

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 17623

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. T. B. Jackson, Boise, Idaho; utilities operator; 7th and Idaho Streets, Boise, Idaho.

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

Ans. Kellogg Power and Water Company, its Vice President Kellogg, Idaho

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit. Permit No. 17623; approved February 1, 1932; Certificate of

Ans. Completion of Works issued April 18, 1938; priority date November 6, 1931.

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

SOURCE OF WATER SUPPLY is "Big Creek", a tributary of the South Fork of the Coeur d'Alene River in Shoshone County, Idaho.

THE POINT OF DIVERSION is just below the confluence of "Big Creek" and the "West Fork of Big Creek", situated in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 48 North, Range 3 East B.B.M. and said point bears N. 22°16' E. 1967 feet from the Southwest corner of Section 22, Township 48 North, Range 3 East, B.B.M.; and in addition thereto the diversion of water has been improved and developed by extending 14" diameter pipe lines (1) 1800 feet up the West Fork of Big Creek and (2) 2600 feet up Big Creek to a point just below the confluence of the South and East Forks of Big Creek, which pipe lines convey the water to the aforesaid point of diversion. These extended pipe lines are also used as alternative points of diversion in case of necessity, instead of the point of diversion in said permit and in this deposition described.

(2) Diversion West Fork of Big Creek consists of a concrete dam 14 feet long and 6 feet high, together with a concrete collecting basin 6'x6'x6' deep from which a 14" wood stave pipe line extends directly down the West Fork of Big Creek to the point of diversion in said permit and in this deposition described, and directly connected to applicant's 14" wood stave transmission line.

(3) Diversion on Big Creek just below confluence of "Big Creek" and "West Fork of Big Creek", at the point of diversion in said Permit No. 17623 and in this deposition described. At this point of diversion water is also diverted by means of a concrete dam 20 feet long and 9 feet high, together with a fore-bay 20 feet long, 10 feet wide and 9 feet deep, from which a 16" wood stave pipe line 100 feet long extends directly down Big Creek, and with a gate valve is connected into the aforesaid 14" wood stave transmission pipe line. At this point of diversion there is also installed a completely housed chlorinating plant.

(4) Works for conveying water. From the point of diversion in said Permit No. 17623 and in this deposition described the water is conveyed to the place of use by means of a 14" wood stave transmission pipe line extending down Big Creek and the South Fork of the Coeur d'Alene River a distance of approximately 7 miles (about 1 mile of temporary 12" wood stave pipe at lower end) with a total fall of approximately 500 feet, to connect with the water distribution system of Kellogg Power and Water Company serving the cities of Kellogg, Wardner and surrounding communities in Shoshone County, Idaho. Said works will safely convey from point of diversion to place of use in excess of 12.5 cubic feet per second.

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DEPARTMENT OF RECLAMATION
BOISE, IDAHO

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Ans. T. B. Jackson, Boise, Idaho; utilities operator; 7th and Idaho Streets, Boise, Idaho.

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proximately 7 miles (about 1 mile of temporary 12" wood stave pipe at lower
end) with a total fall of approximately 500 feet, to connect with the water
distribution system of Kellogg Power and Water Company serving the cities
of Kellogg, Wardner and surrounding communities in Shoshone County, Idaho.
Said works will safely convey from point of diversion to place of use in ex-
cess of 12.5 cubic feet per second.

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.

WORKS FOR DIVERTING AND CONVEYING WATER:

(1) Diversion from "Big Creek" just below confluence of South and East Forks of Big Creek consists of a concrete dam 15 feet long and 6 feet high, together with a concrete collecting basin 5'x5'x6' deep, from which a 14" wood stave pipe line extends directly down Big Creek to the point of diversion in said Permit No. 17623 and in this deposition described, and directly connected to applicant's 14" wood stave transmission pipe line.

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17623

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. G. C. Scharf, over the age of 21 years, residing at 905 N.

18th Street, in Boise, Idaho. By occupation a Civil Engineer.

Ques. 2. Are you acquainted with Kellogg Power and Water Company, the holder of Permit No. 17623? How long have you known him and where does he reside?

Ans. Yes, for a period of several months, at Kellogg, Idaho

Ques. 3. Have you read or heard read said Permit No. 17623, and are you familiar with its provisions and conditions?

Ans. Yes, I am familiar with its provisions and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

SOURCE OF WATER SUPPLY is "Big Creek", a tributary of the South Fork of the Coeur d'Alene River in Shoshone County, Idaho.

THE POINT OF DIVERSION is just below the confluence of "Big Creek" and the "West Fork of Big Creek", situated in NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 48 North, Range 3 East B.B.M. and said point bears N. 22°16' E. 1967 feet from the Southwest corner of Section 22, Township 48 North, Range 3 East, B.B.M.; and in addition thereto the diversion of water has been improved and developed by extending 14" diameter pipe lines (1) 1800 feet up the West Fork of Big Creek and (2) 2600 feet up Big Creek to a point just below the confluence of the South and East Forks of Big Creek, which pipe lines convey the water to the aforesaid point of diversion. These extended pipe lines are also used as alternative points of diversion in case of necessity, instead of the point of diversion in said permit and in this deposition described.

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(2) Diversion West Fork of Big Creek consists of a concrete dam 14 feet long and 6 feet high, together with a concrete collecting basin 6'x6'x6' deep from which a 14" wood stave pipe line extends directly down the West Fork of Big Creek to the point of diversion in said permit and in this deposition described, and directly connected to applicant's 14" wood stave transmission line.

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17623

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. Myron Swendsen, residing in Ada County, Idaho, Civil Engineer
over the age of 21 years; P.O. Box 156, Boise, Idaho.

Ques. 2. Are you acquainted with Kellogg Power and Water Company, the holder of Permit No. 17623? How long have you known him and where does he reside?

Ans. Yes, for a period of several years, at Kellogg, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17623, and are you familiar with its provisions and conditions?

Ans. Yes, I am familiar with its provisions and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

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State of Idaho
License and Certificate of Water Right

Water License No. 17623

Amount One second foot

Water District No. _____

Priority November 6, 1931

THIS IS TO CERTIFY that KELLOGG POWER & WATER COMPANY
of Kellogg, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 6, 1931; that Permit No. 17623
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
20 second feet, was issued thereunder on April 18, 1938, showing that said works
were completed on the 1st day of July, 1937; and that on the 1st
day of July, 1943,

KELLOGG POWER & WATER COMPANY

of Kellogg, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Big Creek
a tributary of South fork Coeur d'Alene River, for the purpose of domestic and industrial
water, supply for the City of Kellogg, Idaho, under Use Permit No. 17623 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 4538, on the 31st day of March, 1950;
The right hereby confirmed dates from November 6, 1931;

The Point of Diversion is located
in the NW 1/4 SW 1/4, Sec. 22, 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 One cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Domestic and industrial water supply for	the City of Kellogg, Idaho	

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 March, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

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

94- 2166

Application No. 24709
Permit No. 17623
District No.

1. Name of Applicant: Kellogg Power & Water Company

Postoffice address: Kellogg County: Shoshone State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation: June, 1900, Kellogg, Idaho
(b) Amount of capital stock: \$65,000.00
(c) Amount paid in: \$65,000.00
(d) Names and addresses of directors: Wm. E. Vogelback, Chicago, Ill., Fred D. Ellis, Chicago, Ill., Edmond J. Haugh, Chicago, Ill., and E. E. Towles, Los Angeles, Calif.

II. The financial resources of the applicant are:

- (a) Cash on hand: \$25,000.00
(b) Treasury stock: None
(c) Bonds to be issued: None
(d) Other resources: Utilities Properties, \$5,000,000.00

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

3. Source of water supply: Big Creek which is a tributary of S. Fk. of Coeur d'Alene River

4. Location of point of diversion: N. 22° 16' E. 1967 feet distant from the SW
corner of Section 22, T. 48 N., R. 3 E., B. M., and is in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$
of Section 22, T. 48 N., R. 3 E., B. M., County of Shoshone

5. Water is to be used for: Domestic and Industrial water supply for City of Kellogg, Idaho

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: \$ 150,000.00

8. Kind of works: Concrete Dam and Gravity Pipe Line & Gate Valve

9. Height of dam 20 feet; length of dam at top 150 feet; length of dam at bottom 150
feet; material used in dam: Concrete and reinforcing steel

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 20 inches; length of conduit 7 miles.
Average grade per mile 60 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is 6 additional years.

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

15. (a) Is reservoir to be used? 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:

Kellogg Power and Water Co. *Applicant.*

By Willard C. Johnson Agent.

Corrected application received: January 29, 1932

The number of this permit is 17623
Recorded in Book 64 Page 17623 Approved February 1st, 1932
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 April 1, 1932 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 August 1, 1934
The whole of said work to be completed on or before February 1, 1937
Beneficial use of water appropriated in accordance herewith, to be made on or before February 1, 1943

R. W. FARIS
Commissioner of Reclamation.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			PERMIT NO. 17623 APPROVAL OF COMMISSIONER OF RECLAMATION WHEREAS, Application for an extension of time for completion of works under Permit No. 17623 has been made by the owner thereof, which application was duly advertised in the Wallace Press-Times of Wallace, Idaho, for a period of two consecutive weeks; and WHEREAS, A hearing in regard to the said application was then duly held at Boise, Idaho, on February 20, 1937, as specified in the said advertisement above referred to; and WHEREAS, After taking into consideration all evidence and testimony introduced at the said hearing, it appears that the owner of the said Permit is entitled to a further extension of time within which to complete work: NOW, THEREFORE, I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, by virtue of the authority vested in me under Senate Bill No. 129, Session Laws of 1935, hereby extend the time for completion of works under Permit to appropriate the Public Waters of the State of Idaho, No. 17623, to July 1, 1937. WITNESS My hand this 20th day of February, 1937. R. W. FARIS Commissioner of Reclamation																

Permit No. 17623

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that KELLOGG POWER AND WATER COMPANY of Kellogg, County of Shoshone, and State of Idaho, the holder of Permit No. 17623, issued upon Application No. 24709 bearing date of priority of November 6, 1931, authorizing the diversion of twenty (20) second feet of the waters of Big Creek, County of Shoshone, State of Idaho, for domestic and industrial water supply for City of Kellogg, Idaho, 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 twenty (20) second feet of the waters of said Big Creek; that the point of diversion of said waters is N. 22° 16' E. 1967 feet distant from the SW corner of Section 22, T. 48 N., R. 3 E., B. M., and is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T. 48 N., R. 3 E., B. M., County of Shoshone.

Witness my hand this 18th day of April, A. D. 1938.

R. W. FARIS
Commissioner of Reclamation

Proof of completion of works made July 1, 1937
Certificate issued April 18, 1938

LICENSE ISSUED FOR 60 SEC. FT.
P. 4538

April 3, 1950

Re: Permit No. 17623

Mr. Carey H. Nixon
112 North 6th. Street
Boise, Idaho

Dear Mr. Nixon:

We enclose License and Certificate of Water Right issued under Permit No. 17623, confirming the right of the Kellogg Power and Water Company to the use of one (1) second foot of water from Big Creek with priority of November 6, 1931, for domestic and industrial water supply for the City of Kellogg, Idaho.

We also enclose Departmental Receipt No. 22189 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.

17623

CAREY H. NIXON

ATTORNEY AT LAW

112 N. SIXTH ST.

BOISE, IDAHO

March 28, 1950

State Reclamation Engineer
State Capitol Building
Boise, Idaho

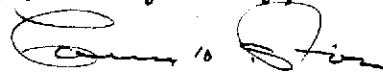
Re: Permit No. 17623
Kellogg Power and Water Co.

Dear Sir:

In connection with Permit No. 17623 issued to Kellogg Power and Water Company, I hand you herewith Company's check for statutory fee of \$5.00 to cover license for one cubic foot per second of the waters of Big Creek, under the above mentioned permit.

I will appreciate receiving the license in due course.

Yours very truly,



CHN/p
enc.

17623

October 4, 1946

Re: Permit No. 17623
Kellogg Power & Water Co.

Mr. Carey H. Nixon
No. 112 N. 6th Street
Boise, Idaho

Dear Mr. Nixon:

We have on file the report of our field engineer on examination for beneficial use under the above numbered permit.

Therefore, upon receipt of the statutory fee of \$5.00, a license will be issued for One cubic foot per second of the waters of Big Creek, for domestic and industrial water for the city of Kellogg, Idaho.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A

176 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17623

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

1. Name of applicant Kellogg Power & Water Company, Kellogg, Idaho

2. Source of water supply: Big Creek, tributary of south fork Coeur d'Alene River

3. Location of point of diversion: Is in the NW¹/₄ SW¹/₄ of Section 22

T. 48 N. R. 3 E. County of Shoshone

4. Describe works as they exist, giving dimensions and capacities of same: Diversion is by concrete Dam 22 feet long, 6 $\frac{1}{2}$ feet high, and 6" thick at top.

Spillway crest is 5 feet long, with 6" freeboard. Sluice-gate is 18" X 18" square. The dam delivers to 1800 feet of 14" wire wound W.S. Pipe leading to a 6'X6'X 3 $\frac{1}{2}$ ft deep header box

5. Water is used for: Domestic and industrial water for city of Kellogg, Idaho

6. State whether or not water has been turned into works of diversion: Yes

7. List on a separate sheet of land to be irrigated. If water is to be used for other than irrigation, state the purpose and place of use. If for use other than irrigation, state the purpose and place of use.

Water diverted under this Permit is used principally for general municipal needs in the City of Kellogg.

Fire protection is served through 36 hydrants, at a price of \$108.00 ~~per hydrant~~ per month; control valves at the Point of Diversion are designed to increase the normal pressure of 60-70 pounds ~~pressure~~, to a pressure of 150 pounds as need arises.

Water for street sprinkling is furnished at a price of \$4.95 per ~~xxxxxx~~

Flush basin service is provided provided at a price of \$20.00 per month

The City pays \$7.00 per month for City Hall requirements, and \$5.00 per month for City Garage use.

Information from the City Clerk of Kellogg was to the effect that no water was used from this system for manufacturing purposes.

Rate filed with P.U.C. is \$2.70 pr. month per hydrant, including 14 springs. (Submit map or attached plan showing location and extent of water diversion to the City of Kellogg. See Clear in Pub. Health Dept. re population & its growth & Municipal needs. What large stream would the water be approached from? Coeur d'Alene River.

Remarks The static head from dam to the main line is 62 feet.

This examination was made on the 14th day of July, 1943.

(Signed)

Fred S. Johnson
Examiner.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17623

1. 5/

no meter was used from this system for maintaining purposes.
information from the city clerk of Kootenai was to the effect that
the city had \$1.00 per month for city hall requirements and \$2.00
month
the city hall is located at a place of \$30.00 per
month for street lighting is maintained at a place of \$4.00 per
month of 120 hours as per city.
designed to increase the power of 20-30 hours per month to
the plant per month. contract agreed at the point of diversion and
the protection is added to the plant at a place of \$100.00
month. The city of Kootenai
the city clerk of Kootenai is used for the purpose of the

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 static head from Dam to the main line is 62 feet.

This examination was made on the 14th day of July, 1943.

(Signed)

Red L. Johnson
Examiner.

Kellogg Power & Water Co.
Kellogg, Idaho

Permit No. 17623

Examination for Beneficial Use

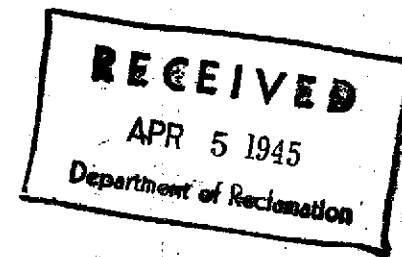
County Shoshone

Re-examination
(map inc) (city Re
22

4871 - 3E.

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. 17623

REPORT ON PROOF OF Beneficial Use

July 22, 1943

Re: Permit No. 17623
Kellogg Power & Water Co.

Mr. Carey H. Nixon
No. 112 No. 6th Street
Boise, Idaho

Dear Mr. Nixon:

We acknowledge receipt of the deposition of the holder and depositions of two witnesses, in connection with beneficial use proof under the above numbered permit; and we had previously received affidavit of publication of the notice from the Kellogg News-Wardner.

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

We cannot say just when this examination can be made, since this Department has but one field engineer, who makes examinations all over the state, and who tries to combine as many examinations in one trip as possible, especially when they are at any distance.

We shall advise you when we have his report as to what the fees will be in connection with this proof.

Very truly yours,

JAM. S. SPOFFORD
State Reclamation Engineer
By

Chief Clerk

17623

CAREY H. NIXON

ATTORNEY AT LAW

112 N. SIXTH ST.

BOISE, IDAHO

July 20, 1943

RECEIVED

JUL 21 1943

Department of Reclamation

Mr. James Spofford
State Reclamation Engineer
Capitol Building
Boise, Idaho

Re: Permit No. 17623 - Kellogg Power
and Water Company

Dear Sir:

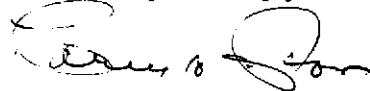
I hand you herewith the following depositions in connection with the Proof of Application of Water to Beneficial Use under the above mentioned Permit:

(1) Deposition of T. B. Jackson, Vice President of Kellogg Power and Water Company, holder of said permit;

(2) Depositions of witnesses Myron Swendsen and G. C. Scharf.

Will you kindly acknowledge receipt of these depositions in due course.

Yours very truly,



CHN.W
inc.

17623

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Permit No. 17623

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. T. B. Jackson, Boise, Idaho; utilities operator; 7th and Idaho Streets, Boise, Idaho.

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

Ans. Kellogg Power and Water Company, its Vice President
Kellogg, Idaho

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit. Permit No. 17623; approved February 1, 1932; Certificate of

Ans. Completion of Works issued April 18, 1938; priority date November 6, 1931.

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

SOURCE OF WATER SUPPLY is "Big Creek", a tributary of the South Fork of the Coeur d'Alene River in Shoshone County, Idaho.

THE POINT OF DIVERSION is just below the confluence of "Big Creek" and the "West Fork of Big Creek", situated in NW 1/4 of Section 22, Township 48 North, Range 3 East B.M. and said point bears N. 22° 16' E. 1967 feet from the Southwest corner of Section 22, Township 48 North, Range 3 East, B.M. and in addition thereto the diversion of water has been improved and developed by extending 14" diameter pipe lines (1) 1800 feet up the West Fork of Big Creek and (2) 2600 feet up Big Creek to a point just below the confluence of the South and East Forks of Big Creek, which pipe lines convey the water to the aforesaid point of diversion. These extended pipe lines are also used as alternative points of diversion in case of necessity, instead of the point of diversion in said permit and in this deposition described.

(2) Diversion West Fork of Big Creek consists of a concrete dam 14 feet long and 6 feet high, together with a concrete collecting basin 6'x6'x6' deep from which a 14" wood stave pipe line extends directly down the West Fork of Big Creek to the point of diversion in said permit and in this deposition described, and directly connected to applicant's 14" wood stave transmission line.

(3) Diversion on Big Creek just below confluence of "Big Creek" and "West Fork of Big Creek", at the point of diversion in said Permit No. 17623 and in this deposition described. At this point of diversion water is also diverted by means of a concrete dam 20 feet long and 9 feet high, together with a fore-bay 20 feet long, 10 feet wide and 9 feet deep, from which a 16" wood stave pipe line 100 feet long extends directly down Big Creek, and with a gate valve is connected into the aforesaid 14" wood stave transmission pipe line. At this point of diversion there is also installed a completely housed chlorinating plant.

(4) Works for conveying water. From the point of diversion in said Permit No. 17623 and in this deposition described the water is conveyed to the place of use by means of a 14" wood stave transmission pipe line extending down Big Creek and the South Fork of the Coeur d'Alene River a distance of approximately 7 miles (about 1 mile of temporary 12" wood stave pipe at lower end) with a total fall of approximately 500 feet, to connect with the water

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

Ans. 12.75 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. Kellogg Power and Water Company is the original applicant for this permit.

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

10
Water appropriated under this Permit No.17623 is now and ever since November 6, 1931, has been used for domestic, industrial and fire protection in the cities of Kellogg and Wardner, Shoshone County, Idaho, and surrounding communities. That the amount of water used under this Permit No.17623 has varied from three (3) to in excess of five (5) cubic feet per second, depending on stream conditions and upon service demands.

Ans. July 16, 1888 - Water Right Location - from "Silver Creek" (also known and designated as "Brewery Creek" and also as "Slaughter House Gulch Creek") in NE 1/4, Sec. 7, Twp. 48 N., R. 3 E. B.M. - Amount is nominal.

Dec. 21, 1915 - Idaho Water License 11212 - from Big Creek 5 cu. sec. ft.

Nov. 7, 1928 - Idaho Water License 16245 - from Big Creek 2.75 cu. sec. ft.

(Sign) *T. B. Jackson*

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 Boise City, County of Ada,

State of Idaho, on this 1st day of July, A. D. 1943.

C. J. [Signature]
Notary Public for the State
of Idaho, residing at Boise.

My commission expires April 7, 1944.

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

Ans. 12.75 cubic feet per second

Q. Is this not the person or representative of the corporation to whom above man-
drel, second, referred on agent's certificate and about related persons?
A. Yes, was stated that time (3) to in excess of time (2) since last
employment certificate. But the amount of what was under this last re-
ferral to the office of railroad and railroad, telephone company, radio, and
insurance, 2, 1931, was been used for company's interest and the blo-
ated certificate under this last, 1931, to use the last since

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. July 16, 1888 - Water Right Location - from "Silver Creek" (also known and designated as "Brewery Creek" and also as "Slaughter House Gulch Creek") in NE $\frac{1}{4}$, Sec. 7, Twp. 48 N., R. 3 E. B.M. - Amount is nominal.

Dec.21,1915 - Idaho Water License 11212 - from Big Creek 5 cu.sec.ft.

Nov. 7, 1928 - Idaho Water License 16245 - from Big Creek 2.75 cu. sec. ft.

(Sign)

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 Boise City, County of Ada

State of Idaho, on this 1st day of July, A. D. 1943.

My commission expires April 7, 1944.

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

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17623

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. G. C. Scharf, over the age of 21 years, residing at 905 N. 18th Street, in Boise, Idaho. By occupation a Civil Engineer.

Ques. 2. Are you acquainted with Kellogg Power and Water Company, the holder of Permit No. 17623? How long have you known him and where does he reside?

Ans. Yes, for a period of several months, at Kellogg, Idaho

Ques. 3. Have you read or heard read said Permit No. 17623, and are you familiar with its provisions and conditions?

Ans. Yes, I am familiar with its provisions and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

SOURCE OF WATER SUPPLY is "Big Creek", a tributary of the South Fork of the Coeur d'Alene River in Shoshone County, Idaho.

THE POINT OF DIVERSION is just below the confluence of "Big Creek" and the "West Fork of Big Creek", situated in NW1/4 of Section 22, Township 48 North, Range 3 East B.B.M. and said point bears N. 27°16' E. 1967 feet from the Southwest corner of Section 22, Township 48 North, Range 3 East, B.B.M.; and in addition thereto the diversion of water has been improved and developed by extending 14" diameter pipe lines (1) 1800 feet up the West Fork of Big Creek and (2) 2600 feet up Big Creek to a point just below the confluence of the South and East Forks of Big Creek, which pipe lines convey the water to the aforesaid point of diversion. These extended pipe lines are also used as alternative points of diversion in case of necessity, instead of the point of diversion in said permit and in this deposition described.

WORKS FOR DIVERTING AND CONVEYING WATER:

(1) **Diversión from "Big Creek" just below confluence of South and East Forks of Big Creek** consists of a concrete dam 15 feet long and 6 feet high, together with a concrete collecting basin 5'x5'x6' deep, from which a 14" wood stave pipe line extends directly down Big Creek to the point of diversion in said Permit No. 17623 and in this deposition described, and directly connected to applicant's 14" wood stave transmission pipe line.

(2) **Diversión West Fork of Big Creek** consists of a concrete dam 14 feet long and 6 feet high, together with a concrete collecting basin 6'x6'x6' deep from which a 14" wood stave pipe line extends directly down the West Fork of Big Creek to the point of diversion in said permit and in this deposition described, and directly connected to applicant's 14" wood stave transmission line.

(3) **Diversión on Big Creek just below confluence of "Big Creek" and "West Fork of Big Creek"**, at the point of diversion in said Permit No. 17623 and in this deposition described. At this point of diversion water is also diverted by means of a concrete dam 20 feet long and 9 feet high, together with a fore-bay 20 feet long, 10 feet wide and 9 feet deep, from which a 16" wood stave pipe line 100 feet long extends directly down Big Creek, and with a gate valve is connected into the aforesaid 14" wood stave transmission pipe line. At this point of diversion there is also installed a completely housed chlorinating plant.

(4) **Works for conveying water.** From the point of diversion in said Permit No. 17623 and in this deposition described the water is conveyed to the place of use by means of a 14" wood stave transmission pipe line extending down Big Creek and the South Fork of the Coeur d'Alene River a distance of approximately 7 miles (about 1 mile of temporary 12" wood stave pipe at lower end) with a total fall of approximately 500 feet, to connect with the water distribution system of Kellogg Power and Water Company serving the cities of Kellogg, Wardner and surrounding communities in Shoshone County, Idaho.

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? Said works will safely conduct to place of use in excess of 12.5 cubic feet per second and I have
Ans. seen in excess of 5.0 cubic feet per second being so conveyed..

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. Water is for domestic and industrial water supply for the cities of Kellogg and Wardner and the surrounding communities, including fire protection, mining and milling uses. (The improvements in the service area are the result of the use of said water and its availability.)

17623

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent
Ans. For domestic and industrial uses as set forth in answers to questions 4, 5 and 6 above.

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

Ans. For domestic and industrial uses as set forth in answers
to questions 4, 5 and 6 above.

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

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. On June 23/25 I was personally present at the diversion works and collecting basins described in Permit No. 17623 and observed the operation of said diversion works and pipe lines, with which I am familiar and by such observations and computations made by me I witnessed in excess of five (5) cubic feet per second of water being diverted by and delivered into the pipe lines of Kellogg Power and Water Company, and which water was being applied to beneficial use for a municipal water supply in Kellogg and Wardner, Idaho, and surrounding communities.

(Signed)

Gl. Scharf

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 Boise City, County of Ada, State of Idaho, on this ~~day of~~ 1st day of July, A. D. 1943.

My commission expires April 7, 1944

Notary Public.
for the State of Idaho,
Residing at Boise, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17623

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. Myron Swendsen, residing in Ada County, Idaho, Civil Engineer
over the age of 21 years; P.O. Box 156, Boise, Idaho.

Ques. 2. Are you acquainted with Kellogg Power and Water Company, the holder of Permit No. 17623? How long have you known him and where does he reside?

Ans. Yes, for a period of several years, at Kellogg, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17623, and are you familiar with its provisions and conditions?

Ans. Yes, I am familiar with its provisions and conditions.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

SOURCE OF WATER SUPPLY is "Big Creek", a tributary of the South Fork of the Coeur d'Alene River in Shoshone County, Idaho.

THE POINT OF DIVERSION is just below the confluence of "Big Creek" and the "West Fork of Big Creek", situated in NW1/4 of Section 22, Township 48 North, Range 3 East B.B.M. and said point bears N. 22°16' E. 1967 feet from the Southwest corner of Section 22, Township 48 North, Range 3 East, B.B.M.; and in addition thereto the diversion of water has been improved and developed by extending 14" diameter pipe lines (1) 1800 feet up the West Fork of Big Creek and (2) 2600 feet up Big Creek to a point just below the confluence of the South and East Forks of Big Creek, which pipe lines convey the water to the aforesaid point of diversion. These extended pipe lines are also used as alternative points of diversion in case of necessity, instead of the point of diversion in said permit and in this deposition described.

WORKS FOR DIVERTING AND CONVEYING WATER:

(1) Diversion from "Big Creek" just below confluence of South and East Forks of Big Creek consists of a concrete dam 15 feet long and 6 feet high, together with a concrete collecting basin 5'x5'x6' deep, from which a 14" wood stave pipe line extends directly down Big Creek to the point of diversion in said Permit No. 17623 and in this deposition described, and directly connected to applicant's 14" wood stave transmission pipe line.

(2) Diversion West Fork of Big Creek consists of a concrete dam 14 feet long and 6 feet high, together with a concrete collecting basin 6'x6'x6' deep from which a 14" wood stave pipe line extends directly down the West Fork of Big Creek to the point of diversion in said permit and in this deposition described, and directly connected to applicant's 14" wood stave transmission line.

(3) Diversion on Big Creek just below confluence of "Big Creek" and "West Fork of Big Creek", at the point of diversion in said Permit No. 17623 and in this deposition described. At this point of diversion water is also diverted by means of a concrete dam 20 feet long and 9 feet high, together with a fore-bay 20 feet long, 10 feet wide and 9 feet deep, from which a 16" wood stave pipe line 100 feet long extends directly down Big Creek, and with a gate valve is connected into the aforesaid 14" wood stave transmission pipe line. At this point of diversion there is also installed a completely housed chlorinating plant.

(4) Works for conveying water. From the point of diversion in said Permit No. 17623 and in this deposition described the water is conveyed to the place of use by means of a 14" wood stave transmission pipe line extending down Big Creek and the South Fork of the Coeur d'Alene River a distance of approximately 7 miles (about 1 mile of temporary 12" wood stave pipe at lower end) with a total fall of approximately 500 feet, to connect with the water distribution system of Kellogg Power and Water Company serving the cities of Kellogg, Wardner and surrounding communities in Shoshone County, Idaho.

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

Ans. For domestic and industrial uses as set forth in answer
to questions 4, 5 and 6 above.

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

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. On June 17th and 18th I was personally present at the diversion works and collecting basins described in
Ans. Permit No. 17623 and observed the operation of said diversion
works and pipe lines, with which I am familiar, and by such observations and
computations made by me I witnessed in excess of five (5) cubic feet per sec-
ond of water being diverted by and delivered into the pipe lines of Kellogg
Power and Water Company, and which water was being applied to beneficial use
for a municipal water supply in Kellogg and Wardner, Idaho, and surrounding
communities.

(Signed) Myron Sundman

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 Boise City, County of Ada, State of Idaho, on this ~~xxxx~~ 1st day of July, A. D. 19 43

My commission expires April 7, 1944

Notary Public.
For the State of Idaho,
Residing at Boise, Idaho.

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 10:00 A. M. on the 1st day of July, 1943, at Boise, County of Ada, State of Idaho, before Caray Nixon, Notary Public, proof will be submitted of the application to beneficial use of five (5) cubic feet per second of the waters of Big Creek in Shoshone County in accordance with the terms and conditions of Permit No. 17623 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Kellogg Power & Water Company, Kellogg, Idaho.

The use to which said water has been applied is domestic and industrial water for the City of Kellogg, Idaho.

The amount applied to beneficial use is Five (5) cubic feet per second.

The place where said water is used is in Kellogg, Idaho, and vicinity.

The name of the canal or ditch or other works by which said water is conducted to such place of use is reservoirs, dams, transmission and distribution pipe lines and system of Kellogg Power and Water Company.

The right to take water from such works is based upon Permit No. 17623.

The source of supply from which such water is diverted is Big Creek, Shoshone County, Idaho.

The date of priority which said user is prepared to establish is November 6, 1931.

JAMES SPOFFORD,
State Reclamation Engineer.
5-28-6-18

Wm. Penney, being first duly sworn deposes and says that he is publisher of KELLOGG-NEWS-WARDNER a weekly newspaper of general circulation in said county, published in the City of Kellogg, in the County of Shoshone and the State of Idaho, and which has been published continuously in said county for a period of 78 weeks immediately prior to the publication of the notice hereinafter described, and that the

Notice for publication- Notice of proof application of water to beneficial use-Permit No. 17623-Kellogg Power & Water Company, Kellogg, Idaho-

of which the annexed is a true copy, was published in each regular weekly issue of said newspaper, and not in a supplement thereto, for a period of 4 consecutive weeks, the first publication thereof being in its issue dated May 28, 1943 and the last publication thereof being in the issue dated June 18, 1943

Subscribed and sworn to before me this 21st day of June 1943

Mary M. Stout
Notary Public

Commission expires July 30, 1945

17623

June 17, 1943

Re: Permit No.17623

Kellogg Howe-Wardner
Kellogg, Idaho

Gentlemen:

In May 24th we sent you a notice for publication in connection with beneficial use proof to be made on July 1st by the Kellogg Power & Water Company.

To date we have not received an acknowledgment of this notice, nor have we received a copy of same, in your first issue, as requested.

Please advise if this notice is being published, and if so, please send us a clipping of same.

Very truly yours,

JAMES SPOMFORD
State Reclamation Engineer
By

A

Chief Clerk

17623

✓
May 25, 1943

Re: Permit No. 17623

Mr. Carey Nixon
No. 112 No. 6th Street
Boise, Idaho

Dear Mr. Nixon:

We have sent to the Kellogg News Gardner, at Kellogg, Idaho, notice of proof of beneficial use, under the above numbered permit in the name of the Kellogg Power & Water Co., to be made at Boise, Idaho, on July 1st, 1943, before yourself as Notary Public, to be published once a week for four weeks.

About ten days prior to that date we shall send you the necessary forms of deposition- one for the holder and one for each of two witnesses- so that you will have them in ample time for the proof.

On the date set, an agent of the permit holder, and two disinterested witnesses, who are familiar with the terms of the permit, and the works constructed thereunder, should appear before you, as Notary Public, for the purpose of executing the depositions; and the depositions, when so executed, together with affidavit of publication from the newspaper, should then be filed in this Department.

Very truly yours,

JAMES SPOFFORD
State Reclamation Engineer
By

Chief Clerk

17623

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: **May 24, 1943**

**Kellogg News-Wardner
Kellogg, Idaho**

Gentlemen:-

Enclosed you will find notice for publication once
a week for four consecutive weeks prior to **July 1st, 1943,**
commencing with your next issue
the date set for proof, the expense of the publication to
be paid by the applicant, **Kellogg Power & Water Company**
to whom you should furnish proof of publication on or prior
to date for proof.

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

Very truly yours,

JAMES SPOFFORD

~~Commissioner of Reclamation~~
State Reclamation Engineer

17623

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 24, 1943

(P. O.) Boise, 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 Kellogg News, Wardner, weekly of Kellogg, Idaho, published in the county in which the works are situated.

KELLOGG POWER AND WATER COMPANY

By *A. C. Mason*

(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.

17623

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

Notice is hereby given that at 10:00 A. M. on the 1st day of July, 1943,
at Boise, County of Ada, State of Idaho, before
Carey Nixon, Notary Public, proof will be submitted of the
application to beneficial use of five (5) cubic feet per second of the waters of Big Creek
in Shoshone County in accordance with the terms and conditions of Permit No. 17623
heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are.....
Kellogg Power & Water Company, Kellogg, Idaho

The use to which said water has been applied is domestic and industrial water for the
City of Kellogg, Idaho

The amount applied to beneficial use is Five (5) cubic feet per second

The place where said water is used (~~if for irrigation, give full and accurate description of the~~
~~lands irrigated~~) In Kellogg, Idaho, and vicinity.

The name of the canal or ditch or other works by which said water is conducted to such place
reservoirs, dams, transmission and distribution pipe lines and system
of use is of Kellogg Power and Water Company

The right to take water from such works is based upon Permit No. 17623

The source of supply from which such water is diverted is Big Creek, Shoshone County,
Idaho

The date of priority which said user is prepared to establish is November 6, 1931

JAMES SPOTFORD

Commissioner of Reclamation
State Reclamation Engineer

17623

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

December 18, 1942

Kellogg Power & Water Company
Kellogg, Idaho

Dear Sir:

I enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. 17623, which should be filled out and returned to this office at least 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 February 1, 1943, and if proof is submitted subsequent to said date, your priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Yours truly,

E. V. BERG
Commissioner of Reclamation

17623

April 22, 1938

Re: Permit No. 17623.

Mr. Willard C. Johnson, Mgr.
Kellogg Power & Water Company
Kellogg, Idaho

Dear Sir:

We are herewith enclosing Certificate of Completion of Works issued under the above-numbered permit to appropriate twenty second feet of the waters of Big Creek for domestic use and for industrial water supply for City of Kellogg, Idaho.

The Department's Receipt No. 16574 for the \$5.00 fee you paid in connection with your completion of works proof under this permit is also enclosed.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

j1
Encl.

17623

Kellogg Power and Water Company

KELLOGG, IDAHO
March 30, 1938.

APR 2 1938

Department of Reclamation

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

Dear Sir;

We are enclosing our check, payable to the Department of Reclamation, in payment of the statutory fee of \$6.00, re-Permit No. 17623.

Please mail the Certificate of Completion of Works to the Kellogg Power & Water Company, Kellogg, Idaho.

Yours very truly,

Kellogg Power & Water Company,

Per


Manager

176 23

March 28, 1938

Re: Permit No. 17623.

Willard C. Johnson, Mgr.
Kellogg Power & Water Co.
Kellogg, Idaho

Dear Sir:

We now have our field engineer's report on the inspection he made last October in connection with your company's proof of completion of works under the above-numbered permit to appropriate the public waters of the State of Idaho.

His report shows that the works are completed and have a carrying capacity of the twenty second feet set forth in the permit. Therefore, upon receipt of the statutory fee of \$6.00, the Department will issue you a Certificate of Completion of Works.

Very truly yours,

Deputy Commissioner of Reclamation

jl

17623

January 11, 1938

Re: Permit No. 17623 ✓

Mr. F. N. Shreve
Principal Clerk
Press-Times Publishing Company
Wallace, Idaho

Dear Mr. Shreve:

I have your letter of January 7, 1938, in which you inclosed a bill made out to the State of Idaho for publishing of a notice of application for extension of time for completion of works by the Kellogg Power and Water Company at Kellogg, Idaho.

We have the proof of publication sent to this office on the 5th of February, 1937, and the extension of time was granted and also proof of completion of works was made, however, as stated in the notice, the notice was published at the expense of the applicant. Therefore, I would suggest that you send the bill to the Kellogg Power and Water Company, Kellogg, Idaho.

Very truly yours,

Supervisor of Water Distribution

17623

PHB:mn
Inc.

PRESS-TIMES PUBLISHING COMPANY

Member of Associated Press

WALLACE, IDAHO

Jan 7, 1938

RECEIVED

JAN 11 1938

Department of Reclamation

17623
Commissioner of Reclamation ,
Boise, Idaho.

Dear Sir:

In chacking our records for 1937, it appears that we have an unpaid balance on our books in the sum of \$5.40 for advertising " Extension of Time " during February 1937. Will you kindly check , as we feel postive that blanks and proof of publication were filed at the time period of publication expired. Herewith enclosed duplicate proof of publication,

Yours very truly

Press-Times Pub. Co.

J. H. Shreve

17623

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 17623

This proof is for Completion of Works

In Water District No.

1. Name of applicant Kellogg Power & Water Co.
2. Source of water supply: Big Creek
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22
T. 46 N. R. 3 E. County of Shoshone

4. Describe works as they exist, giving dimensions and capacities of same: Concrete walled collection basin. Dam section 10ft high x 20ft long; side walls 12" thick 100ft long and 9ft high. Main pipe line about 7½ miles of 16" 14" & 12" pipe

5. Water is used for: Domestic and Industrial Water Supply for the City of Kellogg

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: Present average use 2,000,000 Gal. per day. The present diversion is temporary and a change of point of diversion will be asked for later so as to divert about 2300ft farther up stream to escape possible stream pollution and increase static head

This examination was made on the 23rd day of October, 1937

(Signed)

Fred A. Johnson

Examiner.

Willard C. Johnson, Mgr.
Kellogg, Idaho.

Permit No. 17623

Examination for Completion of Works

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.

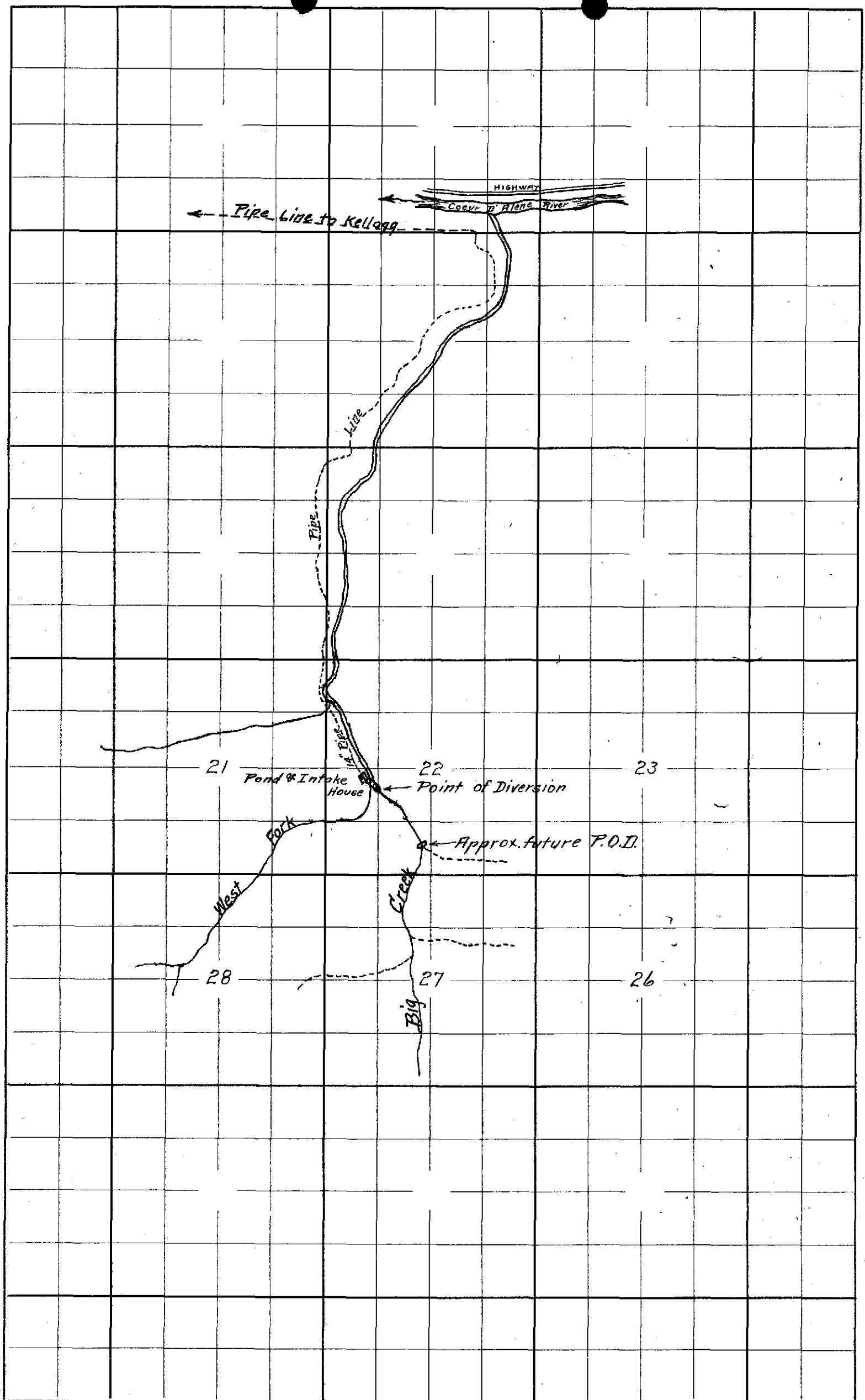
STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17623

REPORT ON PROOF OF Completion of Works

OK 20 S.F.
Fee 6.00



July 16, 1937

Re: Permit 17623

KELLOGG POWER AND WATER CO.
Kellogg, Idaho

Attention: Willard C. Johnson, Manager.

Dear Sir:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses and the affidavit of proof of publication from the newspaper, all in connection with proof of completion of works under the above 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 show him over the grounds. After his report is on file in this office you will be further notified as to fees due before the issuance of your certificate of completion of works.

Very truly yours,

Deputy Commissioner of Reclamation

j1

17623

T. P. WORMWARD

L A W Y E R

Phones: Office 350 Residence 350-x

First State Bank Building

KELLOGG, IDAHO

July 1st 1937

R W Faris,
Commissioner of Reclamation,
Boise, Idaho.

Re: Permit No. 17623
Kellogg Power & Water CO.

Dear Sir;-

In compliance with your letter of instructions of June 24th.1937, I took the proof of completion of works in connection with the above, on the 1st. day of July 1937.

Mr. Willard Johnson gave the proof on behalf of the corporation, and Mr. Archie Rowland and Mr. Mike DeJanovich were the witness, all of whom were duly sworn .

Mr. H. J. Hull, Attorney for the Water Co. advised me that the affidavit of publication of notice was sent to your office some weeks ago.

Herewith I am returning the proofs, duly executed by myself.

Very truly yours,



Notary Public.

17623

PERMIT NO.

Proof of Completion of Works

DEPOSITION OF HOLDER

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

Ans. Willard C. Johnson, 118 Gold Street, Kellogg, Idaho.

Post Office Box 636, Manager Kellogg Power and Water Company.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Kellogg Power and Water Company. Principal place of business is Kellogg, Idaho. I am manager and local director and am in full

charge of the company's business in and about Kellogg, Idaho.

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

Ans. No. 17623. February 1st, 1932. Twenty cubic feet per second. Source is "Big Creek" a tributary of the South Fork of the Couer d'Alene river in Shoshone County, Idaho. Point of diversion is N22 deg 16' E 1967 feet from SW corner, Sec. 22 T 48 N R 3, E.B.M. in NW 1/4 Sec. 22.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Domestic and industrial water supply for the City of Kellogg, Idaho. Not for irrigation.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. About May 1st, 1937. Full twenty second feet.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Fully completed and comply in all respects with permit.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. There is some variance in dimensions of dam. Dam as constructed is 40 feet wide, ten feet deep and 96 feet long.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. Diversion dam, 40 feet wide, ten feet deep and 96 feet long. Capacity 20 cubic feet per second. Cost \$6000.00. Transmission line 16 inch and 14 inch. Total structural cost of dams and transmission line, aside from distribution system \$150,000.00

(Sign here: *Willard C. Johnson*)

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 Kellogg,

County of Shoshone, State of Idaho, on this 1st day of July A. D. 1937.

Robert L. Duval

My Commission expires 3/15/1941.

For the State of Idaho, Notary Public. Residing at Kellogg, Idaho.

Permit No. 17623

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Mike DeJanovich, 462E, Railroad Ave., Kellogg, Idaho.

Kellogg Power and Water Co.

Ques. 2. Are you acquainted with a corporation, the holder of Permit No. 17623, authorizing the diversion of twenty second-feet of the waters of Big Creek, a tributary of the South Fork of the ~~NW 1/4 SW 1/4 S 22 T 48~~ ~~Coeur d'Alene River~~, at R. 3 E. B. M. for domestic purposes? How long have you known him, and where does he reside?

Ans. Have been familiar with the corporation for about twelve years. Have known Willard Johnson, its manager, for that same time.

Ques. 3. Have you read or heard read said Permit No. 17623, and are you familiar with its terms and conditions?

Ans. Yes. I am familiar with its terms.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. It is not for irrigation purposes.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

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

Ans. Concrete diversion dam 40 feet wide, 10 feet deep and 96 feet long. Water conveyed from dam in 16 inch pipe. I estimate dam and pipe adequate to handle twenty second-feet of water.

(Sign here.)

Mike DeJanovich

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

County of Shoshone, State of Idaho, on this 1st day of July, A. D. 1937.

NOTARY PUBLIC, residing at Kellogg, Idaho
My commission expires March 15, 1941

17623

Permit No. 17623.

Proof of Completion of Works**DEPOSITION OF WITNESS**

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

Ans. Archie Rowland, 609 Third Street, Kellogg, Idaho.

Kellogg Power and Water Co.

Ques. 2. Are you acquainted with a corporation, the holder of Permit No. 17623, authorizing the diversion of twenty second-feet of the waters of Big Creek, a tributary of the South Fork of the at NW 1/4 SW 1/4 S. 22 T. 4 N. Couer d'Alene, River. R 3 E. B. M. for domestic purposes? How long have you known him, and where does he reside?

Have been familiar with this corporation for eight years.

Ans. Have know Mr. Willard Johnson, its manager for ten years.

Ques. 3. Have you read or heard read said Permit No. 17623, and are you familiar with its terms and conditions?

Ans. Yes I have read it and am familiar with its terms.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. The water is not for irrigation purposes.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

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

Ans. Concrete diversion dam 40 feet wide, 10 feet deep and about 96 feet long. Water conveyed from dam in 16 inch pipe. I estimate the capacity of the dam and conduit to be ample to handle twenty cubic feet of water per second.

(Sign here.)

Archie Rowland

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

County of Shoshone, State of Idaho, on this 1st day of July, A. D. 1937.

Robert L. Drivall

State of Idaho
ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS
—
PROOF OF COMPLETION OF WORKS

ROBERT L. DUVALL
Notary Public
Kellogg, Idaho

Boise, Idaho, **June 24, 1937**

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. **17623**-----

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 the permit holder's rights:

1. On **July 1, 1937**-----, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Kellogg, Idaho, before Robert L. Duvall, 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,

J. W. S. S.

Commissioner of Reclamation

176 23

H. J. HULL
LAWYER
WALLACE, IDAHO
June 12, 1937

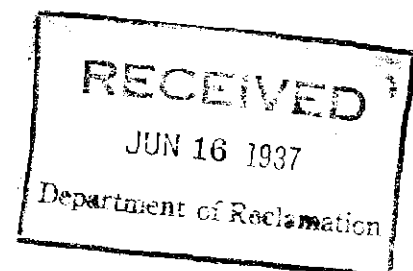
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir: RE PERMIT NO. 17623
Kellogg Power & Water Company

I am enclosing herewith Proof of
Publication of the notice of time for
hearing proof of completion of works in
connection with the above.

Very truly yours,

Encl.
HJH:EKR



PROOF OF PUBLICATION

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

NOTICE FOR PUBLICATION

Notice is hereby given that at 2 p. m. on the 1st day of July, 1937, at Kellogg, County of Shoshone, State of Idaho, before Robert L. Duvall, Notary Public, proof will be submitted of the completion of works for the diversion of 20 cubic feet per second of the waters of Big Creek, tributary of the South Fork of the Coeur d'Alene River, in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Kellogg Power & Water Company, an Idaho corporation.

2. The postoffice address of such person or principal place of business of such corporation is Kellogg, County of Shoshone, State of Idaho.

3. The number of such Permit is 17,623, and the date set for the completion of such work is July 1st, 1937.

4. Said water is to be used for Domestic and Industrial purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is twenty cubic feet per second.

R. W. FARIS,
Commissioner of Reclamation.
4x—May 21-28, June 4-11, 1937.

J. N. Shure

being first duly sworn, deposes and says: That he is the *Principal 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 *21st* day of *May*, 193*7*.

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 for Publication* of which a complete and correct copy is hereto attached, was first published in said newspaper in its Friday issue dated the *21st* day of *May*, 193*7*, 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 *11th* day of *June*, 193*7*.

J. N. Shure

Subscribed and sworn to before me this

11 day of *June*, A. D., 193*7*

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

My commission expires *Jan 16*, 193*9*.

17623

May 17, 1937

Re: Permit No. 17623

H. J. HULL, Attorney
Wallace, Idaho

Dear Mr. Hull:

This will acknowledge receipt of notice in duplicate for publication in connection with proof of completion of works, and also your authorization to have the notice published in the Wallace Press-Times, Wallace, Idaho, all in connection with Permit No. 17623.

A copy of the notice has been mailed to the newspaper with instructions to publish it once a week for four consecutive weeks prior to July 1, 1937. About ten days prior to this date, depositions consisting of one for the holder and one each for two witnesses, will be mailed to Robert L. Duvall, Notary Public, Kellogg, Idaho, so that he will have them in ample time for the proof.

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

Very truly yours

R. W. FARIS
Commissioner of Reclamation

by
Chief Clerk

17623

H. J. HULL
LAWYER
WALLACE, IDAHO
May 15, 1937

RECEIVED
MAY 17 1937
Department of Reclamation

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

RE KELLOGG POWER & WATER CO.
Permit No. 17623

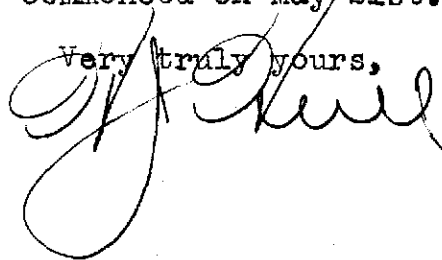
Dear Sir:

In accordance with your letter of May 6, 1937, I am returning herewith Notice for Publication of the time fixed for proof of completion of works under the above permit, together with Notice requesting that it be published in the Wallace Press-Times.

The Wallace Press-Times is a daily newspaper of general circulation, printed and published at Wallace, Shoshone County, Idaho, and it has designated its Friday issue as the issue for publication of legal notices as provided by Chapter 154 of the 1933 Session Laws.

If the Notice can be returned immediately, publication can be commenced on May 21st.

Very truly yours,



Encls.
HJH:EKR

17623

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date.....~~May 17, 1937~~.....

Re: Permit No. 17623

EDITOR, Wallace Press Times
Wallace, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to.....~~July 1, 1937~~....., the date set for proof, the expense of the publication to be paid by the applicant,.....~~Kellogg Power & Water Company~~.....

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

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

176 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

MAY 6 - 1937

WILLARD C. JOHNSON, Agent
Kellog Power & Water Co.
Kellogg, Idaho

Boise, Idaho

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 17623.

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before July 1, 1937. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

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

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation.

17623

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) May 1st, 1937.

(P. O.) Kellogg, Idaho.

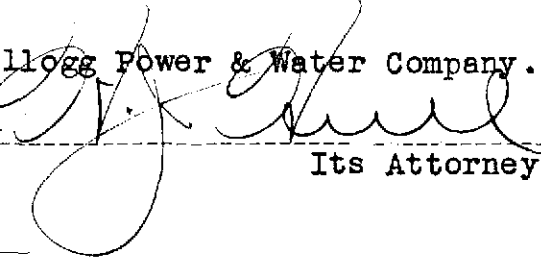
TO THE COMMISSIONER OF RECLAMATION:

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.

Kellogg Power & Water Company.

By 

Its Attorney.

(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.

Notice for Publication

Notice is hereby given that at 2 P. M., on the 1st day of July 1937, at Kellogg, County of Shoshone, State of Idaho, before Robert L. Duvall, Notary Public proof will be submitted of the completion of works for the diversion of 20 cubic feet per second of the waters of Big Creek, tributary of the South Fork of the Coeur d'Alene River in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner ~~Department~~ of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is Kellogg Power & Water Company, an Idaho corporation.

2. The postoffice address of such person or principal place of business of such corporation is Kellogg, County of Shoshone, State of Idaho.

3. The number of such Permit is 17, 623, and the date set for the completion of such work is July 1st, 1937.

4. Said water is to be used for Domestic and Industrial purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is twenty cubic feet per second.

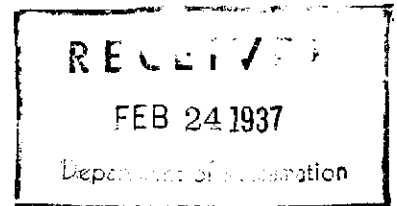
~~6. The amount of lands for which said water is available is _____ acres, particularly described as follows:~~

R. W. FARIS

Commissioner of Reclamation.

17623

H. J. HULL
LAWYER
WALLACE, IDAHO
February 22, 1937



Department of Reclamation,
Boise, Idaho.

ATTENTION Mr. Paul L. Henry
RE PERMIT NO. 17623 Kellogg
Power and Water Company

Gentlemen:

On receipt of your letter of February 5th I instructed the Press-Times Publishing Company to forward Proof of Publication of the Notice of Extension directly to your office. On checking the matter the clerk seems to be uncertain whether or not it actually was sent to you, and I have therefore caused a duplicate to be prepared which I assume can be filed nunc pro tunc in the event no objections were filed.

Kindly advise what action was taken on the 20th with respect to this matter.

Very truly yours,

IJH:EKR
Encl.

17623

PROOF OF PUBLICATION

STATE OF IDAHO, }

ss.

County of Shoshone. }

NOTICE FOR PUBLICATION

Notice of Application for Extension of Time for Completion of Works Under Senate Bill No. 129, Session Laws of 1935.

Notice is hereby given, that on the 20th day of February, 1937, at 10:00 o'clock A. M., a hearing will be held by the State Commissioner of Reclamation, or his deputy, at Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 17623. The said protests and evidence may be submitted either orally or by affidavits by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of the said Permit is 17623.

2. The name and post-office address of the person or persons or corporation holding said permit or permits are: Kellogg Power & Water Company, Kellogg, Idaho.

3. The amount of water claimed by the said permit or permits is 20 sec. ft. from Big Creek, which is tributary to South Fork of Coeur d'Alene River.

4. This notice is to be published at the expense of the applicant or applicants above named. The publisher is hereby authorized to deliver to the said applicant the proof of publication upon payment for the said publication.

R. W. FARIS,

Commissioner of Reclamation.
2x—Feb. 5-12, 1937.

J. N. Shreve

, being first duly

sworn, deposes and says: That he is the Principal 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 5th day of February, 1937.

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 for Publication of which a complete and correct copy is hereto attached, was first published in said newspaper in its Friday issue dated the 5th day of February, 1937, and was published in each successive Friday issue of said newspaper for 2 issues, the last publication thereof being in the Friday issue dated the 12th day of February, 1937.

J. N. Shreve

Subscribed and sworn to before me this

12 day of February, A. D., 1937.

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

My commission expires June 16, 1939.

17623

XXXXXXXXXX

Barzilla W. Clark

February 20, 1937

Permit No. 17623
Kellogg Light & Water Co.

H. J. HULL
Attorney at Law
Wallace, Idaho

Dear Sir:

You will find enclosed herewith, Approval of the Commissioner of Reclamation of an extension of time to July 1, 1937 in which to complete the diversion works required under the above permit.

This office will notify you about sixty days prior to the time this proof again becomes due, furnishing you with the necessary blanks and instructions.

Very truly yours

R. W. FARIS
Commissioner of Reclamation

by
Ass't Chief Clerk

17623

cj
encl

PROOF OF PUBLICATION

STATE OF IDAHO, }

ss.

County of Shoshone. }

NOTICE FOR PUBLICATION

Notice of Application for Extension of Time for Completion of Works Under Senate Bill No. 129, Session Laws of 1935.

Notice is hereby given, that on the 20th day of February, 1937, at 10:00 o'clock A. M., a hearing will be held by the State Commissioner of Reclamation, or his deputy, at Boise, County of Ada, State of Idaho, for the purpose of receiving any protests, testimony and evidence regarding an application for extension of time for completion of works under Permit to Appropriate the Public Waters of the State of Idaho, No. 17623. The said protests and evidence may be submitted either orally or by affidavits by any person or persons owning or in possession of a right to the use of any waters of a stream or source of supply affected by the said extension.

1. The number of the said Permit is 17623.

2. The name and post-office address of the person or persons or corporation holding said permit or permits are: Kellogg Power & Water Company, Kellogg, Idaho.

3. The amount of water claimed by the said permit or permits is 20 sec. ft. from Big Creek, which is tributary to South Fork of Coeur d'Alene River.

4. This notice is to be published at the expense of the applicant or applicants above named. The publisher is hereby authorized to deliver to the said applicant the proof of publication upon payment for the said publication.

R. W. FARIS,

Commissioner of Reclamation.

2x--Feb. 5-12, 1937.

RECEIVED

FEB 16 1937

being first duly

sworn, deposes and says: That he is the Manager 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 5th day of July, 1937.

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 for Permit of which a complete and correct copy is hereto attached was first published in said newspaper in its Friday issue dated the 5th day of July, 1937, and was published in each successive Friday issue of said newspaper for 2 issues, the last publication thereof being in the Friday issue dated the 12th day of July, 1937.

R. W. Faris

12 Subscribed and sworn to before me this day of July, 1937

W. D. Nader

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

16, 1937

17623

February 5, 1937

~~XXXXXXXXXX~~

Barzilia W. Clark

Re: Permit No. 17623
Kellogg Power & Water Co.

H. J. HULL
Attorney at Law
Wallace, Idaho

Dear Sir:

This is to inform you that we have supplied the Press-Times of Wallace with a copy of the notice which was prepared for publication in connection with Permit No. 17623. This notice will be published once a week for two consecutive weeks, and immediately after the second insertion has been made, will you secure an affidavit of publication from the paper and mail it to this department?

We set the date for hearing at 10:00 o'clock A. M. on February 20th. However, if no one protests the application, the hearing will be merely a matter of form and it will not be necessary to make an appearance. If a protest is filed, you will be furnished with a copy of it immediately upon its receipt in this department.

Very truly yours

Chief Clerk & Office Engineer

17623

PLH/cj

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. 17623

Date February 2, 1937

EDITOR, Press-Times
Wallace, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for ^{two} ~~four~~ consecutive weeks
prior to February 20, 1937 ^{last date for protest}, the ~~date for protest~~ the expense of the publication
to be paid by the applicant, Kellogg Power & Water Company

Kellogg, Idaho
to whom you should furnish proof of publication on or prior to the ^{last date for protest} ~~date for protest~~

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation

17623

PERMIT NO. 17623

APPROVAL OF COMMISSIONER OF RECLAMATION

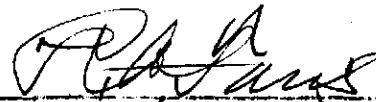
WHEREAS, Application for an extension of time for completion of works under Permit No. 17623 has been made by the owner thereof, which application was duly advertised in the Wallace Press-Times of Wallace, Idaho, for a period of two consecutive weeks; and

WHEREAS, A hearing in regard to the said application was then duly held at Boise, Idaho, on February 20, 19 37, as specified in the said advertisement above referred to; and

WHEREAS, After taking into consideration all evidence and testimony introduced at the said hearing, it appears that the owner of the said Permit is entitled to a further extension of time within which to complete work:

NOW, THEREFORE, I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, by virtue of the authority vested in me under Senate Bill No. 129, Session Laws of 1935, hereby extend the time for completion of works under Permit to appropriate the Public Waters of the State of Idaho, No. 17623, to July 1, 19 37.

WITNESS My hand this 20th day of February, 19 37.



Commissioner of Reclamation

17623

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION FOR EXTENSION OF TIME FOR COMPLETION OF WORKS
UNDER SENATE BILL No. 129, SESSION LAWS OF 1935

Notice is hereby given, that on the 20th day of February,
19 37, at 10:00 o'clock, A M., a hearing will be held by the
State Commissioner of Reclamation, or his deputy, at Boise,
County of Ada, State of Idaho, for the purpose of receiving
any protests, testimony and evidence regarding an application for extension of
time for completion of works under Permit to appropriate the Public Waters
of the State of Idaho, No. 17623. The said protests and
evidence may be submitted either orally or by affidavits by any person or
persons owning or in possession of a right to the use of any waters of a stream
or source of supply affected by the said extension.

- 17623
1. The number of the said Permit is ~~Kellogg Power & Water Company~~.
 2. The name and post-office address of the person or persons or
corporation holding said permit or permits are:

~~Kellogg Power & Water Company, Kellogg, Idaho~~

3. The amount of water claimed by the said permit or permits is
~~20 sec. ft.~~ from ~~Big Creek~~,
which is tributary to ~~South Fork of Coeur d'Alene River~~.

4. This notice is to be published at the expense of the applicant or
applicants above named. The publisher is hereby authorized to deliver to
the said applicant the proof of publication upon payment for the said
publication.

R. W. FARIS

Commissioner of Reclamation

17623

H. J. HULL
LAWYER
WALLACE, IDAHO

January 30, 1937

Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Re: Permit No. 17623,
Kellogg Power & Water Company.

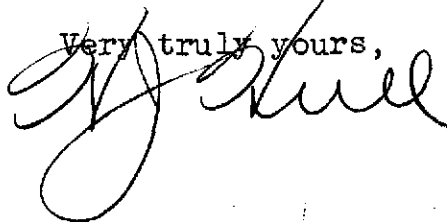
Dear Sir:

In accordance with your letter of January 29th, I am enclosing herewith application of the Kellogg Power & Water Company for an extension of time for completion of works under Senate Bill 129, Session Laws 1935.

If you have a prescribed form for the publication of notice for the hearing on this petition, kindly forward it and I will have the publication made.

Thanking you for your suggestions and for the prompt attention you have given this matter, I am

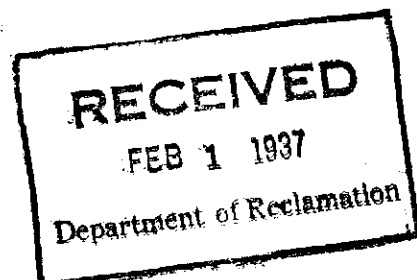
Very truly yours,



HJH:CM

Encl.

17623



State of Idaho

Date July 19 37

In Account With

Press-Times Publishing Co.,

Wallace, Idaho

Disp.	Item	Debit	Credit
1	Notice of Application		
2	for Extension of June 7 th		
3			
4			
5			
6	Julius Stark - 17623		
7			
8	July 5 4 1/2 in Log 80	360	
9			
10			
11	12 4 1/2	40	180
12			
13			
14			
15			
16		540	
17			
18			
19			
20			
21			
22	Kindly Mail Voucher -		
23	This we may regularly		
24	Take this Charge -		
25			
26			
27			
28			
29			
30			
31			
Total			

PERMIT NO. 17623

EXTENSION OF TIME FOR COMPLETION OF WORKS UNDER SENATE
BILL NO. 129, SESSION LAWS OF 1935

STATE OF IDAHO)
COUNTY OF SHOSHONE) ss

Willard C. Johnson, of Kellogg, State of Idaho, being first
duly sworn, upon his oath deposes and says:

That he is the Manager of the Kellogg Power & Water Company,
a corporation, and the holder of Permit to Appropriate the Public
Waters of the State of Idaho, No. 17623.

That under the terms and conditions of said Permit, Completion
of Works thereunder is required by February 1st, 1937.

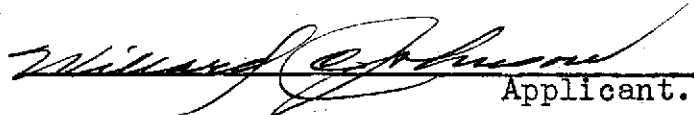
That he has heretofore in good faith performed the following
work and taken the following steps to bring about the completion of
the said works described under the said Permit, to-wit:

Has constructed a concrete dam 20 feet wide, 10 feet deep and
100 feet long for diversion of this water.

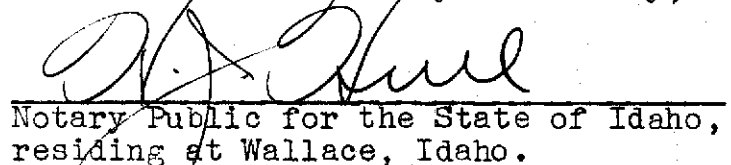
That he is unable to complete the remainder of the said Works
and submit proof of Completion of Works within the required time for
the following reasons, to-wit:

Actual construction is completed, but insufficient time re-
mains to publish notice of hearing to submit proof of completion,
as required by Section 41-208 Idaho Code Annotated.

WHEREFORE, he makes application to the Commissioner of Recla-
mation to extend the time for Completion of Works under the said
Permit No. 17623 to July 1st, 1937, pursuant to the provisions of
Senate Bill No. 129, Session Laws of 1935.


Applicant.

Subscribed and sworn to before me this 30th day of January,
1937.


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

My Commission expires:
February 14, 1940.

January 29, 1937

Re: Permit No. 17623
Kellogg Power & Water Co.

H. J. HULL
Attorney-at-Law
Wallace, Idaho

Dear Sir:

I have your letter of January 25th in which you mention the fact that proof of completion of works will be due under the above permit on or before February 1, 1937. You say that the company received the proper notices from this office in more than ample time, but overlooked the fact that the notice would have to be published for four weeks, until there was not sufficient time left for such publication.

Under the terms of an emergency act known as Senate Bill 129, 1935 Session Laws, the Commissioner of Reclamation is empowered to extend the time for completion of works under any permit which provides that the works must be completed on or before March 1st of this year. We are accordingly enclosing herewith the proper form for you to make application to extend the date for offering proof under this permit.

The application must be returned to this office on or before February 1st which, of course, leaves you very little time in which to get it back. We are sending this form by special delivery and thus making every attempt to get the application in your hands so that if possible you can return it by the first.

If, however, you are unable to do this, the company has no alternative but to make a new application.

Very truly yours

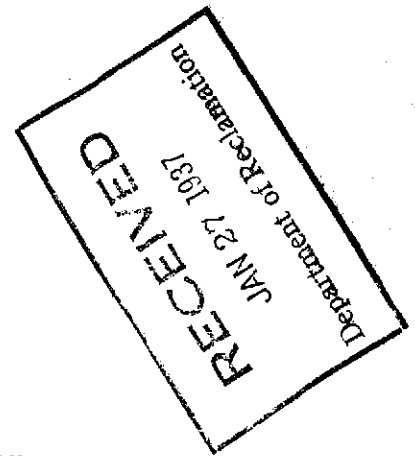
Chief Clerk & Office Engineer

PLH/cj
encl

176 23

H. J. HULL
LAWYER
WALLACE, IDAHO

January 25, 1937



Mr. R. W. Faris, Commissioner of Reclamation,
Boise, Idaho.

Re: Kellogg Power & Water Company,
Application No. 24709, Permit No. 17623.

Dear Mr. Faris:

The above permit calls for completion of the works on or before February 1st, 1937. On December 5th, 1936, you sent the Company forms of Notice for Publication of intention to submit proof of the completion of the works and called the Company's attention to the fact that the proof must be made on or before February 1st, 1937. The Company overlooked the fact that under Section 41-208 the notice must be published for four weeks and hence did not commence publication in time to allow the four publications..

The work has actually been completed and the water applied to the beneficial use. However, I am unable to find any statutory authority authorizing you to extend the time for making proof of completion of the work, though Section 41-212 apparently authorizes you to extend the time for making proof of beneficial use under certain circumstances.

If you do not possess the authority to extend the time for making proof of completion of works, so as to enable the Company to publish the notice for the statutory period, I assume the proper procedure would be to file a new application in which the time for completion of the works and for application to beneficial use could be shortened and proof made immediately thereafter.

Unless you have some other procedure to suggest, will you kindly send forms for making the new application, and we will proceed accordingly.

Very truly yours,

HJH:CM

17623

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

WILLARD C. JOHNSON, Agent
Kellogg Power & Water Co.
Kellogg, Idaho

Boise, Idaho

DEC 5 - 1936

DEAR SIR:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 17623

This form should be filled out and mailed to the Department of Reclamation, at least 60 days before the date upon which proof is to be submitted, which proof MUST be on or before Feb. 1, 1937. Upon receipt of the blank properly filled out, notice for publication will be sent to the paper direct from this office, which notice must be published a period of four weeks prior to the date of proof.

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

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

Very truly yours,

R. W. FARIS

Commissioner of Reclamation.

17623

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17623

February 1, 1932

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.

Willard C. Johnson
Kellogg, Idaho

17623

R. W. FARIS
Commissioner of Reclamation.