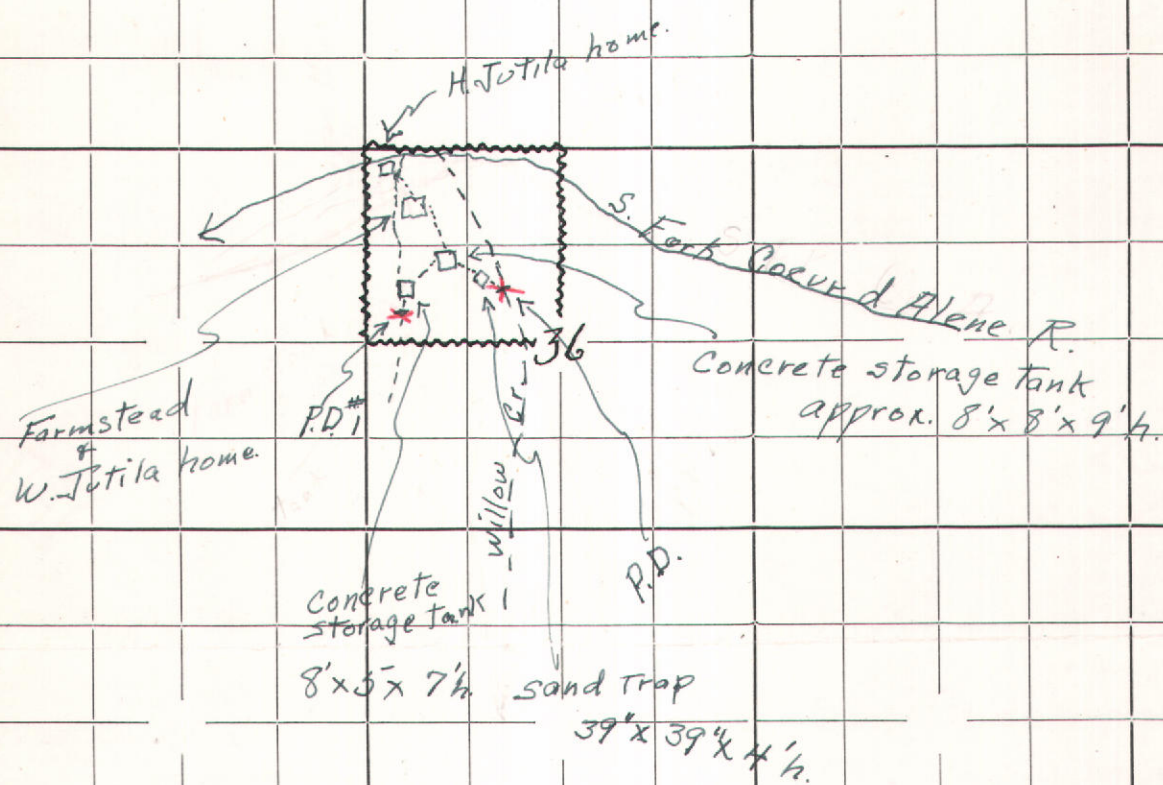


T 48 N. R. 5 E



allow Full Filling.

State of Idaho

License and Certificate of Water Right

Water License No. 22258Amount 0.04 second foot

Water District No. _____

Priority July 16, 1951

THIS IS TO CERTIFY that HENRY and WAYNE JUTILA
 of Mullan, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated July 16, 19 51; that Permit No. 22258
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.04 second foot, was issued thereunder on August 22, 19 51, showing that said works
 were completed on the 13th day of August, 19 51; and that on the 6th
 day of October, 1951,

HENRY and WAYNE JUTILA

of Mullan, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of Willow Creek,
 and a stream ~~tributary~~ ^{tributary} flying 1000 ft. West thereof for the purpose of domestic use
, under Use Permit No. 22258 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4947, on the 15th day of July, 19 52;
 The right hereby confirmed dates from July 16, 19 51;
 The Point^{are} of Diversion~~is~~ located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and
 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, Tp. 48 N., R. 5 E., B.M. Shoshone 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 0.04 cubic ~~foot~~ per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
The place of use is a 160 acre dairy farm in the NW $\frac{1}{4}$ Section 36, Township 48 North, Range 5 East, B.M.					

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

15th day of July, 19 52.

MARK R. KULP

State Reclamation Engineer

(SEAL)

State of Idaho

License and Certificate of Water Right

Water License No. 21701Amount 0.12 second foot

Water District No. _____

Priority September 11, 1950

THIS IS TO CERTIFY that BENEVOLENT & PROTECTIVE ORDER OF ELKS NO. 249
 of Moscow, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated September 11, 19 50; that Permit No. 21701
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.5 second feet, was issued thereunder on July 19, 1951, showing that said works
 were completed on the 12th day of July, 19 51; and that on the 21st
 day of September, 19 51,

BENEVOLENT & PROTECTIVE ORDER OF ELKS NO. 249

of Moscow, State of Idaho, made proof to the satisfaction of the
 State Reclamation Engineer of Idaho, of the right to use the waters of South fork Palouse
River, a tributary of Palouse River, for the purpose of Irrigation
, under Use Permit No. 21701 of the Department 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 State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4948, on the 15th day of July, 19 52;

The right hereby confirmed dates from September 11, 1950;

The Point of Diversion is located

in the SW 1/4 NE 1/4, Sec. 15, Tp. 39 N., R. 5 W., B. M. Latah 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 0.12 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
39 N.	5 W.	15	SW 1/4 NE 1/4	35	20
			SE 1/4 NE 1/4	35	--
			Number of Acres Actually Irrigated -	-	20

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
15th day of July, 1952.

MARK R. KULP

State Reclamation Engineer

(SEAL)

N^o 22258
94-2205

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

APPLICATION No. 29989
PERMIT No. 22258
DISTRICT No.

1. Name of Applicant: HENRY and WAYNE JUTILA

Postoffice address: Mullan

County: Shoshone

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:

(a) Cash on hand:

(c) Bonds to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 0.04

cubic feet per second.

3. Source of water supply: Willow Creek and a stream 1000 ft. West of Willow Creek are rises which is a tributary of the South fork Coeur d'Alene River

4. Location of point of diversion:

feet distant from the

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

of Section 36 , T. 48 N. , R. 5 E. , B.M., County of Shoshone

5. Water is to be used for Domestic purposes.

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

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

T. , R. , B.M., in the of Section , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 2,000.00

8. Kind of works: Reservoir servicing pipe line to homes and out buildings.

9. Height of dam 2 feet; length of dam at top 25 feet; length of dam at bottom 15
feet; material used in dam: Wood and rocks; concrete for reservoir

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit 1/2 miles.

Average grade per mile 20 feet.

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

13. The time required for the complete application of the water to the proposed use is None additional years.

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

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None

16. (a) Is reservoir to be used? Yes 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 water of the State of Idaho as herein set forth.

HENRY JUTILA
WAYNE JUTILA
Applicant.

By Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. July 16, 1951

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 22258

Recorded in Book 79 Page 22258 Approved July 23, 1951

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 Completed 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 - -

The whole of said work to be completed on or before October 23, 1951

Beneficial use of water appropriated in accordance herewith, to be made on or before October 23, 1951

WITNESS My hand this 23rd day of July, 1951

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, LEN JORDAN, Governor of the State of Idaho,

and IRA H. MASTERS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 23rd

day of July, 1951.

Countersigned:

(SEAL) By IRA H. MASTERS
Secretary of State.

By LEN JORDAN
Governor.

REMARKS: The property herein described is owned by Henry and Wayne Jutla, which they acquired upon the death of their father, John Jutla, Sr., who constructed said diversions and reservoir since he homesteaded and proved up on the 160 acres herein described. Waters from Willow Creek have been used by father and applicants since about the year 1900. The water is used in homes and outbuildings situated in the 160 acres herein described.

REMARKS On Question 4: The Willow Creek diversion point is 2700 ft. Southeast of the N.W. corner of Sec. 36, T.48 N. R. 5 E.B.M. and 200 ft. Northwest of the center part of Section 36. The diversion is situated in the NW $\frac{1}{4}$ Sec. 36

(Continued below)

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
48 N.	5 E.	36					40	40	40	40									160

REMARKS (Continued) Twp. 48 N., R. 5 E., B.M. The second diversion is also situated in the 160 A. herein described. It is 2,630 ft. South east of the N.W. corner of Sec. 36, T. 48 N., R. 5 E., B.M. This diversion is 1000 ft. due West of the Willow Creek diversion

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that HENRY and WAYNE JUTILA of Mullan, County of Shoshone, and State of Idaho, the holders of Permit No. 22258, issued upon Application No. 29989 bearing date of priority of July 16, 1951, authorizing the diversion of 0.04 second foot of the waters of Willow Creek and a stream 1000 ft. West of Willow Creek, tributaries of the South Fork of the Coeur d'Alene River County of Shoshone, State of Idaho, for domestic 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 0.04 second foot of the waters of said streams; that the points of diversion of said waters are in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ section 36, Township 48 North, Range 5 East, B.M. and that the place of use of said water is in the NW $\frac{1}{4}$ Section 26, Township 48 North, Range 5 East, B.M.

Witness my hand this 22nd day of August, A. D. 1951.

MARK R. KULP
State Reclamation Engineer

Proof of completion of works made August 13, 1951.

Certificate of completion of works issued August 22, 1951.

LICENSE ISSUED FOR 0.04 SEC. FT.

pg. 4947

✓
July 17, 1952

RE: Permit No. 22258

Mr. Henry Jutila
Box 294
Mullen, Idaho

Dear Mr. Jutila:

We enclose License and Certificate of Water Right issued under Permit No. 22258, confirming the right of yourself and Wayne Jutila to the use of 0.04 second foot of water from Willow Creek and a stream lying 1000 feet West thereof with priority of July 16, 1951; points of diversion being in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, Township 48 North, Range 5 East, B.M., for domestic use in the NW $\frac{1}{4}$ of said section.

We also enclose departmental receipt No. 24649 for the \$5.00 license fee paid in connection therewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

22258

RECEIVED
JUL 12 1952

Department of Reclamation

Box 294
Muller, Idaho

July 10, 1952

State of Idaho
Dept. of Reclamation
Boise, Idaho

Dear Mr. Kulp,

Enclosed is a check of \$5.00
for a license.

22258

Very truly yours,

Mrs. Henry Jutila

22258

July 3, 1952

RE: Permit No. 22258

Mr. Henry Jutila
Box 294
Mullen, Idaho

Dear Mr. Jutila:

The report of our field engineer on examination for beneficial use under Permit No. 22258 in the name of yourself and Wayne Jutila is not on file.

Upon receipt of the statutory fee of \$5.00 a license will be issued for 2 inches or 0.04 second foot of water from Willow Creek and a stream lying 1,000 feet due west thereof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

22258

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

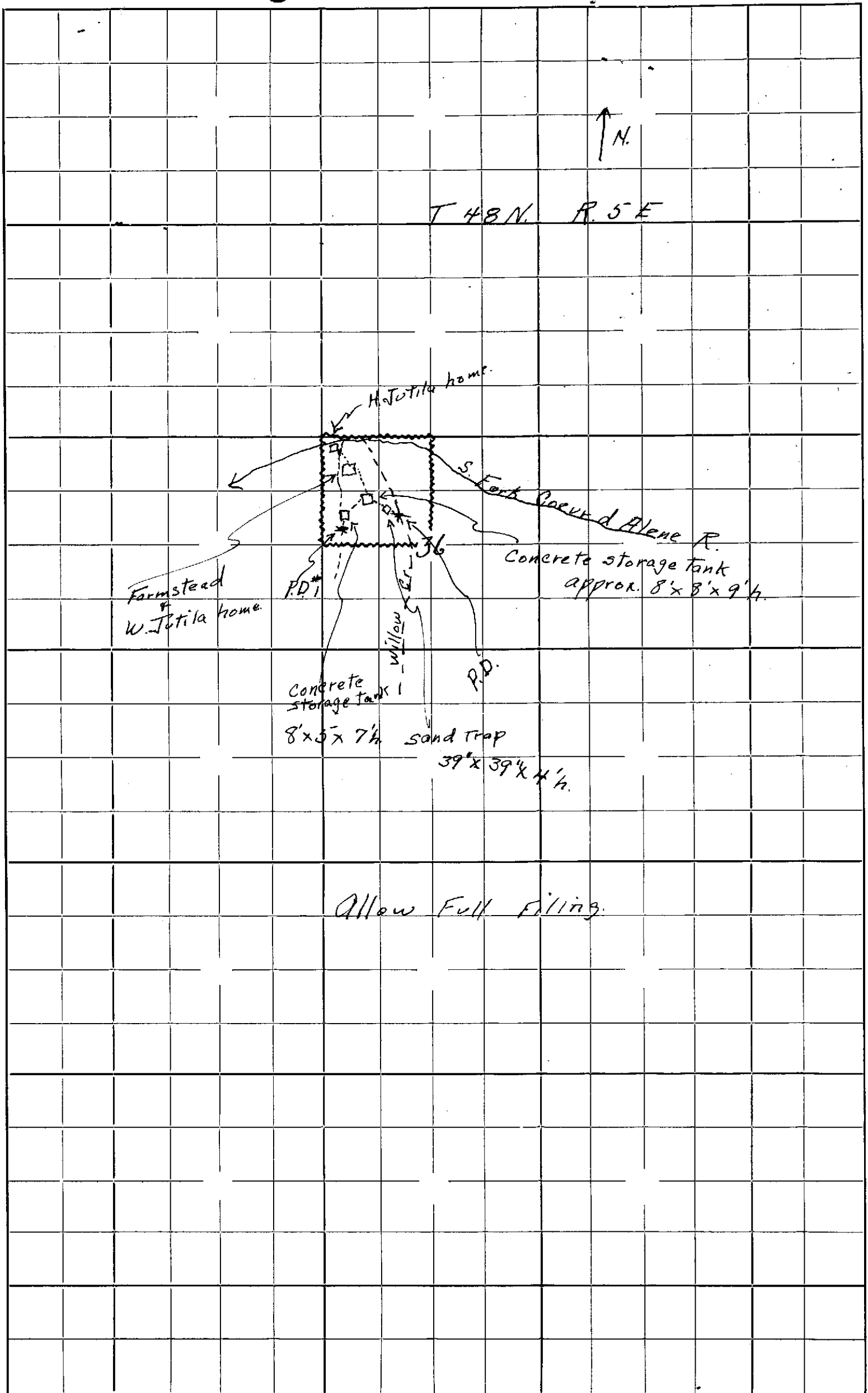
PERMIT NO 2258 _____

REPORT ON PROOF OF Beneficial use _____

HENRY and WAYNE JUTILA, Mullan, Idaho

app. 0.04 c.f.s.

*.04 cfs
snrk*



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

Permit No. 22258

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Henry & Wayne Jutila, Box 294, Mullan, Idaho
2. Source of water supply: Willow Creek and a stream lying 1000 ft. due west of Willow Creek
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36
T. 48 N. R. 5 E. County of Shoshone
4. Describe works as they exist, giving dimensions and capacities of same: System was installed on the West stream - it was insufficient in dry weather and so the second one was installed. A 2" pipe feeds from the Willow Cr. into the sand trap then 2" to 1 $\frac{1}{2}$ " to main storage. Then 1 $\frac{1}{4}$ " pipe from main tank to the farmstead, then $\frac{3}{4}$ " pipe on down to H. Jutila's home. They did use this system to water a large herd of dairy cattle on the farmstead. From P.D. #1 to main tank a 1" pipe is installed.
5. Water is used for: Domestic uses.
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 other than irrigation):

Place of use is a 160 acre dairy farm in the NW $\frac{1}{4}$ Section 36, Twp. 48 North, Range 5 East, B. M.

See map.

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

8. What large stream would the water here appropriated finally reach?.....

Remarks: _____

This examination was made on the 5TH day of June, 1952

(Signed) E. N. Humphrey

Examiner.

22258

300 ft. small wood dam
to first tank 1 1/2" pipe
400 500' between tanks 1 1/2"

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 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.
6. Give general characteristics of soils, topography, and crops raised.

County _____
Shoshone
48 N. R. 5 E.

Examination for _____

Q = .0440
8 = Willow Cr. } tot. 8
+ 1000' w. } E. d. R. C.
domestic

P.D. = SE NW 1/4 SW NW 536

Place of use = NW 1/4 526

Area = 160 acres.

Willow Cr. P.D. is 2700 ft
SE 1/4 NW 1/4 536

Other P.D. is 3630' SE 1/4 NW 1/4 536

Dividing = 9 16 - 57

B. N. due Oct 23-57

RECEIVED
1 1952

Department of Reclamation

04
60
2.00

38" x 44" covered top
and top

800' x 2" iron pipe for stream
to concrete top. with wooden
covering.

Approx. 1/2 mi. above old Highway
crossing.

Approx. 1400' of pipe for first box
to 2nd storage 8' x 8' x 9'

28 bottles 3/4" on farm.

5 outlets at stream
2 x 1 1/2" pipe to large tank

1 1/4" pipe to four wells

3/4" on to pump

Hot + Cold water in
both houses -
water for barn

May 24, 1952

RE: Permit No. 22258

Henry and Wayne Jutilla
Mullen
Idaho

Gentlemen:

I intend to call on you June 6, to make inspection in connection with your Permit No. 22258.

This inspection is required by State Law before License can be issued.

Please be prepared to accompany me on the inspection or have someone else do it who is familiar with your irrigation system.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

22258

November 2, 1951

RE: Permit No. 22258

Mr. Henry Jutila
Box 294
Mullan, Idaho

Dear Mr. Jutila:

We acknowledge receipt of the depositions of yourself and Wayne Jutila, also your two witnesses, together with affidavit of publication in the Wallace Miner, all submitted in proof of beneficial use under Permit No. 22258.

Before final action is taken in the matter, the law requires that a field examination be made by an engineer from this department.

We cannot say just when this examination will be made as this department has but one field engineer who makes examinations all over the State.

However, he will try to contact you at the time the examination is made so that arrangements may be made to show him over the grounds.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

22258

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
OCT 18 1951
Department of Reclamation

Permit No. 22258.....

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Henry Jutila; Wayne Jutila--Box 294, Mullan--

Operate a dairy.

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. This is not for a corporation

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

Ans. Permit Number 22258--July 23, 1951--July 16, 1951

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

Ans. The Willow Creek diversion point is 2,700 feet S.E. of the N.W. Corner of Sec. 36 T.W.P. 48 N. R. 5 E. B.M. and 200 ft. N.W. of the center post of Sec. 36 in the S.E. 1/4 of the N.W. 1/4 Sec. 36 T.W.P. 48 N. R. 5 E. B.M. The second diversion is also in 160A herein described. It is 2,630 ft. S.E. of N. W. corner of (more)

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. If a well, state depth of well, depth and size of casing and depth to water. If pump is used, state discharge of pump and tell how it was measured or determined.

Ans. Dams are of wood and rocks; reservoir is of concrete. Pipelines are used to convey water from dams to reservoir and from reservoir to buildings. 0.04 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. Water is used for domestic purposes in houses and ranch buildings

22258

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

Ans. _____

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

Ans. _____

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. _____

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

Ans. This water has been used for about fifty years in the same amount as now and in the same manner.

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 other diversion

(Sign) Henry Jutila

(Sign) Walter Jutila

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe ~~him~~ them to be the persons ~~he~~ they represents ~~himself~~ them 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 6th day of October, A. D. 1951,

Margaret Schelino

My commission expires August 20, 1954

Ques. 4 cont'd--Sec. 36 T.W.P. 48 N. R. 5 E.B.M. This diversion is 1000 feet due west of the Willow Creek diversion in the S.W. $\frac{1}{4}$ of the N.W. $\frac{1}{4}$ of Sec. 36 T.W.P. 48 N. R. 5 E.B.M.

22258

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 22258

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. Henry Kohkonen, 59 Operator of Tourist Cabins
Mullan, Idaho

Ques. 2. Are you acquainted with Wayne and Henry Jutila, the holder of Permit No. 22258? How long have you known him and where does he reside?

Ans. Yes. 38 years near Mullan, Idaho

Ques. 3. Have you read or heard read said Permit No. Yes, 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. The Willow Creek and a stream line 1000 feet due west of
Willow Creek. Diversion points are Willow Creek in the
S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of sec. 36 T. 48 N. R. 5 E. B. M. second
diversion S. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of sec. 36 T. 48 N. R. 5 E. B. M.

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. 0.04 second feet about 0.04 second feet

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. _____

Ques. 4. Wood and rock dams and pipe lines to reservoir, and concrete, and pipe line from reservoir to buildings.

22258

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Domestic purposes

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans.

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans.

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. 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. By being neighbors of said permit holders for 38 years, and occasionally visiting the above mentioned diversion points and water works.

(Signed)

Henry Kohkonen

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 6th day of October, A. D. 1951.

Margaret Scheline

Notary Public.

My commission expires August 20, 1954

22258

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 22258

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. John C. Maki 52 Mullan Businessman
Box 774 Mullan Idaho

Ques. 2. Are you acquainted with Waino and Henry Jutila, the holder of Permit No. 22258? How long have you known him and where does he reside?

Ans. yes, Thirty years near Mullan Idaho

Ques. 3. Have you read or heard read said Permit No. 22258, 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. The Willow Creek and a stream lying
1000 ft. due west of Willow Creek. Diversion points
are Willow Creek in S. E. 1/4 of N. W. 1/4 of Sec. 36
T. 48 N. R. 5 E. B. M. second diversion S. W. 1/4 of N. W. 1/4

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. 0.04 second feet About 0.04 second feet

Ques. 6. (Pumps) How much water in cubic feet per second, miner's inches, or gallons per minute have you seen the pump deliver, and how did you measure or estimate the amount?

Ans. _____

Trans. H. of Sec. 36 T. 48 N R. 5 E. B. M. Wood and rock dams
and Pipe lines to Reservoir Conside and Pipe line from
Reservoirs to buildings.

22258

Ques. 7. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Domestic purposes

Ques. 8. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. _____

Ques. 9. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. _____

Ques. 10. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. No

Ques. 11. 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. on and off in last 30 yrs. by observation
by visiting said works

(Signed)

John A. Maki

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 6th day of October,
A. D. 19 51.

Margaret Schelino

Notary Public.

My commission expires August 20, 1954.

22258

Proof of Publication

STATE OF IDAHO,
County of Shoshone,

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 6th day of October, 1951, at Wallace, County of Shoshone, State of Idaho, before Margaret Schelino, Notary Public, proof will be submitted of the application to beneficial use of .04 cubic foot per second of the waters of Willow Creek and a stream 1,000 ft. due west of Willow Creek in accordance with the terms and conditions of Permit No. 22258 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: Wayne and Harry Jutila, Mullan, Idaho.

The use to which said water has been applied is domestic purposes.

The amount applied to beneficial use is .04 second feet.

The place where said water is used 160 acre dairy farm situated in the NW 1/4 of Sec. 36, T. 48N., R. 5, E.B.M. Pipelines are used for servicing houses and outbuildings on herein described farm.

The name of the canal or ditch or works by which said water is conducted to such place of use is no name.

The right to take water from such works is based upon Permit No. 22258.

The source of supply from which such water is diverted is Willow Creek and a stream lying 1000 ft. due west of the Willow Creek.

The date of priority which said user is prepared to establish is July 16, 1951.

MARK R. KULP,
State Reclamation Engineer.
S6-27-4t.

HARRY A. McLEOD, being first duly sworn on his oath, deposes and says that he is the manager of THE WALLACE MINER, a weekly newspaper printed and published at Wallace, Shoshone County, State of Idaho; that said newspaper has a general circulation in said county, and has been continuously and uninterruptedly published in said county during a period of 73 consecutive weeks prior to the 6th day of September, A. D. 1951 that the Notice for Publication - Notice of Proof Application of water to Beneficial Use.

of which a copy is hereto attached, was first published in said newspaper in its issue dated the 6th day of September, A. D. 1951, 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 27th day of September, A. D. 1951.

Harry A. McLeod
Subscribed and sworn to before me this 3rd day of October, A. D. 1951.

Notary Public in and for the State of Idaho,
Residing at Wallace, Idaho.

22258

October 11, 1951

RE: Permit No. 22258

Mr. Henry Jutila
Box 294
Mullen, Idaho

Dear Mr. Jutila:

In reply to your letter of October 8, 1951, in regard to beneficial use proofs on your Permit No. 22258, these proofs (Forms 16 and 17) should be sent to this department, together with affidavit of publication which the Wallace Miner was instructed to send you and which is a necessary part of the proof.

It is not necessary to have any of the forms recorded in your county, as all the records are kept in this department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

22258

Box 294

RECEIVED
OCT 11 1951
Department of Reclamation

Mullan, Ida.

Oct. 8, 1951

Mr. Mark R. Tulp,
Dept. of Reclamation
Boise, Idaho.

Dear Sir:

We have had forms 16 and 17 filled out and notarized at the appointed day and hour for proof of application of water to beneficial use for permit No. 22258.

We would like to know, if we should keep these forms, or do we send them to you? Also should we have all the different forms recorded here?

Please advise us what we should do.

Respectfully yours,
Henry Jutela

22258

22258

WALLACE PRINTING COMPANY

PUBLISHER OF THE WALLACE MINER

WALLACE, IDAHO

August 31, 1951

RECEIVED
SEP 4 1951

Department of Reclamation

State Reclamation Engineer
State House
Boise, Idaho

Re: Permit No. 22258.

Dear Sir:

We received the notice for publication for Wayne & Henry Jutilla of Mullan, Idaho. Publication will commence on Sept. 6, 1951 and be completed Sept. 27, 1951. We will send you a copy of the first publication as requested.

Very truly yours,

WALLACE MINER

BY Ruth V. McLeod
ms.

ms

22258

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 22258

Date: August 29, 1951

Wallace Miner

Wallace, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **October 6, 1951**, the date set for proof, the expense of the publication to be paid by the applicant, **Wayne & Henry Jutilla** of **Mullan, 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,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

22258

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 6th day of October, 1951,
at Malheur, County of Shoshone, State of Idaho, before
Margaret Achelero, Notary Public, proof will be submitted of the
application to beneficial use of .04 cubic ~~foot~~ per second of the waters of Willow Creek
a stream 1000 ft. due west of Willow Creek in accordance with the terms and conditions of Permit No. 22258
heretofore issued by the State reclamation engineer of the State of Idaho.

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

Wayne & Henry Jutila, Mullan, Ida.

The use to which said water has been applied is Domestic purposes

The amount applied to beneficial use is .04 second ft.

The place where said water is used (~~if for irrigation, give full and correct description of the~~

~~land irrigated~~ 160 acre dairy farm situated in the N. 1/4 of Sec. 36,
T. 48 N. R. 5, E. 10 M. pipe lines are used for servicing houses
and outbuildings on said herein described farm.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is no name

The right to take water from such works is based upon Permit No. 22258

The source of supply from which such water is diverted is Willow Creek and a stream
lying 1000 ft. due west of the Willow Creek

The date of priority which said user is prepared to establish is July 16, 1951

MARK R. KULP

State Reclamation Engineer.

22258

✓
August 29, 1951

Re: Permit No. 22258

Messrs. Henry and Wayne Jutila
Box 294
Mullan, Idaho

Gentlemen:

We enclose certificate of completion of works issued under Permit No. 22258, for the diversion of 0.04 second foot of water from Willow Creek, and a stream 1000 feet West of Willow Creek, for domestic use in the NW¹/₄ Section 36, Township 48 North, Range 5 East, B.M. We also enclose departmental receipt No. 22491 for the \$5.00 fee paid in connection with this proof.

We shall send to the Wallace Miner, notice of beneficial use proof to be made on October 6, 1951, with instructions to publish it once a week for four consecutive weeks prior to that date and to send you the affidavit of publication together with statement of costs.

We enclose the necessary forms of deposition to be used in connection with this proof and at the time set you should appear before the Notary Public, Margaret Schelino, together with two disinterested witnesses who are familiar with the terms of the permit and the work done thereunder, for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

22258

RECEIVED
AUG 22 1951
Department of Reclamation

Box 294
Mullan, Idaho
Aug. 20, 1951

Department of Reclamation
Boise, Idaho

Dear Mr. Kulp,

Enclosed is a check for the
statutory fee of \$5.00.

Sorry we forgot to send it
with the papers.

Thank you.

22258
Very truly yours,
Mrs. Henry Justle
Box 294

✓
August 16, 1951

Re: Permit No. 22258

Henry & Wayne Jutila
Box 294
Mullan, Idaho

Dear Sirs:

We acknowledge receipt of your affidavit in proof of completion of works under Permit No. 22258, also notice of beneficial use proof to be made under this permit on October 6, 1951, and authorization to publish it in the Wallace Miner.

Your proof of completion of works is satisfactory but you failed to enclose the statutory fee of \$5.00, upon the receipt of which a certificate of completion of works will be issued.

Very truly yours,

MARK R. KULF
State Reclamation Engineer
By

Chief Clerk

A:fg

22258

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 13, 1951

(P. O.) Mullan, Idaho

TO THE STATE RECLAMATION ENGINEER:

Boise, Idaho.

Dear Sir:

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

Henry Juntala
Wallace, Idaho

(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.

22258

Permit No. 22258

STATE OF IDAHO
Department of ReclamationRECEIVED
AUG 16 1951

Proof of Completion of Works

Department of Reclamation

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Shoshone

SS.

Henry and Wayne Tuttle, 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. 22258, and that his postoffice address is Box 294 Mullan State of Idaho.Second: That the name of the stream ^{FROM} which said water is to be ^{DIVERTED} directed is Willow Creek and a stream 1,000 ft. west of Willow Creek.Third: That the point of diversion of said water is 2,700 and 2,630 feet distant from the N.W. corner of Sec 36, T.48N, R.5E, B.M. in the N.W. 1/4.Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by was completed, 19.....Fifth: That the use for which said water is intended is domestic purposes.

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: Reservoir, servicing pipe line to houses and out buildings.
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam 2 feet, length of dam at top 25 feet, length of dam at bottom 15 feet. Material used in construction wood and rocks;concrete for reservoir

(State whether wood, earth, stone or concrete)

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

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

(d) Conduit.....width at bottom.....feet, width at water line.....
(State whether ditch, flume or pipe)feet, depth of water.....feet; diameter of pipe 4 1/2 inches, average grade per mile is 20 feet. Length of conduit is 1/4 miles.Seventh: That said works are capable of conducting to the place of intended use.....
0.4 second feet of water.Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: in the N.W. 1/4 of Sec. 36, T.48N, R.5E, B.M. servicing houses and out buildings on dairy farm with pipe line from reservoir and is owned by applicants Henry and Wayne Tuttle.Ninth: Remarks: That two lines feed reservoir, the Willow Creek diversion is in the S.E. 1/4 N.W. 1/4 of Sec 36, T.48N, R.5, E. B.M. 2,700 ft from the N.W. corner. Second diversion is in the S.W. 1/4 N.W. 1/4 of Sec. 36, T.48N, R.5, E. B.M. 2630 ft. from the N.W. corner, 1000 ft due west of the Willow Creek diversion.Henry Tuttle
Wayne Tuttle
(Sign Here)Subscribed and sworn to before me this 13th day of August, 19 51My commission expires August 20, 1954Margaret Schelins
Notary Public.

no fee

22258

July 27, 1951

Re: Permit No. 22258

Mr. Henry Jutila
Box 294
Mullan, Idaho

Dear Mr. Jutila:

We enclose Permit No. 22258 in the name of yourself and Wayne Jutila, together with Departmental Receipt No. 23574 for the \$5.00 filing fee.

Since your application states that the works are completed and that no additional time will be required for making Proof of Beneficial Use, we have allowed three months or until October 23, 1951, within which to make the two statutory proofs required to complete the water right.

The first proof, or proof of completion of works, should be made on Form 6 enclosed, executed before a Notary Public, and returned to this Department with the statutory fee of \$5.00.

The statutes require publication of a notice in a county newspaper for four consecutive weeks prior to making proof of beneficial use. This notice should be made in duplicate on Form 10, setting time and place, and naming the Notary Public before whom the proof is to be made. The time, of course, should be set sufficiently far ahead to allow for the four weeks' publication.

Both copies of Form 10 to be returned to this Department, together with Form 11, which is your authorization for us to have the notice published at your expense in the designated newspaper. We shall then send a copy of the notice to the newspaper with instructions in regard to publishing.

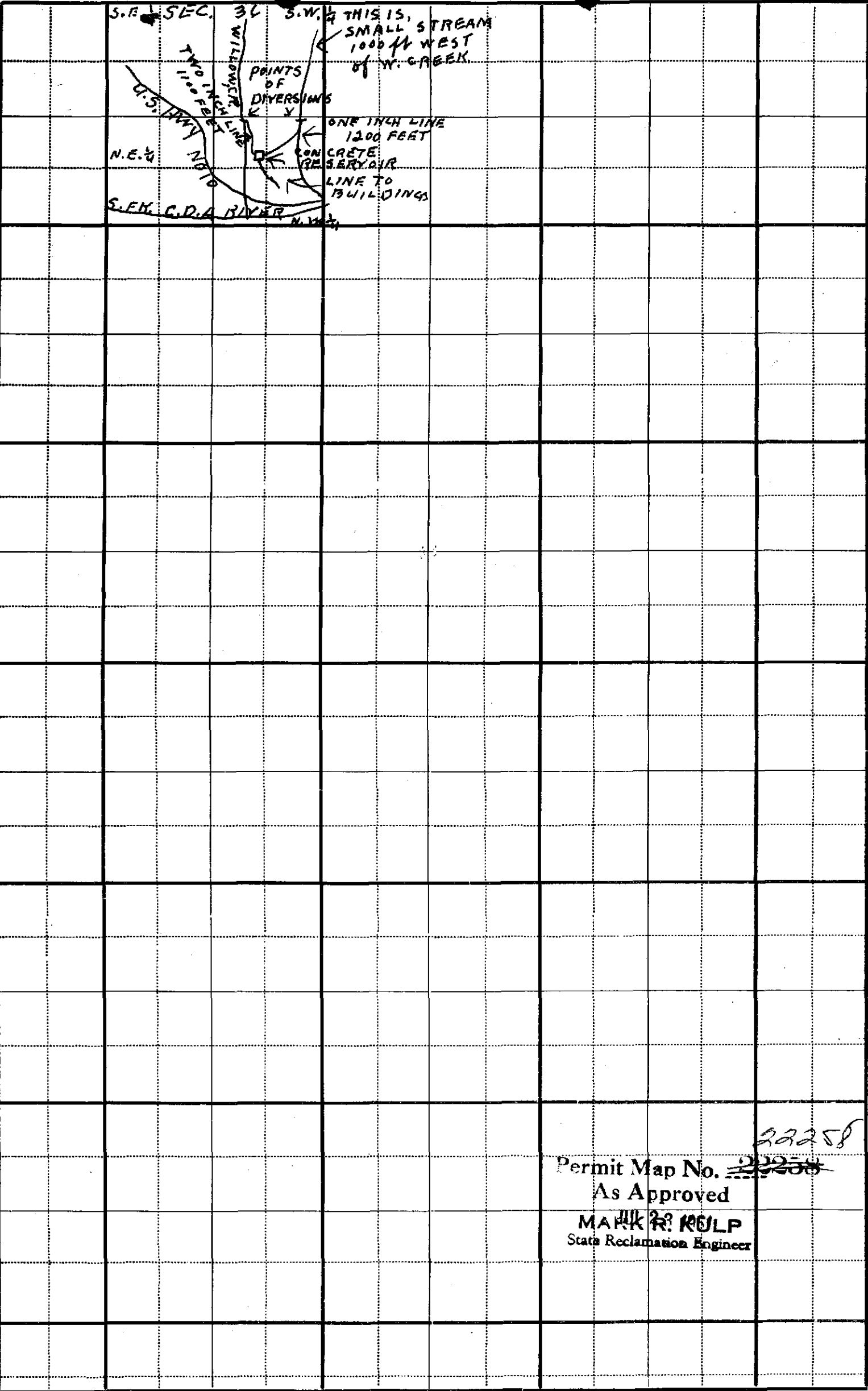
Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

22258



22258

Permit Map No. ~~22258~~

As Approved

MARK R. KULP

State Reclamation Engineer

July 10, 1951

Mr. Henry Jutila
Box 294
Mullan, Idaho

Dear Mr. Jutila:

We are in receipt of your letter of July 2, 1951, in further reference to your application for Permit to appropriate public water.

Only one application is required, for which you may use Form 1 enclosed. This should show both points of diversion and as there may not be room for it under Question 4 of the application, you may describe the two points under "Remarks" on the third page.

It might be well to apply for .04 of a cubic foot per second, or 2 inches, which would be sufficient for all domestic purposes, as it amounts to 26,000 gallons per 24-hour period. It depends on your intake to your $1\frac{1}{2}$ in. pipe line, the amount of fall, length of pipe and etc. to determine the capacity of your $1\frac{1}{2}$ in. pipe line.

In filling out your application, answer all questions as mentioned in office letter addressed you on March 15, 1951.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:hh
Enc.

22258

Muller, Idaho.
July 2nd 1951

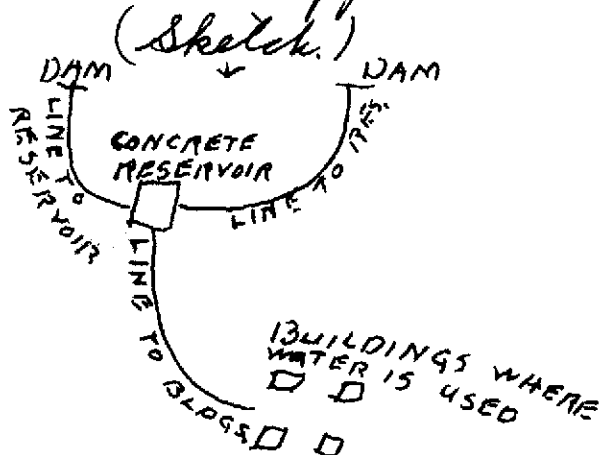
Dept. of Reclamation,
Boise, Idaho.

Dear Sirs:

I have been quite busy the last month, and am rather late in answering your letter dated May 29th, 1951. You requested more information in regards to our application for water rights.

We use this water only for domestic purposes. We do not irrigate. The feeder ^(concrete) reservoir to our ranch buildings is about 4000 gallon capacity. The two feeder lines running to the reservoir are from two different sources. The line from the reservoir to the ranch buildings is 1½ in. pipe. (How many sec. feet of water runs through an inch and one half pipe, I do not know.)

If we need two different permits for water rights, please send another application. We would appreciate more information.



RECEIVED
JUL 5 1951
9 am
Department of Reclamation

Respectfully Yours,
Henry Jutila.

May 29, 1951

Mr. Henry Jutila
Box 294
Mullen, Idaho

Dear Mr. Jutila:

I have your letter of May 16 on application for permits, but am not sure that I understand the situation.

Answering your last question. A permit completed to License would provide evidence of a completed water right with a priority as of the date of filing, but would not prevent or prejudice a court action to establish a priority as of the date of actual application to beneficial use. You probably have a right that could be confirmed in court but is not presently of record.

A sketch and more information would help us in analyzing your situation. We would like to know what use is made of the water, the capacity of the reservoir and whether the feeders to the reservoir are from the same stream or from different sources. The amount of water used would be pertinent.

With this information, we could probably advise as to the simplest and best procedure, but we are of the opinion that one application would probably satisfy the requirements unless the storage capacity would require a separate storage permit.

We are enclosing forms for application for both direct flow and storage permits.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

MRK:bh

Enc.

22258

Box 294

Mullan, Idaho

May 16, 1951

Department of Reclamation
State House
Boise, Idaho

RECEIVED
MAY 18 1951
Department of Reclamation

Dear Sir:

We have two diversion points running parallel about 1,000 feet to the same reservoir. In applying for permit, should we make out separate applications for permits or would one be necessary? Should you also have two separate maps showing diversion and locations? If so, please send us application for permit blanks.

In applying for permits at this late date, would we lose our priority rights after fifty years of continued use? In other words is it a practical idea to get water rights at all?

Respectfully yours,
Henry J. Jett

22258

March 16, 1951

Mr. Henry Jutila
Box 294
Mullen, Idaho

Dear Mr. Jutila :

We acknowledge receipt of the application of yourself and Wayne Jutila for Permit to appropriate .02 second foot of water. However, the application is incomplete in several particulars, and we return it herewith for correction as follows:

Answer Questions 3, 4, 7, 12, 13, and 15.

Also, state under "Remarks" the place where the water is to be used and whether or not the spring is located on your own land. If not, it will be necessary to have the Affidavit of Permission at the bottom of Page 3 executed by the owner of the land on which the spring is located.

The filing fee of \$5.00 should accompany the application.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

22258

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION
OF WATER BENEFICIAL USE

Notice is hereby given that at 11:00 A. M. on the 6th day of October, 1951, at Wallace, County of Shoshone, State of Idaho, before Margaret Schelino, Notary Public, proof will be submitted of the application to beneficial use of .04 cubic foot per second of the waters of Willow Creek and a stream 1,000 ft. due west of Willow Creek in accordance with the terms and conditions of Permit No. 22258 heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding

said permit are Wayne and Henry Jutila, Mullan, Idaho.

The use to which said water has been applied is domestic purposes.

The amount applied to beneficial use is .04 second feet.

The place where said water is used 160 acre dairy farm situated in the NW $\frac{1}{4}$ of Sec. 36, T. 48N., R. 5, E.B.M. Pipelines are used for servicing houses and outbuildings on herein described farm.

The name of the canal or ditch or works by which said water is conducted to such place of use is no name.

The right to take water from such works is based upon Permit No. 22258.

The source of supply from which such water is diverter is Willow Creek and a stream lying 1000 ft. due west of the Willow Creek.

The date of priority which said user is prepared to establish is July 16, 1951.

MARK R. KULP,
State Reclamation Engineer.