

State of Idaho

License and Certificate of Water Right

Water License No. 21075

Amount 0.04 second foot

Water District No.

Priority May 21, 1949

THIS IS TO CERTIFY that JOHN CAPPARELLI
of Wallace, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 21, 1949; that Permit No. 21075
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
0.1 second feet, was issued thereunder on March 9, 1951, showing that said works
were completed on the 7th day of March, 1951; and that on the 7th
day of April, 1951,

JOHN CAPPARELLI
of Wallace, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Terror
Creek, a tributary of So. fork Coeur d'Alene River for the purpose of irrigation
, under Use Permit No. 21075 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 4836, on the 31st day of October, 1951;
The right hereby confirmed dates from May 21, 1949;

The Point of Diversion is located
in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 1, Tp. 48 N., R. 3 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 feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
48 N.	1 E.	12	NW $\frac{1}{4}$ NE $\frac{1}{4}$	5	1 $\frac{1}{2}$

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
31st day of October, 1951.

MARK R. KULP

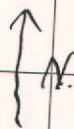
State Reclamation Engineer

(SEAL)

84 2202

One & one half acres

T. 48N. R. 3E.



Tree three under
house in 8 1/2" stone
pipe gale.

Used 8x16' flumes 8' 8 1/2"

Flume extends approx.
50' above bridge.

P.D. is approx 100'
above section line

2

1

P.D.
blaze on tree

Fring. ground.
1 1/2 a. garden & orchard.

11

12

Co. road

13

S. Ek Coeur d. Alene

Main Highway

State of Idaho

License and Certificate of Water Right

Water License No. 21075

Amount 0.04 second foot

Water District No.

Priority May 21, 1949

THIS IS TO CERTIFY that JOHN CAPPARELLI

of Wallace, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 21, 1949; that Permit No. 21075 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.1 second feet, was issued thereunder on March 9, 1951, showing that said works were completed on the 7th day of March, 1951; and that on the 7th day of April, 1951,

JOHN CAPPARELLI

of Wallace, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Terror Creek, a tributary of So. fork Coeur d'Alene River for the purpose of irrigation, under Use Permit No. 21075 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 4836, on the 31st day of October, 1951:

The right hereby confirmed dates from May 21, 1949:

The Point of Diversion is located

in the SW 1/4, Sec. 1, Tp. 43 N., R. 3 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 second foot per second.

Description and location of tract

No.	Range	Sec.	Quarter-acre Plot	No. Acres Described in Permit	No. Acres Actually Irrigated
48 R.	1 N.	43	NW 1/4 NE 1/4	5	1.2

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

WITNESSES the seal and signature of the State Reclamation Engineer, attached at this Idaho, this

1951, at Boise, Idaho.

JOHN R. KULP

State Reclamation Engineer

94 2202

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

94-2202

APPLICATION No. 28740
 PERMIT No. 21075
 DISTRICT No.

1. Name of Applicant: JOHN CAPPARELLI

Postoffice address: Box 965, Wallace

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:

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

(a) Cash on hand:

(c) Bonds to be issued:

3. Quantity of water claimed: 0.10

cubic feet per second.

4. Source of water supply: Terror Creek

which is a tributary of So. fork Coeur d'Alene River

5. Location of point of diversion: 1320

feet distant from the Northeast

corner of Section 12, T. 48 N., R. 3 E., B.M., and is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 12, T. 48 N., R. 3 E., B.M., County of Shoshone

6. Water is to be used for Irrigation only

7. 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: \$ 600.00

8. Kind of works: Timber diversion dam, wooden flume to point of use 12 X 12 inches.

9. Height of dam 2 $\frac{1}{2}$

feet; length of dam at top 16

feet; length of dam at bottom 16

feet; material used in dam: Logs and planks

10. Size of headgate: Width 12 X 12 inches

feet; height

feet.

11. Width at bottom 1

feet; width at water line 1

feet; depth of water 1

feet;

12. Dimensions of flume: 12 X 12 inches

13. Diameter of pipe

inches; length of conduit 200 feet

miles.

14. Average grade per mile 2 per cent

feet.

15. The time required for the completion of such work is Two (2)

years.

16. The time required for the complete application of the water to the proposed use is

No

additional years.

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

18. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

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

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

JOHN CAPPARELLI *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M. May 21, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 21075

Recorded in Book 75 Page 21075 Approved May 27, 1949

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 July 27, 1949 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 May 27, 1950

The whole of said work to be completed on or before May 27, 1951

Beneficial use of water appropriated in accordance herewith, to be made on or before May 27, 1951

WITNESS My hand this 27th day of May, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, 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 27th

day of May, 1949

STATE OF IDAHO

Countersigned:

(SEAL)

By J. D. "CY" PRICE
Secretary of State.

By C. A. ROBINS Governor.

REMARKS: Water taken directly from creek to point of use on land

14.

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.	3 E.	12	5																5
Permit No. 21075 CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that JOHN CAPPARELLI of Wallace, County of Shoshone, and State of Idaho, the holder of Permit No. 21075, issued upon Application No. 28740 bearing date of priority of May 21, 1949, authorizing the diversion of 0.10 second foot of the waters of Terror Creek, a tributary of South fork Coeur d'Alene River, County of Shoshone, State of Idaho, for irrigation 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 0.10 second foot of the waters of Terror Creek; that the point of diversion of said waters is in the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 48 North, Range 3 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 48 North, Range 3 East, B.M.																			
Witness my hand this 9th day of March, A. D. 1951.																			
MARK R. KULP State Reclamation Engineer																			
Proof of Completion of Works made March 7, 1951. Certificate of Completion of Works issued March 9, 1951.																			
LICENSE ISSUED FOR 0.24 SEC. FT. Page 4836																			

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 21075

Comes now John Cepparelli and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 21075;

That the point of diversion is described in said Permit as being located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Twp. 48 North, Range 3 East, B.M.

That he now requests that the point of diversion be changed to a point located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Twp. 48 North, Range 3 East, B.M.

That his reasons for desiring to make such change are as follows: The location of the point of diversion was erroneously described in the original application and permit.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Wallace, Idaho, this 25th day of September, 1951.

John Cepparelli, Sr.

Date of receipt at Department of Reclamation September 29, 1951.

APPROVAL OF THE STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application for amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 21075. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

February 6, 1970

Re: Permit No. 21075/94-2202

Mr. Chas. E. Horning
Attorney at Law
White & Bender Bldg.
Wallace, Idaho 83873

Dear Mr. Horning:

With reference to your letter, of January 8, 1970, please be advised that the above referenced permit has been perfected into a water license. A water license is appurtenant to the land on which it is issued, therefore, we do not require a copy of a quitclaim deed be filed in connection with this matter. The owner of the real property would also own the water right in question.

If we can assist you further, please contact us.

Very truly yours,

Donald W. McEldowney
Appropriation Examiner

DWM:kh

94-2202
21075

CHAS. E. HORNING
ATTORNEY AT LAW
WHITE & BENDER BUILDING
WALLACE, IDAHO 83873

PHONE 752-7141
AREA CODE 208

January 8, 1969

Commissioner of Reclamation
Statehouse
Boise, Idaho 83707

Dear Sir:

On October 31, 1951, your office issued a License and Certificate of Water Right No. 21075 to John Capparelli, Sr. for diversion of 0.04 cubic feet of water per second from Terror Creek, a tributary of the South Fork of the Coeur d'Alene River in Shoshone County, Idaho.

John Capparelli is deceased and on April 1, 1968, the Probate Court of Shoshone County, in which the decedent's estate was probated, issued a Decree of Distribution in and by which this water right was distributed to June C. Kroupa.

June C. Kroupa has now, by quitclaim deed, conveyed this water right to Arthur T. Capparelli and Norene Delores Capparelli, his wife.

May I inquire whether a certified copy of the Decree of Distribution and the deed which I have mentioned should be filed in your office.

Very truly yours,



CHAS. E. HORNING

CEH b

21075
94-2202

November 1, 1951

RE: Permit No. 21075

Mr. John Capperelli
Box 965
Wallace, Idaho

Dear Mr. Capperelli:

We enclose license and certificate of water right issued under Permit No. 21075, confirming your right to the use of 0.04 second foot of water from Terror Creek, with priority of May 21, 1949, for irrigation of $1 \frac{1}{2}$ acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 48 North, Range 1 East, B.M.

We also enclose departmental receipt No. 23858 for the license fee of \$2.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Aifg
Enc.

21075



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER

BOISE

October 10, 1951

RE: Permit No. 21075

RECEIVED
OCT 15 1951
Department of Reclamation

Mr. John Capparelli
Box 965
Wallace, Idaho

Dear Mr. Capparelli:

We received your letter of October 6, 1951, stating
that you were enclosing a money order for the \$2.00 license
fee on Permit No. 21075.

However, the money order was not enclosed in your
letter.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By *Jeanne L. Anderson*
Chief Clerk

A:fg

*Would you please excuse me
for my mistake. No doubt after
writing the letter, not thinking, I
sealed the letter without making out
the Money Order.
Thanking you
Yours truly J. Capparelli
21075*

Wallace, Idaho
10-6-51

Dept. of Reclamation
State House
Boise, Ida.

Gentlemen: Received your letter of 10-3-51
in regards to Permit No 21075.

Enclose find Money Order for the sum of \$2.00
In your letter it is stated that I have
license for 0.04 of a second foot of water.
Would you please tell me what the above
figure compare with a miners Inch.

no enclosure

Thanking you very much.

Yours truly

John Casparelli
Box 965 Wallace Idaho.

21075

✓
October 3, 1951

RE: Permit No. 21075

Mr. John Capperelli
Box 956
Wallace, Idaho

Dear Mr. Capperelli:

We have recorded your amendment to the point of diversion described in Permit No. 21075, as approved by the State Reclamation Engineer, and which is enclosed herewith.

We can now issue a license for 0.04 of a second foot of water from Terror Creek, for use on $1\frac{1}{2}$ acres of land in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 28 North, Range 3 East, B.M., upon receipt of the statutory fee of \$2.00.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21075

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 21075

REPORT ON PROOF OF Beneficial use

JOHN CAPPARELLI, Box 965, Wallace, Idaho

.04 cfs
mks

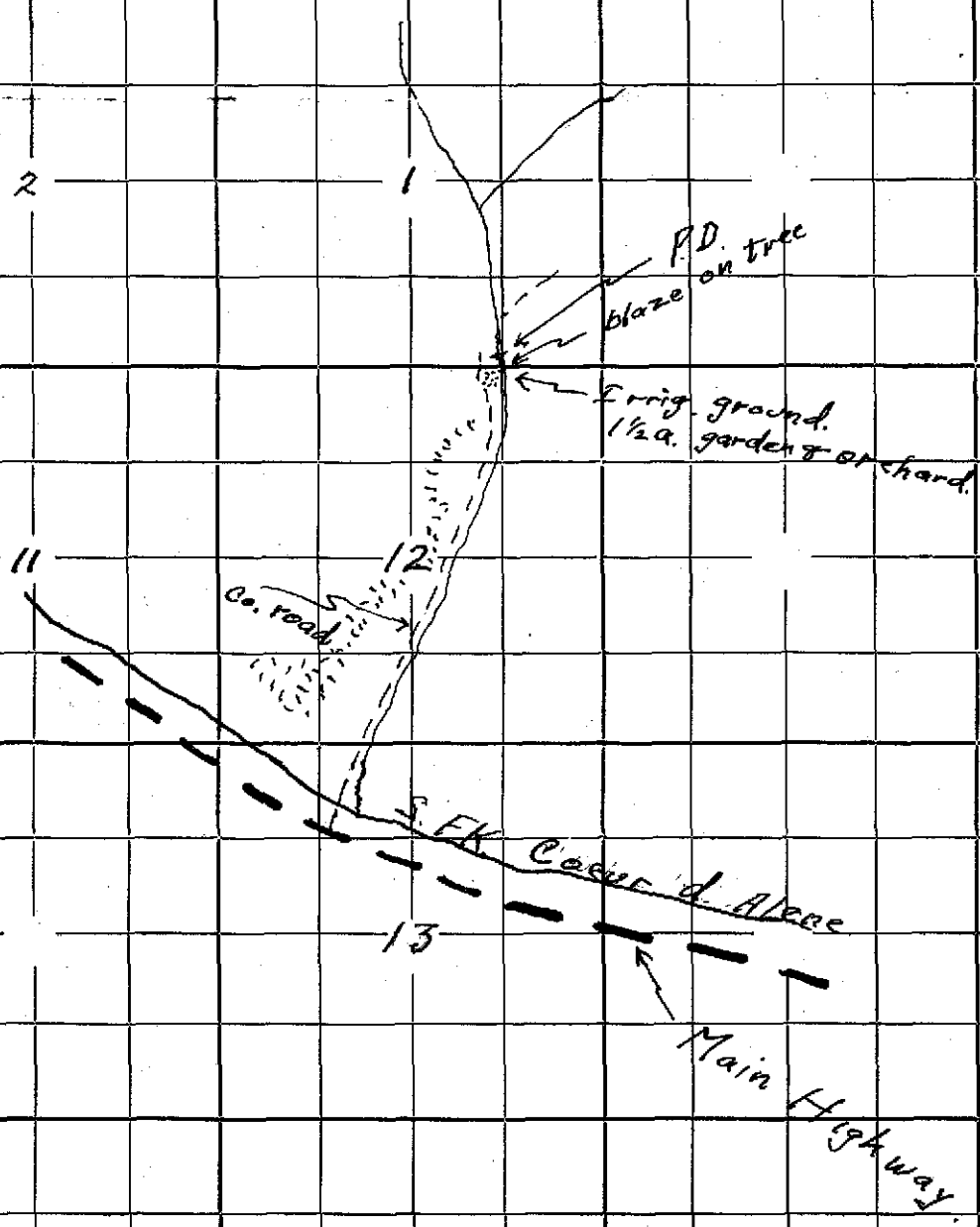
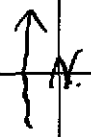
app. 9 1 cfs.

1 1/2 acres.

one half area

Acres there under
house in 8 1/2" stone
pipe galv.
used 8 x 16' lumber 8" x 8 1/2"
Flume extends approx.
50' above bridge.
P.D. is approx 100'
above section line

T. 48N. R. 3E.



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

Permit No. 21075

This proof is for Beneficial use

In Water District No. _____

1. Name of applicant John Capparelli, Box 965, Wallace, Idaho
2. Source of water supply: Terror Creek, a tributary of So. fork Coeur d'Alene River
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12
T. 48 N. R. 3 E. County of Shoshone
4. Describe works as they exist, giving dimensions and capacities of same: This work consists of a small length of removable flume that is put into the stream each summer to divert water to a small garden patch and orchard of approximately 1 $\frac{1}{2}$ acres, belonging to Mr. John Capparelli. There is approximately 128 ft. of flume 8 in. by 8 $\frac{1}{2}$ in. cross section, leading to an 8 in. stove pipe 50 ft. long, which extends under the house and to the garden and orchard which are irrigated by open ditches. The point of diversion is approximately 100 ft. North of the North line of Section 12, and lies in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1.

5. Water is used for: Irrigation

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):

NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 48 North, Range 3 East, B. M.

1 $\frac{1}{2}$ acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12.

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

8. What large stream would the water here appropriated finally reach? So. Fork of Coeur D'Alene

Remarks: _____

This examination was made on the 12th day of September, 1951.

(Signed) E. M. Humphrey

Examiner.

21075

John Capparelli
Wallace, Idaho
Permit No. 21075

Examination for Beneficial use

County Shoshone

Sec 12
48N. R 3E.

Q = 10 cfs.

P.D. = NW NE Sec 12
T 48N. R 3E.

Source = Lenoir Cr.

Use = Irrig.

5 acres in NW. NE, Sec 12

RECEIVED
SEP 29 1951

Department of Reclamation

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.

write John what
is necessary to correct

128 feet of flume

50' of 8" pipe thru

under house to garden

P.D. is wrong.

want to change it.

remove flume
each winter.

September 22, 1951

RE: Permit No. 21075

Mr. John Capperelli
Box 965
Wallace, Idaho

Dear Mr. Capperelli:

We enclose herewith a form of application to change the point of diversion as described in your Permit No. 21075 showing the correct point as being in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Township 48 North, Range 3 East, B.M.

Please sign this application and return to this department for approval and record.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

21075

September 4, 1951

RE: Permit No. 21075

Mr. John Capparelli
Wallace
Idaho

Dear Mr. Capparelli:

I intend to make inspection on your Permit No.
21075, on September 13 or 14, 1951.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

21075

August 23, 1951

Re: Permit No. 21075

Mr. John Capparelli
Wallace
Idaho

Dear Mr. Capparelli:

I intend to make inspection, as required by law on your permit No. 21075, which is being brought to license, on September 5 or September 6. Probably September 5.

I will want you or someone familiar with the water system to accompany me on this inspection.

Yours truly,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

H:fg

21075

April 20, 1951

Re: Permit No. 21075

Mr. John Capperelli
Box 965
Wallace, Idaho

Dear Mr. Capperelli:

We acknowledge receipt of the corrected depositions of yourself and two witnesses in Proof of Beneficial Use under Permit No. 21075 and also the Affidavit of Publication in the Wallace Miner.

This completes your proof, but 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:bh

21075

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
APR 14 1951
Department of Reclamation

Permit No. 21075

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. John Capparelli Box 965 Wallace, Idaho Lock & Gun Smith

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. _____

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

Ans. No. 21075 Date of priority May 21, 1949 Permit 21075, May 21, 1949

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

Ans. Terror Creek, Tributary of South Fork of the Coeur d'Alene River. 1320 feet from NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec. 12 Township 48 Range 3 east BM.

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. Flume, ~~x2~~ 75 cubic inches of water can be conveyed from Diversion to place of use.

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. Using for Irrigation. Irrigation $1\frac{1}{2}$ acre. Cultivated land

Without water could not raise anything. With water raise garden

Nw $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec. 12, Township 48, Range 3 east BM

21075

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. three tenths of water

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. Water used for the last four years, with present ~~set up~~ and using enough water to raise a truck garden.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans.

(Sign)

John Capparelli Sr.

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Wallace, County of Shoshone, State of Idaho, on this 7 day of April, A. D. 1951,

My commission expires 6/14/51

21075

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21075

Proof of Application of Water to Beneficial Use

Deposition of Witness

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

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

Ans. Peter DeBlock, Age 67, Wallace, Idaho, Retired

Ques. 2. Are you acquainted with John Capparelli, the holder of Permit No. 21075? How long have you known him and where does he reside?

Ans. Yes, for about twenty years, he lives in Terror Gulch

Ques. 3. Have you read or heard read said Permit No. 21075, and are you familiar with its provisions and conditions?

Ans. Yes ~~is~~ I have read his Permit, Yes I am familiar with its provisions.

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. Terror Creek, Flume carries water to place of use

1320 feet distant from the North East Corner of Section 12, Township 48, Range 3 East 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. The flume will carry about two-thirds full of water

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. _____

21075

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. Irrigation. He irrigates about two acres of land, It is cultivated land and he has a truck-garden
NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of sec. 12, Township 48, Range 3 East BM.

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. Don't know the amount but will need it all through the summer

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. I have been a farmer all my life and I know that for Mr. Capparelli to raise any thing on his place he will have to have water all summer

(Signed)

Meta H. Block

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 7 day of April, A. D. 1951.

[Signature]

Notary Public.

My commission expires 6/14/51

21075

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 21075

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. Charles Ristau, Age 58, Mullan, Idaho, Plumber, Box 285 Mullan, Idaho

Ques. 2. Are you acquainted with John Capparelli, the holder of Permit No. 21075? How long have you known him and where does he reside?

Ans. I have known Mr. Capparelli for the last eighteen years

Ques. 3. Have you read or heard read said Permit No. 21075, and are you familiar with its provisions and conditions?

Ans. I have heard the Permit read

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. Terror Gulch and the water is conveyed to the point of use by a flume. 1320 feet distant from the North East Corner of Section 12, Township 48, Range 3 East BM.

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. He has a Flume 12 inches by 12 inches and it will carry water about two-thirds

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. _____

21075

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. Irrigation, he has about ~~x~~ 1½ acres of Cultivated land
NW¼ of the NE¼ of sec. 12, Township 48, Range 3 East Bm.

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

Ans. He ~~xx~~ has a truck-garden which could not be had if not for the water

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. I don't know anything about water measurments, but he will need it all summer

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. I get most of my vegetables from Mr. Capparelli and have seen him using the water.

(Signed) Chas. Hartman

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 7 day of April,
A. D. 1951.

Notary Public.

My commission expires 6/14/51

21075

✓
April 18, 1951

Re: Permit No. 21075

Mr. John Capparelli
Box 965
Wallace, Idaho

Dear Mr. Capparelli:

We return the depositions of yourself and two witnesses submitted in Proof of Beneficial Use under Permit No. 21075, which are incomplete in several particulars.

1. Question 4 in all the depositions should give the location of the point of diversion by legal subdivision, Section, Township and Range.

2. Question 6 of your deposition and Question 7 of the depositions of your two witnesses should give the legal description of the land that has been irrigated.

The depositions should also be accompanied by the Affidavit of Publication which the Wallace Miner was instructed to send you and which is a necessary part of your proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

21075

Proof of Publication

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

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

Notice is hereby given that at 1:00 A. M. on the 7th day of April, 1951, at Wallace, County of Shoshone, State of Idaho, before Calvin J. Gould, Notary Public, proof will be submitted of the application to beneficial use of 10 cubic foot per second of the waters of Terror Creek in accordance with the terms and conditions of Permit No. 21075 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are John Capparelli, Wallace, Idaho, Box 965.

The use to which said water has been applied is Irrigation.

The amount applied to beneficial use is 10 cubic foot.

The place where said water is used N. W. ¼ of the N. E. ¼ of Sec. 12, Township 48 N. Range 3E.

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. 21075.

The source of supply from which such water is diverted is Terror Creek, A Tributary of the Coeur d'Alene River.

The date of priority which said user is prepared to establish is May 21, 1949.

21075
MARK R. KULP,
State Reclamation Engineer.
M15-A5-4t.

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 78 consecutive weeks prior to the 15th day of March, A. D. 1951 that the 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 15th day of March, 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 5th day of April, A. D. 1951.

Harry A. McLeod
Subscribed and sworn to before me this 5th day of April, A. D. 1951.

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

21075

March 15, 1951

Re: Permit No. 21075

Wallace Printing Company
Wallace, Idaho

ATT: Ruth V. McLeod

Dear Madam:

In reply to your letter of March 12, which
just reached us this afternoon;

We are sorry you could not read the date
typed in the last line of the Notice for Beneficial
Use Proof of John Capparelli.

The date should be May 21, 1949.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

21075

WALLACE PRINTING COMPANY

PUBLISHER OF THE WALLACE MINER

WALLACE, IDAHO

March 12, 1951

RECEIVED
MAR 15 1951

Department of Reclamation
Boise, Idaho

Department of Reclamation

Attn: Mr. Mark R. Kulp

Re: Permit No. 21075

Dear Sir:

We are in receipt of your notice for publication entitled Notice of Proof Application of Water to Beneficial Use for John Capparelli. We are unable to read the date typed in on the last line of the notice. Please supply us with the date. If we do not receive it in time for the first publication, March 15, we shall make the necessary change on the next publication.

Very truly yours,

WALLACE MINER

BY Ruth V. McLeod
ms.

21075

✓
March 13, 1951

Re: Permit No. 21075

Mr. John Capperelli
Wallace, Idaho

Dear Mr. Capperelli:

We enclose Certificate of Completion of Works issued under Permit No. 21065 for the diversion of 0.10 second foot of water from Terror Creek, with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Township 48 North, Range 3 East, B.M., for the irrigation of land in the same subdivision.

We also enclose Departmental Receipt No. 23180 for the \$5.00 fee paid in connection with this proof.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

21075

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **March 9, 1951**

Re: Permit No. 21075

Wallace Miner
Wallace, Idaho

Gentlemen:

Enclosed you will find notice for publication once
a week for four consecutive weeks prior to **April 7, 1951**
the date set for proof, the expense of the publication to be
paid by the applicant, **John Capparelli** of **Box 965, Wallace,**
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

21075

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

Notice is hereby given that at 1:00 A. M. on the 7th day of April, 1951,
 at Wallace, County of Shoshone, State of Idaho, before
Calvin J. Gould, Notary Public, proof will be submitted of the
 application to beneficial use of .10 cubic feet per second of the waters of Terror Creek
 in accordance with the terms and conditions of Permit No. 21075
 heretofore issued by the Department of Reclamation of the State of Idaho.

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

John Capparelli, Wallace, Idaho Box 965

The use to which said water has been applied is Irrigation

The amount applied to beneficial use is .10 Cubic Feet

The place where said water is used ~~(if for irrigation, give full and accurate description of the~~
~~lands irrigated)~~ N. W. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Sec. 12 Township 48, N. Range 3 E.

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. 21075

The source of supply from which such water is diverted is Terror Creek, A Tributary
of the Coeur d'Alene River

The date of priority which said user is prepared to establish is May 27, 1949 ~~May 27, 1948~~ 21, 1949

MARK R. KULP

State Reclamation Engineer.

21075

March 9, 1951

Re: Permit No. 21075

Mr. John Capparelli
Box # 965
Wallace, Idaho

Dear Mr. Capparelli:

We acknowledge receipt of your proof of completion of works under Permit No. 21075, accompanied by your postal note for the \$5.00 fee, and Certificate of Completion of Works will be issued and sent you within a few days.

The notice of beneficial use proof which you also sent gives the date for making this proof as March 7, 1951. This is obviously an error, as four weeks' publication is required before this proof is made. So we have corrected this to read April 7, 1951, and have sent a copy to the Wallace Miner with instructions to publish it once a week for four weeks prior to that date and to send you the affidavit of publication, together with statement of costs.

If for any reason that date should not be satisfactory to you, or to the Notary, Mr. Calvin J. Gould, please set a later date, and notify the Wallace Miner to make the change in the printed notice; and also notify us of the change.

At the time set for proof you should appear before Mr. Gould, together with two disinterested witnesses, who are familiar with the terms of your permit, and the work done thereunder, for the purpose of executing the depositions, forms for which are being sent Mr. Gould by this same mail.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

Encls.
CC to Calvin J. Gould
Forms enclosed in Mr. Gould's letter.

21075

Permit No. 21075STATE OF IDAHO
Department of ReclamationRECEIVED
MAR 9 1951
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Shoshone

ss.

John Capparelli

, 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. 21075, and that his postoffice address is Wallace State of Idaho

Second: That the name of the stream which said water is to be directed is Terror Creek, a tributary of South Fork of the Coeur D'Alene River

Third: That the point of diversion of said water is at the N.E. cor. of the N.W. 1/4 of the N.E. 1/4 of Sec. 12, T.48. N. R.3. E.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by May 27th, 1951

Fifth: That the use for which said water is intended is Irrigation

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: Lumber Flume only, at water grade.
(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

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

(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 inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 10 second feet of water.

Eighth: That water appropriated under said permit is available for 1 1/2 acres of land described as follows: Situated near the N.E. cor. of the N.W. 1/4 of the N.E. 1/4 of Sec. 12, T.48. N. R.3. E.

Ninth: Remarks: That water is derived right from the Creek by the use of a lumber flume. no dam to be used as stated in prior application.

John Capparelli Jr.
(Sign Here)

Subscribed and sworn to before me this 7 day of March, 1951

My commission expires June 14, 1951

Notary Public.

21075

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date).....

(P. O.).....

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 , Idaho published in
the county in which the works are situated.

John Capporelli, S.

(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.

21075

Form No. 5-A

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Mr. John Capparelli
Box 965
Wallace, Idaho

BOISE

March 1, 1951

Dear Sir:

Under the terms of your permit No. 21075 you are required to complete your diversion works and make proof of beneficial use on or before May 27, 1951.

We enclose herewith a blank affidavit to be filled out, sworn to by you before a Notary Public of Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the Completion of the Works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion of Works will be issued to you.

We also enclose blank notice for proof of application of water to Beneficial Use under this permit, which should be filled out and returned to this office at least forty (40) days before the date upon which you wish to make proof. The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths. The date for proof as set out in your permit, is May 27, 1951, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

21075

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 21075

Date June 2, 1949

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

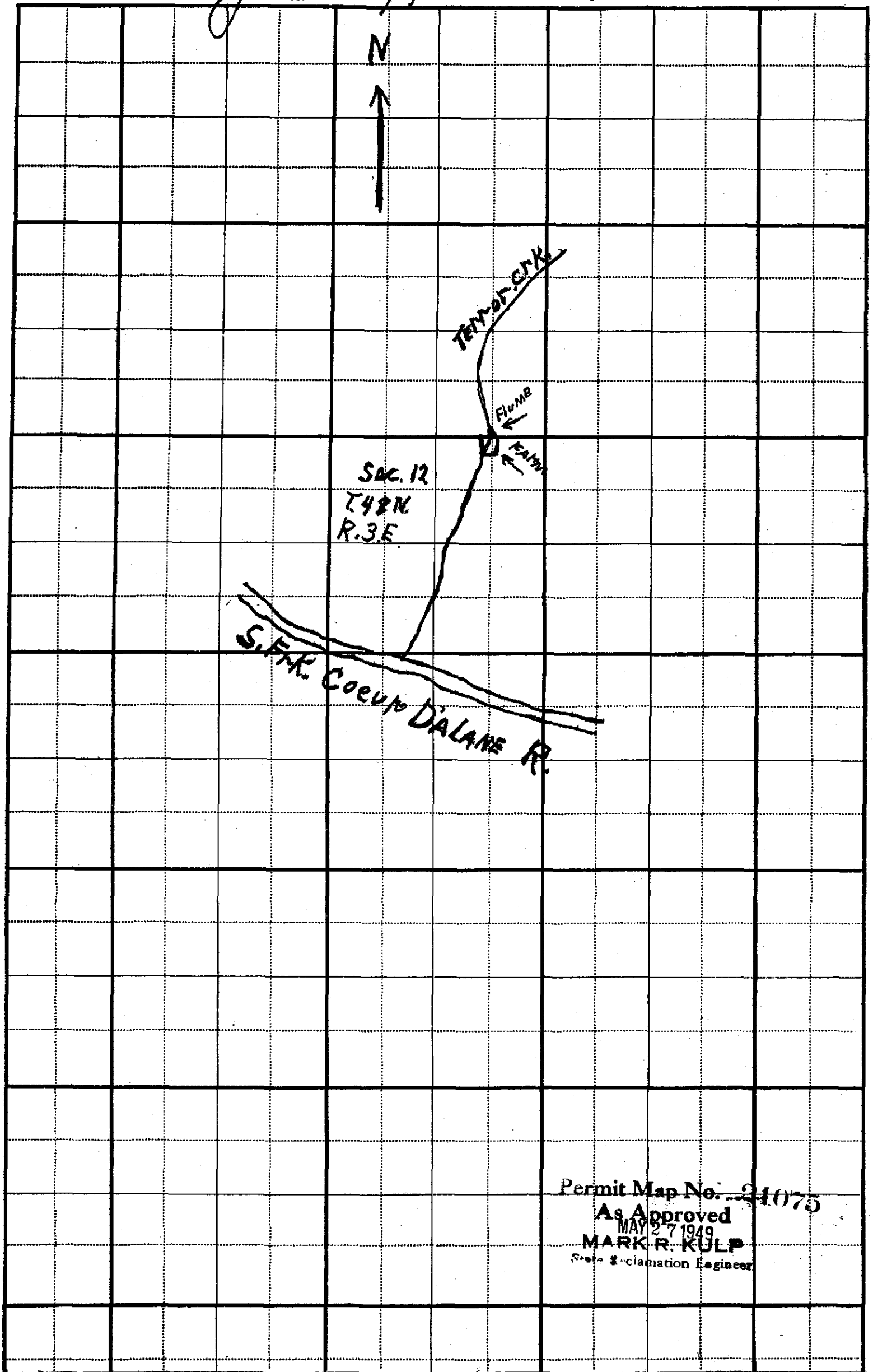
Mr. John Casparelli
Box 965
Wallace, Idaho

MARK R. KULP
State Reclamation Engineer

Enc. Departmental Receipt No. 21532

21075

Job Capparelli



Permit Map No. 21075
As Approved
MAY 27 1949
MARK R. KULP
State Reclamation Engineer