

Name of Applicant Jos. S. Thomas

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Delivered to State
Sept 11/2000

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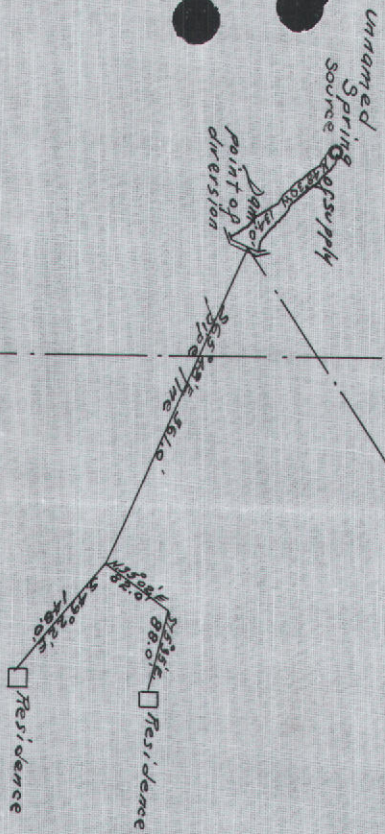
13

10864

NW 1/4 of SE 1/4 S.14

NE 1/4 of SE 1/4 S.14

1/4 Cor.
S. 13-14
T. 48 N. R. 4 E.
B. 17.



10863

Boise, Idaho, November 11, 1914.

Application 15845.

Mr. Jos. S. Thomas,
P. O. Box 111,
Wallace, Idaho.

Sir:--

The above application received and filed.
Same is herewith returned for completion in the
following particulars:

In paragraph 5 of the blank, immediately
following the expression "domestic use" describe the
quarter section in which the water will be used for
domestic use.

In paragraph 7 II (d) of the blank give
the legal description of the quarter sections crossed
by pipe line from spring to point of use.

Submit two copies of the map.

Comply with General Rule III of the Rules and
Regulations, relative to filing on springs.

Very truly yours,

HERBERT WING,

Acting State Engineer.

By _____
Enc. A. 15845-FFR.9835-Rebate 15 cents. RRM.

GB.

10864

County: Shoshone
Stream: Spring
Amount: 1/50 of 1 cubic foot per second
Use: irrigation
Priority: Nov. 10, 1914

10846
1846 ✓

STATE OF IDAHO

Water License No. 10864

WHEREAS, On the 10th day of November, A. D. 1914, Jos. S. Thomas

of Wallace, County of Shoshone, State of Idaho, duly made application (No. 15845) to me for a permit to use two (2) cubic feet per second of the waters of a spring

County of Shoshone, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 11th day of December, A. D. 1914, Permit No. 10864 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 11th day of June, A. D. 1915, and for the application to beneficial use of said water on or before the 11th day of June, A. D. 1915, and,

WHEREAS, On the 10th day of April, A. D. 1915, Jos. S. Thomas

the holder of said permit, duly made proof of the completion of adequate works for the diversion of two (2) cubic feet per second of said waters, as evidenced by my Certificate No. 10864 dated April 29, 1915, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two (2) cubic feet per second of said water with date of priority of November 10, 1914, and

WHEREAS, On the 15th day of June, A. D. 1915, Jos. S. Thomas

the holder of said permit, duly made proof of the application to beneficial use of 1/50 of 1 cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Jos. S. Thomas

of Wallace, County of Shoshone, State of Idaho, the holder and owner of said Permit No. 10864, a perpetual right, dating from November 10, 1914 to the use of 1/50 of 1 cubic foot per second of the waters of a spring,

in the County of Shoshone and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point S. 56° 41' E. 1720.2 feet from $\frac{1}{4}$ Cor. of Secs. 13 - 14, T. 48 N., R. 4 E.B.M.

and conducted to ~~an~~ houses of applicant and used to irrigate about 1.22 acres of garden in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 14, T. 48 N., R. 4 E.B.M.

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 28th day of July A. D. nineteen hundred and fifteen

J. H. SMITH.

(Seal)

State Engineer:

94 2093

No. 15845

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: Joe. S. Thomas

Postoffice address: Wallace

County: Shoshone

State: Idaho.

I. If applicant is a corporation, give

(a) Date and place of incorporation:

(b) The amount of capital stock:

(c) The amount paid in:

(d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

(b) Treasury stock:

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is Two (2) cubic feet per second.

3. Source of water supply: An unnamed spring.

4. Location of point of diversion: 18 S. 56° 41' E. 1720.2 ft. from $\frac{1}{4}$ Cor. of Sec. 13-14 T. 48 N. R. 4 E.B.M.

County of Shoshone

5. To be used for: Domestic purposes. In the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ S. 14 T. 48 N. 5 E.B.M.

I. Irrigation and domestic use: (a) Amount of land to be irrigated:

acres.

(b) In the following legal subdivisions:

II. Mining, milling, power, manufacturing, transportation or other purposes:

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

(c) Is water to be returned to any stream?
return:

(d) If so, name stream and locate point of

6. Estimated cost of works:

7. Description of works for diversion:

I. Kind of works: Dam and pipe line.

II. Dimensions of works:

(a) Height of dam 2 feet, length of dam at top 10 feet,

length of dam at bottom 10 feet. Material used in construction: wood and earth.

(b) Capacity of reservoir acre feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit pipe width at bottom feet,

width at water line feet, depth of water feet; diameter of pipe

3 inches; average grade per mile is feet. Length of conduit is 679.0 feet. and it crosses the following quarter sections: The NW $\frac{1}{4}$ of SE $\frac{1}{4}$ S. 14 and the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ S. 14 T. 48 N. R. 4 E.B.M.

8. The time required for the completion of the construction of such work is already completed years.

9. Time required for the complete application of the water to the proposed use is already in use.
additional years.

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

Joseph S. Thomas

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. Nov. 10, 1914.

Returned to applicant for correction November 11, 1914.

Corrected application received December 5, 1914.

APPROVAL OF STATE ENGINEER

The number of this permit is 10864

Recorded in Book 36

Page 10864

Approved December 11, 1914.

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 February 9, 1915

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 March 11, 1915.

The whole of said work to be completed on or before June 11, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before June 11, 1915.

Witness my hand this 11th day of December, 1914.

Herbert Wing
Acting State Engineer.

Remarks: This spring has been used by the applicant for about twenty (20) years and is used as a supply for two houses and to irrigate a small garden.

The source of supply is well taken care of by the applicant and the pipe line leading from same is in good condition.

The source of supply is upon unlocated public land of the United States.

Proof of completion of works made April 10, 1915.

Certificate of completion issued April 29, 1915.

Permit No. 10864

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that Jos. S. Thomas, of Wallace, County of Shoshone, and State of Idaho, the holder of Permit No. 10864, issued upon Application No. 15845, bearing date of priority of November 10, 1914, authorizing the diversion of two (2) second feet of the waters of an unnamed spring, County of Shoshone, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use two (2) second feet of the waters of an unnamed spring; that the point of diversion of said waters is S. 56°41' E. 1720 ft. from $\frac{1}{4}$ Cor. of Sec. 13-14, E. 48 N., R. 4 E.B.M., and that the place of use of said water is in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 14, T. 48 N., R. 5 E.B.M.

Witness my hand this 29th day of April, A. D. 1915.

J. H. Smith,

State Engineer of the State of Idaho.

License issued for 1/50 of 1 second feet

Page 1846

August 5, 1971

Re: License No. 10864/94-2093 - Jos. S. Thomas

Louis Feucht
Box 556
Wallace, Idaho

Dear Mr. Feucht:

We are enclosing a copy of water License No. 10864/94-2093 in the name of Jos. S. Thomas. This is the only filing we can find on this spring in question. We do not find any other statutory appropriations. Since Idaho has had two methods of appropriation--the constitutional method and the statutory method, it is possible that there are other valid water rights on this spring which have been established under the constitution by diversion of the water and placing it to beneficial use. Your visual observation can assist you in this matter. These rights would be just as valid as any other; however, the burden of proof of the validity is on the parties holding such right.

For any new appropriation of water, since May 20, 1971, a permit must be obtained from the Department before diversion can be made. We are enclosing a set of the Department's application forms and instructions for your use in this matter. If you have a right not covered by a permit or license, but established under the constitution and if there is a history of beneficial use prior to May 20, 1971, we would suggest that you complete and file with us the enclosed claim. If we can assist you further, please contact us.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:cr

Enc: copy of license
application form w/instructions
claim form

94 2093

Wallace, Idaho 83873

Box 556

May 16, 1971

State Of Idaho

Department Of Water Administration
Statehouse- Annex 2
Boise, Idaho 83707

Dear Mr. McEldowney:

In checking back on the information I wrote about in Nov. 18, 1970.

I find there is in question as to the discription of the land. When inquiring about the rigt to the water spring on our land we purchased in Oct. 1, 1968, from Days Minning Co.,

A portion of the Sunshine Lode M. S. 1280 and the Polaris Lode, M.S. 3234, situate in Section 14, Township 48 North, Range 4 East, Boise Meridian, in Placer Center Mining District, Shoshone County, Idaho, more particularly described as follows, to-wit.

Beginning at Corner No. 1 identical with Corner No. 14 of said Sunshine Lode, M. S. 1280; thence N. 53°39' 21'' W. 124.22 ft. to Corner No. 2; thence N. 43°25' E. 225.00ft. to Corner No. 3; thence S. 67°50' 45'' E. 134.31 ft. to Corner No. 4; thence S. 43°50' W. 258.41 ft. to Corner No. 1; the place of begining, containing 0.688 acres, more or less.

The said spring comes out of the ground, the excess flows into Black Cloud creek. The said spring always remains in the same cours

Has any one filed a water right on said spring? If so could you tell me to whom it belongs to?

If there are person or persons using water from said spring, what would I have to do to claim said spring?

Do I have to file a water right on said spring?

Thank you.

Very truly yours,

Louis French

84 2093

Ps.

Is there a water right issued to a J. S. Thomas # 10864?

If so, is this the same spring in question?

Is there two w ater springs on this parcel of land?

What would be the loaction of J. S. Thomas water pound?

We know they don't have a spring on their own parcel of land.

Thank you.

February 15, 1966

RE: License No. 10864
Joe S. Thomas

Mrs. Joe S. Thomas
Box 111
Wallace, Idaho

Dear Mrs. Thomas:

In answer to your inquiry of February 8 you do not have to own the land upon which the spring is located to protect your right. Your water supply is protected by law, and interference with your water right would be illegal.

According to our records the spring is S 56°41'E 1720.2 feet from the $\frac{1}{4}$ corner of Secs. 13-14, T. 47 N., R. 4 E., B.M.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

Donald J. Watts
Office Engineer

DJW mr

10864

RECEIVED

FEB 14 1966

Department of Reclamation

Wallace, Idaho
Feb. 8, 1966

Bureau of Reclamation
Department of Public Works:

OFFICIAL FILE COPY
Rec'd FEB 11 1966

TO	INIT.	DATE
10864		

Dear Sir: 10864

On Nov 10, 1914 (Priority Date).
I was issued a Water License
No. 10864 - which is now
put on record. July 28 - 1915 -
Licenses
in Book 4 Pg. 1 Pg. 1846
1864

I would like to know what
ground this permit covers. In
other words do I own the ground.
Covered by source of spring. At the
time license was issued the
source of supply was upon unlocated
public land of the United States. Since
then a mining claim was located over
it. Also I actually own any ground - say -
10x10 - or 20x20 feet, figuratively speaking.

I would like to purchase
necessary ground to put this spring
if I do not own the source of supply.
Grounds what should I purchase?
I hope I have clarified this
somewhat - would appreciate a reply -

Sincerely,

Mr. J. S. Thomas -
Box 111
Wallace Idaho
83873

December 20, 1939

Re: Permit No. 10864

Mr. John H. Wourms,
Lawyer,
Wallace, Idaho.

Dear Sir:-

We are in receipt of your letter of December 18th,
for the attention of Mr. Harry Dewey, Deputy Com-
missioner.

Mr. Dewey is out of the city for a few days, so I
am taking the liberty of replying to your inquiry.

I have carefully checked our record of the above
numbered permit, and also the tracing accompanying
same, and in both instances the course and distance
is given as S. 56° 41' East 1720 ft. from the quarter
corner common to Sections 13 and 14, Township 48
North, Range 4 East, B. M.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

JLA

By

Chief Clerk

JOHN H. WOURMS

LAWYER
WALLACE, IDAHO

18th December 1939

Department of Reclamation
State House
Boise, Idaho

Attention: Harry Dewey, Deputy Commissioner

Gentlemen:

Your letter of the 15th inst. has been received.

In the third paragraph of your letter you were kind enough to advise me that one J. S. Thomas made application for the appropriation of a spring under permit No. 10864, on which a license was issued for 0.02 second foot with priority of November 10, 1914. The point of diversion being South 56°41' E. 1720 ft. from quarter section corner common to Secs. 14 and 14, Twp. 48 N., R. 4 E. B. M.

I am sorry to trouble you, but it would be a great help to me if you were to ascertain if the course and distance from the point of diversion to the common section corner is S. 56°41' East, or whether it is S. 56°41' West? If it is West, the point of diversion might be close enough to a spring to give Thomas some rights.

I am enclosing herewith stamped envelope for your reply. I know how easy it is to make a mistake in reading a course. It is also easy for the surveyor to make an error in direction. I am sorry to bother you but it is very important that I do know this course and distance.

Very truly yours,

JHW:AHH
Encl-1

John H. Wourms

December 15, 1939

Mr. John H. Wourms,
Attorney for Dayrock Mining Co.,
Wallace, Idaho.

Dear Sir:-

We are in receipt of your letter of December 13th, in which you inquire relative to filings on Black Cloud Creek or a spring on the South side of Black Cloud Creek in Section 14, Township 48 North, Range 4 East, B.M.

Our records do not show any filings on the above named creek in the name of either Edward George, J. F. Thomas, or Joe Thomas. The only live filing on record in Black Cloud Creek is in the name of Oscar B. Wallace- and license was issued under this permit for five (5) second feet, with priority of July 1, 1915.

We do, however, find a filing in the name of J. S. Thomas, on a spring- being Permit No. 10864, on which a license was issued for 0.02 second foot, with priority of November 10, 1914; point of diversion being S. 56°41' E. 1720 ft. from the quarter corner common to Sections 13 and 14, Township 48 North, Range 4 East, B. M.

We trust that the above will give you the information which you seek.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

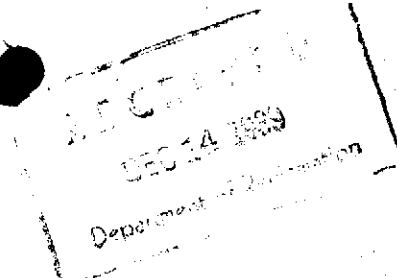
By

Deputy Commissioner

D
A

JOHN H. WOURMS

LAWYER
WALLACE, IDAHO



13th December 1939

Department of Reclamation
State House
Boise, Idaho

Gentlemen:

Kindly advise me if Edward George, and J. F. Thomas or Joe Thomas having during the period of the existence of your department made application to locate or appropriate any water from Black Cloud Creek or from a spring on the South side of Black Cloud Creek in Sec. 14, Twp. 48 N., R. 4 E. B. M., in Shoshone County, Idaho.

The waters of this spring have been used by the residents in that vicinity for a quarter of a century. The spring is located on the Mark Lode, Mineral Survey #3234, belonging to the Dayrock Mining Co., a corporation represented by the undersigned.

The Dayrock Mining Co. is not interested in the controversy that has arisen, except to keep peace in the neighborhood. But the Georges and Thomases are now objecting to others using the water from this spring, although there is more than enough water for all of them. I do not believe that the Georges or Thomases have any more right to the waters of this spring than have the other people in that vicinity.

Kindly let me hear from you with reference to this matter at your earliest convenience.

Yours very truly,

John H. Wourms
Attorney for the Dayrock Mining Co.

JHW:AHH

one filing black cloud creek Oscar B Wallace

Lic. 5 SF Priority 7-1-15

Spring filing # 10864 J.S. Thomas

Licence .02 SF priority 11-10-14

Diversion 55304' E 1720' 1/4 Corn. 13 & 14

48 N - 4 E

10864

Boise, Idaho,
August 3, 1915.

Permit No. 10864

Mr. Joseph Thomas,
Wallace, Idaho.

Dear Sir:

Enclosed herewith find Water License
No. 10864.

Yours truly,

L.

J. H. SMITH,

State Engineer.

By _____

10864

July 1, 1915.

Re Permit 10864.

Joseph S. Thomas,
Wallace, Idaho.

Sir:

We are today in receipt of a satisfactory affidavit from Mr. L. Leighty in regard to your proof. The license will be issued and mailed to you just as soon as we can get to it. This may be a matter of a couple of weeks.

Very truly yours,

J. H. SMITH.

State Engineer.

By _____

10864

AFFIDAVIT OF L. LEIGHTY,

STATE OF IDAHO,)
) ss.
COUNTY OF SHOSHONE,)

L. LEIGHTY, being first duly sworn, on his oath deposes and says:

That he is a duly appointed, qualified and acting Notary Public within and for the County of Shoshone, State of Idaho; that as such Notary Public he was designated by the State Engineer of the State of Idaho as the officer before proof was to be taken in the matter of the application of Joseph S. Thomas for a water right in Placer Center Mining District, Shoshone County, Idaho, permit No. 10864; that affiant was at his office in the City of Wallace, Idaho, between the hours of 8 in the morning and 6 o'clock in the afternoon on the 29th day of May, 1915,- the day on which such proof was to be taken, and that no person, or persons, appeared to protest the said application.

L. Leighty

Subscribed and sworn to before me this 28th day of June,
A. D. 1915.

JOHN P. SHEEHY,
Clerk District Court.

By J. J. Ballouhan
Deputy.

June 22, 1915.

Permit 10864.

Joseph S. Thomas,
Wallace, Idaho.

Sir:

We are in receipt of your depositions, affidavit and money order for fees for final proof under above permit. The report of the engineer was received several weeks ago. In regard to your proof being late would say that you should obtain an affidavit from the notary public taking the proof, showing that he was at his office on the date set for proof and that no one appeared to protest same. Where the expense of the examination is paid by the holder of the permit, no additional charge is made by this office. I am accordingly returning herewith money order for \$2.00.

Very truly yours,

J. H. SMITH,.

State Engineer.

NO-182646

By_____

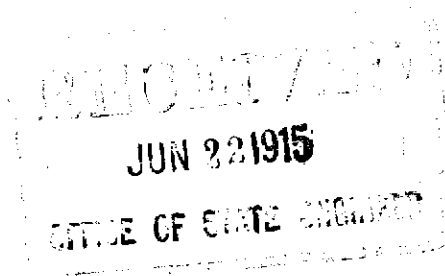
10864

Wallace Ida
June 19, 1915

Mr J. H. Smith
 Boise Idaho

I was not able to
attend to this on account of being
crippled and could not attempt to
it till now. I hope you can make
it all right

Box 111, Joseph S. Thomas



Proof of Publication

JUN 22 1915

State of Idaho

County of Shoshone

ss.

NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 11 a. m. on the 29th day of May, 1915, at Wallace, county of Shoshone, state of Idaho, before L. L. Leighty, a notary public, proof will be submitted of the application to beneficial use of two (2) cubic feet per second of the waters of an unnamed spring, in accordance with the terms and conditions of permit No. 10864 heretofore issued by the state engineer of the state of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is Joseph S. Thomas, Wallace, Idaho.

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

3. The amount applied to beneficial use is two (2) second feet.

4. The place where said water is used is at houses in ne $\frac{1}{4}$ se $\frac{1}{4}$ Sec. 14, T. 48 N., R. 5 E.

5. The right to take the water from such works is based upon Permit No. 10864.

6. The source of supply from which such water is diverted is an unnamed spring.

7. The date of the priority which said user is prepared to establish is November 10, 1914.

J. H. SMITH,
State Engineer.

Apr 29-May 20-4t

E. B. Reitzel

NOTARY PUBLIC

being first duly sworn, on

his oath deposes and says that he is the manager of THE WALLACE MINER, a weekly

newspaper published at Wallace, Shoshone County, State of Idaho, that said newspaper

has a general circulation in said County, that the

Notice for Publication

of which a copy is hereto attached, was first published in said newspaper in its issue,

dated *29th* day of *April* A. D. 191*5*.

and was published in each successive issue of said newspaper for the full period of

four weeks, the last publication thereof being in the issue

dated the *20th* day of *May* A. D. 191*5*.

Subscribed and sworn to before me this

15th day of *June*

A. D. 191*5*.

Thomas McCabe

Notary Public.

1086

PERMIT NO. 10864

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER JUN 22 1915

OFFICE OF STATE ENGINEER

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

Ans. Jos. S. Thomas (miner) 37 years

Black Cloud Wallace, Idaho.

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

Ans.

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

Ans. Permit No. 10864. Date of priority, November 10, 1914.

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

Ans. An unnamed spring, point of diversion bears S. 56° 41' W.

1720.0 feet from $\frac{1}{4}$ Cor. S. 13-14, T. 48 N. R. 5 E. B. M.

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

Ans. Earth and wood dam 2' high and 8' wide, and 3" pipe line
capable of carrying 2 cu. ft. per second.

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

Ans. Domestic supply and to irrigate a garden of 1.22 acres.

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

Ans.

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

Ans. 2 second feet.

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. The water is now in use and has been for several years past,
using the full amount.

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.

(Sign) Joseph S. Thomas

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 15th day of June
A. D. 1915

L. Lighty
Notary Public

10864

Permit No. 10864.....

Proof of Application of Water to Beneficial Use**DEPOSITION OF WITNESS**

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

Ans. Patrick Brady. age 47 Wallace Idaho
MinerQues. 2. Are you acquainted with Jos. S. Thomas the holder of Permit No. 10864.....? How long have you known him and where does he reside?Ans. 23 years Black Blount

Ques. 3. Have you read or heard read said Permit No. 10864....., 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. An unnamed spring. The point of diversion bears S. 56° 41' W. 1720 feet from 1/4 corner S. 13-14, T. 48, N. R. 5 E. B. M. 3271.
The works consist of an earth and wood dam 2' high and 8' wide
and a 3" pipe line.

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. 2 second feet.

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

Ans. Domestic supply and to irrigate a small garden in N. E. 1/4 of
S. E. 1/4, section 34, T. 48 N. R. 5 E. B. M.

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

Ans. _____

pg _____

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. Tillable land and requires about 2 second feet of water.

10864

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

Ans. No.

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

Ans. The water is now in use and has been for several years past, using the full amount.

(Sign)

Patrick Brady

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Wallace, County of Shoshone

State of Idaho, on this 15th day of June A. D. 1915

L. Lighty
Notary Public.

My Commission Expires January 6th 1919

10864

RECORDED
JUN 22 1915
OFFICE OF STATE ENGINEER

Permit No. 10864

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Jos. S. Thomas 36 years, Wallace, Idaho.
 Muncie Wallace Idaho

Ques. 2. Are you acquainted with Jos. S. Thomas, the holder of Permit No. 10864? How long have you known him and where does he reside?

Ans. Yes. 20 years Black Cloud Reservoir
 3/4 mile from Wallace

Ques. 3. Have you read or heard read said Permit No. 10864, 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. An unnamed spring. The point of diversion bears S. 56° 41' W. 1720 feet from 1/4 corner, S. 13-14 T., 48 N., R. 5 E. B. M.
 The works consist of an earth and wood dam 2' high and 8' wide and a 3" pipe line.

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. 2 second feet.

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

Ans. Domestic supply and to irrigate a small garden in N. E. 1/4 of S. E. 1/4 section 34, T. 48 N., R. 5 E. B. M.

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

Ans.

per

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. Tillable land and requires about 2 second feet of water.

10864

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

Ans. No.

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

Ans. The water is now in use and has been for several years past, using the full amount.

(Sign)

C. B. Wallace

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Wallace, County of Shoshone, State of Idaho, on this 15th day of June, A. D. 1915.

L. Lighty
Notary Public.

My Commission Expires

January 6th 1919

10864

RECORDED

JUN 22 1915

OFFICE OF STATE ENGINEER

10864

REPORT OF ENGINEER

1. State name of applicant and number of permit: *Joseph S. Thomas, No 10864*
2. State source of water supply: *unmined spring*
3. Location of point of diversion: *S 56° 41' W. 1720.0 ft from corner of Secs 13-14 T48 N. R. 4 E. B.M.*
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *The works of diversion are fully completed in accordance with terms of Permit*
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: *3 inch pipe*
 - (b) Width at water line: *3 inch pipe*
 - (c) Depth of water: *3 inch pipe*
 - (d) Grade per mile: *228 ft.*
 - (e) Capacity of ditch: _____ second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: *This pipe line is in service and is being used continuously.*
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: *The amount of land irrigated by this water is 1.22 acres and is all in the N.E. 1/4 of the S.E. 1/4 Sec 14 T48 N. R 4 E B.M.*
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: _____

D. C. Purington

STATE OF IDAHO,

County of *Shoshone* ss.

Irving C. Purington, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this *17th* day of *May*, 191*5*

My Commission Expires *Oct 2, 1915*

Walter B. Neifeld
Notary Public.

10864

Jos. S. Thomas

১৭

— 64 —

5E2.

7:48N/P.4E

10864

May 14 ,1915.

Permit 10864.

Jos. S. Thomas,
Wallace, Idaho.

Sir:

Am enclosing herewith certificate of completion of works issued under above permit.

Very truly yours,

J. H. SMITH,

State Engineer.

CCW

B: _____

10864

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 11 a. m. on the 29th, day of May, 1915,
 at Wallace, County of Shoshone, State of Idaho,
 before L.L.Leighty a Notary Public, proof will be submitted
 of the application to beneficial use of Two (2) cubic feet per second of the waters of
an unnamed spring, in accordance with the terms and conditions of Permit No 10864
 heretofore issued by the State Engineer of the State of Idaho.

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

Joseph S. Thomas Wallace Idaho

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

3. The amount applied to beneficial use is Two (2) second feet.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)

at houses in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T. 48 N., R. 5 E.

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

5 The right to take the water from such works is based upon Permit No. 10864

6 The source of supply from which such water is diverted is an unnamed spring

7 The date of the priority which said user is prepared to establish is November 10, 1914.
approximately twenty (20)

years prior to application for permit.

J.H. Smith, P.E.

State Engineer.

STATE OF IDAHO
ENGINEERING DEPARTMENT

F. P. KING,
STATE ENGINEER

BOISE

INSTRUCTIONS
PROOF OF BENEFICIAL USE

Jos. S. Thomas,
c/o L. L. Leighty,
Wallace, Idaho.

BOISE, IDAHO, May 7, 1915.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. **10864**.

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 your rights:

1. On May 29th, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Wallace, before L.L. Leighty, E.P.**

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice and fee of \$2.00 for each 40-acre tract, or fraction, to which water has been applied. When these have been received together with report of examining engineer, if everything is properly executed, License will issue.

Yours truly,
J.H. SMITH, ~~E.P. KING~~,
State Engineer.

10864

Office of the State Engineer

Boise, Idaho, May 3, 1915

Mr. J. C. Purrington,
Wallace, Idaho.

DEAR SIR:

Mr. Jos. S. Thomas, residing at Wallace
County of _____, State of Idaho, has requested that
you make examination required under Permit No. 10864. Will you
therefore, arrange with the holder of said Permit to make such examination as will
enable you to answer the questions on the enclosed blank? Also, make a sketch on
the enclosed blank plat showing source of supply, point of diversion, route of ditch
and place of use. You should, also, arrange with the holder of said Permit for the
payment of your fee for your services, and such proper expenses as you will incur in
making this examination and report.

Please advise me promptly of receipt of this communication, and whether or not
you will be able to make the examination and report as required.

Very truly yours,

J. H. SMITH, ~~State Engineer~~ E. ROBINSON,

State Engineer.

10864

STATE OF IDAHO
ENGINEERING DEPARTMENT

BOISE

J. H. SMITH
State Engineer

FRED A. WILKIE
Deputy State Engineer

April 15, 1915.

Permit 10864.

Jos. F. Thomas,
Wallace, Idaho.

Jos. F. Thomas, Please

Sir:

We are today in receipt of your affidavit for proof of completion of works, with check for fees, also, notices for final proof under above permit. The Certificate of completion of works will be mailed to you soon. Am enclosing herewith receipt for fees.

Notice for final proof will be mailed to the Wallace Miner for the required four weeks publication prior to May 29th and deposition blanks will be mailed to L. L. Leighty, notary public.

You should also send us the name of some engineer, or other competent person, to make examination of works and report for this proof. Report and map blanks will be furnished him from this office.

Very truly yours,

J. H. SMITH,

State Engineer.

R7366

By Edw. J. Brown

Wallace Idaho

April 29, 1915

*J. H. Smith
State Engineer Boise Idaho*

Dear Sir.

*You can send blanks to W. S. Engineer
J. C. Purrington Wallace Idaho I refer you to him
Very truly yours Jos. F. Thomas.*

(P. O.)

(Date)

Hallam Idaho

Apr 23rd 1915

State Engineer, Boise.

Dear Sir:

I have your letter of *Apr 20th 1915* enclosing Notice of Proof of Beneficial Use of Water under Permit No. *10864* which will be published as you request, beginning with our issue of *April 29th 1915*

Hallam Miner
By Chas McCabe

10864

May 29

April 15, 1915.

Permit 10864.

Jos. F. Thomas,
Wallace, Idaho.

Sir:

We are today in receipt of your affidavit for proof of completion of works, with check for fees, also, notices for final proof under above permit. The Certificate of completion of works will be mailed to you soon. Am enclosing herewith receipt for fees.

Notice for final proof will be mailed to the Wallace Miner for the required four weeks publication prior to May 29th and deposition blanks will be mailed to L. L. Leighty, notary public.

You should also send us the name of some engineer, or other competent person, to make examination of works and report for this proof. Report and map blanks will be furnished him from this office.

Very truly yours,

J. H. SMITH,

State Engineer.

R7366

By _____

10864

Permit No. 10864

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Shoshone

ss.

Jos. S. Thomas

being first duly sworn upon his oath deposes and says:

First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 10864 and that his postoffice address is Wallace State of Idaho

Second: That under the terms and conditions of said permit, construction thereunder was required to be completed by June 11th, 1915

Third: That the use for which said water is intended is Domestic purposes

Fourth: That on the date above mentioned, the works constructed under said permit were ~~not yet completed~~ 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 2.0 feet, length of dam at top 8.0 feet, length of dam at bottom 8.0 feet. Material used in construction earth and wood.

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

(b) Capacity of reservoir acre feet.

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

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

line feet, depth of water feet; diameter of pipe 3.0 inches;
average grade ~~varies 6 ft. in 100 ft.~~ Length of conduit is 679.0 ft. ~~miles~~

Fifth: That said works are capable of conducting to the place of intended use

2.0 second feet of water.

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

Seventh. Remarks: That the reservoir formed by this dam is very small being a box built around the spring and the pipe connected directly thereto, no headgate being used. The water is used to supply two dwellings water stock and irrigate a small garden.

Joseph S. Thomas
(Sign here)

Subscribed and sworn to before me this 10th day of April 1915

My commission expires January 6th 1919

Notary Public.

10864

May 29

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 10th, 1915.

(P. O.) Wallace 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 Miner, of Wallace Idaho, published in the
county in which the works are situated.

Joseph S. Thomas

(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 com-
petent engineer.)

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

Engineer.

10864

State of Idaho
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

7700 #179505
4500

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Jos. F. Thomas,
Wallace, Idaho.

BOISE, IDAHO, April 6, 1915.

DEAR SIR:

Under the terms of your permit No. 10864, you are required to complete your diversion works on or before June 11, 1915. 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,

J. H. Smith ~~ENGINEER~~

State Engineer.

*Kindly send me the last
proof*

Jos. F. Thomas.

RECEIVED
APR 10 1915

OFFICE OF THE STATE ENGINEER
BOISE, IDAHO

10864

State of Idaho

ENGINEERING DEPARTMENT

BOISE

STATE ENGINEER

Jos. F. Thomas

April 6, 1915.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your permit No. ~~10864~~-----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 the date it is submitted.

Yours truly,

10864

J. H. Smith,

State Engineer.

State of Idaho
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

*Jes. F. Thomas,
Wallace, Idaho.*

BOISE, IDAHO, April 6, 1915.

DEAR SIR:

Under the terms of your permit No. 10864, you are required to complete your diversion works on or before June 11, 1915. 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,

J. H. Smith F. P. KING,

State Engineer.

10864

January 13, 1915.

Permit 10864.

Jos S. Thomas,
Wallace, Idaho.
Box 111.

Sir:

Per your request the 9th inst. I am enclosing herewith affidavit form for proof of completion of works under above permit, also, notices for final proof. The notices for final proof should be filled out and returned to this office in time for the notice to be sent to the paper for the required four full weeks publication prior to the date upon which you desire to make proof. The affidavit for proof of completion of works and fee of \$5.00 are all that are required for proof of completion under this permit.

Very truly yours,

Herbert Wing,

Acting State Engineer.

F5-6-3NU

By _____

10864

Wallace Idaho

Jan 9- 1913

Herbert Wing
Acting State Engineer
Boise Idaho

Sir. In regards to my water right
which you approved, you sent me a notice about
the work. My pipe line is all completed
my work all done and am ready to make
my final proof. The number of ^{applications} my permit
is 15845. Map. No. 10864. by state Engineer
Hoping this to be all right.

Respectfully Yours
J. Thomas

Box 11

10864

June 11/15

State of Idaho

ENGINEERING DEPARTMENT

BOISE

STATE ENGINEER

Permit No. 10864

Boise, Idaho, Dec. 29, 1914.

Mr. Jos. S. Thomas,
Box 111, Wallace, Ida.

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

HERBERT WING,

Acting State Engineer.

10864

State of Idaho

ENGINEERING DEPARTMENT

BOISE

STATE ENGINEER

Permit No. 10864

Boise, Idaho, Dec. 29th 1914.

Mr. JOE. S. Thomas,
Box 111, Wallace, Ida.

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

HERBERT WING,

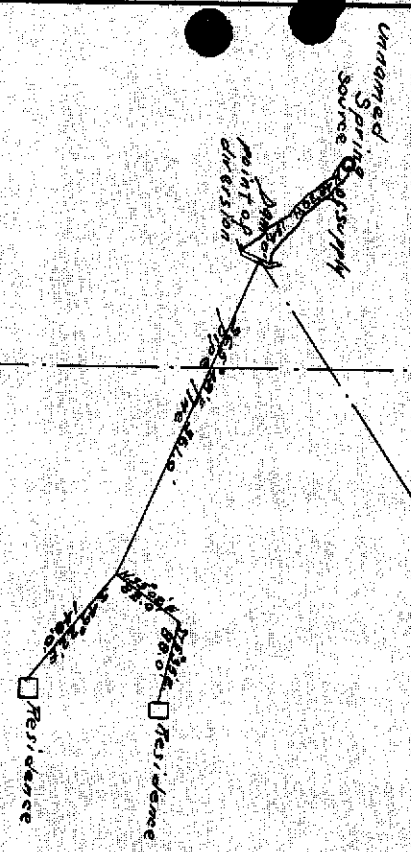
Acting State Engineer.

10864

NW 1/4 of SE 1/4 S 14

NE 1/4 of SE 1/4 S 14

1/4 Cor
S 14
T 20 N
R 10 E



Scale 1" = 200'

Boise, Idaho, November 11, 1914.

Application 15845.

Mr. Jos. S. Thomas,
P. O. Box 111,
Wallace, Idaho.

Sir:--

The above application ~~received~~ and filed.
Same is herewith returned for completion in the
following particulars:

In paragraph 5 of the blank, immediately
following the expression "domestic use" describe the
quarter section in which the water will be used for
domestic use.

In paragraph 7 II (d) of the blank give
the legal description of the quarter sections crossed
by pipe line from spring to point of use.

Submit two copies of the map.

Comply with General Rule III of the Rules and
Regulations, relative to filing on springs.

Very truly yours,

HERBERT WING,

Acting State Engineer.

By
Enc. A. 15845-FFR.9835-Rebate 15 cents. RBM.

GB.

10864