

82.75  
due

May 7, 1959

Re: Permits Nos. 9859 ✓  
8974

Horning and McCann,  
Attorneys at Law,  
Wallace, Idaho.

Attention: Mr. Chas. E. Horning

Dear Mr. Horning:

Enclosed are copies of Water Licenses #8974 and 9859 and photo copy of map submitted by the examining engineer for Permit No. 8974. Also on the map, in red, is shown the works taken from the blue print which accompanied the application for Permit #9859. Both licenses show the same point of diversion and apparently the Deadman Creek Ditch, shown in red, was not constructed.

This office does not require detailed information on the location of ditches as there is no concern with rights of way.

The fees for the water licenses are \$1.00 each and \$.75¢ for the photo copy or a total of \$2.75 which you may submit to this office.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Ralph W. Thomas  
Office Engineer

GNC/RWT/pmk

GNC/RWT/pmk  
Encl. (3)

9859

July 7th, 1914.

Permit 9859.

Therrett Bowles, Attorney,  
Wallace, Idaho.

Sir:

Am enclosing you herewith certificate and license  
issued under above permit.

Very truly yours,

F. P. KING,

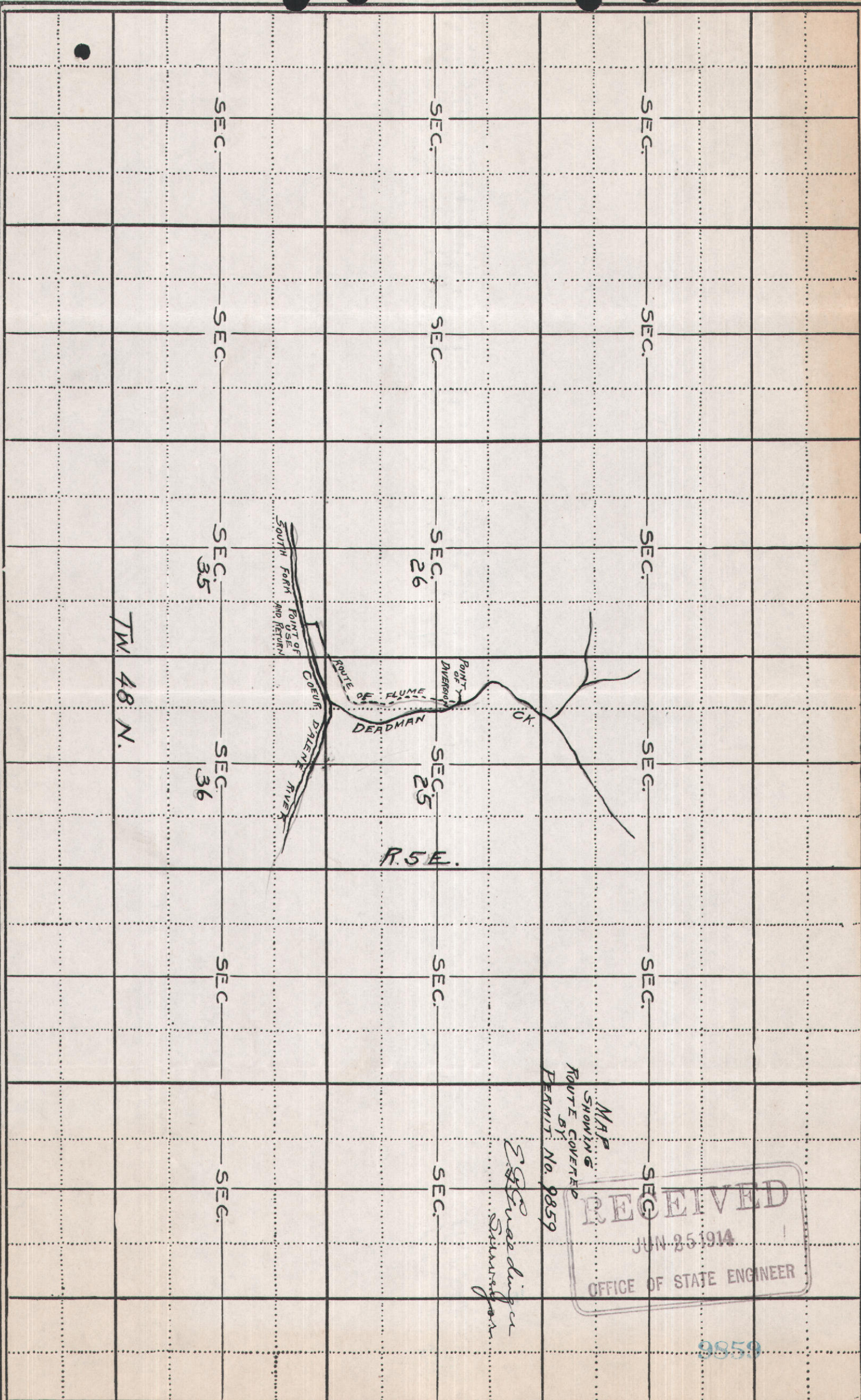
State Engineer.

C&L

By \_\_\_\_\_

9859

Name of Applicant



MAP  
SHOWING  
ROUTE COVERED  
PERMIT No. 9859

E. J. Swearingen  
Surveyor

RECEIVED  
JUN 25 1914  
OFFICE OF STATE ENGINEER

9859

NOTICE OF PROOF OF COMPLETION OF WORKS  
AND  
APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 2 P.M. on the 21st  
day of May, 1914, at Wallace, County of  
Shoshone, State of Idaho, before Therrett Towles, notary public,  
proof will be submitted of the completion of works for the diversion of eight  
cubic feet per second of the waters of Deadman Creek or Gulch  
and of the application to beneficial use of said water in accordance with the terms and conditions  
of Permit No. 9859 heretofore issued by the State Engineer of the State of Idaho.

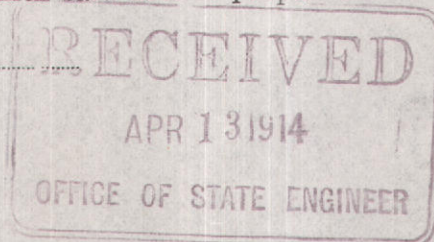
1. The name and postoffice address of the person, or corporation, holding said permit, are  
National Copper Mining Company, Limited, Wallace, Idaho.

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

3. The use to which said water has been applied is irrigation and domestic  
purposes, and the amount applied to beneficial use is eight cubic feet per second.

4. The place where said water is used is NE<sup>1</sup> of NE<sup>1</sup>, Sec. 35, Twp. 48 N., R.  
5 East B.M.

5. The date of priority which said user is prepared to establish is December 24, 1913.



E. F. KING  
D. G. MARTIN,  
E. F. KING

State Engineer.

9859

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 10, 1914.

(P. O.) Wallace, Shoshone County, 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.

National Copper Mining Company, Ltd.,

By Charles McKinnis  
Secretary.

(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.



9859



Water Right # 8891

Pipe Line

East Fork

West Fork

Point of Approval

SE 1/4 SW 1/4 Sec. 24  
T.48. N. R. 5 E. B.M.

23 24  
26 25

Deadman Creek  
Ditch 2800 ft.

S.W. 1/4 N.W. 1/4 Sec. 25  
T.48 N.R. 5 E.B.M.

Head of Flume

2' x 2' Flume 4800 Ft.

26 25  
35 36

South Fork Coconino River

NE 1/4 NE 1/4 Sec. 35  
T.48 N.R.  
5 EBM

Point of Use

Point of Return

RIATION

24 19  
25 20.

MAP ACCOMPANYING  
APPLICATION FOR PERMIT FOR  
WATER RIGHT FOR THE  
NATIONAL COPPER MINING Co. Ltd.

MULLAN IDAHO  
August 1913  
Scale 1 in. = 500 ft.

T.48 N. R. 5 E. B. M.

9859

25 30  
36 31

County: Shoshone  
 Stream: Deadman Creek or Gulch  
 Amount: 8 cu.ft.  
 Use: power and milling  
 Priority: December 4, 1913

# STATE OF IDAHO

Water License No. 9859

WHEREAS, On the 4th day of December, A. D. 1913,

National Copper Mining Company, Limited,

of Wallace, County of Shoshone, State of Idaho, duly made application (No. 14685) to me for a permit to use eight (8) cubic feet per second of the waters of Deadman Creek, or Gulch,

County of Shoshone, State of Idaho, for power and milling purposes, and,

WHEREAS, On the 13th day of December, A. D. 1913 Permit No. 9859 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 13th day of June, A. D. 1914, and for the application to beneficial use of said water on or before the 13th day of June, A. D. 1914 and,

WHEREAS, On the 21st day of May, A. D. 1914

National Copper Mining Company, Limited,

the holder of said permit, duly made proof of the completion of adequate works for the diversion of eight (8) cubic feet per second of said waters, as evidenced by my Certificate No. 9859 dated June 30, 1914, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use eight (8) cubic feet per second of said water, with date of priority of December 4, 1913, and

WHEREAS, On the 21st day of May, A. D. 1914,

National Copper Mining Company, Limited,

the holder of said permit, duly made proof of the application to beneficial use of eight (8) cubic feet 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 National Copper Mining Company, Limited,

of Wallace, County of Shoshone, State of Idaho, the holder and owner of said Permit No. 9859, a perpetual right, dating from December 4, 1913, to the use of eight (8) cubic feet per second of the waters of Deadman Creek or Gulch,

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 in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Sec. 25, T. 48 N., R. 5 E.B.M.

and conducted to ~~under~~ the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Sec. 35, T. 48 N. R. 5 E.B.M.

for the purpose of power and milling purposes, 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 of 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 30th day of June, A. D., nineteen hundred and fourteen.

F. P. KING,

(Seal)

State Engineer.

94 2085

No. 14685

## APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: National Copper Mining Company, Limited,

Postoffice address: Wallace

County: Shoshone

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation: Mullan, Idaho, Sept. 1906.

(b) The amount of capital stock: 2,000,000 shares.

(c) The amount paid in: Fully paid.

(d) Names and addresses of directors: A. P. McRae, Mullan, Ida; Henry White, Wallace, Ida; Jas. F. McCarthy, Wallace, Ida; Chas. McKinnis, Wallace Ida; August Paulsen, Spokane, Wash; H. H. Stambaugh, Youngstown, O., R. C. Steese, Youngstown, Ohio.

II. The financial resources of the applicant are: (a) Cash on hand: \$20,000.00

(b) Treasury stock: 800,000 shares

(c) Bonds to be issued:

(d) Other resources:

2. The quantity of water claimed is 8 cubic feet per second.

3. Source of water supply: Deadman Creek, or Gulch.

4. Location of point of diversion: SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 24, T. 48 N., R. 5 E. B. M.

County of Shoshone

5. To be used for: Power and Milling purposes

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: NE $\frac{1}{4}$ , NE $\frac{1}{4}$  Sec. 35, T. 48 N., R. 5 E. B. M.

[b] Amount of power to be generated: 140

H. P. under 200 ft. head

[c] Is water to be returned to any stream? Yes

[d] If so, name stream and locate point of

return: South Fork Coeur d' Alene River in SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , Sec. 35, T. 48 N. R. 5 E. B. M.

6. Estimated cost of works: \$2,500.00

7. Description of works for diversion:

I. Kind of works: Dam and Ditch and Flume.

II. Dimensions of works:

[a] Height of dam Five feet, length of dam at top Fifteen feet,

length of dam at bottom Five feet. Material used in construction: Timber, stone &amp; earth.

[b] Capacity of reservoir acre feet. (c) Size of headgate, width 2 feet,

Height 2 feet. (d) Conduit Ditch &amp; Flume width at bottom Two feet,

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

inches; average grade per mile is

feet. Length of conduit is 1  $\frac{1}{2}$  miles,and it crosses the following quarter sections: SW $\frac{1}{4}$  of Sec. 24, T. 48 NR 5 EBM, and NW $\frac{1}{4}$ Sec. 25, T. 48 NR 5 EBM. SW $\frac{1}{4}$  Sec. 25, T. 48 NR 5, EBM. and NE $\frac{1}{4}$ , Sec. 35,

T. 48 NR 5 E. B. M.

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

9. Time required for the complete application of the water to the proposed use is 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.

Ltd.

National Copper Mining Co., Applicant.

By

Agent,

Chas. McKinnis

Date of first receipt at office of State Engineer 9.00 A. M. December 4, 1913.

Returned to applicant for correction

Corrected application received

### APPROVAL OF STATE ENGINEER

The number of this permit is 9859

Recorded in Book 33 Page 9859 Approved December 13, 1913.

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 11, 1914 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 13, 1914.

The whole of said work to be completed on or before June 13, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before June 13, 1914.

Witness my hand this 13th day of December, 1913.

F. P. KING,

State Engineer.

#### Remarks:

Proof of Completion of Works and Beneficial Use of water made May 21, 1914.

Report of Engineer received June 25, 1914.

Certificate and License issued June 30, 1914.

PERMIT NO. 9859

### CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that National Copper Mining Company, Limited, of Wallace, County of Shoshone, and State of Idaho, the holder of Permit No. 9859, issued upon Application No. 14685, bearing date of priority of December 4, 1913, authorizing the diversion of eight (8) second feet of the waters of Deadman Creek, or Gulch, County of Shoshone, State of Idaho, for power and milling 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 eight (8) second-feet of the waters of Deadman Creek or Gulch; that the point of diversion of said waters is in the SW $\frac{1}{4}$  of NW $\frac{1}{4}$ , Sec. 25, T. 48 N., R. 5 E.B.M., and that the place of use of said water is in the NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Sec. 35, T. 48 N., R. 5 E.B.M.

Witness my hand this 30th day of June, A. D. 1914.

F. P. KING,

State Engineer of the State of Idaho.

License issued for 8 second feet.

Page 1617

Recorded by

Checked by

May 18, 1959

Re: Permits No. 9859  
8974

Horning and McCann  
Attorneys at Law  
Wallace, Idaho

Attn: Mr. Chas. E. Horning

Dear Mr. Horning:

Enclosed is departmental receipt No. 29607  
covering \$2.75 in fees for the copy of water licenses  
and a photo copy of the map on Permit No. 8974 ~~or~~ 9859.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer

By:

Chief Clerk

EPR:ew  
Enc. Receipt

9859

9859

CHAS. E. HORNING  
EUGENE F. MCCANN  
ATTORNEYS AT LAW  
PHONE 6141  
WALLACE, IDAHO

May 14, 1959

*Chas. E. Horning*  
**RECEIVED**  
MAY 18 1959  
Department of Reclamation

Mr. Ralph W. Thomas  
Office Engineer  
Department of Reclamation  
Boise, Idaho

Dear Mr. Thomas:

Thank you very much for the copies of the water licenses which you enclosed in your letter of May 7th.

I am enclosing my check for \$2.75 to cover your charges.

Very truly yours,

*Chas. E. Horning*

CHAS. E. HORNING

CEH b

Enc.

9850

85.75  
date

May 7, 1959

Re: Permits Nos. 9859  
8974

Horning and McCann,  
Attorneys at Law,  
Wallace, Idaho.

Attention: Mr. Chas. E. Horning

Dear Mr. Horning:

Enclosed are copies of Water Licenses #8974 and 9859 and photo copy of map submitted by the examining engineer for Permit No. 8974. Also on the map, in red, is shown the works taken from the blue print which accompanied the application for Permit #9859. Both licenses show the same point of diversion and apparently the Deadman Creek Ditch, shown in red, was not constructed.

This office does not require detailed information on the location of ditches as there is no concern with rights of way.

The fees for the water licenses are \$1.00 each and \$.75¢ for the photo copy or a total of \$2.75 which you may submit to this office.

Very truly yours,

GEO. N. CARTER  
State Reclamation Engineer  
By

Ralph W. Thomas  
Office Engineer

GNC/RWT/pmk

GNC/RWT/pmk  
Encl. (3)

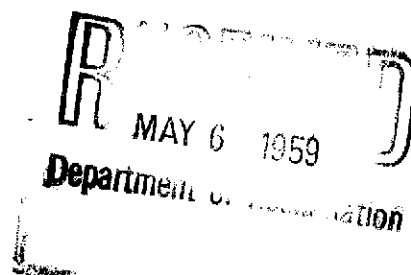
9859

CHAS. E. HORNING  
EUGENE F. MCCANN  
ATTORNEYS AT LAW  
PHONE 6141  
WALLACE, IDAHO

May 5, 1959

P-8974

P-9859



Commissioner of Reclamation  
Statehouse  
Boise, Idaho

Dear Sir:

I am enclosing a copy of an abstract which I obtained from your office several years ago showing all water permits and licenses on Deadman Creek, a tributary of the South Fork of the Coeur d'Alene River easterly from the Village of Mullan in Shoshone County.

Will you please send me now a copy of each of the two licenses which I have underlined on the enclosed sheet. I am assuming that the license will show in each case the point of diversion, the course of the flume or pipeline and the place of use.

I believe this abstract was furnished to me in 1951. If there have been any permits or licenses issued since that time, will you please add them to the enclosed sheet and then return it to me.

I have no idea what your fees will be for furnishing the copies of these licenses but if you will go ahead and mail the copies to me and bill me for your fees, I shall promptly mail you a check. Or, if you do not wish to do that, please wire me the amount of your fees and I shall mail you a check for the required amount.

Very truly yours,

CHAS. E. HORNING

CEH b  
Enc.

9859

January 11, 1915.

Permit 9859.

Mrs. Rachel Hartvigsen,  
Lehi, Utah.

Madam:

I am herewith returning your applications for extension of time as we are unable to locate your permit upon our records here. The number given in your application, 9859 is held by the National Copper Mng.Co. and I do not find any other permit in your name. Please examine the permit you hold and ascertain if there is not a mistake in the number given us.

Very truly yours,

Herbert Wing,

Acting State Engineer.

2ET

By \_\_\_\_\_

9859

Lehi Jan 9<sup>th</sup> 1915

State engineers

Sir inclosed please find paper  
filled out as far as we understand  
except where the time of completion  
should be mentioned. so you will  
know what to do about it better  
than we do. hoping this will be  
all right I am Sincerely

Mrs Rachel Hartingsen  
Lehi Utah

RECEIVED

JAN 11 1915

OFFICE OF STATE ENGINEER

9859

is not in memory of R H -

Nat (of May 86)

July 7th, 1914.

Permit 9859.

Therrett Towles, Attorney,  
Wallace, Idaho.

Sir:

Am enclosing you herewith certificate and license  
issued under above permit.

Very truly yours,

P. P. KING,

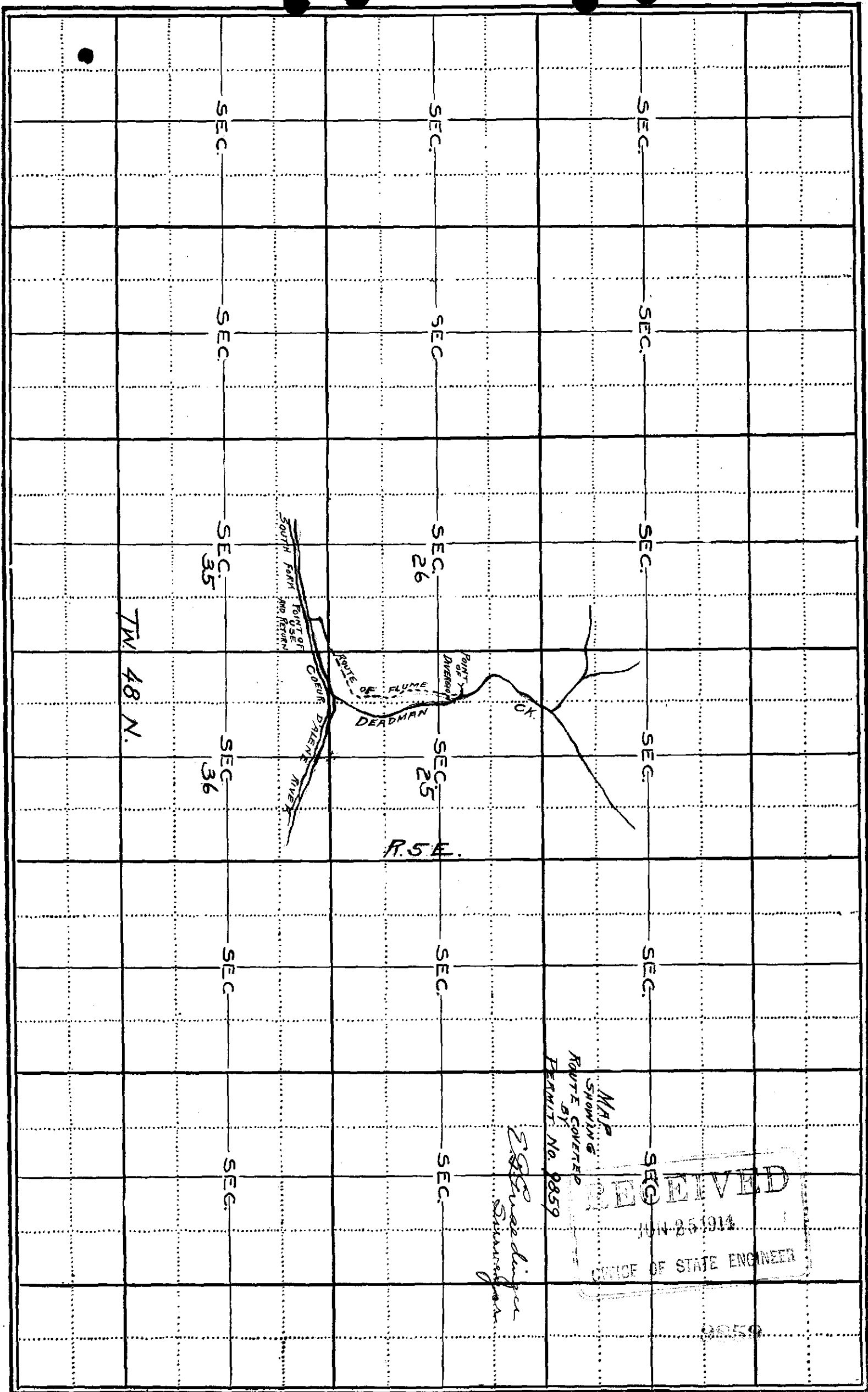
State Engineer.

C&L

By \_\_\_\_\_

9859

Name of Applicant



# REPORT OF ENGINEER

1. State name of applicant and number of permit: National Copper Mining Co. Ltd.  
Permit No. 9859
2. State source of water supply: Deadman Creek
3. Location of point of diversion: The water is diverted from the stream in the  
S.W.  $\frac{1}{4}$  of the N.W.  $\frac{1}{4}$  of Sec. 25 T. 48 N., R. 5 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 as called for in the  
permit.
5. Describe works as they exist, giving dimensions of same as follows:
  - (a) Width of conduit at bottom: 20 inches
  - (b) Width at water line: 20 inches
  - (c) Depth of water: 20 inches
  - (d) Grade per mile: 16 feet
  - (e) Capacity of ditch: eight second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent:  
Water has been fully turned in.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract:
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: The flume is somewhat smaller than the terms of the permit,  
but the grade per mile is greater giving approximately the same  
capacity. The dimensions of the flume are 20" X 20" instead  
of 24" X 24"; but the grade is 16 feet to the mile instead of 12.

*Ernest G. Graedinger*

STATE OF IDAHO,

County of Shoshone

} ss.

Ernest G. Graedinger, 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 22 day of June 1914

My Commission Expires Oct 15, 1915

*Therese J. J. J.*  
Notary Public.

9859

RECEIVED

JUN 25 1914

OFFICE OF STATE ENGINEER

Office of the State Engineer

Boise, Idaho, June 3 1914

E. G. Gnaedinger,  
Wallace, Idaho

DEAR SIR:

Nat. Co ner Mng. Co., residing at Wallace

County of \_\_\_\_\_, State of \_\_\_\_\_, has requested that  
you make examination required under Permit No. <sup>9197</sup>~~9859~~. 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,

F. P. KINC ~~AND~~ ROBINSON,

State Engineer.

9859

PERMIT No. 9859

# Proof of Application of Water to Beneficial Use

## DEPOSITION OF HOLDER

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

Ans. John Mocine, 36 years, Mullan, Idaho, Mining Engineer, .....  
Mullan, 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 refrence to same, and your authority for appearing in its behalf.

Ans. National Copper Mining Co. Ltd., Mullan, Idaho, General Manager, .....  
authority of Board of Directors. ....

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

Ans. No. 9859, December 13, 1913, date of priority December 4, 1913.

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

Ans. Deadman Creek or Gulch, SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 24, T. 48, N. R. 5 E. B. M., .....  
Shoshone Co. Idaho. ....

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. Dam, ditch and flume. Dam is 5' high, 15' long at top, 5' long at bottom, and made of timber, stone and earth. Headgate is 2' wide and 2' high. Ditch and flume is 2' wide at bottom, 2' wide at water line and depth of water is 2'. Average grade per mile is 12 ft. Length of conduit is  $\frac{1}{2}$  miles. Capable of conveying 8 cubic feet 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. Power and milling purposes. NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 35, T. 48, N. R. 5 E. B. M.

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

Ans. Water has been applied to generate power for the company at the mouth of Deadman Creek and as wash water in the mill. Amount of power generated is 140 HP under 200 ft. head.

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

Ans. 8 cubic feet per second.

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

Ans. 9859

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

Ans. Since the completion of the construction of the dam and flume to wit, on or about the 21st day of February, 1914, water has been conveyed by means of flume to full capacity of 8 cubic feet per second to power station which generates electrical power at mouth of Deadman Gulch and was wash water in the mill of the company.

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. No other waters diverted under this permit.

(Sign)

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 21st dayday of May

A. D. 1914.

Notary Public.

My commission expires Oct.15,1915.

9859

Permit No. 9859

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

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

Ans. B. C. Hartwell, 38 Years, Mullan, Idaho. Clerk. Mullan, Idaho.

Ques. 2. Are you acquainted with National Copper Mining Co., Ltd., the holder of Permit No. 9859? How long have you known him and where does he reside?

Ans. More than one year -- Mullan, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9859, 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. Deadman Creek or Gulch; SE 1/4, SW 1/4, Sec. 24 T. 48 N R 5, EBM, Shoshone County- Idaho. Dam, ditch and flume; Dam five feet high, 15' long at top, 5' long at bottom, constructed of timber, stone and earth, headgate 2' x 2'; ditch and flume 2' x 2' x 2' deep. Average grade per mile 12'; length of conduit 1-1/2 miles.

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. Eight cubic feet per second and have seen that amount being conveyed.

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. Power and milling purposes, at NE 1/4, & NE 1/4, Sec. 35, T 48 NR, 5 EBM.

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

Ans. Water has been applied to generate power for the Company at mouth of Deadman Creek and as wash water in the mill. Amount of power generated is 140 HP under 200 Ft. head.

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.

9859

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. Have frequently witnessed the use of the water under

this permit since the construction of the dam and flume and at its full capacity of eight cubic feet per second.

(Sign)

*W. H. L. L.*

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

State of Idaho, on this 21st day of May A. D. 1914.

Notary Public.

*James H. L.*

My Commission Expires Oct. 15, 1915.

9859

Permit No. 9859

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

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

Ans. W. J. Brand, 45 Years, Mullan, Idaho. Miner Mullan, Idaho.

Ques. 2. Are you acquainted with National Copper Mining Co., Ltd., the holder of Permit No. 9859? How long have you known him and where does he reside?

Ans. More than one year -- Mullan, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9859, 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. Deadman Creek or Gulch; SE 1/4, SW 1/4, Sec. 24 T. 48 N R 5, EBM, Shoshone County- Idaho. Dam, ditch and flume; Dam five feet high, 15' long at top, 5' long at bottom, constructed of timber, stone and earth, headgate 2' x 2'; ditch and flume 2' x 2' x 2' deep. Average grade per mile 12'; length of conduit 1-1/2 miles.

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. Eight cubic feet per second and have seen that amount being conveyed.

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. Power and milling purposes, at NE 1/4, ~~NE~~ NE 1/4, Sec. 35, T 48 NR, 5 EBM.

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

Ans. Water has been applied to generate power for the Company at mouth of Deadman Creek and as wash water in the mill. Amount of power generated is 140 HP under 200 Ft. head.

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.

9859

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. Have frequently witnessed the use of the water under

this permit since the construction of the dam and flume and at its full capacity of eight cubic feet per second.

(Sign)

*W. J. Brown*

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

before me, in Wallace County of Shoshone

State of Idaho, on this 21st day of May A. D. 1914.

*Thomas J. Brown*

Notary Public.

My Commission Expires Oct. 15, 1915.

9859

# Proof of Completion of Works

## DEPOSITION OF HOLDER

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

Ans. John Mocine, 36 years, Mullan, Idaho, Mining Engineer,  
Mullan, Idaho.

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

Ans. National Copper Mining Co., Ltd., Mullan, Idaho, General  
Manager, authority of Board of Directors.

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

Ans. No. 9859, December 13, 1913, 8 cubic feet per second, Deadman  
Creek or Gulch, SE 1/4 SW 1/4, Sec. 24, T. 48 N., R. 5 E. B. M., Shoshone Co., Idaho

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

Ans. Power and milling purposes.

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

Ans. Water has been turned into works of diversion at full capacity  
about ninety days ago, to wit, about Feb. 21, 1914.

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

Ans. Yes.

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

Ans.

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

Ans. Dam, ditch and flume. Dam is 5' high, 15' long at top, 5' long  
at bottom and made of timber, stone and earth; headgate is 2' wide and  
2' high; ditch and flume is 2' wide at bottom and 2' wide at waterline  
and water is 2' deep. Average grade per mile is 12 ft. and length of  
flume is 1 1/2 miles.

Cost is approximately \$2,500.00 (Sign here.)

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

Shoshone, State of Idaho, on this 21st day of  
May A. D. 1914.

*Thurston Jones*

Notary Public.

My Commission expires Oct. 15, 1915.

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 9859

## Proof of Completion of Works

### DEPOSITION OF WITNESS

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

Ans. W. J. Brand, 45 Years, Mullan- Idaho. Miner, Mullan, Idaho.

Ques. 2. Are you acquainted with National Copper Mining Co., Ltd., the holder of Permit No. 9859, authorizing the diversion of eight second-feet of the waters of Deadman Creek or Gulch, 1-1/2 Miles Northeast of Mullan, Idaho. for power and milling purposes? How long have you known him, and where does he reside?

Ans. For more than one year -- Mullan, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9859, and are you familiar with its terms and conditions?

Ans. Yes.

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

Ans. \_\_\_\_\_

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

Ans. Yes.

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

Ans. Consist of dam, ditch and flume; dam is five feet high, fifteen feet long at top, and five feet long at bottom, constructed of timber, stone and earth, headgate two feet wide, two feet high. Ditch and flume 2' x 2' x 2". Average grade per mile 12", length of conduit 1-1/2 miles. Capable of conveying eight cu.ft. per second.

(Sign here.) W. J. Brand

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 21st day of May A. D. 1914..

Thurston Torole  
Notary Public.

My commission expires Oct. 15, 1915.

9859

The Depositions of two Witnesses, in this form, taken separately, required in each case.

PERMIT NO. 9859

## Proof of Completion of Works

### DEPOSITION OF WITNESS

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

Ans. B. C. Hartwell, 38 Years, Mullan, Idaho, Clerk, Mullan, Idaho.

Ques. 2. Are you acquainted with ~~National Copper Mining Co., Ltd.~~, the holder of Permit No. ~~9859~~, authorizing the diversion of ~~eight~~ second-feet of the waters of ~~Deadman Creek or Gulch, 1-1/2 Miles Northeast of Mullan, Idaho.~~ for ~~power and milling~~ purposes? How long have you known him, and where does he reside?

Ans. For more than one year -- Mullan, Idaho.

Ques. 3. Have you read or heard read said Permit No. 9859, and are you familiar with its terms and conditions?

Ans. Yes.

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

Ans.

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

Ans. Yes.

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

Ans. Consist of dam, ditch and flume; dam is five feet high, fifteen feet long at top, and five feet long at bottom, constructed of timber, stone and earth, headgate two feet wide, two feet high; Ditch and flume 2' x 2' x 2'. Average grade per mile 12", length of conduit 1-1/2 miles. Capable of conveying eight cu. ft. per second.

(Sign here.) *B. C. Hartwell*

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 21st day of May, A. D. 1914.

*Therese J. Jones*  
Notary Public

My commission expires Oct. 15, 1915.

9859

# Proof of Publication

State of Idaho,

County of Shoshone,

ss.

## NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE.

Notice is hereby given that at 2:00 p. m., on the 21st day of May, 1914, at Wallace, county of Shoshone, state of Idaho, before Therrett Towles, notary public, proof will be submitted of the completion of works for the diversion of 8 cubic feet per second of the waters of Deadman creek or gulch, and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 9859 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 National Copper Mining Company, Limited, Wallace, Idaho.

2. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of use in accordance with the plans accompanying the application for such permit is 8 cubic feet per second.

3. The use to which said water has been applied is power and milling purposes, and the amount applied to beneficial use is 8 cubic feet per second.

4. The place where said water is used is NE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Sec. 35, Twp. 48 N., R. 5 East B. M.

5. The date of priority which said user is prepared to establish is December 4, 1913.

F. P. KING,  
State Engineer.

A23-M14

*E. B. Reight*

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 of Proof of Completion of Works and Application of Water to Beneficial Use*

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

*23d* day of *April* A. D. 191*4*

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 *14th* day of *May* A. D. 191*4*

*E. B. Reight*

Subscribed and sworn to before me this *21st* day of *May*

A. D. 191*4*

*Thomas McLeate*

Notary Public.

9859

A. E. ROBINSON  
ENGINEER

## INSTRUCTIONS

Dear Sir:

Deposition of Permit Holder,  
Depositions of Two Witnesses.

1. On May 21st, the date set for proof,  
the enclosed forms (two for permit holder and two each for two disinterested witnesses) should be filled out and sworn to, at  
Wallace before Thorrett Rowles, U.P.

When these have been received, together with report of the Water Commissioner, if everything is properly executed, Certificate of Completion of Works and License will issue.

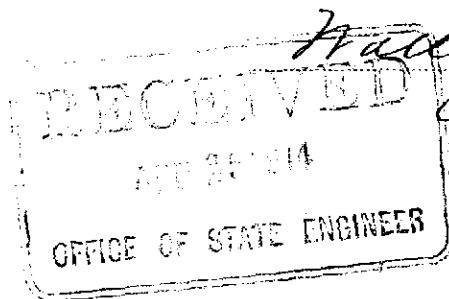
Yours truly,  
F.P.KING, ~~A. E. ROBINSON~~  
State Engineer.

(P. O.) Walla Walla Idaho  
(Date) April 22, 1914

State Engineer, Boise.

Dear Sir:

I have your letter of April 20, 1914 enclosing Notice of Proof of Completion of Works and Beneficial Use of Water under Permit No. 9859 which will be published as you request, beginning with our issue of April 23, 1914



*E. B. Rieft, Mgr*

9859

# National Copper Mining Company Limited

WALLACE, IDAHO

April 16, 1914

F. P. King, State Engineer,  
Boise, Idaho.

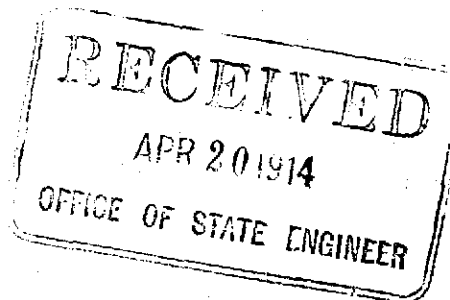
Dear Sir:-

We are in receipt of your letter of the  
14th inst. and note you have set May 21st as the  
date for the required four weeks' publication of  
water permits 9197--9859. This time will be sat-  
isfactory to us.

Yours very truly,

NATIONAL COPPER MINING CO., LTD

*Chas. McKinnis*  
Secretary.



9859

May 21  
April 14, 1914.

Permits 9197-9859

Charles McKinnis, Sec'y  
National Conner Mng.Co.,  
Wallace, Idaho.

Sir:

We are in receipt of notices of proof of completion of works and beneficial use of water under above permits. The notices for publication will be mailed to the Wallace Miner in time for the required four weeks publication prior to May 21st and deposition blanks will be mailed to Therrett Towles, notary public.

If May 21st is not satisfactory to you as date for making proof, please advise at once and set another date before publishing the notice.

Very truly yours,

F. P. KING,

State Engineer.

By \_\_\_\_\_

9859

9859

**NOTICE OF PROOF OF COMPLETION OF WORKS  
AND  
APPLICATION OF WATER TO BENEFICIAL USE**

Notice is hereby given that at 2 P.M. on the 21st  
day of May, 1914, at Wallace, County of  
Shoshone, State of Idaho, before Therrett Towles, notary public,  
proof will be submitted of the completion of works for the diversion of eight  
cubic feet per second of the waters of Deadman Creek or Gulch  
and of the application to beneficial use of said water in accordance with the terms and conditions  
of Permit No. 9859 heretofore issued by the State Engineer of the State of Idaho.

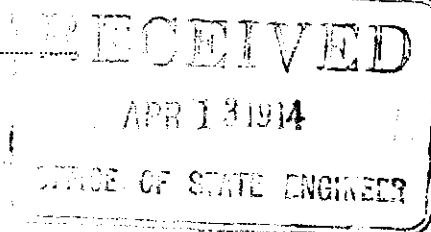
1. The name and postoffice address of the person, or corporation, holding said permit, are  
National Copper Mining Company, Limited, Wallace, Idaho.

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

3. The use to which said water has been applied is irrigation and domestic  
purposes, and the amount applied to beneficial use is eight cubic feet per second.

4. The place where said water is used is NE 1/4, Sec. 35, Twp. 48 N., R.  
5 East S. .

5. The date of priority which said user is prepared to establish is RECORDED 25, 1913.



**F. F. KING**

**D. C. MARTIN,  
F. F. KING**

State Engineer.

**9859**

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) April 10, 1914.

(P. O.) Wallace, Shoshone County, 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.

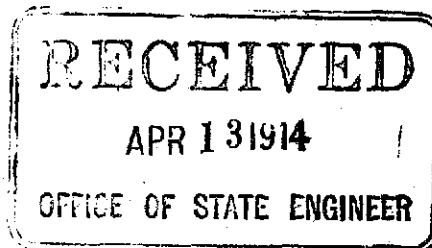
National Copper Mining Company, Ltd.,

By Charles McKinnis  
Secretary.

(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.



9859

Permit No. 9859

## OFFICE OF STATE ENGINEER

# PROOF OF COMPLETION OF WORKS

## AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Shoshone

ss.

Charles McKinnis, being first duly sworn upon his oath deposes and says:  
 Secretary of National Copper Mining Company, Limited, the

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State  
 of Idaho, No. 9859 and that his postoffice address is Wallace,

State of Idaho, and that he makes this affidavit for and on behalf  
 of said corporation.

Second: That under the terms and conditions of said permit, construction thereunder was required  
 to be completed by June 13, 1914.

Third: That the use for which said water is intended is power and milling purposes.

Fourth: That ~~on the date above mentioned~~ the works constructed under said permit were (or  
 were not) fully completed and consisted of the following:  
 April 10, 1914

I. Kind of works: Dam, ditch and flume.

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

II. Dimensions of work:

(a) Height of dam 5 feet, length of dam at top 15 feet, length of dam at  
 bottom 5 feet. Material used in construction timber, stone and earth.

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

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width 2 feet, height 2 feet.

(d) Conduit ditch and flume width at bottom 2 feet, width at water  
 (State whether ditch, flume or pipe.)  
 line 2 feet, depth of water 2 feet; diameter of pipe 18 inches;  
 of flume  
 average grade per mile is 12 feet. Length of conduit is 1 1/2 miles.

Fifth. That said works are capable of conducting to the place of intended use  
 eight second feet of water.

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

Seventh. Remarks: That

RECEIVED

APR 13 1914

OFFICE OF STATE ENGINEER

Charles McKinnis

Sign here.

9859

Subscribed and sworn to before me this 10th day of April, 1914.

My commission expires Oct. 15, 1915.

Notary Public.

A. E. ROBINSON  
STATE ENGINEER

## State of Idaho

ENGINEERING DEPARTMENT

BOISE

Mr. Charles McKinnie, Agent,  
National Copper Mining & G. Co.,  
Wallace, Idaho.

March 3, 1914.

Dear Sir:

I enclose herewith blank notice of proof of completion of Works under your permit No. 9859 and blank Notice of Proof of Beneficial Application of Water under same permit, which notice should be filled out and returned to me at least 60 days before the date upon which it is desired to submit proof, which proof should be on or before June 13, 1914.

Yours truly,

A. E. ROBINSON,  
State Engineer.

9859

STATE OF IDAHO  
ENGINEERING DEPARTMENT  
BOISE

F. P. KING,  
STATE ENGINEER

Permit No. 9859.

BOISE, IDAHO, Dec. 13, 1913.

National Copper Mining Co.,  
Wallace, Idaho.  
Dear Sir:

*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.*

F. P. KING,  
State Engineer.

9859

~~9859~~