

T48 N. PSE B.M.

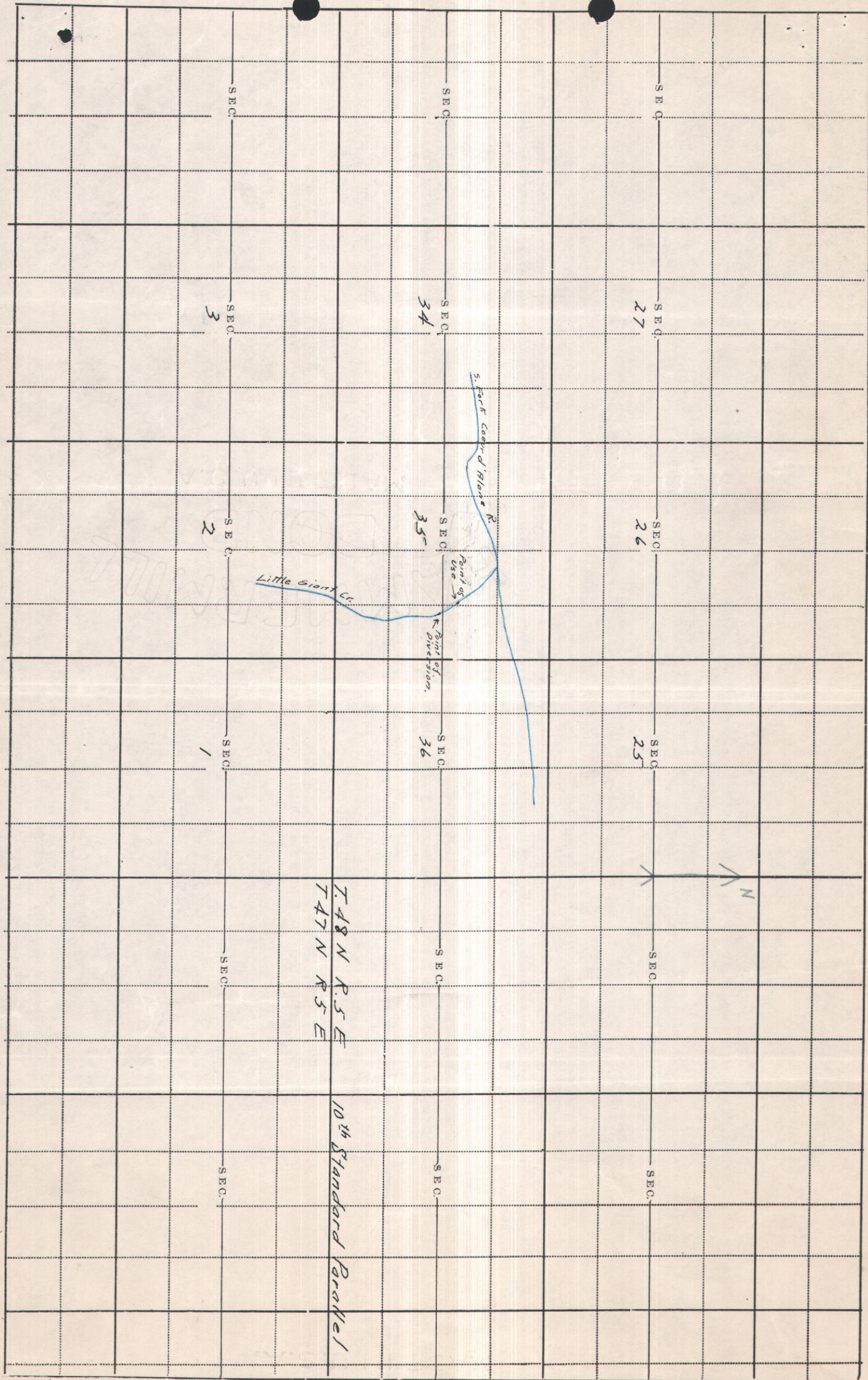
S.F.K. Cover de Alene R.

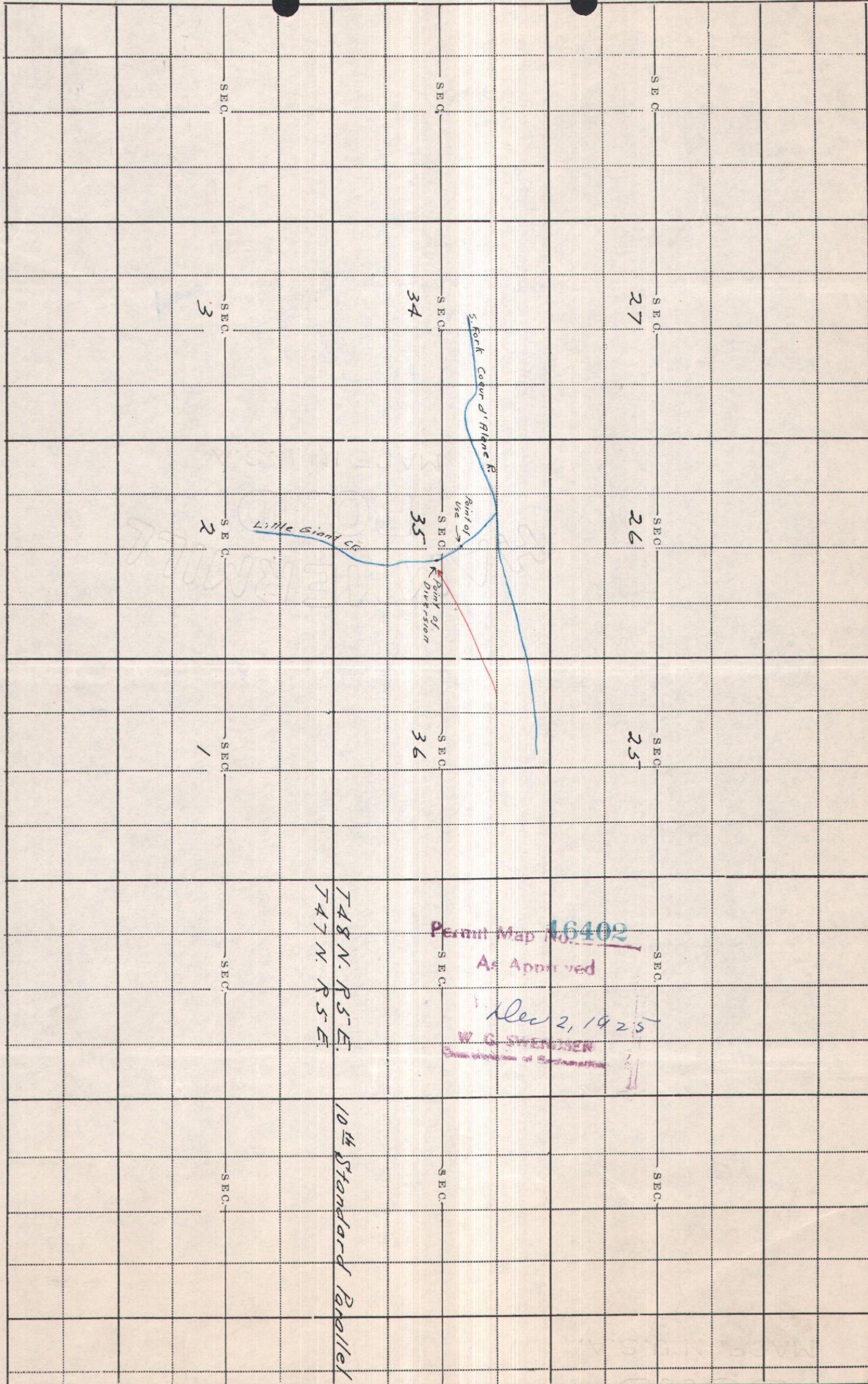
35

Tank

Pt. of Diversion

Little Giant Crk.





T48 N. R 5 E.
T47 N. R 5 E.

10th Standard Parallel

Permit Map No. 16402

As Approved

Dec 2, 1925

W. G. SWENSON
Commissioner of Reclamation

NOTE

Little Giant Creek is not on
Wallace, Idaho - Montana Quadrangle Map 1957
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35 Twp. 48 N R. 5 E.
Probably intermittent stream.

Rex

94 2105

State of Idaho
License and Certificate of Water Right

Water License No. 16402
Water District No. 91-C

Amount 1.0 sec. ft.
Priority 12-2-25

THIS IS TO CERTIFY that Atlas Mining Company of Mullan Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 2, 19 25 ; that Permit No. 16402 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.0 second feet, was issued thereunder on February 27, 19 26, showing that said works were completed on the 23rd day of February, 19 26 ; and that on the 3rd day of April, 19 26,

Atlas Mining Company of Mullan, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Little Giant Creek, a tributary of S. Fork Coeur d'Alene River, for the purpose of mining and domestic use, under Use Permit No. 16402 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3394, on the 4th day of September, 1926 ;

The right hereby confirmed dates from December 2, 19 25 ;

The Point of Diversion is located in the NE ¼ SE¼, Sec. 35, Tp. 48 N., R. 5 E., B. M. Shoshone County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
At mining claims located in the	SW¼ NE¼ and SE¼ NE¼,	Sec. 35,	Twp. 48 N.,		
Rge. 5 E.,	B. M.				

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 4th day of September, 19 26.

W. G. SWENDSEN
Commissioner of Reclamation

(SEAL)

By Geo. W. Carter
Assistant.

94 2134

State of Idaho
License and Certificate of Water Right

Water License No. 15371 Amount 2 sec. ft.
Water District No. 20-H Priority 11-30-21

THIS IS TO CERTIFY that D. K. Allen
of Cascade, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 30, 19 21; that Permit No. 15371
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on April 2, 19 24, showing that said works
were completed on the 10th day of December, 19 23; and that on the 5th
day of December, 19 25,

D. K. Allen
of Cascade, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Willow Creek
River, a tributary of N. Fork Payette, for the purpose of irrigation and
domestic use, under Use Permit No. 15371 of the Commissioner of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6
of Licenses, at page 3393, on the 3rd day of September, 19 26;
The right hereby confirmed dates from November 30, 19 21;
The Point of Diversion is located
in the SW ¼ SW¼, Sec. 3, Tp. 13 N., R. 3 E., B. M. Valley 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 2.0
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 N.	3 E.	3	Lot 3	40	40
			4	40	40
		3	Lot 1	40	40
			2	40	30
			7	40	30
Total 180 Acres.					

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 3rd day of September, 19 26.

(SEAL) W. G. SWENDSEN
Commissioner of Reclamation
By Geo. N. Carter
Assistant

APPLICATION FOR PERMIT 94-2134

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 23232
Permit No. 16402
District No. 91-C

1. Name of Applicant: Atlas Mining Co.

Postoffice address: Mullan County: Shoshone State: Idaho

I. If applicant is a corporation, give:

(a) Date and place of incorporation: Wallace, Idaho March 1, 1924

(b) Amount of capital stock: 2,000,000

(c) Amount paid in: 2,000,000

(d) Names and addresses of directors: Thos. F. Keeley, Chicago, Ill
C. L. Herrick, Mullan, Idaho, W. E. Greenough, Wallace, Idaho
Andrew J. Bracken, Chicago, Ill., C.K. Cartwright, Mullan, Idaho

II. The financial resources of the applicant are:

(a) Cash on hand: 7745.08

(b) Treasury stock: 500,000

(c) Bonds to be issued:

(d) Other resources:

2. Quantity of water claimed: 1.0 cubic feet per second.

3. Source of water supply: Little Giant Creek which is a tributary of South Fork
Coeur d'Alene River

4. Location of point of diversion: feet distant from the

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

of Section 35 , T. 48 N., R. 5 E. , B. M., County of Shoshone

5. Water is to be used for: mining and domestic purposes

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

(a) Point of use of water: feet distant from corner of Section
T. , R. , B. M., in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35 , T. 48 N. , R. 5 E. , B. M.
SE $\frac{1}{4}$ NW $\frac{1}{4}$

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

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

distant from the corner of Section , T. , R. , B. M., in the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35 , T. 48 N. , R. 5 E. , B. M.

7. Estimated cost of works: \$ 500.00

8. Kind of works: Dam, flume and pipe line.

9. Height of dam 3 feet; length of dam at top 10 feet; length of dam at bottom 8

feet; material used in dam: earth and logs

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 1' x 1'

Diameter of pipe inches; length of conduit 500' or more miles.

Average grade per mile 1 foot in 20 feet

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

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

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

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. 16402 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that C.L. HERBICK, Agent for ATLAS MINING COMPANY, of Mullan, County of Shoshone, and State of Idaho, the holder of Permit No. 16402, issued upon Application No. 23232 bearing date of priority of December 1, 1925, authorizing the diversion of 1.0 second feet of the waters of Little Giant Creek, County of Shoshone, State of Idaho, for mining and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.0 second feet of the waters of Little Giant Creek; that the point of diversion of said waters is in the NE¼ of SE¼, Section 35, T. 48 N., R. 5 E., B.M.; and that the place of use of said water is in the SE¼ NE¼ and SE¼ NW¼, Section 35, T. 48 N., R. 5 E., B.M. Witness my hand this 27th day of February, A. D. 1926. W. G. SWENDSEN Commissioner of Reclamation By Geo. N. Carter Assistant. Proof of Completion of Works made February 23, 1926 Certificate of Completion issued February 27, 1926. ----- ~~License issued for~~ <u>1.0</u> second feet <i>Page 3394, Vol 6.</i>																

STATE OF IDAHO)
) ss.
 County of Shoshone)

C. L. Herrick being first duly sworn, upon his oath deposes and says:

That he is the manager of the Atlas Mining Company, the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 16402.

That he intends to change the point of diversion, as described in said permit, to the following point: The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 35, Township 48 North, Range 5, E. B. M., Shoshone County, Idaho.

That such change will be made for the following reasons, to-wit: Point of Diversion was always as above stated, but through an error in the map accompanying the application such point was seemingly shown to be in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of above mentioned section.

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

C. L. Herrick

Subscribed and sworn to before me this 1st day of September, 1926.

J. L. Martin

My commission expires January 29, 1929.
 (SEAL)

Notary Public

Received and filed for record in the Department of Reclamation at Boise, Idaho, at 9:00 A. M. Sept. 4, 1926.

N. G. SWENDSEN
 Commissioner of Reclamation

September 25, 1926

Re: Permit No. 16402

Atlas Mining Company
P. O. Box No. 33
Mullan, Idaho

Gentlemen:-

Inclosed herewith you will
find Water License issued under the
above numbered permit, corrected in
accordance with your letter of a
recent date.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

CB:HH
Encl.

16402

GOLD HUNTER MINES. INCORPORATED
SUCCEEDING

THE GOLD HUNTER MINING & SMELTING CO.

EASTERN OFFICE
516 E. 28TH STREET
CHICAGO, ILL.

MULLAN, IDAHO

Sept. 21, 1926.

Re Permit No. 16402

Mr. W. G. Swendson,
Commissioner of Reclamation,
Boise, Idaho,

Dear Sir:

Your letter of the 16th inst. has been received from Mr. W. Earl Greenough, to whom you evidently sent it.

I am enclosing license as requested and ask as I did in letter of the 13th inst. that license be made to read that the location of use be described as

SW 1/4 of N.E. 1/4 and
SE 1/4 of N.E. 1/4

You are requested to mail license to address below.

ATLAS MINING COMPANY

P.O. Box No. 33

Mullan, Idaho.

Yours truly

ATLAS MINING CO.

By

D. L. D. Smith

Secretary

clh

16402

September 16, 1926.

Re: Permit No. 16402

Atlas Mining Company
Mullan, Idaho

Gentlemen:-

Referring to your letter of the 13th inst., would say that, under paragraph six of the permit, the place of use of the water is described as being in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 35, Township 48 North, Range 5 East., B. M. The license will be corrected, however, in accordance with the description given in your letter if the original can be returned to us.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By Y Chief Clerk

CB:HH

16402

GOLD HUNTER MINES, INCORPORATED

SUCCEEDING

THE GOLD HUNTER MINING & SMELTING CO.

EASTERN OFFICE
516 E. 28TH STREET
CHICAGO, ILL.

MULLAN, IDAHO

Sept. 13, 1926

W.G. Swehdson,
Commissioner of Reclamation,
Boise, Ida.

Dear Sir:

Water license under permit 16402 was received this morning. In license, description and location of use is not the location we applied for. We are ^{not} and will use the water in

SW 1/4 of NE 1/4 and
SE 1/4 of NE 1/4

the above being location asked for. Your license describes location of use being in

SE 1/4 NW 1/4

We have no property in the NW 1/4 of section.

As license restricts use to place described in that instrument, it is deemed important that correction be made.

Yours truly

ATLAS MINING CO.

CLH

By

R. M. Murie

16402

16402

September 10, 1926

Re: Permit No. 16402

Mr. C. L. Herriock, Sec'y,
Atlas Mining Co.
P. O. Box No. 33
Mullan, Idaho

Dear Sir:-

Inclosed herewith you will find the Water License issued under the above numbered permit, together with receipt for fees paid. We are also returning the affidavit for change of point of diversion, the same having been recorded in this office.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____ Chief Clerk

CB:HH
Encl.

16402

GOLD HUNTER MINES. INCORPORATED
SUCCEEDING

THE GOLD HUNTER MINING & SMELTING CO.

EASTERN OFFICE
516 E. 28TH. STREET
CHICAGO, ILL.

MULLAN, IDAHO

Sept. 2, 1926.

W.G. Swendson,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

I enclose affidavit for change of
point of diversion, affidavit of publication
from the Wallace Mining Review and Gold
Hunter Mines, Inc. check No. 6271 for \$5.00, all
in connection with Permit No. 16402 to the
Atlas Mining Co.

Yours truly

ATLAS MINING CO.
P.O. Box No. 33,
Mullan, Idaho.

CLH

By *J. K. Kierick*

Secretary

16402

PROOF OF PUBLICATION

STATE OF IDAHO,

County of Shoshone.

ss.

J. M. Shivers

, being first duly sworn,

deposes and says:

That he is the *Editor* of the Press-Times

Publishing Company, publishers of the Weekly Press-Times Mining Review, a weekly newspaper printed and published at Wallace, Shoshone County, State of 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 (78) consecutive weeks prior to

the *5th* day of *March*, A. D., 192*6*. That the

Notice of Proof Application of Water to Beneficial Use of which a complete and correct copy is hereto attached, was first published in said

newspaper in its issue dated the *5th* day of *March*, A. D., 192*6*

and was published in each successive issue of said newspaper for *4* issues,

the last publication thereof being in the issue dated the *26th* day of

March, A. D., 192*6*. *J. M. Shivers*

Subscribed and sworn to before me this

1st day of *Sept*, A. D., 192*6*.

E. L. Lawrence

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

My commission expires *May 20*, 192*8*.

16402

Notice for Publication NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:30 a. m. on the 3rd day of April, 1926, at Mullan, County of Shoshone, State of Idaho, before J. L. Martin, Justice of the Peace, proof will be submitted of the application to beneficial use of 1.0 cubic feet per second of the waters of Little Giant Creek in accordance with the terms and conditions of Permit No. 16402 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 Atlas Mining Company, Mullan, Idaho.

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

The amount applied to beneficial use is one cubic foot per second.

The place where said water is used mining claims located in SE 1/4 NW 1/4 Sec. 35, Twp. 48 N., R. 5 E., B. M.

The right to take water from such works is based upon Permit No. 16402.

The source of supply from which such water is diverted is Little Giant Creek.

The date of the priority which said user is prepared to establish is December 1, 1925.

W. G. Swendsen,
Commissioner of Reclamation.
March 5, 12, 19, 26—1926, Weekly.

August 26, 1926

Re: Permit No. 16402

Mr. J. L. Martin
Mullan, Idaho

Dear Sir:-

The report of our field engineer on the proof of beneficial use of water under the above numbered permit is now on file in this office.

This report shows the point of diversion to be in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, instead of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ in said section. To correct our records in this particular you should file an affidavit for change of point of diversion, blanks for which are inclosed. There also remains the affidavit of publication from the Wallace Mining Review, together with a statutory fee of \$5.00 to be sent to this office.

Upon receipt of the completed proof as above set forth, the license will be issued.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____ Chief Clerk

CB:HH
Enc: Blanks

16402

STATE OF IDAHO DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 16402

This proof is for BEN. USE WATER

In Water District No. 91-C

1. Name of applicant: Atlas Mining Co.
2. Source of water supply: Little Giant Creek
3. Location of point of diversion: Is in the NE NW 1/4 SE 1/4 of Section 35
T. 48 N. R. 5 E., B.M. County of Shoshone
4. Describe works as they exist, giving dimensions and capacities of same: Earth + log dam
3 1/2 foot 900 ft. 8" gal. iron pipe carries water to 6' diam. tank from
which feed 2" and 1 1/2" distributing lines. Grade of 8" pipe is 1' in 20'
Capacity, 75 sec. ft.
5. Water is used for: Mining and domestic use
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): Mining claims located in SE 1/4 NW 1/4 Sec. 35, Twp. 48 N., R. 5 E., B.M.
Used for fire protection in camp and mining purposes.

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

8. What large stream would the water here appropriated finally reach? S. Fork of Snake River

Remarks:

This examination was made on the 16 day of August 1926

(Signed)

16402

W. J. Sloan
Examiner.

Atlas Mining Company

Mullan, Idaho.

Permit No. 16402

Examination for Beneficial Use

County Shoshone

1 mile SE of Mullan

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.

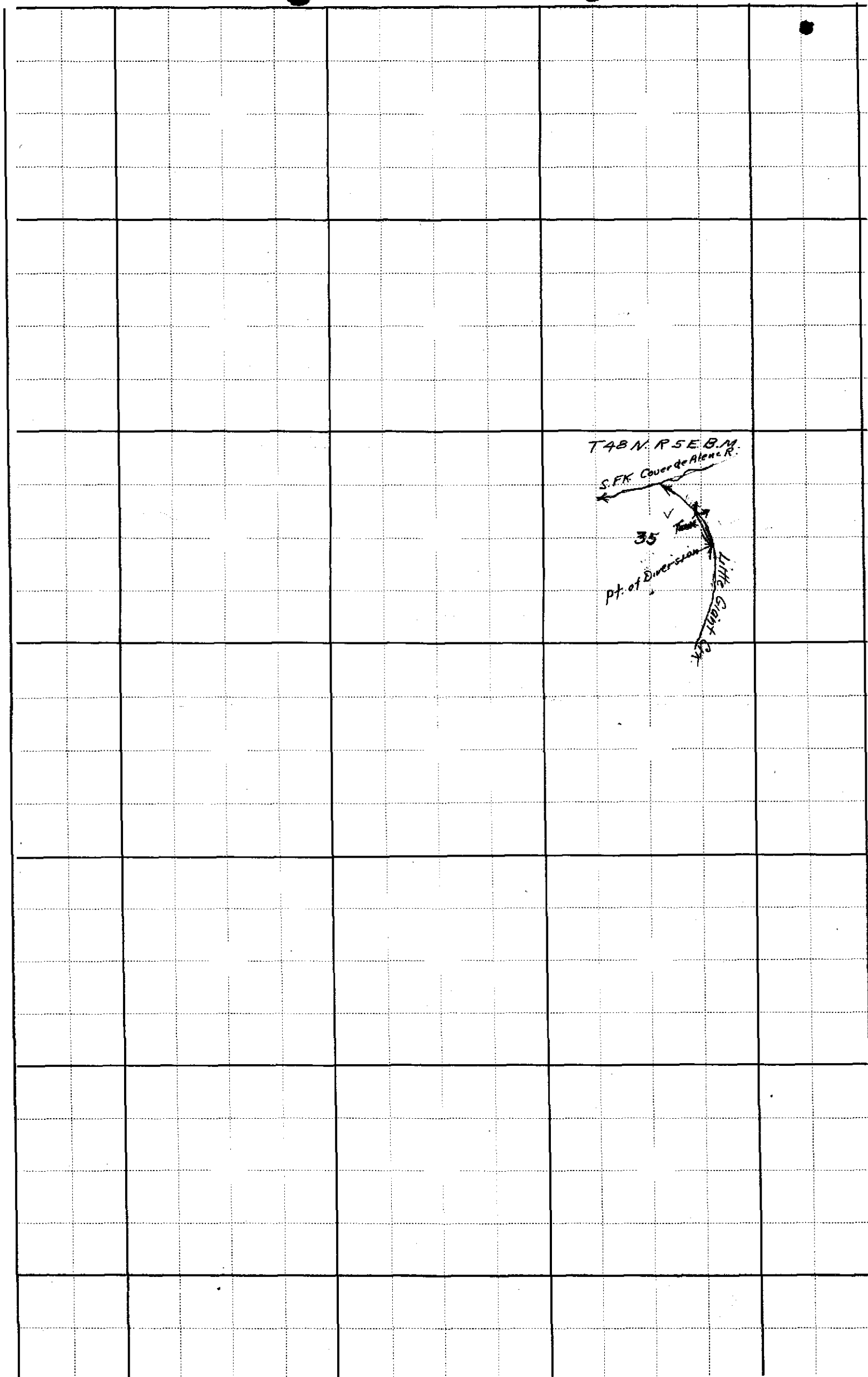
Dam is 25' long 5' high
7' of gallery

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

16.402

April 7, 1926

Re: Permit 16402-Atlas Mining Co.

Mr. J. L. Martin

Mullan, Idaho

Dear Sir:

We are in receipt of your letter of the 3rd inst. inclosing depositions of yourself and two witnesses in the matter of proof of beneficial use of waters under the above numbered permit#. These are in proper form and will be placed on file without further action until the report of our engineer can be made.

Very truly yours,

W. G. SWENDESEN
Commissioner of Reclamation

By _____
Chief Clerk

B:HH

16402

VILLAGE OF MULLAN

STATE OF IDAHO

OFFICE OF

J. L. MARTIN,
CLERK AND TREASURER

TRUSTEES

C. B. JOHNSON, CHAIRMAN
D. F. CLARK
ELMER OLSON
ARTHUR D. HARWOOD
JOHN WHEATLEY

April 3, 1926.

Hon. W. D. Swendsen,
Commissioner Of Reclamation,
Boise, Idaho.

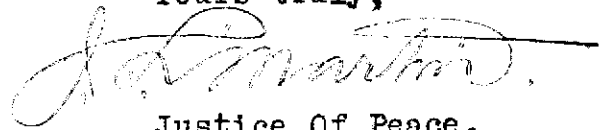
Honored Sir; Following out your instructions of March 26th.
1926, I have this day taken and herewith enclose the following
Depositions, affecting a certain Water right for the Atlas Min-
ing Co. of this District;

C. L. Herrick, Sec. Atlas Mining Co.;
W. Earl Greenough, Mining Man.;
S. W. Lagus, Mining Engineer,;

Each Deposition being in the interest of and for the
said Atlas Mining Co. Hoping that the work has been satisfac-
torily done,

I am

Yours truly,



Justice Of Peace.

16402

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 16402

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. C. L. Herrick; 58 years; Mullan, Idaho; mine manager; Mullan, 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. Atlas Mining Co., Mullan, Idaho; Secretary; am general agent of company and have general authority to act for it.

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

Ans. 16402; Dec. 2, 1925; November 25, 1925.

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

Ans. Little Giant Creek, Shoshone County, Idaho; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 35, Twp. 48 N. Range 5 EBM.

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

Ans. Log and dirt dam, width 10 ft at top, 8 ft at bottom, height 3 ft; wier box, capacity about 25 cu. ft; metallic pipe line, 8 in. diameter of pipe, about 500 ft. long, bringing water to round wooden tank 8 ft. in diameter and 8 ft. high; 2 in. distributing pipes to convey water from this tank to places where used, in camp buildings, compressor house, etc. 1 second feet.

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

Ans. General mining and domestic purposes, at camp of Atlas Mining Company, in S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 35, Twp. 48 N. Range 5 EBM

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

Ans. Used in camp buildings for domestic purposes, not used for power or irrigating purposes; is used for general mining purposes.

16402

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

Ans. One cu. ft. 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. _____

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

Ans. Is used constantly for general mining and domestic purposes at Atlas camp, and has been so used since early in December, 1925, to full amount of water claimed under permit.

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. None, and no other water available.

(Sign)

O. L. Herick

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 Mullan, County of Shoshone State of Idaho, on this 3rd day of April A. D. 19 26.

J. L. Martin

Justice of the Peace, Mullan No. 1
Precinct, Shoshone County, Idaho.

My commission expires

Jan. 27, 1927



STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 16402

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. W. Earl Greenough; 41 years; Wallace, Idaho; mining; Wallace, Idaho.

Ques. 2. Are you acquainted with Atlas Mining Company, the holder of Permit No. 16402? How long have you known him and where does he reside?

Ans. Yes; since the organization of the corporation in March, 1924.

Ques. 3. Have you read or heard read said Permit No. 16402, and are you familiar with its provisions and conditions?

Ans. Yes.

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

Ans. Little Giant Creek, Shoshone County, Idaho; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 35, Twp. 48 N, Range 5 EBM; dam built of logs and dirt at point of diversion, 3 ft. high, 10 feet wide at top and about 8 ft. wide at bottom; wier box of 25 cu. ft. capacity for regulating flow of water; metallic pipe 8 in. in diameter as conduit, about 500 ft. in length, for conveying water to wooden tank 8 ft. in dia. 8 ft. high; distributing lines from this reservoir to shops, compressor and camp buildings.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1 cu. ft. per second; works ample to convey this amount.

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 improvements which have been made as a direct result of said use.

Ans. Used for mining and domestic purposes at and near property of Atlas Mining Company, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 35; Twp. 48 N; Range 5 EBM, in Hunter Mining District, Shoshone County, Idaho, about 1 $\frac{1}{2}$ miles southeasterly from Village of Mullan. Not used for irrigating purposes.

16402

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

Ans. General mining and domestic purposes at mining camp and mining property, to full extent of 1 cu.ft. per second.

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 used for irrigating purposes.

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

Ans. Only as a stockholder in the Atlas Mining Company, owner of this permit.

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

Ans. Many times since early part of December, 1925, have seen water used for domestic purposes, in connection with compressor, and for general mining purposes, to full amount of water claimed under permit.

(Signed)

W. Earl Greenough

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 Mullan, County of Shoshone, State of Idaho, on this 3rd day of April, A. D. 1926

My commission expires

June 27, 1927

Justice of the Peace, Notary Public
Mullan No. 1 Precinct, Shoshone County,
Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO.

PERMIT NO. 16402

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. S.W. Lagus; 31 years; Mullan, Idaho; mining engineer; Mullan, Idaho.

Ques. 2. Are you acquainted with Atlas Mining Company, the holder of Permit No. 16402? How long have you known him and where does he reside?

Ans. Yes; since corporation was organized; Mullan, Idaho; rendered services to holder as engineer since about September, 1925.

Ques. 3. Have you read or heard read said Permit No. 16402, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use. Little Giant Creek, a tributary of South Fork of Coeur d'Alene River, about 1 1/2 miles southeasterly from Mullan, Shoshone County, Idaho; in NE 1/4 of SE 1/4 of Sec. 35, Twp. 48 N., Range 5 EBM. Dam of logs and dirt, 3 ft. high, 10 ft. wide at top and 8 ft. at bottom; wier box of about 25 cu. ft. capacity; metallic pipe line, pipe 8 in. in diameter, about 500 ft. in length conveying water to round tank, 8 ft. in diameter and 8 feet high; water then distributed to camp buildings etc through 2 in. pipe lines.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1 cu. ft. per second; have seen full amount being conducted to place of use.

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 improvements which have been made as a direct result of said use.

Ans. Domestic and mining purposes at Atlas mining camp, situated in S 1/2 of NE 1/4 of Sec. 35, Twp. 48 N., Range 5 EBM. Not used for irrigating purposes.

16402

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

Ans. Water has been used since early part of December, 1925, and is now being used to full extent of 1 cu.ft. per second for domestic and general mining purposes.

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

Ans. Not used for irrigating purposes.

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

Ans. None whatever.

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

Ans. Since early part of December, 1925, have seen water continuously used for domestic and mining purposes to full amount claimed under permit

(Signed) A. W. Lague

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 Mullan, County of Shoshone, State of Idaho, on this 3rd day of April, A. D. 19 25

My commission expires Jan. 22, 1927

A. Martin
Justice of the Peace, Notary Public No. 1
Precinct, Shoshone County, Idaho.

JAMES A. WAYNE
ATTORNEY AT LAW
WALLACE, IDAHO

April 3
1926

Hon. W. G. Swendsen
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

Judge J. L. Martin of Mullan is this day sending you the necessary proofs in connection with the application of water to beneficial uses under Permit No. 16402.

Please refer back to my letter of December 17, 1925 and to your reply of December 21st, relative to certain seeming erroneous statements in this permit. I have had the engineer who located this water right and another engineer who has been over the ground, go over your letters and the permit carefully and they advised me that the information as originally given in the application and map was correct, and that both the point of diversion and the point of actual, as well as intended use under this permit, are as shown in the three affidavits which Judge Martin is sending you, and on the enclosed map.

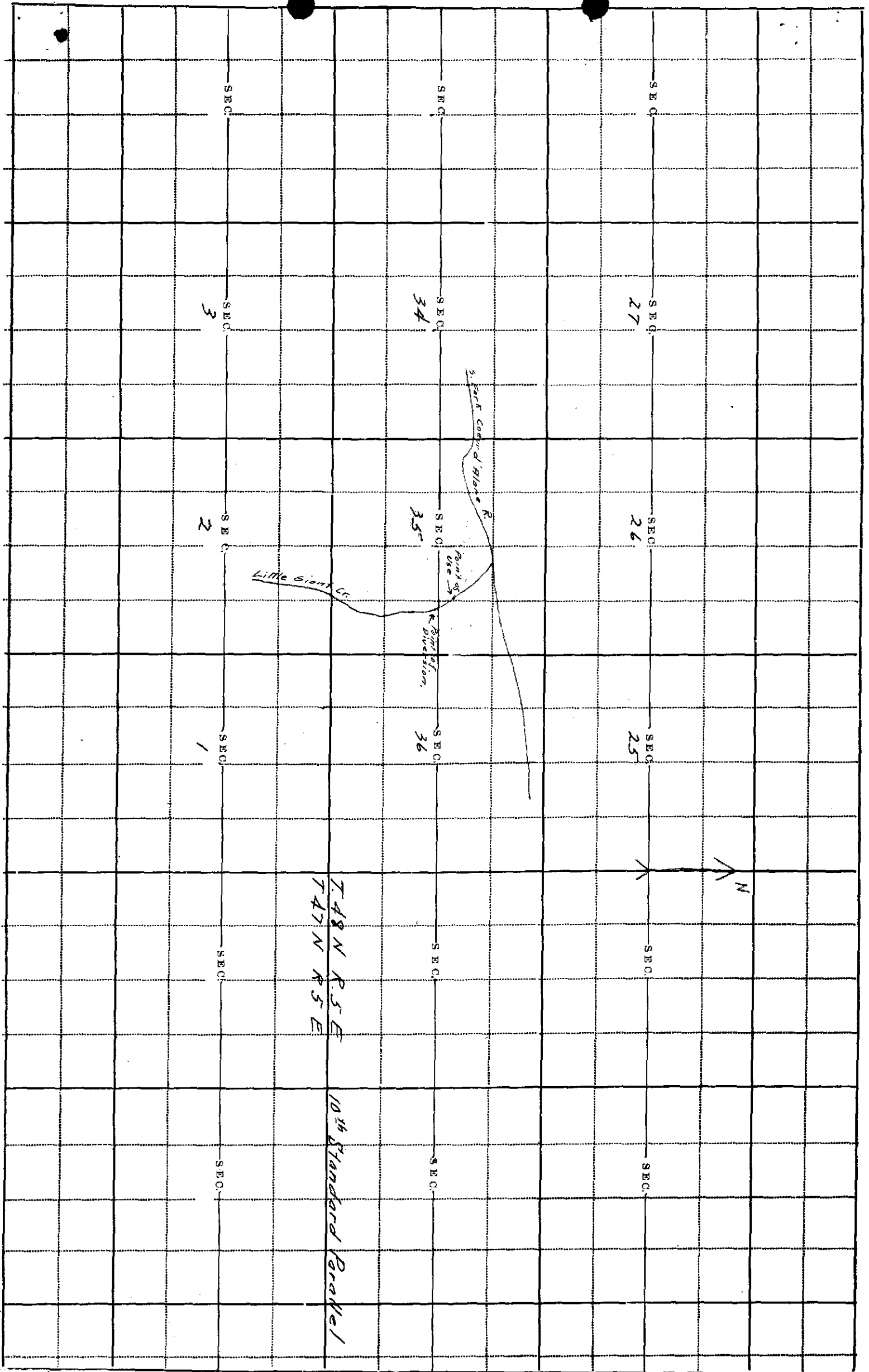
I am sending you this map for fear the original one might through some error have shown the South Fork of the Coeur d'Alene River and Little Giant Creek and the point of diversion differently than mentioned in the permit, and I have had the engineer indicate North upon this map, although it was already shown by the parallel.

Yours very truly,

James A. Wayne

JAW c
Encl

16402



State of Idaho

DEPARTMENT OF RECLAMATION BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

March 26, 1926

C. L. Herrick, Mgr.,
Atlas Mining Co.

Mr. J. L. Martin,
Justice of the Peace,
Mullan, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 16402

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

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

1. On April 3rd, 1926, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Mullan before J. L. Martin, Justice of Peace.

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.

W. G. SWENDSEN,
Commissioner of Reclamation.

16402

The Press-Times Publishing Co., Ltd.

DAILY PRESS-TIMES -- WEEKLY MINING REVIEW
JOB PRINTERS

WALLACE, IDAHO.

March 2, 1926.

Hon. W. G. Swendersen,
Commissioner of Reclamation,
Boise, Idaho.

Re; Permit No. 16402-Atlas Mining Co.

Dear Sir:

We hereby acknowledge receipt of your
favor, Feb. 26th, authorizing publication of the above
notice, which will appear in our weekly issues of
March 5, 12, 19, 26- 1926.

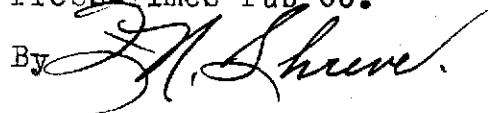
Your office will be furnished with
copy of the first publication.

Thanking you, we are

Yours truly,

Press-Times Pub Co.

By



16402

February 27, 1926

Re: Permit No. 16402
Atlas Mining Co.

Mr. James A. Wayne,
Attorney at Law,
Wallace, Idaho

Dear Sir:

Enclosed you will find
Certificate of Completion of Works, issued
under the above numbered permit, together
with receipt for fees paid.

Very truly yours,

W. G. SWENDSEN
Commissioner of Reclamation

By _____
Chief Clerk

Encl.

16402

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE February 26, 1926

The Press-Times Weekly Mining Review,
Wallace, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to April 3rd, 1926, the date set for proof, the expense of the publication to be paid by the applicant, C. L. Herrick, Manager, Atlas Mining Co., Mallam, Idaho, to whom you should furnish proof of publication on or prior to the date set for proof.

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

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

16402

February 26, 1926.

Re: Permit No. 16402.

Mr. C. L. Herrick, Manager,
Atlas Mining Company,
Mullan, Idaho.

Dear Sir:-

Referring to notice of proof of beneficial use of water under the above numbered permit, would say that we have set April 3rd as the date for making said proof and notice for publication has been mailed to the Press-Times Weekly Mining Review for the required four weeks publication.

Deposition blanks, one for the holder and one each for two witnesses, will be mailed to J. L. Martin, Justice of Peace at Mullan.

Very truly yours,
W. G. SWENDSEN,
Commissioner of Reclamation.

By _____
Chief Clerk.

16402

JAMES A. WAYNE
ATTORNEY AT LAW
WALLACE, IDAHO

February 23
1926

Commissioner of Reclamation

Boise

Idaho

Dear Sir:

I enclose herewith papers with reference to proof of completion of works on Atlas Mining Company's water permit No. 16402, together with check for \$5.00. I have left the date blank for you to fill out.

Yours very truly,

James A. Wayne

JAW c

Encs

16402

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) February 23, 1926.

(P. O.) Millan, 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 Press-Times Weekly Mining Review of Wallace, Idaho, published in the county in which the works are situated.

ATLAS MINING COMPANY

By Chas. M. Mier Manager.

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

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

Engineer.

16402

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 29:30 a. m. on the 3rd day of April, 1926,
at Mullan, County of Shoshone, State of Idaho,
before J. L. Martin, Justice of the Peace, proof will be submitted
of the application to beneficial use of 1.0 one cubic feet per second of the
waters of Little Giant Creek in accordance with the terms and conditions of
Permit No. 16402 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 Atlas
Mining Company, Mullan, Idaho.

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

The amount applied to beneficial use is one cubic foot per second.

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) mining claims located in SE 1/4 NW 1/4, Sec. 35, Twp. 48 N., R. 5 E., B.M.

~~The name of the canal or ditch or other works by which said water is conducted to such place of use~~

The right to take water from such works is based upon Permit No. 16402

The source of supply from which such water is diverted is Little Giant Creek

The date of the priority which said user is prepared to establish is December 2, 1925.

WW 8E - 35 - 48 N - 5 E
91-C
Shoshone

W. G. Swendsen,
Commissioner of Reclamation.

16402

Permit No. 16402

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO, }
County of Shoshone } SS

C. L. Herrick, being first duly sworn, upon his oath deposes and says:
First: That he is the ^{manager of the} holder and owner of Permit to Appropriate the Public Waters of the state of Idaho, No. 16402, and that his postoffice address is Mullan, State of Idaho.

Second: That the name of the stream from which said water is to be diverted is Little Giant Creek.

Third: That the point of diversion of said water is in the NE Quarter of SE Quarter of Section 35, Township 46 N. Range 5 E.B.M. Shoshone County, Idaho.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 2, 1926.

Fifth: That the use for which said water is intended is mining and domestic purposes.

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: dam and pipe line.
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam 3 feet, length of dam at top 10 feet, length of dam at bottom 8 feet. Material used in construction earth and wood (logs).

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

(b) Capacity of reservoir acre feet.

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

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

feet, depth of water feet; diameter of pipe 8 inches, average grade per mile is 1 ft. in 20 feet. Length of conduit is approximately 500 feet.

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

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

Place of use - Sw. 1/4 Sec. 35 - T. 46 N. - R. 5 E. - S. 1/2 Sec. 35 -

Ninth: Remarks: That works required under this permit have been completed and water is being applied to purposes mentioned in permit.

C. L. Herrick

(Sign here)

Subscribed and sworn to before me this 23rd day of February, 1926.

My commission expires

July 30, 1929

J. A. Wayne
Notary Public.
in and for the State of Idaho, residing
at Wallace, Idaho.

16402

December 21, 1926

Re: Permit No. 16402

MR. JAMES A. WAYNE
Attorney at Law
Wallace, Idaho

Dear Sir:

I have your letter of December 17th, relative to changes or corrections in the original application for permit of the Atlas Mining Company, as same was prepared by Mr. Greenough.

I have compared the permit as recorded here with the map filed and find there still appears to be discrepancies in the various legal descriptions locating features of the permit.

In the first place, the map filed shows clearly that the point of diversion is located on the Northwest quarter of the Southeast quarter of Section 35, Township 48 North, Range 5 East, Boise Meridian. For some reason description of point of diversion as recorded in the permit is Northeast quarter of Southeast quarter, same section. Location of point of diversion will be changed to read Northwest quarter of the Southeast quarter, Section 35.

The only point of use designated on the map filed is on the Southeast quarter of the Northwest quarter. The point of use was changed on the application to read Southeast quarter of the Northwest quarter and Southwest quarter of the Northeast quarter inasmuch as Little Giant Creek crosses these two legal subdivisions.

For point of return, it would appear that the original application must have been erroneous in stating that any water would be returned to Little Giant Creek in the Southeast quarter of the Northeast quarter of Section 36, inasmuch as the creek does not cross that legal subdivision, according to the map filed.

16402

Page 2,

December 21, 1925.

MR. JAMES A. WAYNE,

All of the foregoing corrections are relatively unimportant with the exception of the location of the point of diversion. This legal subdivision should be shown correctly.

If at the time proof papers are submitted, there are found to be other discrepancies, they will be reconciled.

Very truly yours,

Assistant Commissioner
of Reclamation

GNC:E
CC: Mr. Greenough

16402

JAMES A. WAYNE
ATTORNEY AT LAW
WALLACE, IDAHO

December 17
1925

Hon. W. G. Swendsen
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

The Atlas Mining Company has handed me their Permit No. 16402 which was approved by the Commissioner of Reclamation on December 2, 1925.

Before approving this your office made certain corrections in red ink, namely: paragraph 6, the description which read SE $\frac{1}{4}$ of NE $\frac{1}{4}$ was changed to read SE $\frac{1}{4}$ of NW $\frac{1}{4}$; and in the same paragraph, subdivision c, where the place of return of water to Little Giant Creek is said to be in the S.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ and S.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$, the last mentioned subdivision is stricken out by a red line drawn through it.

It may make no difference, but Mr. Greenough who has this matter in charge for the Atlas Mining Company, desired me to advise you that both of these descriptions were correct as originally given in the permit, and not as the same was changed in your office.

I may add that the entire works of diversion have now been completed and the water has been appropriated, brought to the place of use, and is now being used; so it may be that the matter may safely rest until sometime next spring when we will make our proof of completion of works.

Another matter which I think it wise to call to your attention; in your approval on this permit you require work to begin on or before January 31, 1925, when I assume the intention was to give the date as January 31, 1926.

Yours very truly,

James A. Wayne

JAWc

16402



Permit - P.O.L. NESE.
map " NWSE.

Permit - P.O.M. - SWNE
SE NW 35-
map SE NW

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

Permit No. 16402

Atlas Mining Co.,
Box 33,
Mullan, Idaho

Boise, Idaho,

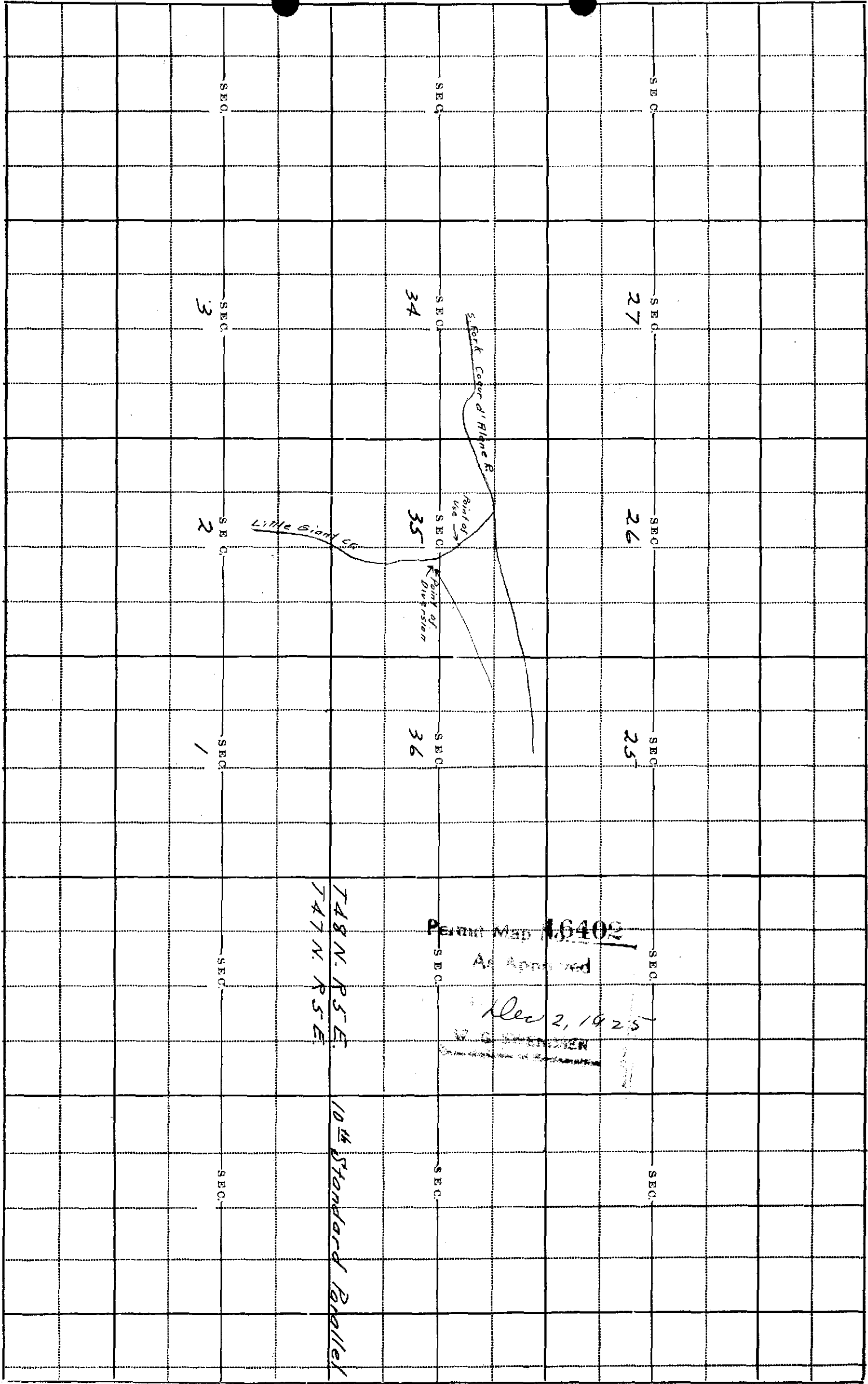
December 4, 1925

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.

W. C. SWENDSEN
Commissioner of Reclamation.

16402



GOLD HUNTER MINES. INCORPORATED
SUCCEEDING

THE GOLD HUNTER MINING & SMELTING CO.

EASTERN OFFICE
516 E. 28th STREET
CHICAGO, ILL.

MULLAN, IDAHO
Nov.28,1925.

Dept.of Reclamation,
Boise,Idaho.

Gentlemen:

I am enclosing application for permit to appropriate water,copy of same and three maps. I am supposing that we will receive the copy and one of the maps back for our files. I also enclose adollar bill pinned to this letter.

Yours truly

ATLAS MINING COMPANY,

By

R. A. Herick
Manager

CLH

P.O.Box 33,Mullan,Idaho.

16402