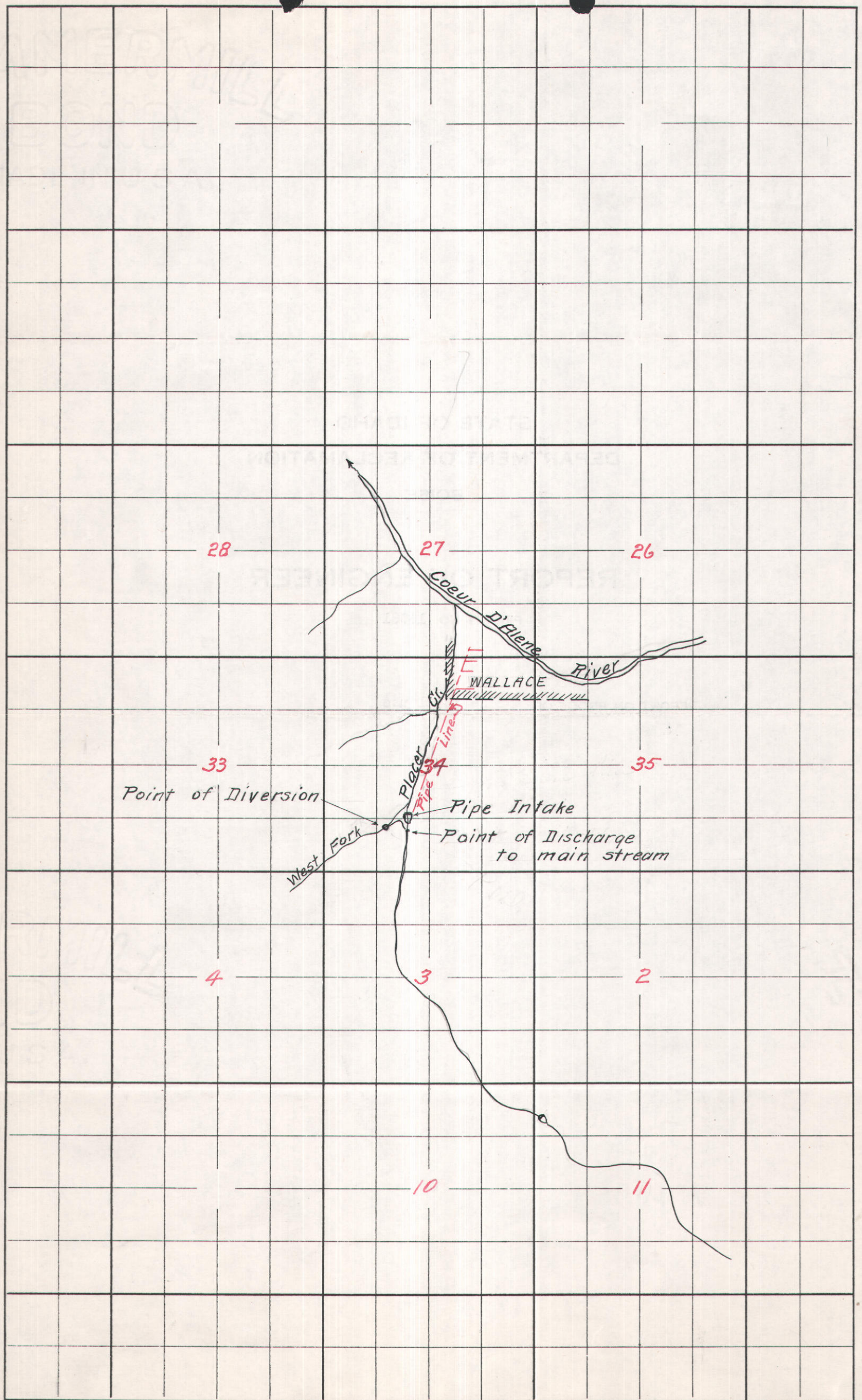




NAME OF APPLICANT.

Citizens Utilities Company

FORM No. 0

- SEC

SEC.

SEC.

SEC.

- SEC.

-SEC-

SEC.

- SEC.

- SEC.

SEC. 34

SEC

- SEC

SEC

- SEC.

SEC.

SEC

SEC

- SEC.

SEC. 18681
Permit Map No. _____

As Approved

SEP 21 1938

R. W. FARIS

R. W. PAUL
Commissioner of Reclamation

T.48 N., R.4 E., B.M.

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

1868

State of Idaho

License and Certificate of Water Right

Water License No. **18681**
Water District No. _____

Amount. 6.4 second feet
Priority. September 14, 1938

THIS IS TO CERTIFY that CITIZENS' UTILITIES COMPANY
of Minneapolis, Minnesota, made application for a permit to appropriate the
public waters of the State of Idaho, dated September 14, 1938; that Permit No. 18681
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
6.4 second feet, was issued thereunder on September 21, 1939, showing that said works
were completed on the 14th day of September, 1939; and that on the 21st
day of September, 1939,

CITIZENS' UTILITIES COMPANY

of Minneapolis, State of Minnesota, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of West Fork of Placer Creek, a tributary of So. Fork Coeur d'Alene River, for the purpose of domestic use, under Use Permit No. 18681 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4025, on the 7th day of August, 1940.

The right hereby confirmed dates from September 14, 1938 ;

The Point of Diversion is located S.35°22' E.2668.3 ft. distant from W.¼ cor.Sec. 34, Twp.48 N.,R.4 E., in the SE ¼ SW ¼, Sec. 34, Tp. 48 N., R. 4 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 6.4 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
City of Wallace and territory immediately adjacent to the corporate limits of said city.					

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 7th day of August, 1940

JAMES SPOFFORD
Commissioner of Reclamation

(SEAL)

94 2181

State of Idaho
License and Certificate of Water Right

Water License No. 4953 Amount 17.2 second feet
Water District No. Priority May 2, 1930

THIS IS TO CERTIFY that SUBLETTE CREEK IRRIGATION COMPANY
of Sublette, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 21, 1909; that Permit No. 4953
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
35.2 second feet, was issued thereunder on July 25, 1914, showing that said works
were completed on the 18th day of July, 1914; and that on the 1st
day of July, 1939,
SUBLETTE IRRIGATION COMPANY
of Sublett, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho of the right to use the waters of Sublett
Creek, a tributary of, for the purpose of irrigation, domestic and
stock watering, under Use Permit No. 4953 of the State Engineer
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4026, on the 15th day of August, 1940;
The right hereby confirmed dates from May 2, 1930;
main
The Point of Diversion is located N. 30° 15' East 2431 feet from the corner common to Sections
8, 9, 16 & 17
in the - 1/4 - 1/4 Sec. - , Tp. 13 S. , R. 29 E. , B. M. Cassia 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 17.2
cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	28 E.	33	NE SE	40	20
			NW SE	40	20
			SW SE	40	20
			SE SE	40	20
13 S.	28 E.	2	SW SW	40	20
			SE SW	40	20
			SW NE	40	20
			SE NE	40	20
		3	NE NW	40	20
			SE NW	40	20
			NW SE	40	20
			SE SE	40	20
		11	NE NE	40	-
			NW NE	40	-
			SE NE	40	-
			NW NW	40	20
		12	NW NW	40	20
			SW NW	40	20
			SE NW	40	20
			NW SW	40	20
13 S.	29 E.	7	NE SE	40	20
			NW SE	40	20
			SW SE	40	20
			SE SE	40	20
		8	NE SW	40	20
			NW SW	40	20
			SW SW	40	20
			SE SW	40	20
		9	NE SE	40	20
			NW SE	40	20
			SW SE	40	20
			NE SW	40	20
			NW SW	40	20
			SE SW	40	20
			SW SW	40	20
			NE SW	40	20
			NW SW	40	20
			SE SW	40	20
			SW SW	40	20
			NE SW	40	20

Total Number of acres irrigated - 860

State of Idaho
License and Certificate of Water Right

Water License No. 4953 Amount 17.2 second feet
Water District No. Priority May 2, 1930

THIS IS TO CERTIFY that SUBLETTE CREEK IRRIGATION COMPANY
of Sublette, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 21, 1909; that Permit No. 4953
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
35.2 second feet, was issued thereunder on July 25, 1914, showing that said works
were completed on the 18th day of July, 1914; and that on the 1st
day of July, 1939,
SUBLETTE IRRIGATION COMPANY
of Sublett, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho of the right to use the waters of Sublett
Creek, a tributary of, for the purpose of irrigation, domestic and
stock watering, under Use Permit No. 4953 of the State Engineer
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7
of Licenses, at page 4026, on the 15th day of August, 1940.

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 15th day of August, 1940

JAMES SPOFFORD
Commissioner of Reclamation

(SEAL)

94- 2181

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 26036
Permit No. 18681
District No.

1. Name of Applicant: Citizens Utilities Company

Postoffice address 821 Marquette Ave. County: Hennepin State: Minnesota
Minneapolis

- I. If applicant is a corporation, give:

- (a) Date and place of incorporation: Wilmington, Delaware, Nov. 12, 1935.
(b) Amount of capital stock: \$276,250.00
(c) Amount paid in: \$276,250.00

- (d) Names and addresses of directors: R. J. Andrus, 821 Marquette Ave., Minneapolis, Minn.; B. Earle
Appleton, 50 Congress St., Boston, Mass.; Joseph Chapman, 821 Marquette Ave., Minneapolis,
Minn.; A. O. Dawson, 61 Broadway, New York; Wm. Mitchell, E-1006 1st Nat. Bank Bldg., St. Paul,
Minn.; S. J. Steele, 1420 Walnut Street, Philadelphia, Pa.; I. E. Stiles, 5052 Belmont Ave. S.,
Minneapolis, Minn.

- II. The financial resources of the applicant are:

- (a) Cash on hand: \$271,092.92
(b) Treasury stock: None
(c) Bonds to be issued: None
(d) Other resources: \$9,178,068.33

2. Quantity of water claimed: 6.4 cubic feet per second.

3. Source of water supply: West Fork of Placer Creek which is a tributary of the South Fork of the Coeur d'Alene River.

4. Location of point of diversion: S. 35°22' E. 2668.3 feet distant from the W $\frac{1}{4}$
corner of Section 34, T. 48 N., R. 4 E., B. M., and is in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$
of Section 34, T. 48 N., R. 4 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: \$ 4,000.

8. Kind of works: Rock filled cribbed dam and 300 feet of pipe.

9. Height of dam 8 feet; length of dam at top 45 feet; length of dam at bottom 45
feet; material used in dam: log cribbing filled with rock

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 18 inches; length of conduit 300 feet miles.
Average grade per mile 0.5 % feet.

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

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

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

15. (a) Is reservoir to be used? No If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit: None
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

Citizens Utilities Company Applicant.

By F. A. MERFELD Agent.

Date of first receipt at Department of Reclamation: 9:00 A. M., Sept. 14, 1938

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 18681

Recorded in Book 68 Page 18681 Approved Sep. 21, 1938

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before November 20, 1938 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before September 21, 1939

The whole of said work to be completed on or before September 21, 1940

Beneficial use of water appropriated in accordance herewith, to be made on or before September 21, 1943

Witness my hand this 21st day of September, 1938.

R. W. FARIS
Commissioner of Reclamation.

Remarks: The purpose of this application for permit is to change our domestic water supply facilities in order to give increased head and place such facilities in a location where they will not be subject to excess damage by floods. This does not represent new water used but due to the change of such facilities, it is necessary to make application for water on the West Fork of Placer Creek which was formerly taken on Placer Creek below the confluence of the West Fork and East Fork.

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 $\frac{1}{4}$	

In testimony whereof, we, BARZILLA W. CLARK, Governor of the State of Idaho, and IRA H. MASTERS, Secretary of State of the State of Idaho, have hereunto 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 21st day of September, 1938.

(SEAL)

Countersigned:

By IRA H. MASTERS
Secretary of State

STATE OF IDAHO
By BARZILLA W. CLARK
Governor

PERMIT NO. 18681
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that CITIZENS UTILITIES COMPANY, of Wallace, County of Shoshone, and State of Idaho, the holder of Permit No. 18681, issued upon Application No. 26036, bearing date of priority of September 14, 1938, authorizing the diversion of 6.4 second feet of the waters of West Fork of Placer Creek, a tributary of the South Fork of the Coeur d'Alene River, County of Shoshone, State of Idaho, for domestic 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 6.4 second feet of the waters of West Fork of Placer Creek; that the point of diversion of said waters is S. 35°22' East 2668.3 feet distant from the West 1/4 corner of Section 34, Township 48 North, Range 4 East, B.M., and is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 48 North, Range 4 East, B.M., and that the place where said water is to be used is the City of Wallace and territory immediately adjacent to the corporate limits of said city.

Witness my hand this 21st day of August, A. D. 1939.

JAMES SPOFFORD
Commissioner of Reclamation

Proof of Completion of Works made August 14, 1939
Certificate of Completion of Works issued August 21, 1939

WATER DIVISION 6.4 SEC. FT.

P. 4025

94-2181

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

PHONE 752-7141
AREA CODE 208

September 17, 1969

Mr. M. Russell Bosch
Administrative Assistant
Department of Reclamation
Statehouse - Annex 2
Boise, Idaho 838707

Dear Mr. Bosch:

Re: Placer Creek Water Rights

I thank you for your letter of August 27th and
am enclosing my check for \$1.00 to cover the fee
mentioned by you.

Very truly yours,

Chas E Horning

CHAS. E. HORNING

CEH b

Enc.

*check #3639
mailed*

18681
94-2181

94-2181

August 27, 1969

C
Charles E. Horning
Attorney at Law
White and Bender Bldg.
Wallace, Idaho 83873

Dear Mr. Horning:

O
Our records do not show any water rights filed on Experimental Draw or Cranky Gulch. We do have a decreed water right to the Vienna International Mining and Milling Company Ltd. They have a right to 4.0 c.f.s from Placer Creek and have the senior water right. From the decree it seems that this amount is almost all the creek during low water. It could be that this right has been sold or abandoned and no longer being used.

P
The Citizens Utilities Company's licensed right with a priority of September 15, 1938 for 6.4 c.f.s. of the waters of Placer Creek could have the point of diversion changed from it's present location to the new location upstream as long as they do not interfere with any other prior right. We are enclosing forms for transfer for your use if you feel that the transfer is what should be done. If they are requesting a new supply of water they should file a new application for the additional water.

Y
We are also enclosing a copy of the water license (number 94-2181) to give to the B.L.M. to show evidence of the water right. There is a \$1.00 fee for this copy which you may remit to our office.

If we can be of further assistance please let us know.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosures

*keep #
3639
mailed*

*18681
94-2181*

896-1
RECEIVED

AUG 25 1969

Department of Reclamation

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

H.K. Adams
V.S.

Vienna International
Mining & Smelting
Company, Limited

PHONE 752-7141
AREA CODE 208

August 21, 1969.

3674-

3675-

4025-

Department of Reclamation,
Statehouse, Boise, Idaho.

Gentlemen:

Will you please advise me as to whether there are any presently existing water rights on the small stream in what is known, at least locally, as Experimental Draw, and also as to whether there are any presently existing water rights on the small stream in what is known, at least locally, as Cranky Gulch.

Both of the streams mentioned are tributaries of Placer Creek, a stream that flows through the City of Wallace and is a tributary of the South Fork of the Coeur d'Alene River.

The two small streams above mentioned are among the sources of water that is supplied to the City of Wallace by Citizens Utilities Company.

Citizens Utilities Company holds a water right on Placer Creek, and its dams and points of diversion on Placer Creek are downstream from the two small streams which I have mentioned. This company wishes to install a filtration plant and pipeline on the stream in Experimental Draw, and will later wish to install a similar plant on the stream in Cranky Gulch, but they are informed by the Boise office of the Bureau of Land Management that they must first file with the BLM evidence of their possession of a water right on these streams, approved by the State Reclamation Department.

So it will be appreciated if you will give me a prompt reply to this letter.

Very truly yours,

CEH-b

Chas E Horning

18681

94-2181

April 27, 1965

Re: License No. 18681
Citizens Utilities Co.

H. J. Hull & Sons
Attorneys at Law
Wallace, Idaho

Attn: Platt Hull

Dear Mr. Hull:

License No. 18681 for 6.4 c.f.s., priority of Sept. 14, 1938 to Citizens Utilities Co., with point of diversion in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 48 N., R. 4 E., out of West Fork Placer Creek, for domestic use in Wallace and vicinity is the only right I found for Wallace.

The record shows the diversion on the West Fork, thence 375 feet of 18" pipe to Placer Creek and the rediversion in Placer Creek above confluence of the two streams.

There seems to be no reason why the pipe to Placer Creek cannot be abandoned and the water diverted directly from the diversion on the West For. Idaho Code 42-222 should be used if the diversion point would be changed to a different 40-acre subdivision.

License No. 1856, for 0.2 c.f.s., priority March 12, 1906 to Manfred Tribolet with point of diversion in NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, out of Watson Creek for irrigation and domestic use in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 25, T. 48 N., R. 4 E.

The claim or use of water from Watson and Weyer Gulches east of town and Experimental Draw and Cranky Gulch appears to be only a "Use Right". This office does not have a record of "Use Rights"

I found no other recorded rights in the streams you mentioned in your letter of April 23rd.

Very truly yours,

RALPH W. THOMAS, Deputy
State Reclamation Engineer

H. J. HULL & SONS

ATTORNEYS AT LAW
WALLACE, IDAHO 83873

H. J. HULL
PIATT HULL
ALDEN HULL

P. O. BOX 709
TELEPHONE SK 2-1154
AREA CODE 208

April 23, 1965

Department of Reclamation
State of Idaho
Boise, Idaho

Gentlemen:

The City of Wallace is presently obtaining water for municipal purposes from Placer Creek and from Weir and Watson Gulches. On the Placer Creek drainage, water is taken from the West Fork of Placer Creek and Placer Creek at the junction of the two streams and also from Placer Creek at a point perhaps 500 feet down stream from the entrance of Experimental Draw and Cranky Gulch. The water is distributed by Citizen's Utilities Company.

The City presently is conducting a survey of water sources with the purpose to eliminate so far as possible taking water directly from Placer Creek which is traversed by a public highway which appears to make filtration necessary.

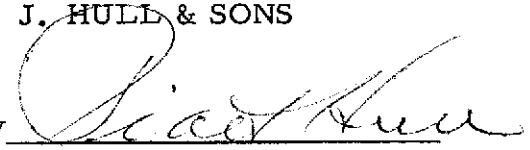
One proposed plan is to draw water from Experimental Draw, Cranky Gulch and perhaps the West Fork prior to their entrance into Placer Creek and to continue drawing water from Weir and Watson Gulches.

Can you give me the water rights existing on these five named streams as shown by your records. Do the water rights now being used to supply city water from Placer Creek apply by reference to Experimental Draw and Cranky Gulch if the point of diversion were changed to a point above the confluence with Placer Creek?

Do your records show prescriptive rights as well as rights granted pursuant to statute?

Very truly yours,

H. J. HULL & SONS

By 

PH:cv

cc: Van Nyman

18681

August 9, 1940

Re: Permit No. 18681

Mr. F. A. Marfeld,
District Manager,
Citizens Utilities Co.,
Wallace, Idaho.

Dear Mr. Marfeld:

We are enclosing herewith License and Certificate of Water Right issued under the above numbered permit, confirming the right of the Citizens Utilities Company to the use of 6.4 second feet of the waters of the West Fork of Placer Creek, a tributary of the South Fork of the Coeur d'Alene River, with date of priority of September 14, 1938, for domestic use in the City of Wallace and territory immediately adjacent to the corporate limits of said city.

The Department's Receipt No. 17515 for the \$5.00 fee paid in connection with this beneficial use proof is also enclosed.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA
Encls.

Chief Clerk

18681

CITIZENS UTILITIES COMPANY

WALLACE, IDAHO

August 5, 1940

State of Idaho
Department of Reclamation
Boise, Idaho

Attention: Jeanne L. Anderson, Chief Clerk

Re: Permit 18681

Dear Miss Anderson:

Thank you for your August 3 letter advising that all matters in connection with the above application have been completed with the exception of the payment of the fee. Accordingly we are enclosing our check in the amount of \$5.00 and we would appreciate if you will forward us a receipt for this amount together with the license for the application for water on the West Fork of Placer Creek.

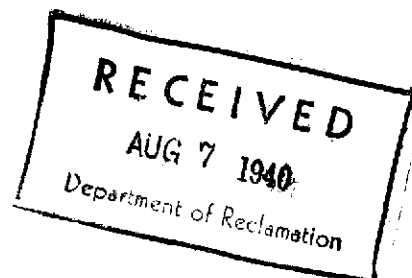
I wish to thank you again for your kind cooperation in this matter.

Very truly yours,

CITIZENS UTILITIES COMPANY

F. A. Merfeld
F. A. Merfeld, District Manager

FAM:IV
Encl.



18681

August 3, 1940

Re: Permit No. 18681

Mr. F. A. Marfeld,
District Manager,
Citizens Utilities Co.
Wallace, Idaho.

Dear Mr. Marfeld:

We have the report from our field engineer,
Mr. Tolman, in connection with beneficial use
proof under the above numbered permit.

The statutory fee in this connection is \$5.00,
upon receipt of which a license will be issued for
6.4 second feet of water from West Fork Placer
Creek, as applied for.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

JLA

Chief Clerk

18681

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18681

This proof is for Beneficial Use

In Water District No.

1. Name of applicant Citizens Utilities Co., Wallace, Idaho
2. Source of water supply: West fork Placer Creek, a tributary So. Fork Coeur d'Alene River
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34 of Section
T. 48 N. R. 4 E. County of Shoshone
4. Describe works as they exist, giving dimensions and capacities of same: *A plank faced diversion dam 90 ft long and 6 ft high. A spillway crest in center 2 ft wide x 2 ft deep. An 18" pipe line 375 ft. long delivers West fork water into the East fork a short distance above head of main pipe line leading to the Wallace distribution system*
5. Water is used for: Domestic purposes
6. State whether or not water has been turned into works of diversion: *yes*
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

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

8. What large stream would the water here appropriated finally reach? *Coeur d'Alene River*
- Remarks: *The West Fork diversion dam is built to overflow its entire length when necessary*

This examination was made on the 26th day of July, 1940

(Signed)

W. H. Coburn
Examiner.
18681

Citizens Utilities Co.
Mr. F. A. Merfeld, Dist. Mgr.
Wallace, Idaho
Permit No. 18681

Examination for Beneficial use

County Shoshone

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.

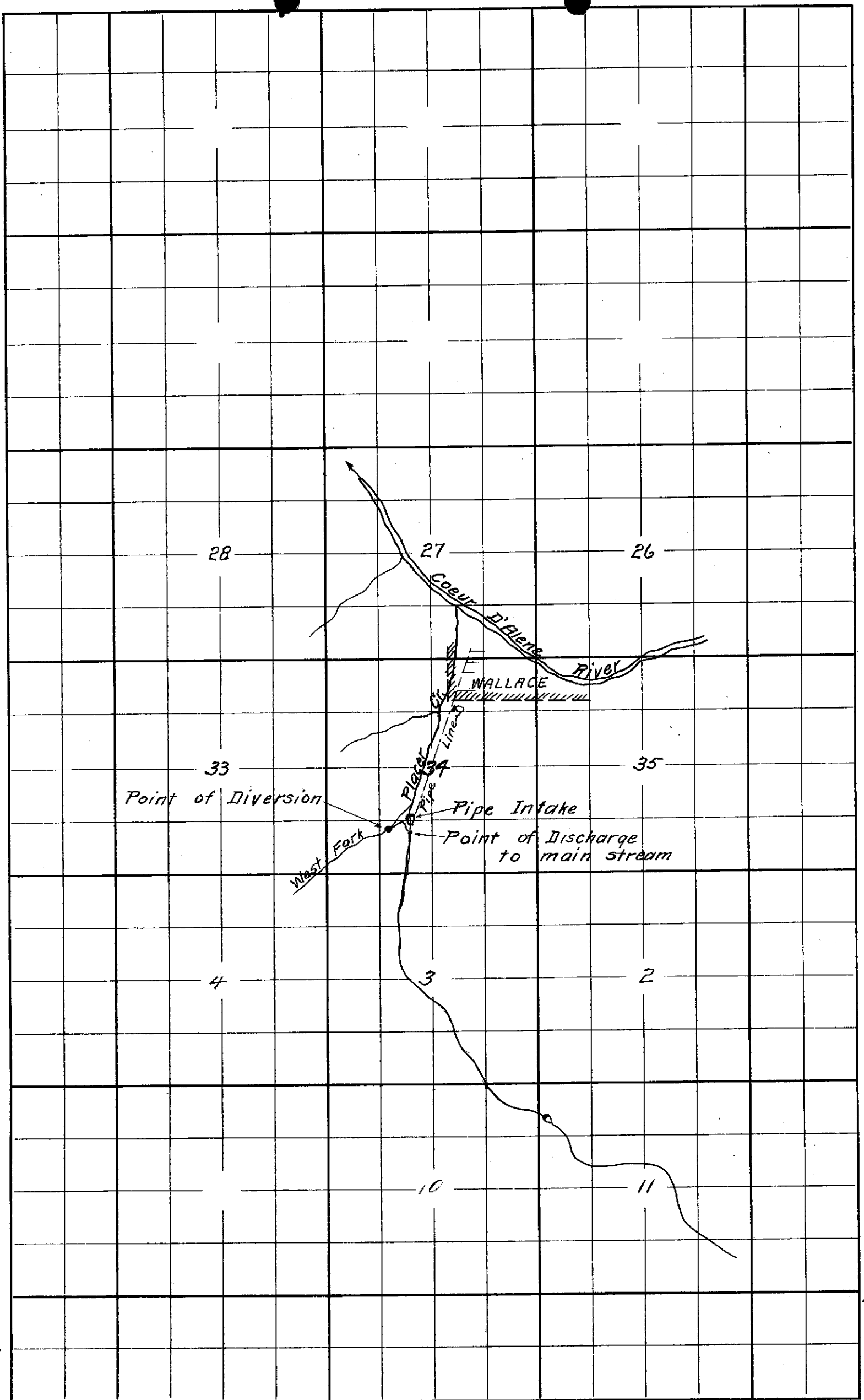
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18681

REPORT ON PROOF OF Beneficial use

OK 6.4 SF
Feet 500
HD



April 5, 1940

Re: Permit No. 18681

Citizens Utilities Company,
Wallace, Idaho.

Attention- Mr. F. A. Merfeld,
District Manager.

Dear Mr. Merfeld:

We are in receipt of your letter of the 4th inst.
in regard to field examination in connection with
final proof under the above numbered permit.

We cannot say at this time just when Mr. Tolman,
our field engineer, will make this examination-
as all such examinations are made during the summer
months, on account of weather conditions, and it is
the usual practice to try and combine as many such
examinations in one district as possible, in order
to save unnecessary expense.

Your letter has been referred to Mr. Tolman, and he
will keep it in mind, and try to expedite this examination
as much as possible.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

By

Chief Clerk

JLA

18681

CITIZENS UTILITIES COMPANY

WALLACE, IDAHO

April 4, 1940

Re: Permit No. 18681

State of Idaho
Department of Reclamation
Boise, Idaho

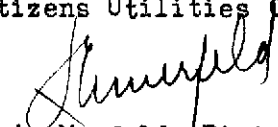
Attention: J. L. Anderson

Dear Miss Anderson:

I have for follow-up your October 13th letter with reference to the above permit. We are quite anxious to complete this matter and I would appreciate very much if you could give me some idea as to when a field examination will be made by the Department Engineers.

Thank you in advance for your cooperation in this matter.

Very truly yours,
Citizens Utilities Company


F. A. Merfeld, District Mgr.

fam:jhm

18681

October 13, 1939

Re: Permit No. 18681

Mr. F. A. Marfeld,
District Manager,
Citizens Utilities Co.
Wallace, Idaho.

Dear Mr. Marfeld:-

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses, and the affidavit of proof of publication from the Wallace Press-Times, all in connection with beneficial use proof under the above numbered permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made, since the Department has but one field engineer who makes examinations all over the state.

However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination, so that you may arrange to have him shown over the grounds.

After his report is on file in this office, you will be further notified as to fees before the issuance of your license.

Very truly yours,

JAMES SPOFFORD,
Commissioner of Reclamation

By

Chief Clerk

JLA

18681

JAMES A. WAYNE
ATTORNEY AT LAW
WALLACE, IDAHO

September 30, 1939

Department of Reclamation
State Capitol Building
Boise, Idaho

Dear Sir:

Re: Permit No. 18681, Citizens
Utilities Company, Wallace,
Idaho.

I am handing you herewith depo-
sitions of holder and two witnesses in
connection with proof of application of
water to beneficial use.

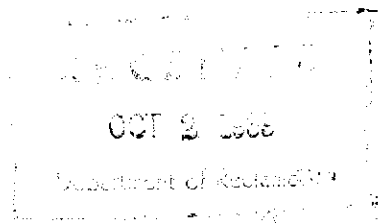
Yours very truly,

James A. Wayne

JAW:FKH

Encs.

*no affidavit sent.
Harry*



18681

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

✓ Permit No. 18681

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. F. A. Merfeld, Wallace, Idaho, District Manager of Citizens Utilities Company, holder of the above-mentioned permit.

✓ 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. Citizens Utilities Company, Wallace, Idaho. Home Office, 821 Marquette Avenue, Minneapolis, Minnesota. District Manager in charge of its operations in Idaho.

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

Ans. No. 18681. September 21, 1938. Date of priority, September 21, 1938.

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

Ans. West Fork of Placer Creek, Shoshone County, Idaho. S. 35°22' E. 2668.3 feet distant from W $\frac{1}{2}$ corner of Section 34, Twp. 48 N., R. 4 E.B.M. in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34, Twp. 48 N., R. 4 E.B.M.

✓ Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Rock filled cribbed dam and 300 feet of pipe.

✓ 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. Domestic purposes in City of Wallace and adjacent territory.

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

Ans. Commingled with other waters furnished to City of Wallace and inhabitants for domestic purposes.

OCT 3 1938

18681

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

Ans. 6.4 cubic feet per second.

✓ Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am the person who made application in behalf of Citizens Utilities Company.

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

Ans. Completely diverted and used for domestic purposes as above stated.

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) Jannerfeld

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 21st day of September, A. D. 1939.

J. A. Baine
Notary Public for the State of Idaho,
Residing at Wallace, Idaho.

My commission expires Feb. 20, 1941.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18681

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. J. C. Boyd, 61, Wallace, Idaho, Chief of Fire Department of City of Wallace.

✓ Ques. 2. Are you acquainted with Citizens Utilities Company, the holder of Permit No. 18681? How long have you known him and where does he reside?

✓ Ans. It furnishes water and light to City of Wallace, inhabitants and adjacent territory. Have known it and its predecessors continuously during its operations.

Ques. 3. Have you read or heard read said Permit No. 18681, 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. West Fork of Placer Creek, Shoshone County, Idaho. S. 35°22' E. 2668.5 feet distant from W $\frac{1}{2}$ corner of Section 34, Twp. 48 N., R. 4 E.B.M. in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34, Twp. 48 N., R. 4 E.B.M. Rock filled cribbed dam and 300 feet of pipe.

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. Entire flow of stream approximating 6.4 cubic feet per second.

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

Ans. Domestic purposes in City of Wallace and adjacent territory.

OK HP.

18681

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

Ans. Commingled with other waters furnished to City of Wallace and inhabitants for domestic purposes.

✓ Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not for irrigation purposes.

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

Ans. No.

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

Ans. Works of diversion were completed early in 1939 and on numerous occasions since I have seen the entire flow of water diverted and conducted to the City of Wallace for domestic purposes.

(Signed)

J. C. Bay

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 21st day of September, A. D. 1939.

My commission expires Feb. 20, 1941.

Galbayne
Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 18681

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. Irving Anderson, 58 years, Wallace, Idaho, mining engineer.

✓ Ques. 2. Are you acquainted with Citizens Utilities Company, the holder of Permit No. 18681? How long have you known him and where does he reside?

Ans. It furnishes water and light to City of Wallace, inhabitants and adjacent territory. Have known it and its predecessors continuously during its operations.

✓ Ques. 3. Have you read or heard read said Permit No. 18681, 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. West Fork of Placer Creek, Shoshone County, Idaho. S. 35° 22' E. 2668.3 feet distant from W $\frac{1}{2}$ corner of Section 34, Twp. 48 N., R. 4 E.B.M. in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34, Twp. 48 N. R. 4 E.B.M. Rock filled cribbed dam and 300 feet of pipe.

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. Entire flow of stream approximating 6.4 cubic feet per second.

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

Ans. Domestic purposes in City of Wallace and adjacent territory.

OK
HD

18681

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

Ans. Commingled with other waters furnished to City of Wallace and inhabitants for domestic purposes.

✓ Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Not for irrigation purposes.

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

Ans. No.

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

Ans. Works of diversion were completed early in 1939 and on numerous occasions since I have seen the entire flow of water diverted and conducted to the City of Wallace for domestic purposes.

(Signed)

Irving Anderson

I hereby certify that the foregoing testimony was read to the above subbscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Wallace, County of Shoshone, State of Idaho, on this 21st day of September, A. D. 19 39.

My commission expires Feb. 20, 1941

Galwayne
Notary Public.

September 11, 1939

Re: Permit No. 18,681

Mr. F. A. Merfeld,
District Manager,
Citizens Utilities Co.,
Wallace, Idaho.

Dear Mr. Merfeld:-

This is to advise you that we have this morning received from the Press-Times Publishing Company, of Wallace, the affidavit of publication in connection with beneficial use proof under the above numbered permit; also the statement for publishing same.

These should have been sent directly to you, but we are enclosing the statement herein, and shall keep the affidavit of publication to file with the depositions when same have been taken and sent in to this office.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA
Enc.
CC to Press-Times
Pub. Co.

By
Chief Clerk

18681

PROOF OF PUBLICATION

STATE OF IDAHO,
County of Shoshone.

SS.

NOTICE OF PROPOSED APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 21st day of September, 1939, at Wallace, County of Shoshone, State of Idaho, before J. A. Wayne, Notary Public, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of West Fork of Placer Creek in accordance with the terms and conditions of Permit No. 18-681 heretofore issued by the Commissioners of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Citizens Utilities Company; General Office, 821 Market Avenue, Minneapolis, Minnesota; Idaho office, Wallace, Idaho.

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

The amount applied to beneficial use is 6.4 cubic feet per second.

The place where said water is used is the City of Wallace, and territory immediately adjacent to the corporate limits of said city.

The name of the canal or ditch or other works by which said water is conducted to such place of use is rock filled cribbed dam and 300 feet of pipe connecting with main pipe line to Wallace.

The right to take water from such works is based upon Permit No. 18-681.

The source of supply from which such water is diverted is West Fork of Placer Creek.

The date of priority which said user is prepared to establish is September 14, 1938.

JAMES SPOFFORD,
Commissioner of Reclamation.
4x—Aug. 18-25, Sept. 1-8, 1939.

J. H. Shreve

, being first duly sworn, deposes and says: That he is the *Manager Clerk* of the Press-Times Publishing Company, publishers of the Wallace Press-Times, a daily newspaper printed and published at Wallace, Shoshone County, Idaho, which said newspaper has a general circulation in said county, and has been continuously and uninterruptedly printed and published in said county

during a period of seventy-eight consecutive weeks prior to the *18th* day of *Aug.*, 193 *9*.

Pursuant to the provisions of Chapter 154 of the 1933 Session Laws of the State of Idaho, said Press-Times Publishing Company has designated Friday of each week as the day on which will be published legal notices required by law or by order of any court of competent jurisdiction within the State of Idaho.

That the *Notice of Application* of which a complete and correct copy is hereto attached, was first published in said newspaper in its Friday issue dated the *18th* day of *Aug.*, 193 *9*, and was published in each successive Friday issue of said newspaper

for *4* issues, the last publication thereof being in the Friday issue dated the *22nd* day of *Sept.*, 193 *9*.

J. H. Shreve

Subscribed and sworn to before me this

8 day of *Sept.*, A. D., 193 *9*
Geo. H. Walker

Notary Public for the State of Idaho,
residing at Wallace, Idaho.

My commission expires *June 16*, 19*43*

18681

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

Boise, Idaho, September 8, 1939

Re: Permit No. 18661
Citizens' Utilities Co.

Mr. J. A. Payne,
Notary Public,
Wallace, Idaho

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 18661

Deposition of Permit Holder,
Depositions of Two Witnesses.

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

1. On September 21, 1939, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Wallace, Idaho before J. A. Payne, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

JAMES SPOFFORD
Commissioner of Reclamation.

At the request of Mr. F. A. Werfeld, District Manager of the Citizens Utilities Co. we are sending a duplicate set of these depositions, so that they may be made in duplicate, and the copies given to him for his files.

18681

September 6, 1939

Re: Permit No. 18681

Mr. F. A. Mafeld,
District Manager,
Citizens Utilities Co.
Wallace, Idaho.

Dear Mr. Mafeld:-

We have your letter of September 1st, enclosing check for \$1.50, in payment for copies in connection with the above numbered permit, for which we enclose official receipt.

We are today mailing Mr. Wayne duplicate sets of the depositions to be taken for proof of beneficial use in accordance with your request.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA
Enc.

By

Chief Clerk

18681

CITIZENS UTILITIES COMPANY

WALLACE, IDAHO

September 1, 1939

Jeanne L. Anderson
Department of Reclamation
State House
Boise, Idaho

Dear Miss Anderson:

Re: Permit No. 18681

In accordance with your August 29 letter
I am enclosing herewith our check in the amount of \$1.50
covering the charge for the material you sent me.

I will appreciate very much if you will
send Mr. Wayne duplicate blanks for the deposition so that
I can have a copy of them.

Thanking you again for your cooperation
in this matter, I am

Very truly yours,

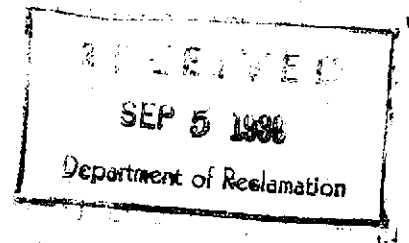
CITIZENS UTILITIES COMPANY

By

F. A. Merfeld
F. A. Merfeld, District Manager

FAM:IV
Encl.

C. C. Perini 18681 & C. C. W.



18681

August 29, 1939

Re: Permit No. 18681

Mr. F. A. Marfeld, Manager,
Citizens Utilities Company,
Wallace, Idaho.

Dear Mr. Marfeld:-

In reply to your letter of August 24th, we are enclosing herein copies of Permit No. 18681, and the Certificate of Completion of Works issued thereunder.

The statutory charge for making these is \$1.50- being \$1.00 for copy of the Permit, and 50 cents for copy of the Certificate of Completion of Works.

We are also enclosing a copy of the Notice, as filed by you- which is now being published in the Wallace Press-Times.

If you wish to have duplicate copies of the depositions which will be taken before Mr. Wayne, in connection with the beneficial use proof, please let us know, and we will send him duplicate blanks, so that he may prepare the two sets of depositions at the time the proof is taken.

Very truly yours,

JAMES SPONFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Enc.

18681

CITIZENS UTILITIES COMPANY

WALLACE, IDAHO

August 24, 1939

Miss Jeanne L. Anderson, Chief Clerk
Department of Reclamation
Boise, Idaho

Dear Miss Anderson:

Re: Permit No. 18681

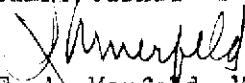
Acknowledging receipt of your August 21 letter enclosing Certificate of Completion of Works under the above permit. When the proper time comes we will follow through with deposition as outlined in your letter.

I will appreciate very much if you would be kind enough to send me copies of the instruments as filed with you together with a copy of the permit so that my files will be complete in the first case and also the original permit must go to our home office and it would be very convenient for my files.

Thanking you in advance for your cooperation,
I am,

Very truly yours,

CITIZENS UTILITIES COMPANY

By 
F. A. Merfeld, Manager

FAM:IV

18681

August 21, 1939

Re: Permit No. 18681

Mr. F. A. Marfeld, District Manager,
Citizens Utilities Co.,
Wallace, Idaho.

Dear Mr. Marfeld:-

We enclose herein Certificate of Completion of Works issued under the above numbered permit, in the name of the Citizens Utilities Co., to appropriate 6.4 second feet of water from West Fork of Placer Creek, in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, Township 48 North, Range 4 East, B.M., Shoshone County, for domestic purposes.

The Department's Receipt No. 17106 for the \$5.00 fee paid in connection with completion of works proof is also enclosed.

We also acknowledge receipt of notice in duplicate for publication on beneficial use proof, and also your authorization to have the notice published in the Wallace Press-Times, and this notice has been sent to that paper, with instructions to publish same once a week for four consecutive weeks prior to September 21st, 1939.

About ten days prior to that date depositions, consisting of one for the holder and one for each of two witnesses, will be sent to Mr. J. A. Wayne, Notary Public, at Wallace, Idaho, so that he will have them in ample time for the proof.

On the date designated you should appear at Mr. Wayne's office, with two disinterested witnesses, who are familiar with the terms of your Permit and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

JAMES SPOTFORD
Commissioner of Reclamation

By

JLA

Chief Clerk

18681

August 21, 1939

Re: Permit No. 18681

Wallace Press Times,
Wallace, Idaho.

Gentlemen:-

We acknowledge receipt of copy of your issue of August 18th, enclosing Notice of Proof of Application for Water to Beneficial Use, under the above numbered permit.

We have checked this and find it to be correct, with one exception- which seems to have been an error in the copy sent you.

Please change the date of priority in the last line of the notice to read September 14, 1938 instead of September 21, 1938.

Thank you.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

JLA

Chief Clerk

18681

CITIZENS UTILITIES COMPANY

WALLACE, IDAHO

August 17, 1939

Jearne L. Anderson, Chief Clerk
Department of Reclamation
State House
Boise, Idaho

Re: Permit 18681

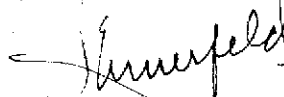
Dear Miss Anderson:

In accordance with our discussion, I am enclosing herewith our check for the amount of \$5.00 covering the fee for the filing of the notice of Completion of Construction, and Putting the Water to Beneficial Use Forms.

I wish to take this opportunity to thank you for the cooperation you so kindly extended to me in this connection.

Very truly yours,

CITIZENS UTILITIES CO.



F. A. Merfeld
District Manager

RAM:md

18681

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 18681

Date August 15, 1939

Wallace Press-Times
Wallace, Idaho

DEAR SIRs:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 21, 1939, the date set for proof, the expense of the publication to be paid by the applicant, Citizens' Utilities Company, c/o F. A. Merfeld,
District Manager, 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,

JAMES SPOTFORD

Commissioner of Reclamation

18681

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

Notice is hereby given that at 10 A. M. on the 21st day of September, 1939,
 at Wallace, County of Shoshone, State of Idaho, before
J. A. Wayne, Notary Public, proof will be submitted of the
 application to beneficial use of 6.4 cubic feet per second of the waters of West
fork of Placer Creek in accordance with the terms and conditions of Permit No. 18-681
 heretofore issued by the Commissioners of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Citi-
zens Utilities Company; General Office, 321 Market Avenue, Minneapolis, Minnesota;
Idaho office, Wallace, Idaho.

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

The amount applied to beneficial use is 6.4 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) is the City of Wallace, and territory immediately adjacent to the
corporate limits of said city.

The name of the canal or ditch or other works by which said water is conducted to such place
 of use is rock filled cribbed dam and 300 feet of pipe connecting with main pipe line
to Wallace.

The right to take water from such works is based upon Permit No. 18-681.

The source of supply from which such water is diverted is West fork of Placer Creek.

The date of priority which said user is prepared to establish is September 21, 1938.

JAMES SPOFFORD
 Commissioner of Reclamation.

18681

CITIZENS UTILITIES COMPANY

WALLACE, IDAHO

August 12, 1939

State of Idaho
Department of Reclamation
Boise, Idaho

Re: Permit 18681

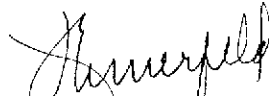
Attention: Jeanne L. Anderson, Chief Clerk

Gentlemen:

In accordance with your May 8 letter, I am enclosing herewith completed proof of "completion of works affidavit" and two copies of notice of proof application of water to beneficial use together with the notice accompanying the last mentioned form, all in connection with the final proof application of water to beneficial use of permit #18681.

As soon as this has been completed, I would appreciate your forwarding me the final permit.

Very truly yours,
Citizens Utilities Company


P. A. Werfeld
District Manager

10m:jlm
enc.

18681

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 12, 1939

(P. O.) Wallace, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

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

CITIZENS UTILITIES COMPANY

By *Summerfeld* Agent

(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.

18681

Permit No. 18-681STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Shoshone

} ss.

F. A. MERFELD

agent of the

, 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. 18-681, and that his postoffice address is Wallace, State of Idaho

Second: That the name of the stream from which said water is to be directed is west fork of Placer Creek

Third: That the point of diversion of said water is S. 35°22' E. 2668.3 feet distant from the W. 1/4 corner of Section 34, Township 48 N., Range 4, E. B. M., in the SE 1/4 of the S.W. 1/4 of Section 34, Township 48 N., Range 4 E. B. M., in Shoshone County, Idaho.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by September 21, 19 40

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 ~~not completed~~ fully completed and consisted of the following:

I. Kind of works: Dam and 300 feet of wood stave pipe.

(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work: 8' x 45' x 45'

(a) Height of dam 8 ft. feet, length of dam at top 45 ft. feet, length of dam at bottom 45 ft. feet. Material used in construction Log cribbing filled with rock. 300 feet of 18" wood stave pipe, logs and rocks.

(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 feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

(State whether ditch, flume or pipe.)

Seventh: That said works are capable of conducting to the place of intended use 6.4 cubic second feet of water.

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

Ninth: Remarks: That See remarks on Application #26036 permit #18681.

F. A. Merfeld agent.
(Sign here)

Subscribed and sworn to before me this 14 day of August, 19 39

Marion B. Hall
Notary Public.

My commission expires

AUG 14 1939

Department of Reclamation

18681
6.45.F. OK HD 8-15-39

May 8, 1939

Re: Permit No. 18621

Mr. F. A. Marfeld,
District Manager,
Citizens Utilities Company,
Wallace, Idaho.

Dear Sir:-

In reply to your letter of May 5th, we enclose herewith blank notice for proof of application of water to beneficial use under the above numbered permit.

This should be filled out and returned to this office at least forty days before the date which you set for the making of proof, as it must be published once a week for four consecutive weeks prior to such date, in a paper in the county in which the water is diverted.

The proof must be submitted before a Notary Public or other officer authorized by law to administer oaths, and about ten days prior to the date set, we will send to this Notary Public the forms of deposition, one for the holder and one for each of two witnesses- so that he will have them in ample time for making the proof.

For your information, we enclose one such affidavit- or deposition- herein.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

18681

CITIZENS UTILITIES COMPANY

WALLACE, IDAHO

May 5, 1939

James Spoffard
Commissioner of Reclamation
State House
Boise, Idaho

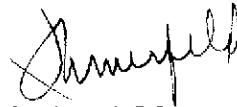
Re: Permit #18681

Dear Sir:

Will you please furnish me with three copies of the forms necessary for filing a statement that the water claimed by the above permit has been fully applied to beneficial use in order that this may be completed, and our final permit granted.

Very truly yours,

CITIZENS UTILITIES COMPANY



F. A. Merfeld
District Manager

FAM:md

18681

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Re: Permit No. 18681

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Mr. F. A. Herfield,
C/o Citizens Utilities Co.
Wallace, Idaho

Boise, Idaho, May 5, 1939

Dear Sir:— Replying to your letter of May 1st:

Under the terms of your permit No. 18681 you are required to complete your diversion works on or before September 21, 1940. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a 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 will be issued to you.

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

Yours truly,

JAMES SPOFFORD

Commissioner of Reclamation.

18681

CITIZENS UTILITIES COMPANY

WALLACE, IDAHO

May 1, 1939

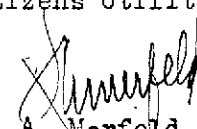
Department of Reclamation
State House
Boise, Idaho

Re: Permit 18681

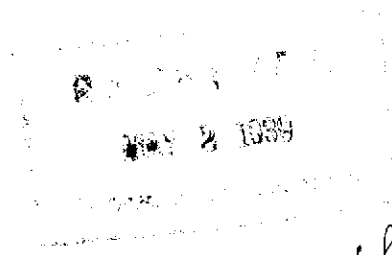
Gentlemen:

I will appreciate it very much if you will send me the forms necessary for filing the statement of completed work in connection with the above permit which is recorded in Book 68, page 18681 and approved September 21, 1938.

Very truly yours,
Citizens Utilities Co.


F. A. Werfeld

fam:jsh
cc: R. J. Andrus



State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 18681

September 22, 1938

Boise, Idaho,

Dear Sir:

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

F. A. Merfeld, Agent
Citizens Utilities Company
Wallace, Idaho

R. W. FARIS

Commissioner of Reclamation.

Encl.
Office Receipt for \$6.50.

18681

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

STC

SEC.

2014

DEU.

DEC.

REVIEWS

10

Notes:

A C S

T. 48 N., R. 4 E., B. 11.

18681

As a person

5-27-1938

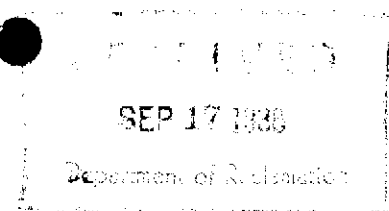
R. W. R. R.

Completed 1 of 2 pages

18681

18681

CITIZENS UTILITIES COMPANY



WALLACE, IDAHO

September 15, 1938

Paul H. Berg
Deputy Commissioner
Department of Reclamation
State House
Boise, Idaho

Dear Paul:

I have your September 14 letter returning check that I failed to sign.

Its days like this that we North Idaho boys just can't save a cent, so I'm signing the check and returning it pronto. Sorry this over-sight caused extra work.

Thanks for all your cooperation.

Very truly yours,

CITIZENS UTILITIES CO.

F. A. Merfeld
Manager

FAM:mad
Enc.

18681

app for permit
18681

September 14, 1938

Mr. F. A. Merfeld, Manager
Citizens Utility Company
Wallace, Idaho

Dear Mr. Merfeld:

We have your letter of September 12 in which you inclosed your application for permit to appropriate 6.4 cubic feet per second of the waters of the West Fork of Placer Creek.

Upon checking this application, we find it to be in good order, however, we note that you failed to sign the check accompanying the application, therefore, we are herewith returning the check for your signature, and the application will be held in abeyance until we are in receipt of the check. After receipt of this check, it will be possible to rush this application through, and probably you will receive the permit some time next week.

With best personal regards, we are,

Very truly yours,

R. W. FARIS,
Commissioner of Reclamation

By PAUL H. BERG,
Deputy Commissioner

PHB:mh
Inc.
Air Mail

18681

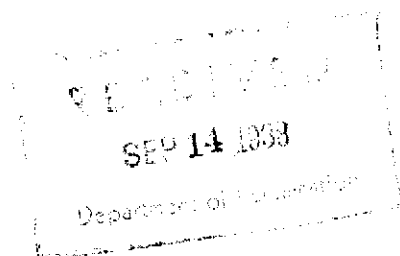
18681

CITIZENS UTILITIES COMPANY

WALLACE, IDAHO

September 12, 1938

AIR MAIL



Paul Berg
Deputy Commissioner
Department of Reclamation
State House
Boise, Idaho

Dear Paul:

I am enclosing herewith completed application signed by the wirter, applying for 6.4 cubic feet per seond of water out of the West Fork of Placer. This, as you will recall, is in line with the program we have of moving the point of diversion of our first dam so as to increase the head and minimize the effect of floods.

I will appreciate your acknowledging receipt of this and advising about when the application will be approved and the permit granted so that we can tie this in with our construction work.

The change in the point of diversion for the waters of the East Fork of Placer Creek will be sent in shortly, as subsequent developments make it necessary to alter it slightly, however, construction will not start until it has been sent to you for approval.

We are also enclosing herewith our check in the amount of \$6.50 for the fee for the application.

Thank you for giving this application your early attention.

Very truly yours,
Citizens Utilities Company

F. A. Merfeld
F. A. Merfeld

fam:jsh
enc. 2

18681

app for permit
46

September 6, 1938

Mr. F. A. Merfeld
Manager Citizens Utility Co.
Wallace, Idaho

Dear Mr. Merfeld:

We have your letter of September 1, stating that certain information, in connection with your application for permit, will have to be supplied by your home office and requesting that we consider you/letter as an application for permit to appropriate 6.4 cubic feet per second of the waters of West Placer Creek. An application for permit must be made on the form supplied by the department, however, as I understand the situation, you are not in immediate danger of some other party's filing an application for permit to appropriate the waters of West Placer Creek. Therefore, you may send in your application for permit as soon as it is returned from your home office.

In connection with the affidavit for change in point of diversion, we wish to state that it is desirable that we have the affidavit on hand before making such a change and you may send in this affidavit at your earliest convenience and it will be filed here.

With best personal regards, I am,

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By PAUL H. BERG,
Deputy Commissioner

PHB:mh

18681

P.S. From some of the reports I have from other friends who have been fishing in Glacier you must indeed have been fortunate to have the luck you had. What did you do? Have them tied up before you went or were you using salmon eggs which are prohibited in Montana?

If you ever have occasion to get over to this district again be sure to stop in to see us as we would be happy to have you at any time.

F. A. Merfeld

18681

CITIZENS UTILITIES COMPANY

WALLACE, IDAHO

September 1, 1938

Paul H. Berg
Deputy Commissioner
Department of Reclamation
State House
Boise, Idaho

Dear Mr. Berg:

Many thanks for your August 24 letter regarding the matters pertaining to water rights which we discussed when you were in Wallace. We are desirous of making an application for permit on the waters of West Placer Creek which application is asking for 6.4 cu. ft. per second. In addition to this we will wish to change the point of conversion on the East Fork of Placer Creek. As you will recall this does not constitute asking for new water as our present intake is at the confluence of the two creeks and what this really amounts to is a change of the point of conversion and a new application in order to obtain the water under our new plans which we now have under our old system.

There is certain information asked for in the application that due to necessity will have to be completed in our home office which, of course, you appreciate takes time. I am wondering, if under the circumstances, the Department would accept this letter as a tentative application subject to our filing a completed application for permit to obtain water and also one to change the point of diversion. If the Department would accept this letter in this manner it would help me considerably.

Assuring you of my appreciation for anything you can do in this connection, I remain, with kindest personal regards,

Yours truly,

F. A. Merfeld
F. A. Merfeld, Manager
CITIZENS UTILITIES COMPANY

FAM:IV

18681

app for permit
18681

August 24, 1938

Mr. F. A. Merfeld
Citizens Utility Company
Wallace, Idaho

Dear Mr. Merfeld:

I have just returned from my vacation, and in accordance with our conversation of August 17, I am inclosing, under separate cover, six blank forms for making application for permit to appropriate the public waters of the State of Idaho, two pamphlets of instructions, and one affidavit to establish residence, in the event that you wish to make an application for permit to appropriate water for power purposes.

I have gone over the matter of change in point of diversion with Mr. R. W. Paris, Commissioner, and he was of the opinion that it would probably be just as well to name the point of diversion as set forth in the original permit and decree and name the new point of diversion as the point of diversion that you intend to construct, that is, the new point of diversion and not the present point of diversion.

We were both of the same opinion concerning the waters of West Placer Creek, and believe that you should make an application for permit. As I stated, during our conversation, if you make an application for permit for 6.4 cubic feet per second or less, there will be no publication in connection with making proof of completion of works, and you can make proof of completion of works within six months after you make your original filing, and perhaps you may make your proof even earlier.

I am also inclosing, under separate cover, a copy of the Department of Reclamation's Eighth Biennial Report, which contains the laws of Idaho pertaining to the appropriation and use of water, so that you may have this copy for your files.

18681

Mr. F. A. Merfeld
August 24, 1938
Page Two

If you have any further questions or need for aid in making your change in point of diversion or application for permit, we will be glad to assist you in any manner that we can.

With best personal regards, I am,

Very truly yours,

PAUL H. BERG
Deputy Commissioner

PHB:mh
Separate Cover

The two girls and I wish to thank you and your wife for a very enjoyable evening while we were in Wallace.

We had a very nice trip through Glacier, however it snowed most of the time. I caught five three pound trout in Hebgen Lake near West Yellowstone in Montana.

18681

OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 21st day of September, 1939, at Wallace, County of Shoshone, State of Idaho, before J. A. Wayne, Notary Public, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of West Fork of Placer Creek in accordance with the terms and conditions of Permit No. 18-681 heretofore issued by the Commissioners of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Citizens Utilities Company; General Office, 821 Market Avenue, Minneapolis, Minnesota; Idaho office, Wallace, Idaho.

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

The amount applied to beneficial use is 6.4 cubic feet per second.

The place where said water is used is the City of Wallace, and territory immediately adjacent to the corporate limits of said city.

The name of the canal or ditch or other works by which said water is conducted to such place of use is rock filled cribbed dam and 300 feet of pipe connecting with main pipe line to Wallace.

The right to take water from such works is based upon Permit No. 18-681.

The source of supply from which such water is diverted is West Fork of Placer Creek.

The date of priority which said user is prepared to establish is September 21, 1938.

18681 JAMES SPOFFORD,
Commissioner of Reclamation.

4x—Aug. 18-25, Sept. 1-8, 1939. 8-18

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 21st day of September, 1939, at Wallace, County of Shoshone, State of Idaho, before J. A. Wayne, Notary Public, proof will be submitted of the application to beneficial use of 6.4 cubic feet per second of the waters of West Fork of Placer Creek in accordance with the terms and conditions of Permit No. 18-681 heretofore issued by the Commissioners of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Citizens Utilities Company; General Office, 821 Market Avenue, Minneapolis, Minnesota; Idaho office, Wallace, Idaho.

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

The amount applied to beneficial use is 6.4 cubic feet per second.

The place where said water is used is the City of Wallace, and territory immediately adjacent to the corporate limits of said city.

The name of the canal or ditch or other works by which said water is conducted to such place of use is rock filled cribbed dam and 300 feet of pipe connecting with main pipe line to Wallace.

The right to take water from such works is based upon Permit No. 18-681.

The source of supply from which such water is diverted is West Fork of Placer Creek.

The date of priority which said user is prepared to establish is September 14, 1938.

18681 JAMES SPOFFORD,
Commissioner of Reclamation.
4x—Aug. 18-25, Sept. 1-8, 1939.