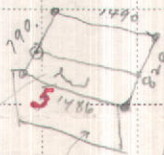


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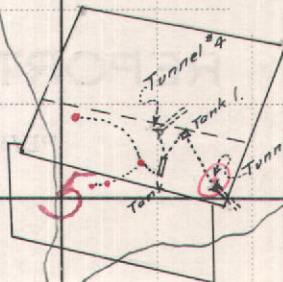
6

#3



Chas. J. Peck

Unsurveyed Section
T48N. R4E. B.M.



2 Mile Creek
(Approx. location)

6

7

8

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 10 a. m. on the 1st day of September, 1923, at Wallace, Idaho, County of Shoshone, State of Idaho, before Walter B. Heitfeld, Notary Public, proof will be submitted of the application to beneficial use of 4.6 cubic feet per second of the waters of (1) Tamarack No. 3 tunnel, (2) Tunnel No. 4 in accordance with the terms and conditions of Permit No. 15645 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 Tamarack & Custer Consolidated Mining Company.

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

The amount applied to beneficial use is 4.6.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) at the No. 1 Il Medico Lode Claim, Mineral Survey No. 2713.

The name of the canal or ditch or other works by which said water is conducted to such place of use are Tunnels No. 3 and 4.

The right to take water from such works is based upon Permit No. 15645.

The source of supply from which such water is diverted is Tamarack No. 3 and No. 4.

The date of the priority which said user is prepared to establish is February 27, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation.
W. Aug. 3-10-17-24-31, 1923.

J. M. Shivers

.....being first duly sworn, deposes and says that he is the *Manager/ Clerk* of the Press-Times Publishing Company, publishers of the Weekly Press-Times, a weekly newspaper published at Wallace, County of Shoshone, State of Idaho, and which has been published for more than 52 consecutive weeks immediately preceding the date of the first publication the attached notice that the

Notice of which a copy is hereunto attached, was first published in said newspaper in its issue dated the *3rd* day of *August* A. D. 19*23* and was

published each succeeding issue of said newspaper for the full period of *5 times* weeks, the last publication thereof being in the issue dated the *31st* day of *August* A. D. 19*23*

J. M. Shivers

Subscribed and sworn to before me this *31st* day of *August* A. D. 19*23*.

Julius O'Rourke
Notary Public.

15645

License and Certificate of Water Right

Water License No. 15645
Water District No. 91-C

Amount 4.6 sec. ft.
Priority 2-27-23

THIS IS TO CERTIFY that Tamarack & Cuarter Consolidated Mining Company of Wallace, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 2, 1922; that Permit No. 15645 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4.6 second feet, was issued thereunder on October 28, 1924, showing that said works were completed on the 15th day of May, 1923; and that on the 1st day of September, 1923,

Tamarack and Guster Consolidated Mining Company

of Wallace, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Tamarack Tunnel
Nos. 1 and 2, a tributary of _____, for the purpose of fire protection,
domestic and mining purposes, under Use Permit No. 15645 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 3212, on the 28th day of October, 1924;

The right hereby confirmed dates from February 27, 1923;

The Point of Diversion is located N. 27° 32' E. 1504.8 ft. distant from No. 1
 IL. Lode Claim - Mineral Survey #2713
 in the 1/4 Sec. , Tp. , R. , B. M.

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 4.6 cubic feet per second.

Description and location of use: No. 1-IL Hedding Lodge Claim-Mineral Survey #2713

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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 28th day of October, 1924

W. G. SWANSON
Commissioner of Reclamation.

94 2120

APPLICATION FOR PERMIT 94-2120

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 22229
Permit No. 15645
District No. 91-C

1. Name of Applicant: Tamarack & Custer Consolidated Mining Company,
Postoffice address: wallace, County: Shoshone, State: Idaho.
 I. If applicant is a corporation, give:
 (a) Date and place of incorporation: Nevada Corp. incorp. on 30th day of July, 1912 and
 (b) Amount of capital stock: \$2,000,000.00/registered as a foreign corporation in Idaho, 1912
 (c) Amount paid in: \$1,876,288.00
 (d) Names and addresses of directors: Jerome J. Day, wallace, Harry L. Day, wallace, Ramsay M. Walker, wallace, Axel P. Ramstedt, wallace, E.H. Knight & Frank M. Rothrock, Spokane, Wash and Edward Boyce, Portland, Oregon.
 II. The financial resources of the applicant are:
 (a) Cash on hand: plenty to develop this water right.
 (b) Treasury stock:
 (c) Bonds to be issued:
 (d) Other resources:
2. Quantity of water claimed: (1) 3; (2) 1.6 cubic feet per second.
 (1) Tamarack No. 3 Tunnel
3. Source of water supply: (1) Tamarack No. 3 Tunnel which is a tributary of
 (2) No. 4 Tunnel - Water Tunnel
4. Location of point of diversion: N. 27° 32' E. 1504.8 feet distant from the No. 1
 IL Medico Lode Claim-Mineral Survey No. 2713.
 corner of Section , T. , R. , B. M., and is in the
 of Section , T. , R. , B. M., County of Shoshone.
5. Water is to be used for: domestic, fire protection and mining purposes
6. If for mining, milling, power or manufacturing purposes, give:
 (a) Point of use of water: as shown/ on map 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: \$ 10,000.00
8. Kind of works: 6" C.I. Pipe line 6" C.I. Pipe-4" wood-stave pipe.
9. Height of dam feet; length of dam at top feet; length of dam at bottom
 feet; material used in dam
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 6" - 4" inches; length of conduit 0.21 - 0.46 miles.
 Average grade per mile 1664 -- 239 feet
12. The time required for the completion of such work is 6 months. ~~years~~
13. The time required for the complete application of the water to the proposed use is no 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:

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

Tamarack & Custer Consolidated Mining Co. Applicant.

By Jerome J. Day, President. *Agent.*

Date of first receipt at Department of Reclamation. 9 A. M. November 2, 1922.

Returned to applicant for correction.

Corrected application received.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 15645
Recorded in Book 56 Page 15645 Approved November 6, 1922.
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 January 5, 1923, 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 February 6, 1923.
The whole of said work to be completed on or before May 6, 1923.
Beneficial use of water appropriated in accordance herewith, to be made on or before May 6, 1923.

Witness my hand this 6th day of November, 1922.

W. G. SWENDSEN
Commissioner of Reclamation.

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	
			39.5 x 11.5 ft. Depth 6.4 ft.				15 x 11.5 ft. Depth 12 ft.				15 x 11.5 ft. Depth 12 ft.				8 x 80 ft. Depth 6 ft.				
S T A T E O F I D A H O D E P A R T M E N T O F R E C L A M A T I O N																			
In the Matter of Reinstatement) of Permit No. 15645, under the) <u>ORDER REINSTATING PERMIT</u> Provisions of Section 5594,) Compiled Statutes of Idaho.)																			
WHEREAS, Permit No. 15645 lapsed through failure of the holder to make proof of completion of works by May 6, 1923, and																			
WHEREAS, On February 5, 1923, regular notice was mailed to the applicant that such proof would be due on May 6, 1923, and																			
WHEREAS, On July 26, 1923, notice was mailed to the applicant giving notice that said permit would be cancelled unless the holder offered proof on or before forty days from the date of the notice, to show cause why such permit should not be cancelled, and																			
WHEREAS, On September 1, 1923, depositions of the holder and two witnesses were filed in the Department of Reclamation of the State of Idaho, said depositions showing that the works of diversion were fully completed within the time required and that the applicant had acted in good faith.																			
IT IS, THEREFORE, Hereby ordered that said Permit No. 15645 be and the same is hereby reinstated and that the Certificate of Completion of Works be issued to the applicant herein.																			
IN WITNESS WHEREOF, I have herunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 28th day of October, 1924.																			
(SEAL)																			
W. C. SWENDSEN Commissioner of Reclamation																			

Completion of works made September 1, 1923.
Certificate of Completion of Works issued October 28, 1924.

Permit No. 15645
CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Tamarack and Custer Consolidated Mining Company of Wallace, County of Shoshone, and State of Idaho, the holder of Permit No. 15645, issued upon Application No. 22229 bearing date of priority of November 2, 1922, authorizing the diversion of 4.6 second feet of the waters of Tamarack Tunnels Nos. 3 and 4, County of Shoshone, State of Idaho, for fire protection, 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 4.6 second feet of the waters of Tamarack Tunnels Nos. 3 and 4, that the point of diversion of said waters is located N. 27° 32' E. 1504.8 feet distant from No. 1 Medico Lode Claim-Mining Survey No. 2713, and that the place of use of said water is at No. 1 IL Medico Lode Claim-Mineral Survey No. 2713.

Witness my hand this 28th day of October, A.D. 1924.

W. C. SWENDSEN
Commissioner of Reclamation

ENCLOSURE ISSUED FOR 4.6 SEC. FT.

Page 3212

October 28, 1934

Re: Permit No. 15645-
Tamarack & Ouster Consolidated Mining Co.

Mr. John H. Wourms
Attorney at Law
Wallace, Idaho

Dear Sir:

We are enclosing herewith Order
Reinstating Permit, Certificate of Completion
of Works and Water license, issued under the
above numbered permit, together with receipt
for fees paid.

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

15645

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of Reinstatement
of Permit No. 15645, under the
Provisions of Section 5594,
Compiled Statutes of Idaho.

ORDER REINSTATING PERMIT.

WHEREAS, Permit No. 15645 lapsed through failure of the holder to make proof of completion of works by May 6, 1923, and,

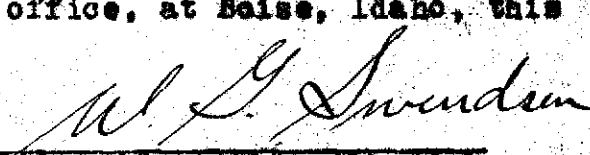
WHEREAS, On February 5, 1923, regular notice was mailed to the applicant that such proof would be due on May 6, 1923, and,

WHEREAS, On July 26, 1923, notice was mailed to the applicant giving notice that said permit would be cancelled unless the holder offered proof on or before forty days from the date of the notice, to show cause why such permit should not be cancelled, and

WHEREAS, On September 1, 1923, depositions of the holder and two witnesses were filed in the Department of Reclamation of the State of Idaho, said depositions showing that the works of diversion were fully completed within the time required and that the applicant had acted in good faith;

IT IS, THEREFORE, Hereby ordered that said Permit No. 15645 be and the same is hereby reinstated and that the Certificate of Completion of Works be issued to the applicant herein.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 28th day of October, 1924.


Commissioner of Reclamation

15645

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 15645

This proof is for Beneficial Use

In Water District No. 91-0

1. Name of applicant: Tamarack & Custer Consolidated Mining Co.
2. Source of water supply: Tamarack No. 3 Tunnel & Tunnel No. 4
3. Location of point of diversion: Is near N. 27° 32' E., 1504.8' dist. from No. 1, Medico-Lode
Claim, Min. Sur. #2713.
- T. _____ R. _____ County of _____

4. Describe works as they exist, giving dimensions and capacities of same: Immel #3 flows
about .04 Sec. Ft. discharging into 6" iron pipe 200 ft. to tank 1 which is
12' x 16' x 8' built of heavy timber & plank. This discharges to lower tank (2) via
200' 4" pipe; Immel #4 flows 4 S.F. Max thru 200 ft. 4" wood pipe to Tank 2 which is
8' x 90' x 6' deep. Water is piped thence to fire hydrants by 1300 ft. of iron pipe of
12" to 4" diameter

5. Water is used for: Fire protection

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): Place of use at No. 1 IL Medico Lode Claim, Min. Sur. #2713.

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

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

Remarks: _____

This examination was made on the 4th day of June 1924

(Signed) _____

Examiner.

15645

Permit No. **15645**

Examination for **BENEFICIAL USE**

County **SHOSHONE COUNTY**

INSTRUCTIONS TO EXAMINERS

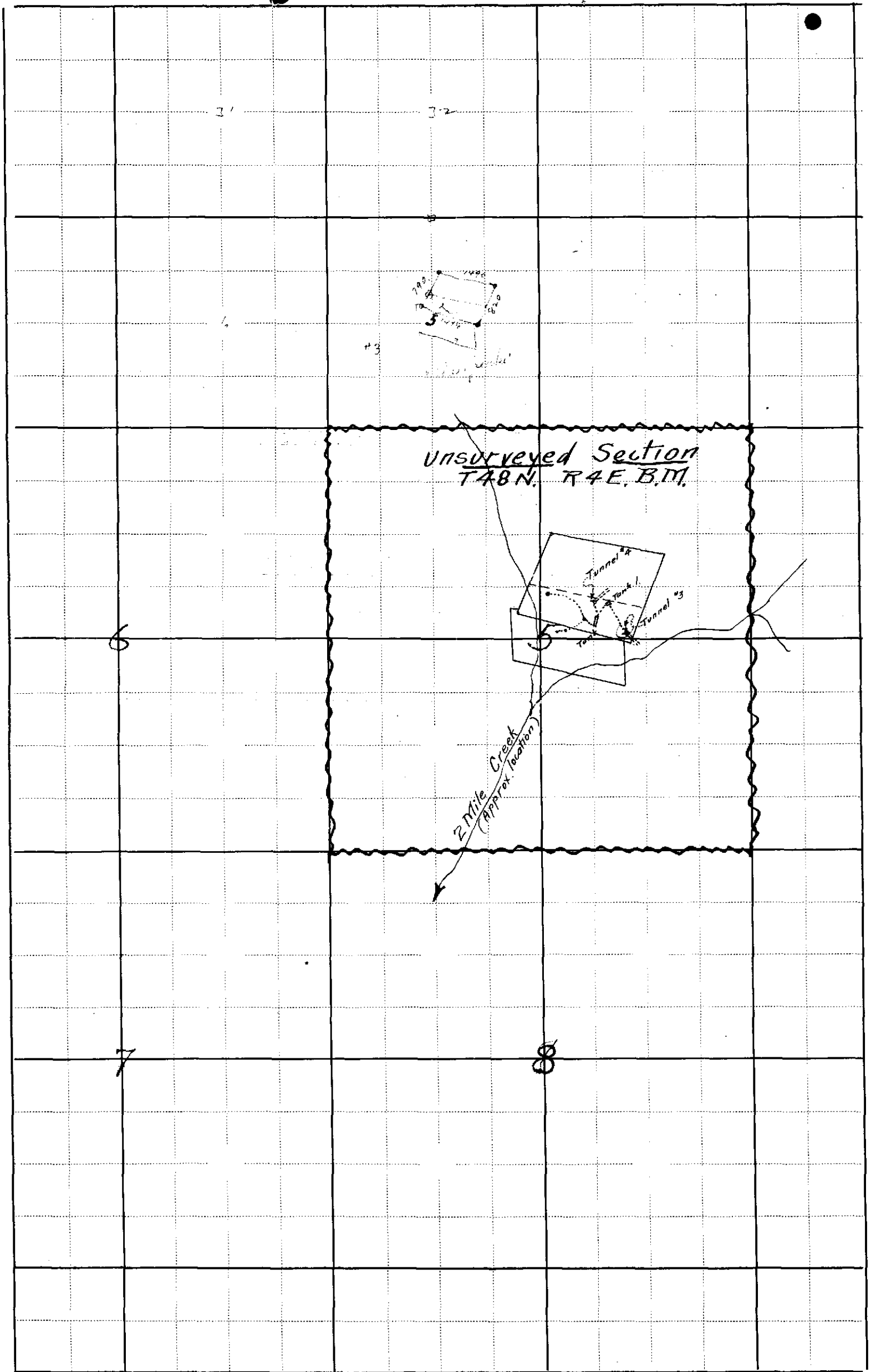
1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the 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. 15645

REPORT ON PROOF OF BENEFICIAL USE



September 10, 1923.

Re: Permit No. 15645-
Tamarack & Custer Cons. Mfg. Co.

Mr. John H. Wourms,
Attorney at law,
Wallace, Idaho.

Dear Sir:-

We are in receipt of your letter enclosing depositions, affidavit of publication and fees, in the sum of \$10.00, for proof of completion of works and beneficial use of water under the above numbered permit. These are in proper form and will be held, without further action, pending the examination and report of our engineer, after which certificate and license will issued

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

By

Chief Clerk.

15645

JOHN H. WOURMS
WALLACE, IDAHO

September 1, 1923.

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

Dear Sir:

Enclosed herewith please find the Proof of Completion of Works by the Tamarack & Custer Consolidated Mining Company, under Permit No. 15645, as follows:

Deposition of Jerome J. Day, President and General Manager of the corporation;

Deposition of Harry M. Walker, the man under whose supervision the works were completed;

Deposition of Andrew T. Jenkins, who has examined the works and is conversant with the facts;

Also Proof of Publication of a Notice, made by the Press-Times Publishing Company of Wallace, Idaho;

together with Post Office Money Order for \$10.00, in payment of your fees.

Kindly file these documents and issue license, according to law.

Thanking you for past favors, I remain

Very truly yours,

John H. Wourms,
ack

JHW:O'R

Encs.

15645

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 10 a. m. on the 1st day of September, 1923, at Wallace, Idaho, County of Shoshone, State of Idaho, before Walter E. Heltfeld, Notary Public, proof will be submitted of the application to beneficial use of 4.6 cubic feet per second of the waters of (1) Tamarack No. 3 tunnel, (2) Tunnel No. 4 in accordance with the terms and conditions of Permit No. 15645 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 Tamarack & Custer Consolidated Mining Company.

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

The amount applied to beneficial use is 4.6.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) at the No. 1 Il Medioo Lode Claim, Mineral Survey No. 2713.

The name of the canal or ditch or other works by which said water is conducted to such place of use are Tunnels No. 3 and 4.

The right to take water from such works is based upon Permit No. 15645.

The source of supply from which such water is diverted is Tamarack No. 3 and No. 4.

The date of the priority which said user is prepared to establish is February 27, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation.
W. Aug. 3-10-17-24-31, 1923.

J. M. Shivers

being first duly sworn, deposes

and says that he is the *General Clerk* of the Press-Times Publishing Company, publishers of the Weekly Press-Times, a weekly newspaper published at Wallace, County of Shoshone, State of Idaho, and which has been published for more than 52 consecutive weeks immediately preceding the date of the first publication the attached notice that the

Notice of which a copy is hereunto attached, was first published in said newspaper in its issue dated the *3rd* day of *August* A. D. 19*23* and was

published each succeeding issue of said newspaper for the full period of *5* weeks, the last publication thereof being in the issue dated

the *31st* day of *August* A. D. 19*23*

J. M. Shivers

Subscribed and sworn to before me this *3rd* day of *August* A. D. 19*23*

Julius C. Rourke
Notary Public.

15645

PERMIT NO. 15645

PROOF OF COMPLETION OF WORKS

DEPOSITION OF HOLDER.

Ques. State your name, age, residence, occupation and post-office address.

Ans. My name is Jerome J. Day. My age is 47 years, residence Moscow, Latah County, Idaho. Occupation: Mining. My Postoffice address for Tamarack & Custer Consolidated Mining Company business is in Wallace, Shoshone County, Idaho.

Ques. 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. I am President and General Manager of the Tamarack & Custer Consolidated Mining Company, a corporation organized under the laws of the State of Nevada, and registered as a foreign corporation under the laws of the State of Idaho. Its principal business is transacted at Wallace, Shoshone County, Idaho. I have charge of all the affairs of the corporation.

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

Ans. The number of the Permit is 15645. It authorizes the diversion of 4.6 cu. ft. per second. The source of the water is from the Tamarack & Custer Consolidated Mining Company No. 3 Tunnel, amounting to 3 cu. ft. per second, and from the Tamarack & Custer Consolidated Mining Company No. 4 Tunnel, amounting to 1.6 cu. ft. per second.

Ques. State the purpose for which water is to be used.

Ans. The water is to be used for domestic purposes at the Boardinghouses and dwellings of the Tamarack & Custer Consolidated Mining Company, and as fire protection for the works and dwellings,

bunk-houses, boarding houses of the Company, and for such mining purposes as may be required.

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

Ans. The water has been turned into the works of diversion. The pipe line from the No. 3 Tunnel, shown on the map, was completed about August 1, 1923. The line, shown on the map, as a 4" wood stave pipe line, connecting two tanks, indicated on the map, was not fully completed until a few days ago.

Ques. State whether or not the works of diversion are fully completed, if so on what date, and whether or not they comply with the terms of the permit.

Ans. The works of diversion have been fully completed. The line connecting the tank with the No. 3 Tunnel, as shown on the map filed with the application, was completed about August 1, 1923. The line hereinbefore mentioned, described as a 4" wood stave pipe line, connecting two tanks, shown on the map filed with the application, was not fully completed until a few days ago. The works fully comply with the Permit. There is however, one respect in which a change was necessary. The 4" wood stave pipe line, connecting the two tanks, described as 4" in diameter, was replaced by a 6" iron pipe, it being impossible, within the time, to secure a wood pipe.

Ques. Give the description of the works and state dimensions and capacity of each part as they existed on September 1, 1923, and give cost of same.

Ans. The water appropriated under Permit No. 15645 is used in connection with a water right on the East Fork of Nine Mile Creek, located in 1889, as shown by the records of Shoshone County, and purchased by the Tamarack & Custer Consolidated Mining Company. This

water is conveyed from the point of diversion on the East Fork of Nine Mile Creek through an 8 inch wood stave pipe line to a tank, indicated on the map filed with the application. There is also used with the water appropriated under this permit the waters produced by a small tunnel, indicated near the top of the map filed with the application, under which this permit is issued, which tunnel was driven by the Tamarack & Custer Consolidated Mining Company for the purpose of securing pure water for domestic purposes. The water from this tunnel is conveyed to a tank, as indicated on the map filed with the application, from whence it is distributed to the dwellings and other houses at the works of the Tamarack & Custer Consolidated Mining Company. The water from the East Fork of Nine Mile Creek, which was located in 1889, is emptied into a tank, indicated on the map filed with the application 15 feet long, 11.5 feet wide and 12 feet deep. The overflow from this last mentioned tank is carried by a 6 inch pipe line to a tank, indicated on the map filed with the application, which tank is 8 feet wide, 80 feet long, and 6 feet deep.

The water under Permit No. 15645 from the No. 3 Tunnel is conducted to a tank by an iron pipe 6 inches in diameter. The dimensions of this tank are 15 feet in length, 11.5 feet in width and 12 feet deep. The overflow from this last mentioned tank is also conducted by a 6 inch iron pipe to the same tank which receives the overflow of the East Nine Mile Creek water right, and which is of the dimensions hereinbefore described, as follows, to wit: 8 feet wide, 80 feet long and 6 feet deep.

The recent construction, for the purpose of diverting the waters appropriated under Permit No. 15645, has cost approximately \$5000.00,

and the construction of the entire water system, which I have just described, I estimate must have cost at least \$25,000.00. Some of this expenditure, of course, was made years ago.

James J. Day

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, in Wallace, County of Shoshone, State of Idaho, on this 1st day of September, A. D. 1923.

Walter B. Reiffeld

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

My Commission expires

October 2, 1923

PERMIT NO. 15645.

PROOF OF COMPLETION OF WORKS

DEPOSITION OF WITNESS.

Ques. State your name, age, residence, occupation and post-office address.

Ans. Harry M. Walker; 52; I reside at the Tamarack Mine, and my address is Gem, Idaho, c/o Tamarack Mine, and I am Master Mechanic.

Ques. Are you acquainted with the Tamarack & Custer Consolidated Mining Company, the holder of Permit No. 15645, authorizing the diversion of 4.6 cu. ft. per second of the waters produced by No. 3 and No. 4 Tunnels, and the water tunnel, of the Tamarack & Custer Consolidated Mining Company for fire protection, domestic use and mining purposes, and the President and General Manager, Mr. Jerome J. Day. How long have you known him and where does he reside.

Ans. I have been working for the Tamarack & Custer Consolidated Mining Company for about eight years. I have been well acquainted with the applicant ever since that time. I have known Jerome J. Day, its President and General Manager for about eight years. I understand that Jerome J. Day resides at Moscow, Latah County, Idaho. The Post office address of the Tamarack & Custer Consolidated Mining Company, and of Jerome J. Day, its President and General Manager, for business connected with the Company, is at Wallace, Shoshone County, Idaho.

Ques. Have you read or heard read said Permit No. 15645, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 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? If so, when were they so completed.

Ans. The works of diversion were completed prior to August 1, 1923; I do not recall the exact date, that is, the 6 inch iron pipe shown on the map filed with this Permit, conducting the water from No. 3 Tunnel to tank, was fully completed at that time. This made the water available for use. The line, shown on the map filed with this permit, as a 4 inch wood stave pipe line was not completed until this past week, but this did not prevent the use of the water in the general system but is to take care of the overflow and store it for fire protection purposes.

Ques. Describe the works of diversion as they existed on the date stated in answer to the preceding question, and give your estimate of their capacity on that date.

Ans. There is a wooden flume from the portal of No. 3 Tunnel, shown on the plat, to the point indicated where the 6 inch iron pipe line begins.

There is a tank at the point indicated on the map as "tank" at the other extremity of the 6 inch iron pipe line. That tank is 15 feet long, 11.5 feet wide and 12 feet deep.

The 4 inch wood stave pipe line, connecting the tank last described, with the tank at the other end of said line, was replaced by a 4 inch iron pipe, the wood pipe not being available. This tank is 8 feet wide 80 feet long and 6 feet deep.

The water from the No. 4 Tunnel is diverted by a 4 inch line and empties into a pipe line which was in existence when I started to work. In fact, this water, which is appropriated under Permit No. 15645, forms part of the general water system established by the Tamarack & Custer Consolidated Mining Company for the purpose of furnishing water for the residences and company houses at the plant of the Tamarack, for fire protection for the plant and the houses, and for use for such mining purposes as may from time to time be necessary.

According to the records of the company a part of the waters used for the purposes just described were located as early as 1889 and were purchased by the Company. These waters are taken from the East fork of Nine Mile Creek and are conveyed in an 8 inch wood stave pipe line.

There is also a water right which is used in connection with the recent appropriation which conveys water from a tunnel, which is represented at the upper portion of the map filed with this Permit, and labelled "Water Tunnel", which I have been advised was driven for the sole purpose of getting pure water for domestic purposes, and the overflow of the tank is also conducted to the general water system hereinbefore described. The water tunnel is connected with a tank, as indicated on the map, by a 4 inch part iron and part wood stave pipe line. This was also located before my connection with the Company.

In my judgment the works of diversion are ample to carry the water diverted and were so in the latter part of July, although the overflow from the original tank has only been conserved within the last week.

In my judgment the cost of the works would approximate the sum of \$5000.00.

Harry M. Walster

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 Wallace, County of Shoshone, State of Idaho, on this 1st day of September, A.D. 1923.

Walter B. Deifeld
Notary Public in and for the State of
Idaho, residing at Wallace, Idaho.

My commission expires

October 2, 1923

PERMIT NO. 15645

PROOF OF COMPLETION OF WORKS.

DEPOSITION OF WITNESS.

Ques. State your name, age, residence, occupation and post-office address.

Ans. Andrew T. Jenkins; 48; I reside in Wallace, Idaho, and I am an Engineer.

Ques. Are you acquainted with the Tamarack & Custer Consolidated Mining Company, the holder of Permit No. 15645, authorizing the diversion of 4.6 cu. ft. per second of the waters produced by No. 3 and No. 4 Tunnels, and the water tunnel, of the Tamarack & Custer Consolidated Mining Company for fire protection, domestic use and mining purposes, and the President and General Manager, Mr. Jerome J. Day. How long have you known him and where does he reside?

Ans. I have been working for the Tamarack & Custer Consolidated Mining Company a little over ten years. I have been well acquainted with the applicant ever since that time. I have known Jerome J. Day, its President and General Manager for about thirty-five years. The residence of Jerome J. Day is at Moscow, Latah County, Idaho. The post office address of the Tamarack & Custer Consolidated Mining Company, and of Jerome J. Day, its President and General Manager, for business connected with the Company is Wallace, Shoshone County, Idaho.

Ques. Have you read or heard read said Permit No. 15645, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 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? If so, when were they so completed?

Recd. Sept. 4, 1923 1.

15645

Ans. In my judgment, the works of diversion were fully completed some days before August 1, 1923, the exact date I am not able to fix. The pipe line shown on the plat filed with this application, and described as a 6 inch iron pipe line, connecting No. 3 Tunnel with a tank, was completed before that date, and also the pipe connecting the No. 4 tunnel with that pipe line was completed before that date.

The pipe line connecting the two tanks, one at the end of the pipe line from the No. 3 tunnel, and the other some distance in a southwesterly direction from the same, as shown by the map, was not completed until the latter part of this week. This pipe line, however, was not necessary for the purpose of diverting the water, but simply for conserving the water or overflow from the original tank and store the same for emergency purposes.

Ques. Describe the works of diversion and they existed on that date stated in the answer to the preceding question, and give your estimate of their capacity on that date.

Ans. The works of diversion consisted of an iron pipe 6 inches in diameter, connecting the No. 3 tunnel, shown on the map, with the tank shown on the map, and at the latter part of this week also connecting the tank at the end of the 6 inch iron pipe with the tank southwesterly thereon, hereinbefore described, and also the No. 4 tunnel with the old pipe line, and in my judgment was ample to conduct all the water from the point of diversion to the point of intended use.

The water from No. 4 Tunnel was diverted by a 4 inch iron pipe and is connected with the old water system of the Tamarack & Custer Consolidated Mining Company.

The water appropriated under Permit No. 15645 is in addition to a water system in use at the Tamarack Mine, long before I became connected with the Company. I am advised that the water pipe indicated on the map as an 8 inch wood stave pipe line, which conducts the waters from East

Nine Mile Creek to the points of use at the plant of the Company was located as early as 1889 as shown by the records of Shoshone County, and was purchased by the Tamarack & Custer Consolidated Mining Company years ago.

Years ago, the Tamarack & Custer Consolidated Mining Company drove a tunnel, indicated at the upper end of the plat filed with this application, known as "The Water Tunnel" for the purpose of securing pure water for domestic purposes, and this water is conducted from said tunnel by a 4 inch part iron and part wood stave pipe line and also forms a part of the general water system of the Tamarack & Custer Consolidated Mining Company.

In my judgment the works of diversion are ample to carry the water diverted and were so in the latter part of July, although the overflow from the original tank, at the end of the 6 inch iron pipe line conducting the water from No. 3 Tunnel, was not conserved until the latter part of this week.

In my judgment the cost of the works for diverting the water claimed under Permit No. 15645, including the pipe and cost of construction, would amount to anywhere from \$5000.00 to \$6000.00.

Andrew M. Jenkins

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Wallace, County of Shoshone, State of Idaho, on this 1st day of September, A.D. 1923.

Walter R. Deifeld
Notary Public in and for the State of
Idaho, residing at Wallace, Idaho.

My commission expires

October 7, 1923

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

~~PROOF OF COMPLETION OF WORKS~~
~~AND~~
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO,

August 15, 1923.

Tamarack & Custer Consol. Ming. Co.,
c/o Walter B. Heitfeld,
Wallace, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. 15645.

DEPOSITION OF PERMIT HOLDER.

DEPOSITIONS OF TWO WITNESSES.

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

1. On September 1, 1923, the date set for proof, the enclosed forms (^{one}~~two~~ for permit holder and ^{one}~~two~~ each for two disinterested witnesses) should be filled out and sworn to, at Wallace, Idaho before Walter B. Heitfeld, 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,

W. G. SWENDSEN.

State Engineer.

15645

JOHN H. WOURMS
WALLACE, IDAHO

August 2, 1923.

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

Dear Sir:

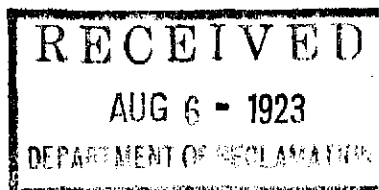
Inclosed herewith please find my appearance in the matter of the water permit No. 15645, issued to the Tamarack & Custer Consolidated Mining Company. The notice for hearing I see is being published in the Wallace Press times and on September 1 we will make proof of completion of works and of application of the water to a beneficial use.

Thanking you for past favors, I remain

Yours truly,

John H. Wourms

JHW-C
En. (1)



15645

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

Dear Sir:

Receipt of notice that Permit No. 15645
is held for cancellation, under the provisions of Sec-
tion 5594, Compiled Statutes of Idaho, is acknowledged.

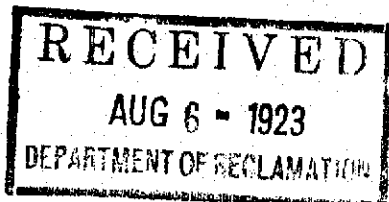
I hereby enter an appearance and will offer
proof to show that the works required thereunder were
fully completed on the date proof of completion of
works was due.

Dated at Wallace Idaho, this 25th
day of July, 1923

Tamarack & Custer Consolidated Mining Co.

Applicant

By John H. Housine
Agent



15645

July 26, 1923.

Re: Permit No. 15645
Tamarack & Custer Consol. Mining Co.

Mr. John H. Wourms,
Attorney at Law,
Wallace, Idaho.

Dear Sir:

We are enclosing herewith blanks in the matter of proof of completion of works under the above numbered permit.

In accordance with your request we are today sending the notice for publication to the Wallace Press-times for the required four weeks publication.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation.

By

Chief Clerk.

P. S. Statutory fee of \$5.00 should accompany these blanks when returned.

15645

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

DATE July 26, 1923.

Wallace Press-Times,
Wallace, Idaho.

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to September 1, 1923, the date set for proof, the expense of the publication to be paid by the applicant, Tamarack & Custer Consol. Mining Co., 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.

15645

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) July 26, 1923.

(P. O.) Boise, Idaho.

TO THE STATE ENGINEER:

Boise, Idaho.

Dear Sir:

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

Gannett-Henrichs Consolidated Mining Co.
By John H. Housman
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 OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 1st day of September, 19 25,
at Wallace, Idaho, County of Shoshone, State of Idaho,
before Walter B. Heitfeld, Notary Public, proof will be submitted
of the application to beneficial use of 4.6 cubic feet per second of the
waters of (1) Tamarack No. 3 Tunnel
(2) Tunnel No. 4 in accordance with the terms and conditions of
Permit No. 15645 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.....

Tamarack & Custer Consolidated Mining Company

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

The amount applied to beneficial use is 4.6

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) at the No. 1 IL Medico Lode Claim, Mineral Survey No. 2713.

The name of the canal or ditch or other works by which said water is conducted to such place of use
is are Tunnels No. 3 and 4.

The right to take water from such works is based upon Permit No. 15645

The source of supply from which such water is diverted is Tamarack No. 3 and No. 4.

The date of the priority which said user is prepared to establish is February 27, 1923.

W. G. SWENDSEN.

Commissioner of Reclamation.

15645

91-C
N. 27° 32' E 1504.8' dist.
from No 1 - Medico Lode Claim
min. Sur. #2713

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

..... July 26 1923.

Re: Permit No. 15645

To: Tamarack & Custer Consol. Mining Co.
Wallace, Idaho.

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 15645
to appropriate the Public Waters of the State of Idaho, have not been complied with as to
Proof of completion of works under date of May 6, 1923.

you are hereby notified in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. 15645
is hereby held for cancellation.

You are hereby required to show cause before the Commissioner of Reclamation on or before forty days from
date of this notice why said Permit should not be cancelled.

Said Permit No. 15645 claims the use of 4.6 cubic feet per second of the
Tamarack No. 3 Tunnel
waters of No. 4 tunnel, with point of diversion located
N. 27° 32' E. 1504.8 feet from No. 1 IL Medico Lode Claim, and
was approved November 2, 1922.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this
26th day of July, 1923.

H. G. SWENDSEN
Commissioner of Reclamation.

By _____
Deputy.

15645

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Tamarack & Custer Con.Mining Co., **February 5, 1923.**
Wallace, Idaho.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 15645, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWEEDSEN.

Commissioner of Reclamation.

15645

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS
Tamarack & Custer Con. Mining Co.,
Wallace, Idaho.

Boise, Idaho,
February 5, 1923.

Dear Sir:—

Under the terms of your permit No. 15645.....you are required to complete your diversion works on or before ~~May 6, 1923~~. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

W. G. SWENDSEN,
Commissoner of Reclamation.

15645

JOHN H. WOURMS
WALLACE, IDAHO

22229
October 31, 1922.

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

Dear Sir:

Enclosed herewith please find draft for \$1.40 in payment of the fees for filing application of the Tamarack & Custer Consolidated Mining Company for a permit to appropriate some of the public waters of the State of Idaho.

Thanking you for past favors, I am

Very truly yours,

JHW:O'R
ENC.

John H. Wourms
JHW

15645

October 28, 1922

Mr. John H. Wourms,
Wallace, Idaho.

Dear Sir:-

This office is in receipt of the application of the Tamarack & Custer Co., for permit to appropriate the public waters of the State of Idaho, and the same is now being held in suspense awaiting the payment of fee in the sum of \$1.40. Otherwise we have found the application to be in good form and acceptable upon receipt of fee.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation.

By

October 19, 1922.

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

*Appr OK
File 1-40*

Dear Sir:

Enclosed herewith you will find application by the Tamarack & Custer Consolidated Mining Company for a permit authorizing it to appropriate 4.6 cubic feet per second of the waters of the State of Idaho. The source of this water now is the Tamarack No. 3 and No. 4 Tunnels, and a tunnel driven on Tamarack ground for the purpose of developing water and known as the water tunnel, all of which will be shown on the maps herewith enclosed.

The water hereby appropriated probably, at least as far as the water in No. 3 and No. 4 Tamarack Tunnels is concerned, flowed down Wilson Creek, but since the excavation of these tunnels, Wilson Creek is practically dry, and we had to abandon our appropriation of the waters of Wilson Creek and you will recall, in my former letters, I advised you that the place of intended use had changed, as the water formerly appropriated by this company was used for the purpose of driving fans for ventilating purposes at the portals of the tunnels. Since the installation of compressed air and the excavation of raises, it has not been necessary to drive fans at the portals of the tunnels and the water was no longer useful for that purpose.

However, as the property developed quite a little community grew up about the workings of the property, all of the buildings occupied by this community belonging to the Tamarack Company, and it became necessary to provide water for domestic use and also water for fire protection, as well as water for general mining purposes, and the water appropriated by the application for permit, enclosed herewith, will be used for those purposes.

I have had maps prepared of this company, in accordance with the requirements of law. In order to give you full information, the maps had to be made a little larger than ordinary, but the maps will show the point of diversion of water and the various places of intended use, and I do not believe that an adequate picture of the situation could have been given other than by an extensive map.

WGS-2
10/19/22.

Kindly advise me of the amount of filing fees and other fees incident to this water application and I will remit by return mail.

Thanking you very much for past favors, I remain

Very truly yours,

John H. Warram
aor

JHW:O'R

ENCS.

State of Idaho

DEPARTMENT OF RECLAMATION

Re: Permit No. 15645

BOISE

Tamarack & Custer Consol. Mining Co.,
Wallace, Idaho.

Boise, Idaho, October 10, 1922.

Dear Sir:

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

W. G. SWENDSEN.
Commissioner of Reclamation.

15645