52, A farmer, Residence Naples Idaho.~~

Ques. 2. Are you acquainted with Peder Moe and Hans E. Peterson, the holder of Permit No. 15253? How long have you known him and where does he reside?

Ans. ~~Yes I know them both, I have known them both 12 years, they both reside at Naples, Idaho.~~

Ques. 3. Have you read or heard read said Permit No. 15253, 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. ~~Twenty-Two Mile Creek. Diverted about 1200 feet northeast from the SW corner of Sect 33, Twp 61 Range 1 East. It is conveyed to places of use by flumes and ditches. Flumes are about 12X12 inches and ditches are about 2 feet deep and about 2 1/2 feet wide on top.~~

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. ~~about five cubic feet per second. I saw conveyed about 2 1/2 feet and some times less~~

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. ~~Used for irrigation and domestic purposes. For irrigation on the NE 1/4 of NE 1/4 of Sec 5, T. 60 R. 1 E. for pasture, and on SE 1/4 of NW 1/4 of said sect 5, for irrigation and domestic uses, there is about 10 or 15 acres on this 40 cleared and cultivated where water is used, and on NE 1/4 of SW 1/4 of said section 5, water is applied for domestic and irrigation purposes. there is about 30 acres cleared and cultivated on this 40, on which the water is applied~~

15253

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

Ans. ~~No power, but it applied for domestic uses through the fleoms and ditches aforesaid.~~

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. ~~The character of the land some of it is pasture land and some of it is farming land. About 5 cubic feet per second or more is required for profitable cultivation~~

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, None 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 saw the water running through those ditches and fleoms twice during the past summer, about 2½ cubic feet. The last time I saw it it was pretty dry~~

(Signed)

Peter Thompson

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 *Bonanza Ferry*, County of *Boundary*, State of Idaho, on this day of *24th October*, A. D. 19 *31*.

James O'Callaghan

Notary Public.

My commission expires

Nov 25 1934

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 15253

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. ~~Peter Thompson, Age 52, A farmer, Residence Naples Idaho.~~

Ques. 2. Are you acquainted with Peder Moe and Hans F. Peterson, the holder of Permit No. 15253? How long have you known him and where does he reside?

Ans. ~~Yes I know them both, I have known them both 12 years, they both reside at Naples, Idaho.~~

Ques. 3. Have you read or heard read said Permit No. 15253, 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. ~~Twenty-Two Mile Creek. Diverted about 1200 feet northeast from the SW corner of Sect 33, Twp 61 Range 1 East. It is conveyed to places of use by flumes and ditches. Flumes are about 12X12 inches and ditches are about 2 feet deep and about 2½ feet wide on top.~~

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. ~~about five cubic feet per second. I saw conveyed about 2½ feet and some times less~~

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. ~~Used for irrigation and domestic purposes. For irrigation on the NE¼ of NE¼ of Sec 5, T. 60 R. 1 E. for pasture, and on SE¼ of NW¼ of said sect 5, for irrigation and domestic uses, there is about 10 or 15 acres on this 40 cleared and cultivated where water is used, and on NE¼ of SW¼ of said section 5, water is applied for domestic and irrigation purposes. there is about 30 acres cleared and cultivated on this 40, on which the water is applied~~

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

Ans. No power. Applied for domestic use through floows and ditches

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. Unimproved pasture land and improbed farming land. requires 5 cubic feet per second.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent? No None

Ans. _____

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 went by the said works about twice a week during the past summer and observed the ditches and flooms, and saw the wster in them whenever there was any water in them, some of the time they were dry

(Signed)

Oliver C. Wilfong

I hereby certify that the foregoing testimony was read to the above subbscriber 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 Bonanza Ferry, County of Bonanza, State of Idaho, on this day of October, A. D. 1931.

Gray O. Callaghan

Notary Public.

My commission expires Nov 25 1934

15253

October 19, 1931

Mr. Charles O'Callighan
Attorney at Law
Bonners Ferry, Idaho

Dear Sir:

Enclosed please find blanks for Proof of
Application of Water to Beneficial Use as requested
in your letter of recent date.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

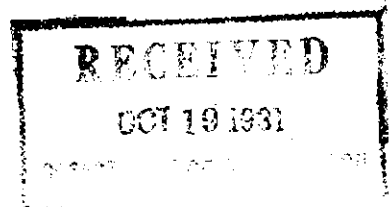
By

Clerk

15253

15253

CHAS. O'CALLAGHAN
ATTORNEY AT LAW
REAL ESTATE AND INSURANCE



BONNERS FERRY, IDAHO Oct 16, 1931 193

Commissioner of Reclamation,
Boise, Idaho.

Dear Sir;

I have received your letter of October 14, enclosing
the following blanks;

"Notice of proof application for water to
beneficial use. for publication.

Your office has caused to be published here in the
Bonners Ferry Herald, a notice specifying that on
October 16, 1931, under permit No. 15253, Peder Moe,
et al would ~~make~~ proof of beneficial use of water
before Chas O'Callaghan, Notary Public.

This notice has been duly published, and on this
date the parties to make proof appeared before me
to offer such proof, but for the reasons stated
below the matter has been continued to October
26, 1931.

About six or eight days ago I wrote your office
for the blanks necessary to take this proof, but
you didn't send them; instead you sent other blanks
not suitable for taking this proof. That is the
reason this matter has to be continued until we
can procure from your office the right sort of blanks.
I have frequently taken such proofs before now, and
I know I have not the right blanks.

The two principals under this permit appeared
today, and had with them two disinterested parties,
who, they said, would corroborate their testimony.
A fifth man also appeared, whose name I did not learn,
and who said he was here to contest the proof.

Please send me the necessary blanks to take
this proof, and greatly favor the interested parties.

Chas O'Callaghan
Notary Public

15253

AFFIDAVIT OF PUBLICATION

Notice for Publication NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2 p. m. on the 18th day of October, 1931, at Bonners Ferry, County of Boundary, State of Idaho, before Chas. O'Callaghan, Notary Public, proof will be

submitted of the application to beneficial use of five cubic feet per second of the waters of Twenty-Two Mile Creek, in accordance with the terms and conditions of Permit No. 15253 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Hans F. Petersen and Peder Moe, both of Naples, Idaho.

The use to which said water has been applied is Irrigation, Domestic and Power.

The amount applied to beneficial use is Five Cubic Feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) West Half (W½) of Section 5, Township 60 North, Range 1 East of Boise Meridian, in Boundary county, Idaho.

The right to take water from such works is based upon Permit No. 15253.

The source of supply from which such water is diverted is Twenty-two Mile Creek.

The date of the priority which said user is prepared to establish is October 12, 1925.

R. W. FARRIS,
Commissioner of Reclamation.
First publication Sept. 10, 1931.
Fourth and last pub., Oct. 1, 1931.

STATE OF IDAHO, } ss.
County of Boundary, }

C. W. King
being first duly sworn upon his oath, deposes and says: That he is the

Proprietor of the Bonners Ferry Herald, a newspaper of general circulation, published weekly at Bonners Ferry, Boundary County, State of Idaho; that the said Bonners Ferry Herald has been continuously and uninterruptedly published in said Boundary County during a period of 18 months or 78 weeks prior to the first publication of the

hereto attached notice; that the advertisement of *R. W. Farris*

Commissioner of Reclamation
a *Application of Water to Beneficial Use*

Notice for Publication, a printed copy of which is attached hereto was

published in said newspaper, and not in a supplement thereof for *4*

consecutive issues, commencing with the issue dated *September 10*

1931, and ending with the issue dated *October 1*, 1931.

C. W. King
Proprietor
Foreman

Subscribed and sworn to before me this *16* day of

October, 1931, *O'Callaghan*

Notary Public in and for the County of Boundary, State of Idaho, residing at Bonners Ferry, Idaho.

15253

**STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE**

October 14, 1931

Charles O'Callaghan
Attorney at Law
Bonners Ferry, Idaho

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 15253, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is July 29, 1927, and, if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

~~B. W. FARIS~~
GEO. N. CARTER
Commissioner of Reclamation.

15253

CHAS. O'CALLAGHAN
ATTORNEY AT LAW
REAL ESTATE AND INSURANCE

BONNERS FERRY, IDAHO Oct. 9, 1931 193

Commissioner of Reclamation,
Boise, Idaho.

Dear Sir;

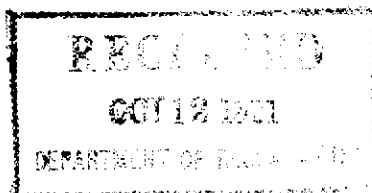
I understand that on October 16 I am to
take proof of the beneficial use of water under
permit No. 15253 for Peder Moe et al.

If your office furnishes blanks for that
purpose please send them to me or to Peder Moe
in time, as I haven't any of these blanks.

Very truly yours,

Chas O'Callaghan

15253



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 15253This proof is for Beneficial Use

In Water District No. _____

1. Name of applicant: Hans F. Peterson and Peder Moe2. Source of water supply: Twenty-Two Mile Creek3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33T. 61 N. R. 1 E. B.M. County of Boundary

4. Describe works as they exist, giving dimensions and capacities of same: Rock check in creek, Board headgate 15 ft wide, 12" deep and 6 ft long. Capacity 1 cu ft.
Ditch 6 ft wide & 1 ft deep. about 700 ft of 12" x 12" flume.

5. Water is used for: Irrigation, ~~and~~ domestic use & Power for operation of mill.6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 5, Twp. 60 N., R. 1 E., B.M.

*This description
does not cover lands
filed on July 3*

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

8. What large stream would the water here appropriated finally reach? Deep Cr. ^{and} Kootenai River

Remarks: 1. acre of garden & fruit has been irrigated, and a field of about 24 acres adjacent is ready for and needs irrigation. A small steam power saw mill also has used water.

Protestants to this filing living on 22 Mile Creek below P.O.D. have subsequent filings but a probable priority of use and the limited amount of water available will not admit of wasteful methods of use.
Stream flow at time of examination was 1.5 cu. ft.

This examination was made on the 29th day of Sept. 1931

15253

(Signed)

W. H. Johnson

Examiner.

Hans F. Peterson
Peder Moe

Naples, Ida.

Permit No. 15253

87

Examination for BEN. USE

County BOUNDARY

INSTRUCTIONS TO EXAMINERS

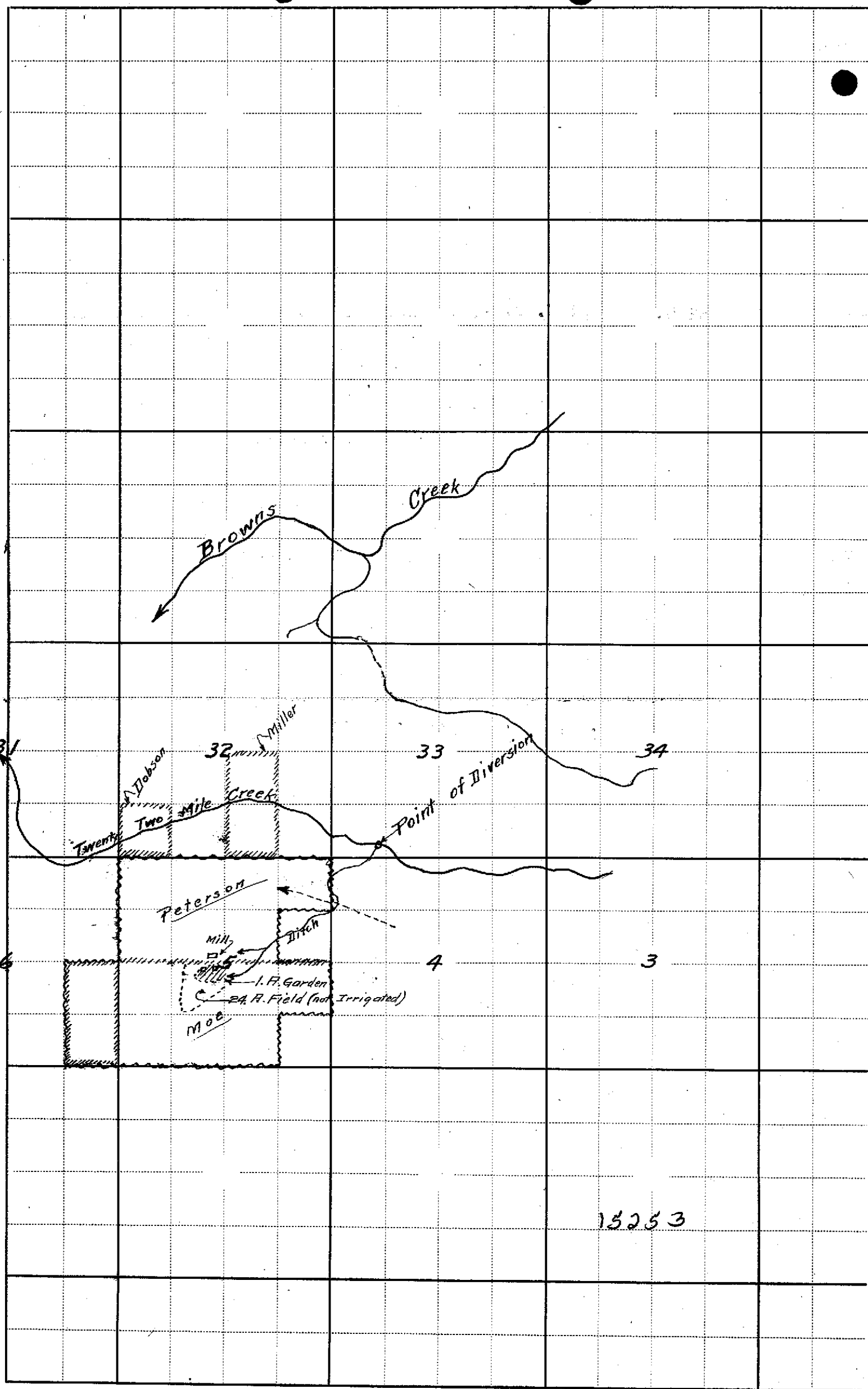
1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. 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.
-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO._____

REPORT ON PROOF OF_____



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

September 28, 1931

Re: PERMIT No. 15253

Mr. CARL H. SHOEMAKER
Naples
Idaho

Dear Sir:

In regard to your petition against granting PEDER MOE and
HANS PETERSON license on water of TWENTY-TWO MILE CREEK:

Their application called for proof of beneficial use to
be made in 1927; this proof has not been made as yet.
Until this proof is made, no license will issue from this
office.

From the tone of your letter, I would take it they are
preparing to make proof at this time, in which case your
protest will be entered and the necessary hearing held
thereon.

Very truly yours,

Assistant Commissioner
of Reclamation

15253

Naples Ida.
Sept. 14, 1931

--- A PETITION ---

TO THE STATE HYDRAULIC ENGINEER, STATE OF IDAHO
BOISE, IDAHO.

WE THE UNDERSIGNED PROPERTY OWNERS AND DOMESTIC WATER USERS ON AND
OF ^{TWO} TWENTY MILE CREEK NORTHEAST OF THE VILLAGE OF NAPLES IDAHO PETITION
YOU TO CANCEL ANY AND ALL WATER RIGHTS AND FILINGS WHICH HAVE BEEN
GRANTED OR IS BEING GRANTED ON SAID CREEK. THE WATER IN SAID CREEK TO BE
USED FOR DOMESTIC PURPOSES ONLY.

NAME.

ADDRESS.

E. H. Nelson
Olivia Strommen

Naples, Ida
Naples, Ida

J. B. Bond

W. H. Bond

Ralph Laboon

Commissioner Miller

Charles A. Lortved
Earl Stevenson

Mrs. J. B. Bond
D. H. Heath

Carl Heath

Naples, Idaho

Naples, Ida. Sept 24th 1931

R.W. Farris

Commissioner of Reclamation State of Idaho
Boise, Ida.

Dear Sir:

Please find petition requesting the state of Idaho to reject and cancel all water rights for irrigation purposes on Twenty Two(22) mile creek.

We see in the county paper where Mr Peder Moe and Hans M Peterson have filed notice to make final proof on 5 (five) Cu feet of water per second on twenty two mile cree. There is less than one (1) Cu foot per second in this creek during the dry season of the year. Mr. Moe has an open ~~dix~~ ditch one and one quarter miles long through which he is trying to carry water to his place at this time. The water soaks or goes into the ground before it reaches his land.

This season these parties took took all the water from the creek and wasted it on logged off land depriving us ~~xxxxx~~ settlers of the water which we have been using for domestic purposes for years before either Mr. Moe or Mr. Peterson located here.

Their lands are not on the creek while it flows through ours.

We have done a great amount of hard labor making our homes. We have families where Mr. Moe is a bachelor. We do not want to deny him the right of water for domestic purposes provided he pipes it and does not waste it in an open ditch.

Besides depriving us of the water it takes it away from the fish. The rainbow trout come up this creek by thousands to spawn each spring so when the water is taken out the minnows die and decay in the creek bed causing

15253

the water to be unfit for home use for some time after the fall rains start the creek flowing.

We kindly beg of you to make an investigation before issuing any deeds for water rights on twenty two mile creek

Respectively

Carl H. Shoemaker

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

15-253
Date September 2, 1931.

Publisher,
Bonners Ferry Herald
Bonners Ferry, Idaho
DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to October 16, 1931, the date set for proof, the expense of the publication to be paid by the applicant, by Chas. O'Callaghan, Attorney,
Bonners Ferry, Idaho

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

15253

September 2, 1931.

Re: Permit No. 15253

Mr. Chas. O'Callaghan
Attorney at law
Bonners Ferry, Idaho

Dear Sir:-

We are today in receipt of your letter enclosing notices for proof of beneficial use of water under the above permit.

In order to allow time for the required four full weeks publication, we have set October 16th as the date for making proof and have today mailed a copy of the notice for publication to the Bonners Ferry Herald. However, if this date will not be convenient to the holder and the two witnesses, please advise us at once and the notice will be changed before publication is made.

The date of priority under the permit will be October 12, 1925. This insertion was made in the notice mailed. The notice was also corrected to read Twenty-two Mile Creek instead of Twenty-five Mile.

Very truly yours,
R. W. PARIS
Commissioner of Reclamation.
By _____ Chief Clerk.

15253

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2 ^{16th} p. m. on the 22nd day of October, 1931,
at Bonnors Ferry, County of Boundary, State of Idaho,
before Chas O'Callaghan, a Notary Public, proof will be submitted
of the application to beneficial use of Five cubic feet per second of the
waters of Twenty-two Mile Creek in accordance with the terms and conditions of
Permit No. 15253 heretofore issued by the Department of Reclamation
of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are
Hans F. Petersen and Peder Moe, both of Naples, Idaho.

The use to which said water has been applied is Irrigation, Domestic and Power

The amount applied to beneficial use is Five Cubic Feet.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) The West Half (W $\frac{1}{2}$) of Section 5, Township 60 North, Range
1 East of Boise Meridian in Boundary county, Idaho.

~~The purpose of the said works is to divert water from the Boise River to the~~
~~irrigation of the lands in the~~
~~Boundary county, Idaho.~~

The right to take water from such works is based upon Permit No. 15253

The source of supply from which such water is diverted is

Twenty-two Mile Creek in Boundary county, Idaho.

The date of the priority which said user is prepared to establish is -1927-

/ October 12, 1925.

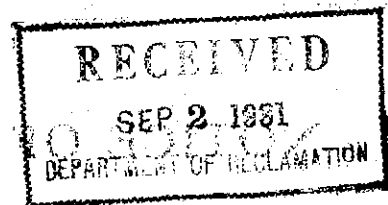
R. W. Faris

Commissioner of Reclamation.

15253

See - SW 34 - 33 - 61 N - 1 E
Boundary Co

NOTIFICATION FOR ACTION
ORDER TO NOTIFY PUBLIC WORKS
TO REMEDIAL OF



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filed July 26 - 1921

B.H. Inc - July 29 - 1927

Brought down 4 yrs - 2 mo - 16 days from

July 26 - 1921 = @ 7.12 - 1925

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CHAS. O'CALLAGHAN

ATTORNEY AT LAW

KOON VALLEY FRUIT, FARMING AND TIMBER LANDS
ORCHARD TRACTS AND CITY PROPERTY. FIRE INSURANCE

BONNERS FERRY, IDAHO, Aug. 31, 1931

Department of Reclamation,
Boise, Idaho.

Gentlemen;

Hans F. Petersen and Peder Moe are herewith
sending you their Notice of Proof of application of
water to beneficial use, and request that the notice
be published in the Bonners Ferry Herald of Bonners
Ferry, Idaho.

Chas O Callaghan

SEP 2 1931
DEPARTMENT OF RECLAMATION

15253

August 1, 1931.

Re: Permit No. 15253

Mr. Pede Moe
Naples, Idaho

Dear Sir:-

At the request of Mr. Chas. O'Callaghan, we are mailing you herewith blanks upon which to give notice of intention to make proof of beneficial use of water under the above permit. The date for making such proof should be set far enough ahead to allow for the required four weeks publication of notice.

When these blanks have been filled out and returned to this office, a copy of the notice will be mailed to the paper designated by you, and deposition blanks for holder and two witnesses will be mailed to the notary public, or other officer designated by you in your notice, before whom you will make proof.

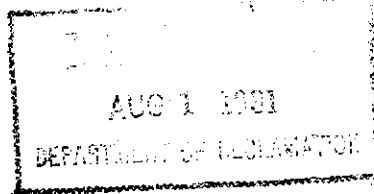
Very truly yours,
R. W. PARIS
Commissioner of Reclamation.
By
Chief Clerk.

Encl.

15253

CHAS. O'CALLAGHAN

ATTORNEY AT LAW



KOOTENAI VALLEY FRUIT, FARMING AND TIMBER LANDS
ORCHARD TRACTS AND CITY PROPERTY. FIRE INSURANCE

BONNERS FERRY, IDAHO, July 30, 1931

Department of Reclamation,
Boise, Idaho

Re; Water Permit No. 15253
Pede Moe and others

Gentlemen;

Mr. Pede^YMoe, one of the holders of the above-mentioned Water Permit wishes to make proof of the baneficial use of the water involved in this permit, and he asks to receive from your office the necessary papers to make this application and such other information as you may see fit to give him.

Please mail this information to Mr. Pede^YMoe to Naples, Idaho

Very truly yours,

Chas O'Callaghan

15253

BU - 7 - 1927

Pr - 4 $\frac{1}{2}$ yrs late 9

December 12, 1930

Re: PERMIT No. 15233

Mr. H. E. BROWN
Sandpoint
Idaho

Dear Sir:

In response to your letter of December 9 relative to the above numbered permit; You are informed that this permit was originally taken out for the appropriation of 8 cubic feet per second; that in accordance with the terms thereof proof of completion of works was made for the diversion of 5 cubic feet per second; proof of beneficial use has not been made and was due in 1927; however, the permit remains in good standing to the extent of 5 cubic feet per second even though proof of beneficial use has not been made. This proof can be submitted at any time but the date of priority would be as much later as the proof is late in being made. The permit, as it now stands, is only an evidence of a water right for 5 cubic feet per second and will not become a vested right until proof of beneficial use is made. If the holders of the permit are desirous of completing their right, I would suggest that proof of beneficial use be made at the earliest date possible.

Very truly yours,

Assistant Commissioner
of Reclamation

15233

H. E. BROWN TIMBER COMPANY

LUMBER AND CEDAR PRODUCTS

FARMIN BUILDING

PHONE 500

SANDPOINT, IDAHO

H. E. BROWN, MANAGER

Dec. 9, 1930.

Dept. of Reclamation,
Boise, Idaho

Gentlemen:

On August 17, 1922, your office issued Certificate of Completion of Works # 15253, to Hans F. Peterson, Peder Moe, G. Hanson, J. A. Morice and H. E. Brown.

Since that time very little use has been made of the water, for irrigation or other purposes, although Peder Moe and H. F. Peterson have made quite extensive improvements to their land, in preparation for use of the water.

The writer is no longer interested in this water right but Mr. Moe has asked me to find out as to whether the permit is still in good standing.

He had some trouble this year with people living on the creek, below the diversion dam, who turned the water out of his flume and insisted on keeping the entire flow of the stream in its natural course. Mr. Moe would like to know whether he still has a right to this water, even though he has not yet completed the work necessary ^{for} entire beneficial use of the water as planned.

Yours very truly,

H. E. Brown

15253

November 12, 1930

Re: PERMIT No. 13253

Mrs. C. SHOMAKER
Naples
Idaho

Dear Madam:

In response to your letter of November 7, you are informed that the holders of the above numbered permit submitted proof of completion of works for the diversion of 5 cubic feet per second. Under the statute it is not necessary to publish notice of hearing on proof of completion of works where the amount is less than 6.4 cubic feet per second, hence no publication of notice of the hearing for this permit was had. It should be borne in mind that a certificate of completion of works on a permit does not in itself constitute a water right; before such right is completed, it is necessary that the applicant make proof of beneficial use, after which license issues and the right then becomes evidence of a water right.

If other users on the stream claim a right prior to these parties, I would suggest that you first attempt by agreement to arbitrate these rights among yourselves, then hire an attorney and ask that a complaint be filed and have a decree entered, accordingly. If the parties can not agree amongst themselves, an action could be brought in the same manner and evidence submitted; the court will then enter a

13253

- 2 -

Mrs. C. SHOEMAKER

November 12, 1930

decree, defining the various rights.

There are two methods by which a person may acquire a water right in Idaho: One, by making application for permit and complying with all of the requirements thereunder; two, by diverting and using to beneficial use without making any record. In the latter case, the priority of the right would date from the date of first use.

Very truly yours,

Assistant Commissioner
of Reclamation

15253

Naples Ida
Nov. 7 - 1930

State Engineer
Boise Ida.

Dear Sir - We wish
to draw your attention
to the fact that Mr. Pedro
Moe and H. E. Brown
claim to have a pond
up water right on "22
mile Creek" to Mr. Moe's
place in Sec. 5 T. 60 N.
R. 1 E. B. M.

It was never advertised
that we know of and
when Mr. Hoffman wrote

you in regards to this
a short time ago you
stated there was no
record of Mr. Moe having
even a permit but that
Mr. Hans. Petersen had
a permit in 1921.

Mr. Moe has never made
the required improvements
nor used the water for
domestic purposes.

This summer during
dry season he turned
the water all out of
the creek into a short
ditch & wasted it on ¹³²⁵³
State land a mile from his place.

destroying all the fish.
causing 8 families who
depend on the creek for
domestic uses, to have
to haul water for
house hold use and
for stock.

These families have
depended on this water
for the last 20 yrs.
We have tried to
reason with Mr. Moore
but he says he has a
right to 8 cu. ft. per sec.
and is going to take his
rights

At low water there
is less than 1 cu. ft.
per sec. in the Creek.

We would like the
State to investigate this
and if possible have
the water right revoked.

Very Truly

Mrs. C. Shoemaker.

15253

August 18, 1922

Re: Permit No. 15253

Mr. H. E. Brown, Agent
Sandpoint, Idaho

Dear Sir:

I am herewith enclosing you certificate
of Completion of works issued under the above
numbered permit together with receipt for fees.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By

Chief Clerk

H.
Enc.
COW-R-8160

15253

H. E. BROWN TIMBER COMPANY
TIES, LUMBER AND CEDAR PRODUCTS
214½ FIRST AVE. PHONE 500
SANDPOINT, IDAHO

H. E. BROWN, MANAGER

July 29, 1922

W. G. Swendsen, Commissioner,
Department of Reclamation,
BOISE, IDAHO.

Dear Sir:

I am enclosing affidavit making a correction
in the name of the stream shown as source of water
supply in our Permit No. 15253 as requested in
your letter of July 26th. Check is also en-
closed in the sum of \$5.00, the statutory fee
for Proof of Completion report.

Very truly yours,

H. E. BROWN TIMBER COMPANY,

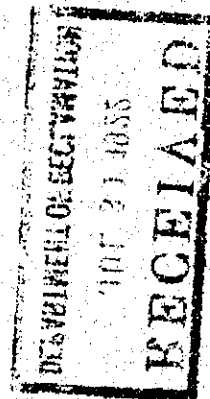
HCB:EP

By:

H. E. Brown

15253

INDEXED



A F F I D A V I T

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

H. E. BROWN, being first duly sworn deposes and says:

That he is the H. E. Brown who acted as agent in application No. 21685 to appropriate public water in the State of Idaho, for which Permit No. 15253 was issued, and makes this affidavit for the purpose of correcting an error in this Application in that the source of water supplied is shown therein as 'Twenty Mile Creek' whereas the correct name of this stream is 'Twenty-two Mile Creek'.

H. E. Brown

Subscribed and sworn to before me this 29th day of July, A. D. 1922.

E. J. J. J.

Notary Public, State of Idaho,
Residing at Sandpoint, Idaho,
Commission expires July 1st, 1923.

15253

July 26, 1922.

Re: Permit No. 15253.

Mr. H. E. Brown,
Sandpoint, Idaho.

Dear Sir:-

Referring to yours of the 24th inst. would say that you should file an affidavit setting forth the facts relative to the name of the stream from which the water is taken under the above permit. This affidavit can then be placed on record in connection with the permit in this office and become a part of such permit.

The statutory fee of \$5.00 for proof of completion of works should accompany the affidavit.

Very truly yours,

W. G. STANBURN,

Commissioner of Reclamation.

By

Chief Clerk.

15253

H. E. BROWN TIMBER COMPANY
TIES, LUMBER AND CEDAR PRODUCTS

214½ FIRST AVE. PHONE 500

SANDPOINT, IDAHO

H. E. BROWN, MANAGER

July 24th, 1922

Mr. W. G. Swendsen, Commissioner,
Department of Reclamation,
Boise, Idaho.

Dear Sir:

We have your letter of the 20th calling our attention to the fact we showed the name of the creek from which we were to take water under our application #15253 as Twenty Mile Creek and on the affidavit of proof of completion of work, we showed it as Twenty-two Mile Creek. On the county map which we have, this creek is shown in one place as Twenty Mile Creek and in another as Twenty-two Mile Creek, but we understand it is generally known as Twenty-two Mile Creek and that is undoubtedly the correct name. We trust you can correct the name on the original application, *and we hereby authorize you to make correction.*

Yours very truly,

H. E. BROWN TIMBER COMPANY,

HEB:EP

By:

H. E. Brown

15253

Permit No.

STATE OF IDAHO
Department of Reclamation

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Bonner } ss.N. E. Brown agent for, 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. 15253, and that his postoffice address is Sandpoint State of Idaho.

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

Twenty-two mile creekThird: That the point of division of said water is in S.W. 1/4 of S.W. 1/4Sec 33-61-1 W. B.M. (1000 ft East and 300 ft North of N.E. corner Sec 5-60-16)Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by July 29, 1922.Fifth: That the use for which said water is intended is irrigation and domestic

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

I. Kind of works: Ditch taking water onto Sec 5 near N.E. corner
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

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

No dam necessary

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

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit ditch width at bottom two (2) feet, width at water line 2 1/2 feet, depth of water 12" feet; diameter of pipe _____inches, average grade per mile is about 25 feet. Length of conduit is 1600 ft miles. 1 1/2 miles when work is completed

Seventh: That said works are capable of conducting to the place of intended use

five (5) second feet of water.Eighth: That water appropriated under said permit is available for _____ acres of land described as follows: 90 acres in N.E. 1/4, 140 acres in N.W. 1/4, 120 acres in N.W. 1/4 and 15 acres in S.E. 1/4 Sec 5-60-1 E. B.M.
Also 80 acres in S.E. 1/4 Sec 6-60-1 E. B.M.

Ninth: Remarks: That

Work could not be completed in time to make use of water for irrigation this year but ditch will be completed next year across Sec 5 to reach the S.E. 1/4 of Sec 5-60-1 E.N. E. Brown, Agent
(Sign here)Subscribed and sworn to before me this 17 day of July, 1922

My commission expires

Notary Public.

July 1 - 1923
15253

July 20, 1922.

Re: Permit No. 15253.

Mr. H. E. Brown,
Sandpoint, Idaho.

Dear Sir:-

In checking your affidavit for proof of completion of work under the above permit I note that you have made proof for the waters of twenty-two mile creek instead of twenty mile creek. The affidavit is accordingly returned herewith for correction in this particular. The affidavit for proof must correspond with the permit in order to be accepted.

Very truly yours,

W. G. SWENDESEN,

Commissioner of Reclamation.

By

Chief Clerk.

15253

H. E. BROWN TIMBER COMPANY
TIES, LUMBER AND CEDAR PRODUCTS

214½ FIRST AVE. PHONE 500

SANDPOINT, IDAHO

H. E. BROWN, MANAGER

May 29th, 1922

Mr. W. G. Swendson, Commissioner,
Department of Reclamation,
Boise, Idaho.

Dear Sir:

I have your letter of May 24th advising that it will not be necessary for us to publish notice of proof covering work we are doing on Water Right Permit No. 15253, providing we do not expect to use more than five second feet instead of eight, the amount we asked for in the original Permit. We are not quite thru with the work we expect to do this spring but will finish it before July 29th and will then send you affidavit covering proof of completion of work as we have decided five second feet will be all the water we will be likely to use.

Yours very truly,

H. E. BROWN TIMBER COMPANY,

By:

H. E. Brown

HEB:EP

15253

May 24, 1922.

Re: Permit No. 15253.

Mr. H. E. Brown,
Sandpoint, Idaho.

Dear Sir:-

We are in receipt of notices for proof of completion of works under the above permit. In checking these I note that you give the capacity of the works as only five second feet instead of eight, as claimed in the permit. If the works will convey only five second feet of water and that is the amount upon which you intend to offer proof of completion, it will not be necessary for you to publish the notice of proof. All that is required is the affidavit of the holder, or some one as agent for the holders, form for which is herewith enclosed.

If, however, it is the intention of the holders to make proof on the full amount, eight second feet, the notice of proof will have to be published four weeks prior to the date of making proof.

Fee of \$5.00 should accompany the affidavit of holder if sent in.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

F6

Chief Clerk.

15253

Notice for Publication

Notice is hereby given that at 3 P. M., on the 29th day of July, 1922, at Naples, County of Bonsdary, State of Idaho, before C. E. Housinger, Notary proof will be submitted of the completion of works for the diversion of Eight cubic feet per second of the waters of Twenty-mile creek in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is N. E. Brown, Agent
H. F. Peterson, H. Hanson and J. L. Morice
2. The postoffice address of such person or principal place of business of such corporation is Sandpoint, County of Bonner, State of Idaho.
3. The number of such Permit is 15253, and the date set for the completion of such work is July 29, 1922
4. Said water is to be used for Irrigation and domestic purposes.
5. 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 intended use, in accordance with the plans accompanying the application for such permit, is five cubic feet per second.
6. The amount of lands for which said water is available is 460 acres, particularly described as follows:
380 acres in Sec. 5
80 " " " 6

Commissioner of Reclamation.

SW SW - 33 - 614 - 1E

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Mr. H. E. Brown,
Naples, Idaho.

Boise, Idaho,

April 6, 1922.

DEAR SIR:

I enclose herewith blank Form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 15253.....

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before July 29, 1922. Upon receipt of the blank, properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

The proof may be submitted at any place convenient to you and two witnesses, where there is a notary public or other officer authorized to administer oaths.

The certificate that shall be issued under this proof does not give you a perpetual right to the use of the water for which application was made, as it only confirms the completion of works of a capacity to divert and convey to the place of intended use a certain amount of water. The law requires that another proof be submitted when the water has been fully applied to a beneficial use, at which time license is issued for the amount of water actually in use. Information in regard to this last proof will be furnished on request.

Very truly yours,

W. G. Swenson
Commissioner of Reclamation.

15253

March 15, 1922.

Re: Permit 15253.

Mr. H. E. Brown,

Sandpoint, Idaho.

Dear Sir:-

The affidavit for change of point of diversion under the above numbered permit has been placed of record in this office. The original is accordingly returned to you herewith, with one copy of the map.

Very truly yours,

W. G. STEENSEN,

Commissioner of Reclamation.

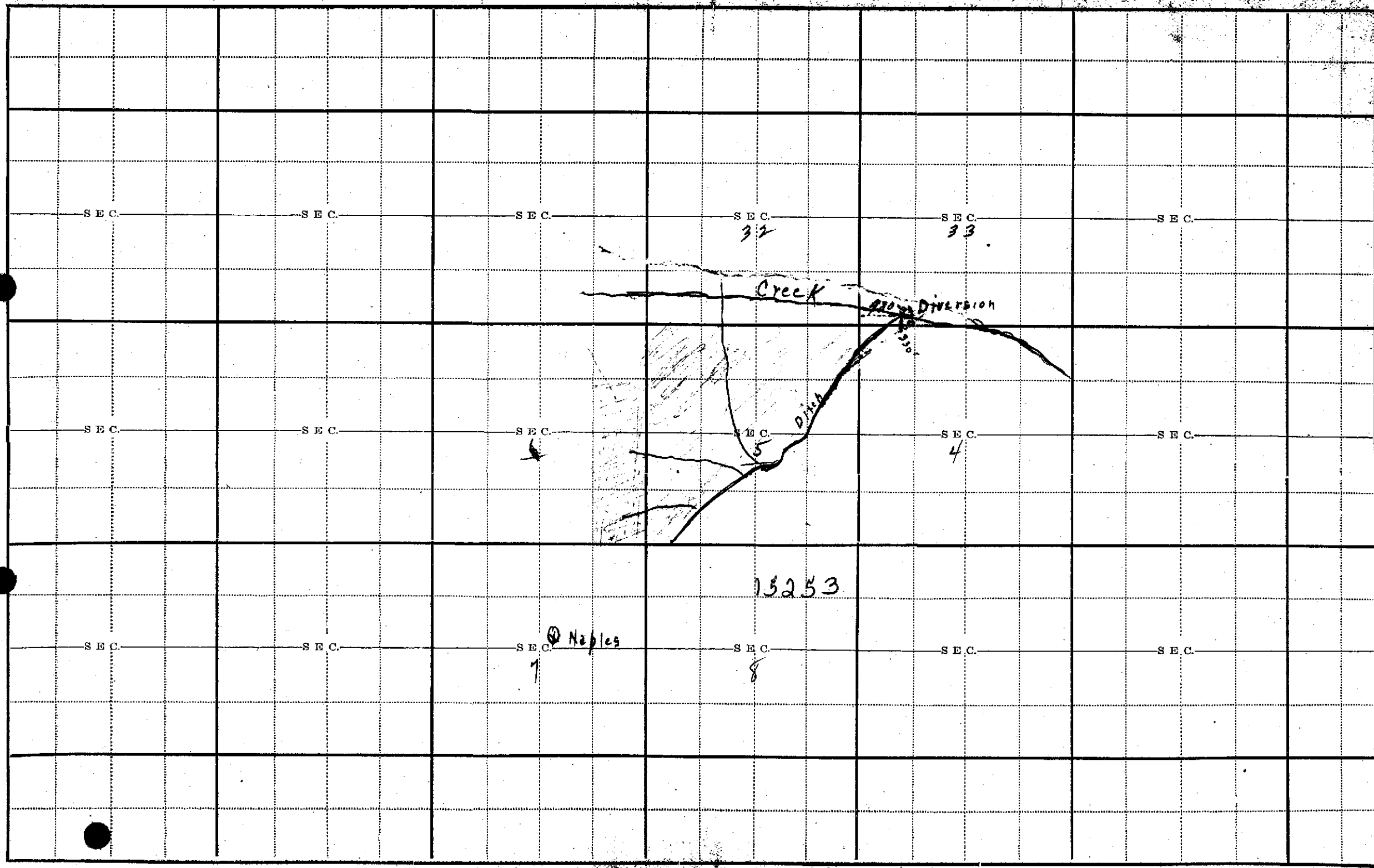
By

Chief Clerk.

APP

15253

NAME OF APPLICANT *H. E. Brown*



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

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 15253,
Mr. H. E. Brown,
Sandpoint, Idaho.

Boise, Idaho, July 29, 1921.

Dear Sir:

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

W. G. SWENDSEN
Commissioner of Reclamation.

15253

NAME OF APPLICANT

SEC.

SEC.

SEC. 6

SEC. 4

SEC.

MOC
H2

MOC
SO. 4

15253

SEC.

SEC.

SEC.

SEC. 5

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.