

May 18, 1959

Re: Permits No. 9859  
8974

Horning and McCann  
Attorneys at Law  
Wallace, Idaho

Attn: Mr. Chas E. Horning

Dear Mr. Horning:

Enclosed is departmental receipt No. 29607  
covering \$2.75 in fees for the copy of water licenses  
and a photo copy of the map. on Permit No. 8974.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

Chief Clerk

EPR:EW  
Enc. receipt

8974

*Letter in file 9859*

May 7, 1959

Re: Permits Nos. 9859  
8974

Horning and McCann,  
Attorneys at Law,  
Wallace, Idaho.

Attention: Mr. Chas. E. Horning

Dear Mr. Horning:

Enclosed are copies of Water Licenses #8974 and 9859 and photo copy of map submitted by the examining engineer for Permit No. 8974. Also on the map, in red, is shown the works taken from the blue print which accompanied the application for Permit #9859. Both licenses show the same point of diversion and apparently the Deadman Creek Ditch, shown in red, was not constructed.

This office does not require detailed information on the location of ditches as there is no concern with rights of way.

The fees for the water licenses are \$1.00 each and \$.75¢ for the photo copy or a total of \$2.75 which you may submit to this office.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

*See Horning's letter in  
9859*

Ralph W. Thomas  
Office Engineer

GNC/RWT/pmk

GNC/RWT/pmk

Encl. (3)

8974

SEC 25  
SEC 36

1 MABLE MAY MILL SITE  
SUR No 2246 B  
2 South Fork Coeur d'Alene River

POINT OF INTERSECTION  
AND POINT OF RETURN  
OF WATER TO STREAM

S 40° E 670'  
PIPELINE 100' HEAD 150'  
S 12° 25' E 520'

S 24° W 165'

SCALE 1" = 200'

FLUME 2 FT x 2 FT

N 2° 00' E

2570'

223'

Deadman Creek

NE 1/4 OF NW 1/4  
SEC 36

SE 1/4 OF SW 1/4  
SEC 25

NE 1/4 OF S  
SEC 2

1/4 COR SEC 36 1/4 COR SEC 25

TWP 48 N R 5 E BM

PERMIT MAP NO. 1  
AS APPROVED

JAN 28 1913

A. H. ROBINSON  
SURVEY ENGINEER

8974

MAP TO ACCOMPANY

APPLICATION FOR PERMIT FOR

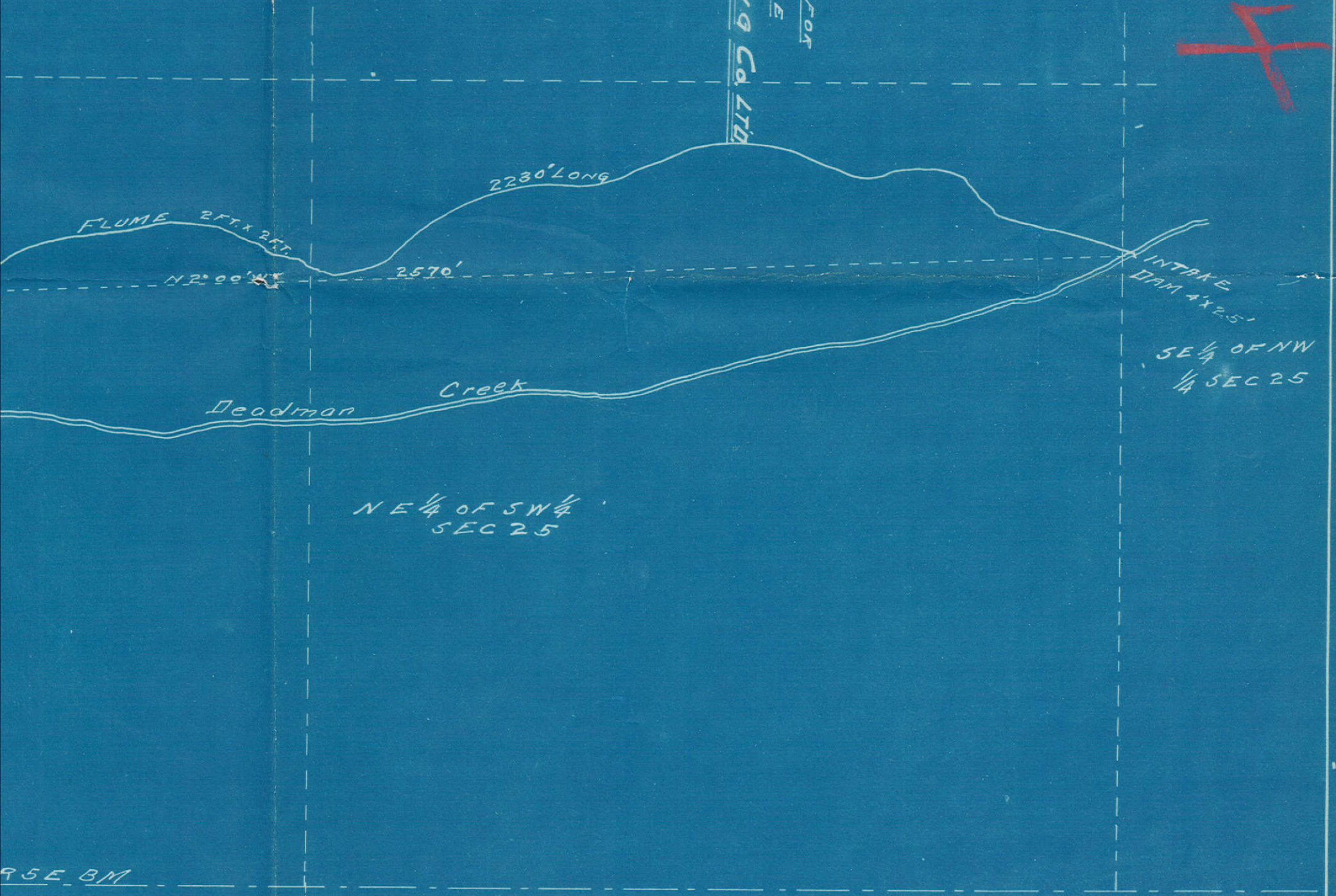
WATER RIGHT FOR THE

NATIONAL COPPER MINING CO. LTD.

Near Mullion, Idaho.

Dec 8, 1912

SCALE 1" = 200'



County: Shoshone  
 Stream: Deadman Gulch  
 Amount: 8 sec. ft.  
 Use: power and milling  
 Priority: December 13, 1912.

# STATE OF IDAHO

Water License No. 8974

WHEREAS, On the 13th day of December, A. D. 1912,  
 National Copper Mining Company, Ltd.

of Wallace, County of Shoshone, State of Idaho, duly made application  
 (No. 13529) to me for a permit to use eight (8) cubic feet per second of the waters of  
 Deadman Gulch

County of Shoshone, State of Idaho, for power and milling purposes, and,

WHEREAS, On the 28th day of January, A. D. 1913, Permit No. 8974 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 28th day of January, A. D. 1915, and for the application to ben-  
 eficial use of said water on or before the 28th day of January, A. D. 1916, and,

WHEREAS, On the 16th day of February, A. D. 1914,  
 National Copper Mining Company, Ltd.

the holder of said permit, duly made proof of the completion of adequate works for the diversion of  
 eight (8) cubic feet per second of said waters, as evidenced by my Certificate No. 8974  
 dated March 7, 1914, confirming the completion of works of sufficient capacity for diverting and  
 conveying to the place of intended use eight (8) cubic feet per second of said water,  
 with date of priority of December 13, 1912, and

WHEREAS, On the 16th day of February, A. D. 1914,  
 National Copper Mining Company, Ltd.,

the holder of said permit, duly made proof of the application to beneficial use of eight (8) 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 National Copper Mining Company, Ltd.

of Wallace, County of Shoshone, State of Idaho, the holder and owner  
 of said Permit No. 8974, a perpetual right, dating from December 13, 1912  
 to the use of eight (8) cubic feet per second of the waters of Deadman Gulch

in the County of Shoshone and State of Idaho, or so much thereof as may be necessary for the  
 purposes hereinbelow mentioned, to be diverted in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Sec. 25, T. 48 N. R. 5  
 E. B. M., about 3000 feet from the mouth of said gulch,

and conducted to ~~and upon~~ the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec. 25, T. 48 N., R. 5 E. B. M., for  
 mining purposes, and the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Sec. 25, T. 48 N. R. 5 E. B. M., for milling  
 purposes,

for the purpose of power and milling, 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 7th day of March  
 A. D., nineteen hundred and fourteen.

F. P. KING,

(Seal)

State Engineer.

4 229

No. 13529

## APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: National Copper Mining Co. Ltd.

Postoffice address: Wallace County: Shoshone State: Idaho

I. If applicant is a corporation, give

- (a) Date and place of incorporation: Mullan, Idaho, Sep't, 1906.  
 (b) The amount of capital stock: 1,250,000 shares (c) The amount paid in: \$1,250,000.00  
 (d) Names and addresses of directors: C. Fred Kratzar, Spokane, Wn., A. P. McRae, D. E. Keys, Mullan, Idaho, Chas. McKinnis, Wallace, Idaho, H. H. Stambaugh, & R. C. Steese, Youngstown, Ohio.

II. The financial resources of the applicant are: (a) Cash on hand: \$7000.00  
 (b) Treasury stock: 30,000 shares, par (c) Bonds to be issued: value \$30,000.00  
 (d) Other resources:

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

3. Source of water supply: Dead Man Gulch

4. Location of point of diversion: At a point N. 2° W. 2570' from cor. 4 sur. No. 2246 B. and in the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 25, T. 48 N. R. 5 E. B. M.

County of Shoshone

5. To be used for: Power and Milling purposes.

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 the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 36 T. 48 N. R. 5 E. and at a point S. 24° W. 165' from 4/ 2246 B.

[b] Amount of power to be generated: 100 H. P. under 150 ft. head

[c] Is water to be returned to any stream? Yes (d) If so, name stream and locate point of return: S. Fork Coeur d'Alene River in the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 36, T. 48 N. R. 5 E. and at a point S. 24° W. 165' from cor. 4/ 2246 B.

6. Estimated cost of works: \$3000.00

7. Description of works for diversion:

I. Kind of works: Dam, flume, and pipe.

II. Dimensions of works:

[a] Height of dam 4 feet, length of dam at top 25 feet,

length of dam at bottom 10 feet. Material used in construction: wood, stone and earth.

[b] Capacity of reservoir 5000 square feet. [c] Size of headgate, width 2 feet,

Height 2 feet. (d) Conduit Flume width at bottom 2 feet,

width at water line 2 feet, depth of water 1 $\frac{1}{2}$  feet, diameter of pipe

10" inches; average grade per mile is 10 feet. Length of conduit is 2900 ft. miles, and it crosses the following quarter sections: NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  Sec. 25, and the NW $\frac{1}{4}$  Sec. 36 T. 48 N. R. 5 E. B. M.

8. The time required for the completion of the construction of such work is 2 years.

9. Time required for the complete application of the water to the proposed use is 1 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.

Ltd.

National Copper Mining Co. Applicant.

By S. R. Moore.

Agent.

Date of first receipt at office of State Engineer 9.00 a.m. December 13, 1912.

Returned to applicant for correction

Corrected application received

### APPROVAL OF STATE ENGINEER.

The number of this permit is 8974

Recorded in Book 29 Page 8974 Approved January 28, 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 March 29, 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 January 28, 1914.

The whole of said work to be completed on or before January 28, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 28, 1916.

Witness my hand this 28th day of January, 1913.

A. E. Robinson,  
State Engineer.

Remarks:

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

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

That he is the General Manager of the National Copper Mining Company, a corporation, organized under the laws of the State of Idaho, and makes this affidavit for and in behalf of said corporation.

That said corporation is the owner of a certain water right under Permit 8974, issued by the State Engineer of the State of Idaho, and which said water right is appurtenant to the following described lands, to-wit: NW $\frac{1}{4}$  and SW $\frac{1}{4}$  of Section 25, and the SE $\frac{1}{4}$  of Section 26, and the NE $\frac{1}{4}$  of Section 35, T. 48 N., R. 5 E. B. M.

That said corporation intends to change the point of intended use and also the point at which the water appropriated is to be returned to the stream as follows:

Point of intended use in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 35. Township 48, N., R. 5 E. B. M.

Point at which water is to be returned to stream: South Fork of the Coeur d' Alene River at approximately the center of the NE $\frac{1}{4}$  of Section 35, T. 48 N., R. 5 E. B. M.

That such changes will be made for the following reasons, to-wit: That at the proposed point of intended use an advantageous mill site has been secured and this also necessitates a change in the point at which the water will be returned to the stream.

That such change will not work an injury to anyone, and that said corporation will make such change at its own risk.

Charles McKinnis,  
Subscribed and sworn to before me, this 11th day of September, 1913.

My Commission expires, Sept. 14, 1915.  
(SEAL)

J. A. Wayne,  
Notary Public.

Received and filed for record in the office of the State Engineer at Boise, Idaho at 9.00 A.M. September 15, 1913.

F.P.KING,  
State Engineer.

Recorded by 913  
Checked by 913

Proof of Completion of Works and beneficial use of water made February 16, 1914.  
 Certificate and license issued March 7, 1914.

Permit No. 8974.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that National Copper Mining Company, Ltd., of Wallace, County of Shoshone, and State of Idaho, the holder of Permit No. 8974, issued upon Application No. 13529, bearing date of priority of December 13, 1912, authorizing the diversion of eight (8) second feet of the waters of Deadman Gulch, County of Shoshone, State of Idaho, for power and milling purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of 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 eight (8) second-feet of the waters of Deadman Gulch; that the point of diversion of said waters is in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Sec. 25, T. 48 N. R. 5 E. B. M., about 3000 feet from the mouth of said gulch, and that the place of use of said water is in the SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Sec. 25, and the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Sec. 35, T. 48 N., R. 5 E. B. M.

Witness my hand this 7th day of March, A. D. 1914.

F. P. King.

State Engineer of the State of Idaho.

License issued for 8 second feet  
*Page 1564*

May 18, 1959

Re: Permits No. 9859  
8974

Horning and McCann  
Attorneys at Law  
Wallace, Idaho

Attn: Mr. Chas E. Horning

Dear Mr. Hornings:

Enclosed is departmental receipt No. 29607  
covering \$2.75 in fees for the copy of water licenses  
and a photo copy of the map. on Permit No. 8974.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

Chief Clerk

EPR:EW  
Enc. receipt

8974

May 7, 1959

Re: Permits Nos. 9859  
8974

Horning and McCann,  
Attorneys at Law,  
Wallace, Idaho.

Attention: Mr. Chas. E. Horning

Dear Mr. Horning:

Enclosed are copies of Water Licenses #8974 and 9859 and photo copy of map submitted by the examining engineer for Permit No. 8974. Also on the map, in red, is shown the works taken from the blue print which accompanied the application for Permit #9859. Both licenses show the same point of diversion and apparently the Deadman Creek Ditch, shown in red, was not constructed.

This office does not require detailed information on the location of ditches as there is no concern with rights of way.

The fees for the water licenses are \$1.00 each and \$.75¢ for the photo copy or a total of \$2.75 which you may submit to this office.

Very truly yours,

GEO. W. CARTER  
State Reclamation Engineer  
By

Ralph W. Thomas  
Office Engineer

*Joe Horning letter in*  
*9859*  
GNC/RWT/pmk

GNC/RWT/pmk

Encl. (3)

8974

March 7, 1942

Re: 8974

Mr. Chas. E. Horning, Atty.  
Wallace, Idaho

Dear Mr. Horning:

We are enclosing herewith uncertified copies of permits numbers 8974 and 9859 in the name of National Copper Mining Company on Deadman Creek or Gulch as per your request of Febr. 27th.

We are also enclosing receipt for \$2.00 in payment of enclosed copies.

Very truly yours,  
E. V. BERG.  
Commissioner of Reclamation

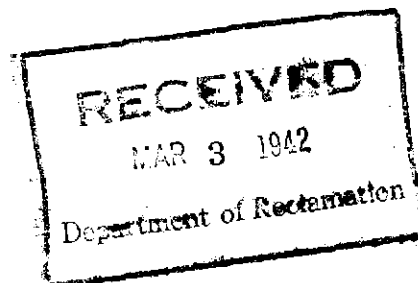
BY: ROY W. THOMPSON  
Deputy Commissioner.

RWT:ml.  
encl.

8974

CHAS. E. HORNING  
ATTORNEY AT LAW  
WALLACE, IDAHO

February 27, 1942.



Mr. Roy W. Thompson,  
Deputy Commissioner,  
Department of Reclamation,  
Boise, Idaho.

Dear Mr. Thompson:

I thank you for your letter of February 18 in which you enclosed copies of the maps showing the points of diversion and points of use under National Copper Mining Company's permits No. 8974 and 9859 -- Deadman Creek.

If it is not too much trouble for you to do so, will you kindly send me an uncertified copy of each of these two permits. My check for \$2.00 is enclosed to cover you fees for this service.

Very truly yours,

*Chas E Horning*

CEH m.  
enc

8974

Boise, Idaho, March 10, 1914.

Re Permit No. <sup>8974</sup>9874--F.F.R. 6272

Mr. Therrett Towles,  
Attorney at Law,  
Wallace, Idaho.

Sir:--

I enclose you herewith Certificate of  
Completion of Works issued under the above  
numbered Permit, also Water License No. 8974,  
together with receipt for fees No. 6272.

Yours very truly,

B/L.

8974

THERRETT TOWLES  
ATTORNEY AT LAW  
WALLACE, IDAHO

February 24, 1914.

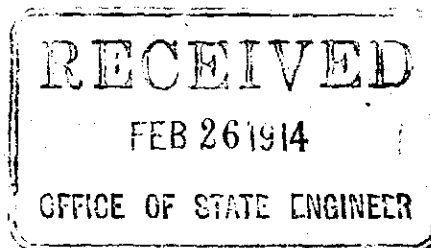
F. P. King, State Engineer,  
Boise, Idaho.

Dear Sir:

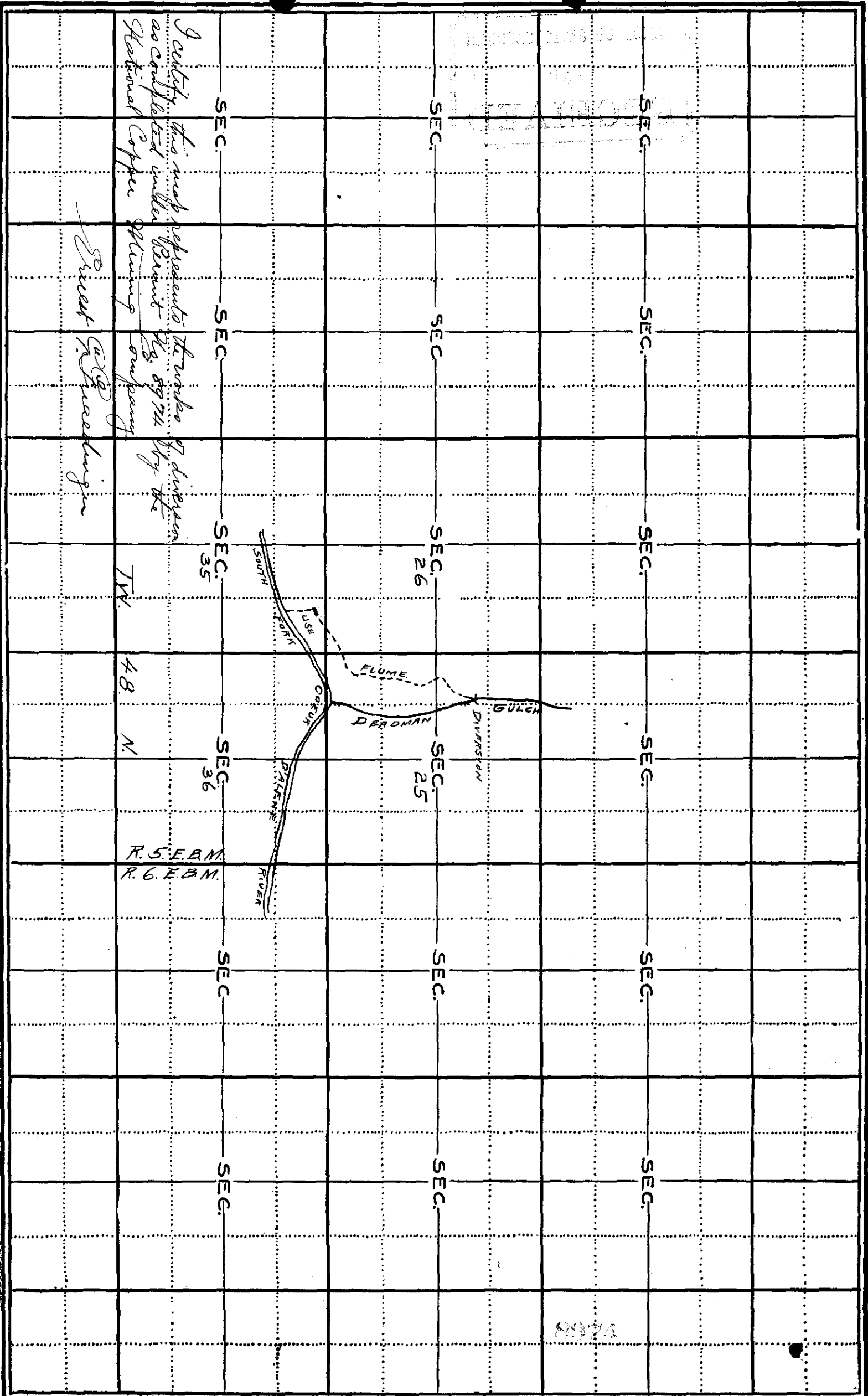
I have your letter of the 20th inst., and am enclosing herewith check of National Copper Mining Co. Ltd. for \$20 covering filing fees under Permits Nos. 8974, \$10, 8981, \$5 and 9222, \$5.

Yours very truly,

*Therrett Towles*



8974



February 20, 1914.

Permits 8974-8981-9222

Mr. Therrett Towles,  
Attorney at Law,  
Wallace, Idaho.

Sir:

Am just in receipt of your letter enclosing papers  
in the matter of proof under the above permits. Upon  
receipt of fees, as follows, the licenses will be forwarded  
to you.

|            |           |                |
|------------|-----------|----------------|
| Permit No. | 8974..... | \$10.00        |
| "          | "         | 8981..... 5.00 |
| "          | "         | 9222..... 5.00 |
| Total..... |           | \$20.00        |

Very truly yours,

F. P. KING,

State Engineer.

By \_\_\_\_\_

8974

THERRETT TOWLES  
ATTORNEY AT LAW  
WALLACE, IDAHO

February 17, 1914.

F. P. King, Esq.,

State Engineer,

Boise, Idaho.

Dear Sir:

I am transmitting herewith the following papers in connection with the following water right permits, to wit:

Permit No. 8981. Proof of Application of Water to Beneficial Use  
1. Deposition of Holder.  
2. Two depositions of witnesses.  
3. Proof of Publication.

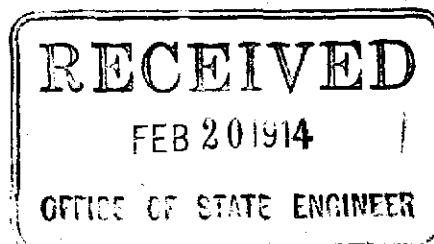
Permit No. 9222 Proof of Application of Water to Beneficial Use  
1. Deposition of Holder.  
2. Two depositions of witnesses.  
3. Proof of Publication.

Permit No. 8974. Proof of Application of Water to Beneficial Use  
1. Deposition of Holder.  
2. Two depositions of witnesses.  
3. Proof of publication.

Proof of Completion of Works.  
1. Deposition of Holder.  
2. Two depositions of witnesses.

If you will kindly advise me the exact amount of your fees in connection with this matter, I will be pleased to send you check therefor.

Yours very truly,



8974

# Proof of Publication

State of Idaho,

County of Shoshone.

ss.

## NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 2 o'clock on the 16th day of February, 1914, at Wallace, county of Shoshone, state of Idaho, before Therrett Towles, a notary public, proof will be submitted of the completion of works for the diversion of 8 cubic feet per second of the waters of Deadman gulch and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 8974 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 National Copper Mining Co., Ltd., Wallace, Idaho.

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 accompanying the application for such permit is 8 cubic feet per second.

3. The use to which said water has been applied is power and milling purposes and the amount applied to beneficial use is 8 cubic feet per second.

4. The place where said water is used is SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Sec. 25, T. 48 N., R. 5, E. B. M. and NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 35, T. 48 N., R. 5, E. B. M.

5. The date of priority which said user is prepared to establish is December 13, 1912.

F. P. KING,  
State Engineer.

J15-F5-4t

*E. B. Reight*

being first duly sworn, on his oath deposes and says that he is the manager of THE WALLACE MINER, a weekly newspaper published at Wallace, Shoshone county, state of Idaho, that said newspaper has a

general circulation in said county, that the *Attached notice of Proof of Completion of Works and Application of Water to Beneficial Use Permit No. 8974*

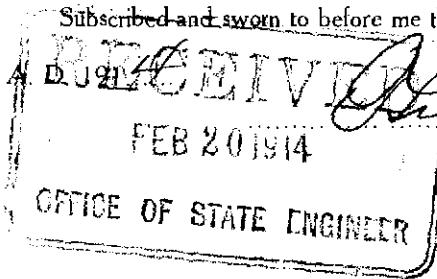
of which a copy is hereto attached, was first published in said newspaper in its issue, dated *15th* day of *January* A. D. 191*4*

and was published in each successive issue of said newspaper for the full period of

*four* weeks, the last publication thereof being in the issue dated the *5th* day of *February* A. D. 191*4*

*E. B. Reight*

Subscribed and sworn to before me this *13th* day of *February*



Notary Public.

8974

# Proof of Completion of Works

## DEPOSITION OF HOLDER

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

Ans. John Mocine, 36 years, Wallace, Idaho, Mining Engineer,  
Wallace, Idaho.

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. National Copper Mining Co. Ltd., Wallace, Idaho, General  
Manager, by authority of the Board of Directors.

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

Ans. No. 8974 January 28, 1913, December 13, 1912.

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. Power and milling 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.

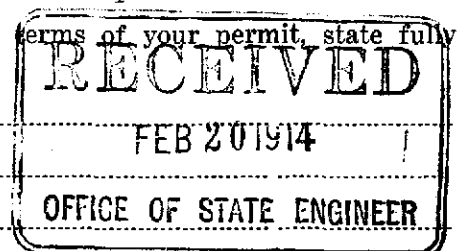
Ans. Yes, February 14, 1914, entire works completed to maximum  
flow of stream.

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. They are fully completed and comply in all respects 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. Consists of dam, flume and pipe line. Dimension of dam: 4 ft.  
high, 25 ft. long. Dimension of flume: 20" x 20". Diameter of pipe: 10" & 6".  
Capacity of flume and pipe line: 8 second feet. Estimated cost \$5,000.00

(Sign here.)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Wallace, County of Shoshone, State of Idaho, on this 16th day of February A. D. 1914.

*Therese Towles*  
Notary Public.

My Commission expires Oct. 15, 1915.

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

PERMIT NO. 8974

## Proof of Completion of Works

### DEPOSITION OF WITNESS

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

Ans. W. J. Brand, 44 years, Mullan, Idaho, mining, Mullan, Idaho.

Ques. 2. Are you acquainted with National Copper Mining Co. Ltd., the holder of Permit No. 8974, authorizing the diversion of eight second-feet of the waters of Deadman Gulch about two miles east of Mullan, Idaho, for power and milling purposes? How long have you known him, and where does he reside?

Ans. Yes

Ques. 3. Have you read or heard read said Permit No. 8974, and are you familiar with its terms and conditions?

Ans. Yes

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. Yes

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

Ans. Consists of dam, 4 ft. high, 25 ft. long, a flume, 20" x 20" and pipe line 6" in diameter and 4600 ft. long, and pipe line 10" in diameter. Estimate capacity at 8 second feet.

RECEIVED  
FEB 20 1914  
OFFICE OF STATE ENGINEER

(Sign here.)

W. J. Brand

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 Wallace, County of Shoshone, State of Idaho, on this 16th day of February A. D. 1914.

Therese J. Jones

My commission expires Oct. 15, 1915

8974

Notary Public

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

PERMIT NO. 8974

## Proof of Completion of Works

### DEPOSITION OF WITNESS

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

Ans. James H. Ashby, 42 years, Mullan, Idaho, miner, Mullan, Idaho.

Ques. 2. Are you acquainted with National Copper Mining Co. Ltd., the holder of Permit No. 8974, authorizing the diversion of eight second-feet of the waters of Deadman Gulch about two miles east of Mullan, Idaho, for ~~power and milling~~ purposes? How long have you known him, and where does he reside?

Ans. Yes

Ques. 3. Have you read or heard read said Permit No. 8974, and are you familiar with its terms and conditions?

Ans. Yes

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. Yes

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

Ans. Consists of dam, 4 ft. high, 25 ft. long, a flume, 20" x 20" and pipe line 6" in diameter, and 4600 ft. long, and pipe line, 10" in diameter. Estimate capacity at 8 second feet.

RECEIVED

FEB 20 1914

(Sign here.)

*James H. Ashby*

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 Wallace, County

of Shoshone, State of Idaho, on this 16th day of

February A. D. 1914.

*Herbert Fowler*

8974 Notary Public

My commission expires Oct. 15, 1915.

PERMIT No. 8974

# Proof of Application of Water to Beneficial Use

## DEPOSITION OF HOLDER

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

Ans. John Mocine, 36 years, Wallace, Idaho, Mining Engineer,

Wallace, Idaho.

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

Ans. National Copper Mining Co., Ltd., Wallace, Idaho, General Manager,  
by authority of Board of Directors.

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

Ans. No. 8974, January 28th, 1913, December 13, 1912.

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

Ans. Deadman Gulch. SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 25, T. 48 N.R. 5 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. Consists of dam, 4' high, 25' long, a flume, 20" x 20" and  
4600' long, and pipe line 10" in diameter and pipe line 6" in diameter.  
Capable of conveying 8 second feet.

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. Power and milling purposes. To be used for power purposes  
in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 25, T. 48 N.R. 5 E.B.M. and to be used for milling  
purposes in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 35, T. 48 N.R. 5 E.B.M.

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

Ans. Pelton water wheel belted to generator, 5 second feet to  
be applied to power generation, capable of furnishing 70 H.P. under 150'  
head, and 3 second feet to be applied to milling purposes.

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

Ans. 8 second feet.

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.

8974

RECEIVED

OFFICE OF STATE ENGINEER

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

Ans. Entire works completed February 14, 1914 to maximum flow of stream. Water has been applied to water wheels to generate electric power to extent of 5 second feet and 3 second feet is being applied to milling purposes.

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. This permit covers all waters of stream on which this permit is granted.

(Sign)

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 Wallace, County of

Shoshone, State of Idaho, on this 16th day of February

A. D. 1914.

Notary Public.

My commission expires Oct. 15, 1915.

8974

Permit No. 8974.....

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

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

Ans. W. J. Brand, 44 years, Mullan, Idaho, mining, Mullan, Idaho.

Ques. 2. Are you acquainted with National Copper Mining Co., Ltd., the holder of Permit No. 8974? How long have you known him and where does he reside?

Ans. Yes.

Ques. 3. Have you read or heard read said Permit No. 8974, 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. Deadman Gulch, SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 25, T. 48 N. R. 5 E. B. M..

Consists of dam 4' high 25' long; a flume, 20" x 20" and 4600' long, and pipe line 10" in diameter and pipe line 6" in diameter.

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. 8 second feet.

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

Ans. Power and milling purposes. To be used for power purposes in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 25, T. 48 N., R. 5 E. B. M., and to be used for milling purposes in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 35, T. 48 N. R. 5 E. B. M.

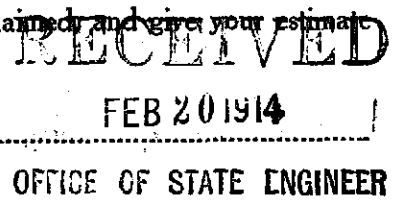
Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Pelton water wheel belted to electric generator. 5 second feet to be applied to power generation, capable of furnishing 70 H.P. under 150' head, and 3 second feet to be applied to milling purposes.

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.

8974



Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way

and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Entire works completed February 14, 1914, to maximum flow

of stream. Water has been applied to water wheels to generate

electric power to extent of 5 second feet and 3 second feet is

being applied for milling purposes.

(Sign)

*W. J. D. Quack*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to

before me, in Wallace, County of Shoshone.

State of Idaho, on this 16th day of February A. D. 1914.

Notary Public.

*Flower & Co.*

My Commission Expires

Oct 15, 1915.

8974

Permit No. 8974.....

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

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

Ans. James H. Ashby, 42 years, Mullan, Idaho, miner, Mullan, Idaho.

Ques. 2. Are you acquainted with National Copper Mining Co. Ltd., the holder of Permit No. 8974.....? How long have you known him and where does he reside?

Ans. Yes

Ques. 3. Have you read or heard read said Permit No. 8974....., 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. Deadman Gulch, SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 25, T. 48 N. R. 5 E. B. M..  
Consists of dam 4' high 25' long; a flume, 20" x 20" and 4600' long.  
and pipe line 10" in diameter and pipe line 6" in diameter.

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. 8 second feet

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

Ans. Power and milling purposes. To be used for power purposes  
in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 25, T. 48 N., R. 5 E. B. M., and to be used for  
milling purposes in NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 35, T. 48 N. R. 5 E. B. M.

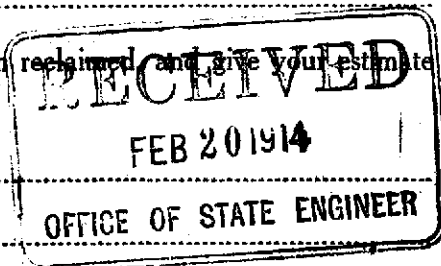
Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Pelton water wheel belted to electric generator. 5 second feet  
to be applied to power generation, capable of furnishing 70 H.P.  
under 150' head, and 3 second feet to be applied to milling purposes.

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.

8974



8974

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Entire works completed February 14, 1914, to maximum flow of stream. Water has been applied to water wheels to generate electric power to extent of 6 second feet and 3 second feet is being applied for milling purposes.

(Sign) *Geo W. Arkly*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to

before me, in Wallace County of Shoshone

State of Idaho, on this 16th day of February A. D. 1914.

*Thomas J. Jones*  
Notary Public.

My Commission Expires *Oct 15 1915*

January 27, 1914.

Permits 8974-8981-9222

Ernest G. Gnaedinger,  
Mining Engineer,  
Wallace, Idaho.

Sir:

Am today in receipt of your reports under  
above numbered permits.

Very truly yours,

F. P. KING,

State Engineer.

By \_\_\_\_\_

8974

ERNEST G. GNAEDINGER  
MINING ENGINEER  
WALLACE, IDAHO

January 24th, 1914

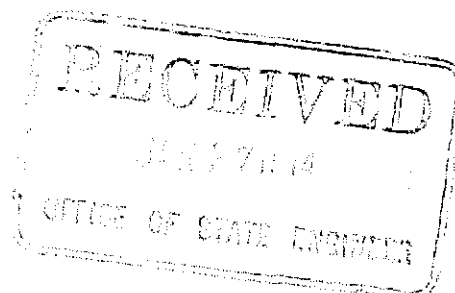
Mr. F.P.King,  
State Engineer,  
Boise, Idaho.

Dear Sir,

Persuant to your instructions of the 19th, inst., I have made examination of Permits Nos. 8974, 8981, and 9222, held by the National Copper Mining Company; and beg leave herewith to enclose my reports with maps of same.

Very truly yours,

*Ernest G. Gnaedinger*



8974

# REPORT OF ENGINEER

1. State name of applicant and number of permit: National Copper Mining Company  
Permit No. 8974
2. State source of water supply: Waters of Deadman Gulch
3. Location of point of diversion: S.W.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of Sec. 25, Tw. 48 N.R. 5 E.  
about 3000 feet from the mouth of said Deadman Gulch
4. State whether or not the works of diversion are *fully* completed and in accordance with terms of permit: The works are fully completed, as stated in following paragraph
5. Describe works as they exist, giving dimensions of same as follows:
  - (a) Width of conduit at bottom: twenty inches
  - (b) Width at water line: twenty inches
  - (c) Depth of water: eighteen inches
  - (d) Grade per mile: 15 feet per mile
  - (e) Capacity of ditch: eight second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:  
The water has been turned into the works of diversion to  
the fullest extent
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: The water is not used for irrigation, but is used for  
power and milling purposes as called for in application.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: This water generates some electric power, and is also used  
as wash water in the mill belonging to the applicant.

The only change in construction from terms of permit has been to  
reduce the size of the flume from 24 inches to 20 inches, and to  
increase the grade per mile from 10 feet to 15 feet, to obtain  
the maximum capacity.

*Ernest G. Graedinger*

STATE OF IDAHO,

County of Shoshone

ss.

*Ernest G. Graedinger*, 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 22d day of January 1914

My Commission Expires Oct 15, 1915

*Thurston Fowler*  
Notary Public.

8974

Office of the State Engineer

Boise, Idaho, Jan. 19 1914

Ernest G. Gnaedinger,  
Wallace, Idaho

DEAR SIR:

-----Chas. McKinnis, Gen., residing at -----Wallace  
Mgr. of National Copper Mng. Co.  
County of -----, State of -----Idaho-----, has requested that  
you make examination required under Permit No. <sup>S</sup> 8974-8981-9222. Will you  
therefore, arrange with the holder of said Permit to make such examination as will  
enable you to answer the questions on the enclosed blank? Also, make a sketch on  
the enclosed blank plat showing source of supply, point of diversion, route of ditch  
and place of use. You should, also, arrange with the holder of said Permit for the  
payment of your fee for your services, and such proper expenses as you will incur in  
making this examination and report.

Please advise me promptly of receipt of this communication, and whether or not  
you will be able to make the examination and report as required.

Very truly yours,

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

8974

# National Copper Mining Company Limited

WALLACE, IDAHO

Jan. 16, 1914

F. P. King, State Engineer,  
Boise, Idaho.

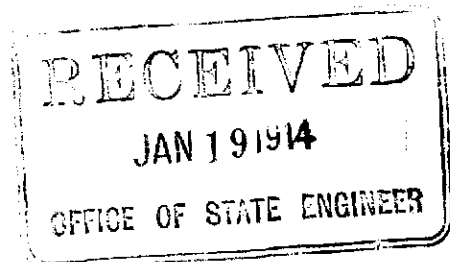
Dear Sir:-

I have your letters of Jan. 6th in regard to the water right permits #8974, 8981 and 9222 and as requested by you, I would suggest the name of Ernest G. Gnaedinger, to make the required examination and report. Mr. Gnaedinger is a mining Engineer and deputy Mineral Surveyor of Wallace, Idaho, and is thoroughly competent to make the above examination and report.

Yours very truly,

NATIONAL COPPER MINING CO., LTD.

*Chas. McK...*  
General Manager.



8974

# State of Idaho

A. E. ROBINSON  
ENGINEER

ENGINEERING DEPARTMENT  
BOISE

## INSTRUCTIONS

### Proof of Completion of Works

Nat. Copper Mng. Co. Ltd., and  
c/o Therrett Towles, Proof of Beneficial Use of water.  
Wallace, Idaho Boise, Idaho,

Dear Sir: January 13, 1914.

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. ....

8974.

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 ..... 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 ..... before .....

2. When the depositions have been taken they should be mailed to Wallace Therrett Towles, notary public. 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,

A. E. ROBINSON

F.P. KING ~~xxxxxxx~~ State Engineer.

8974

(P. O.)

*Wallace, Idaho*

(Date)

*1/9/14*

State Engineer, Boise.

Dear Sir:

I have your letter of *Jan 6th 1914* enclosing Notice of Proof of Completion of Works and Beneficial Use of Water under Permit No. *8974* which will be published as you request, beginning with our issue of *Jan. 15-1914*

RECEIVED

JAN 13 1914

OFFICE OF STATE ENGINEER

*Wallace Mines*

*E. B. Wright*

8974

January 6, 1914.

Permit 8974

Chas. McKinnis, Mgr.  
National Copper Mng. Co.,  
Wallace, Idaho.

Sir:

Am today in receipt of notices for proof of completion of works and beneficial use of water under above permit. The notice for publication has today been mailed to the Wallace Miner. Deposition blanks will be furnished Mr. Therrett Towles later.

If you will give us the name of some competent person to make the required examination and report for this proof, the necessary blanks will be furnished him.

Very truly yours,

F. P. KING,

State Engineer.

By \_\_\_\_\_

8974

JAMES A. WAYNE  
ATTORNEY AT LAW  
WALLACE, IDAHO.

Jan. 3rd, 1913.

Honorable F. P. King,  
State Engineer,  
Boise, Idaho.

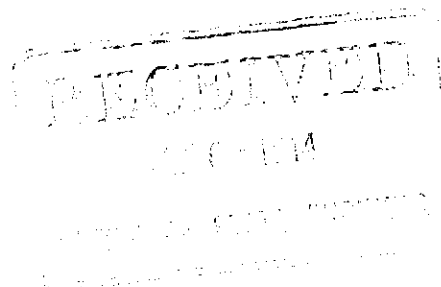
Dear Sir:-

I enclose herewith the following papers:- Notice of proof of completion of works and application of water to beneficial use under Permit #8981, National Copper Mining Company; Notice of Proof of Application of Water to Beneficial Use, under Permit #9222, National Copper Mining Company, and Notice of Proof of Completion of Works and Application of Water to Beneficial Use, under Permit #8974, (as amended), National Copper Mining Company. I understand that you will have these notices published in the Wallace Miner for the required length of time and that on the 16th day of February the proof will be taken and submitted to you.

Yours very truly,

*James A. Wayne*

JAW-S  
Encl.



8974

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Dec. 29, 1913

(P. O.) Wallace, Idaho

To the State Engineer,

Boise, Idaho.

Dear Sir:

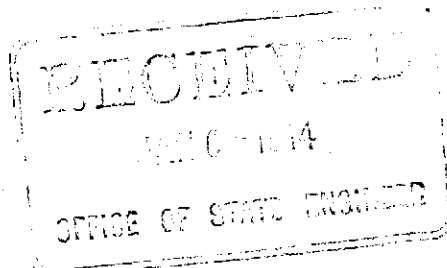
You are hereby authorized to have the attached notice published at my expense in the  
Wallace, Miner, of Wallace, Idaho, published in the  
county in which the works are situated.

*Natigral Copper Mining Co Ltd*  
*Chas. McKinnis*  
*manager*

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the attached notice are true.

\_\_\_\_\_  
Engineer.



8974

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

Notice is hereby given that at 2 O'Clock on the 16th  
day of February, 19 14, at Wallace, County of  
Shoshone, State of Idaho, before Therrett Towles, a notary public,  
proof will be submitted of the completion of works for the diversion of 8  
cubic feet per second of the waters of Deadman Gulch  
and of the application to beneficial use of said water in accordance with the terms and conditions  
of Permit No. 8974 heretofore issued by the State Engineer of the State of Idaho.

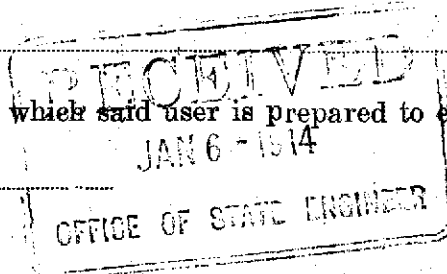
1. The name and postoffice address of the person, or corporation, holding said permit, are  
National Copper Mining Co., Ltd., Wallace, Idaho

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 8  
cubic feet per second.

3. The use to which said water has been applied is ~~irrigation and domestic~~ power and milling  
purposes, and the amount applied to beneficial use is 8 cubic feet per second.

4. The place where said water is used is SW 1/4 of SW 1/4 Sec. 25, T 48 NR 5 EBM  
and NE 1/4 of NE 1/4 of Sec. 35, T 48, NR 5, EBM

5. The date of priority which said user is prepared to establish is Dec. 13, 1912



**F.P. KING,**  
State Engineer.

**8974**

Permit No. 8974

## OFFICE OF STATE ENGINEER

## Proof of Completion of Works

## Affidavit of Holder

STATE OF IDAHO,

} ss.

County of Shoshone

National Copper Mining Co., Limited, by

Chas. McKinnis, Manager, 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. 8974 and that his postoffice address is Wallace, Idaho State of Idaho,

Second: That under the terms and conditions of said permit, construction thereunder was required to be completed by Jan. 28, 1915, 191

Third: That the use for which said water is intended is power & milling purposes.

Fourth: 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: Dam, Flume and pipe line.  
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 4 feet, length of dam at top 50 feet, length of dam at bottom 50 feet. Material used in construction wood, stone & earth

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

(b) Capacity of reservoir acre feet.

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

(d) Conduit Flume width at bottom 2 feet, width at water  
(State whether ditch, flume or pipe.)

line 2 feet, depth of water 18 in feet; diameter of pipe 10 inches;  
average grade per mile is 10 feet. Length of conduit is 5,000 feet.

Fifth. That said works are capable of conducting to the place of intended use 8 cu. ft. second feet of water.

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

Seventh. Remarks: That

Chas. McKinnis  
Sign here.

Subscribed and sworn to before me this 2<sup>nd</sup> day of January, 1914

My commission expires Sept 14, 1915

J. Albayne  
Notary Public.  
8974

November 21, 1913

Re proof blanks  
Permits 8974-8981-9197-9222

Chas. McKinnis, Gen. Mgr.,  
National Copper Mining Co.,  
Wallace, Idaho.

Sir:

Per your request the 17th inst., I am herewith enclosing you the required blanks for notice of proof of completion of works and beneficial use of water under above permits.

Under the new law, where the amount of water does not exceed 6.4 second feet, the notice for proof of completion of works is not required to be published. All that is required in such cases is the affidavit of holder and fee of \$5.00. Permits Nos. 8981 and 9222 will come under this class and I am enclosing 2 affidavit forms for same. The notices for final proof are required to be published and proof made in the usual way. A combined notice for both proofs under permits Nos. 8974 and 9197 will be published, blanks for which are enclosed.

Very truly yours,

F. P. KING,

State Engineer.

Enc.

By \_\_\_\_\_

8974

# National Copper Mining Company Limited

WALLACE, IDAHO

Nov. 17, 1913

State Engineer,  
Boise, Idaho.

Dear Sir:-

Enclosed please find water application  
for permit, with \$1.70 as requested by you.

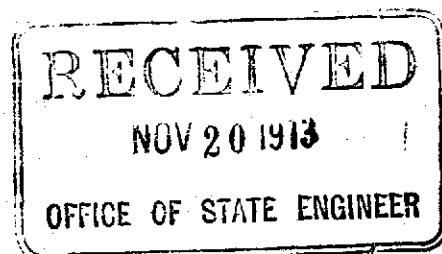
If you will send me the necessary papers  
for making final proof on the following permits of  
the National Copper Mining Company, Ltd., I will  
make final proof between now and the first of the  
year, as we have completed the works and will have  
the water in use as required by law within a very  
short time.

|        |        |       |             |       |
|--------|--------|-------|-------------|-------|
| Permit | #9222, | dated | March 15th, | 1913  |
| "      | #8981, | "     | Dec. 5th,   | 1912  |
| "      | #9197, | "     | March 17th, | 1913  |
| "      | #8974, | "     | Dec. 13th,  | 1912. |

Yours very truly,

NATIONAL COPPER MINING COMPANY, LTD

By *Chas. McKinnis*  
General Manager.



8974

September 15, 1913.

Permit 8974

James A. Wayne, Lawyer,  
Wallace, Idaho.

Sir:

Am today in receipt of your letter of the 10th inst. enclosing affidavit relative to change of place of use and point of return to stream under above permit. The affidavit has been recorded in connection with the permit in this office and is herewith returned to you, together with one copy of the map.

Very truly yours,

F. P. KING,

State Engineer.

A-M

By \_\_\_\_\_

8974

**JAMES A. WAYNE**  
ATTORNEY AT LAW  
WALLACE, IDAHO

September 10th, 1913.

Honorable F. P. King,  
State Engineer,  
Boise, Idaho.

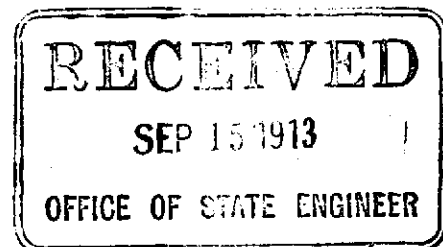
Dear Sir:-

Referring to your letters of August 1st, 1913, and September 5th, 1913, relative to Permit 8974-National Copper Mining Company, and particularly to the former letter. I am enclosing herewith affidavit of Charles McKinnis, Manager of the National Copper Mining Company which I trust will prove sufficient.

Yours very truly,

*James A. Wayne*

JAW-S  
Encl.



8974

September 5, 1913.

Permit 8974-National Mng.Co.

James A. Wayne, Lawyer,  
Wallace, Idaho.

Sir:

Several days ago we received blue prints, in duplicate, for change of poing of diversion under above permit. As no affidavit or letter was received in regard to this change the maps were held pending receipt of same. In order for our records to be complete as to the change made by the company, it will be necessary for the enclosed form to be filed out and filed for record here. The affidavit will then be returned to the holder, together with one copy of the map.

Very truly yours,

F. P. KING,

State Engineer.

APD

By \_\_\_\_\_

8974

Boise, Idaho, August 1, 1913

Permit 8974, National Mining Co.

James A. Wayne, Lawyer,  
Wallace, Idaho

Sir:--

Replying to your letter of the 29th ult in the above would say that there is no provision of the statute authorizing the approval by the State Engineer of an amendment such as you offer. However, I am inclined to think that an approval in terms by that official is unnecessary.

I am sending you an affidavit form which we use in connection with changes of diversion points. This form is based on Sec. 3247 of the Revised Codes. You will note that in the second part of the section reference is made to change of place of use, and it occurs to me that under the circumstances the thing to be done would be for you to prepare an affidavit based on the enclosed form but so changed as to meet the requirements of your case, and have same recorded here. In cases where point of diversion is changed and the affidavit filed for record here, the State Engineer takes no official action whatever, unless the recording of the instrument could be construed as official action, it being the evident intent of the cited section that the appropriator may make such change on his own motion. I think the same thing applies in your case. In drawing the affidavit use your own judgment as to contents except that I feel the last averment in the form should be included in yours.

Very truly yours,

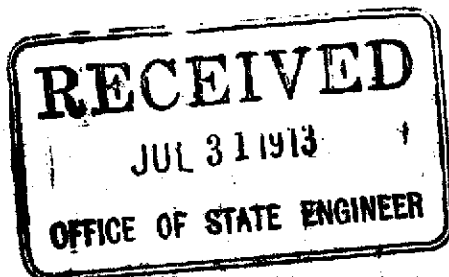
F.P. KING,

State Engineer

Enc. DB.

By \_\_\_\_\_

8974



Wallace, Idaho,

July 29th, 1913.

Honorable F. P. King, State Engineer,

Boise, Idaho,

Dear Sir:-

Referring to Permit #8974 issued to the National Mining Company, Ltd., and approved January 28th, 1913: This company desired to be permitted to amend its application and this permit so as to change the point of intended use and the point at which the water is to be returned to the stream. This amendment does not conflict with any extending water rights but if permitted it would necessitate the following changes in the permit:

- 5 - II - (a) At what point in the NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 35, T 48 N R 5, EBM
- (d) If so name stream and locate point of return: South Fork of Coeur d'Alene River at approximately the center of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 35, T 48 N R 5, EBM.
- 6 Estimated cost of works: \$4000.00
- 7 - II - (d) Conduit flume, width at bottom 2 feet, width at water line 2 feet, depth of water 1 1/2 feet; diameter of pipe 10 inches; average grade per mile is 10 feet; Length of conduit is 5000 feet and it crosses the following quarter sections: NW  $\frac{1}{4}$  and SW  $\frac{1}{4}$  of Section 25, and the SE  $\frac{1}{4}$  of Sec. 26, and the NE  $\frac{1}{4}$  of Section 35, T 48 N, R 5, E.B.M.

I am enclosing two blue prints which will further explain this amendment and I trust that you will find it consistent

8974

to grant the same. You understand that what the Company desires to do is simply to extend the course of their flume some 2000 feet further in the same direction, use the water at the latter point and then return to the same stream and the reason for the change is that they have found what to them seems a more advantageous site for their mill. They do not however, desire to take a new permit as they have already condemned certain right of way for a flume under the present permit and do not wish the question to be raised as to the legality of such condemnation proceedings in the event that they abandon the present permit and take up a new one.

Very truly yours,

*James Albayne*

JAW-S

STATE OF IDAHO  
ENGINEERING DEPARTMENT  
BOISE

A. E. ROBINSON  
STATE ENGINEER

Permit #8974-National Cop. M. Co.

Boise, Idaho, Jan. 28, 1913.

S. R. Moore,

Wallace, Idaho

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.

A. E. ROBINSON,  
State Engineer.

8974

SEC 25  
SEC 36

SCALE 1" = 200'

MABLE MARY MILL SITE  
SURV. NO. 2246 B  
2 SOUTH FORK CO. QUAD, ARK. RIVER

POINT OF INTERSECTION  
OF WATER TO SHEDDING

S 40° E 670'  
PIPELINE TO 100' HEAD 150'  
S 12° 25' E 520'

S 24° W 165'

FLUME 2 FT X 2 FT

N 2° 00' E

2570

Deadman

C 16

SE 1/4 OF SW 1/4  
SEC 36

SE 1/4 OF SW 1/4  
SEC 25

NE 1/4 OF  
SEC

COR 1/4 COR  
SEC 36 SEC 25

TWP 48 N R 5 E BM

MAP TO ACCOMPANY

APPLICATION FOR PERMIT FOR

WATER RIGHT FOR THE

NATIONAL CEMENT MANUFACTURING CO. LTD.

NEAR MULLON, IDAHO.

DEC 8, 1912

1/4 200'

2230' LONG

2570'

N 2° 00' W

Deadman Creek

NE 1/4 OF SW 1/4  
SEC 25

INTAKE  
DAM 4X

SE 1/4  
1/4 50'