

NAME OF APPLICANT

Hercules Mining Co

SEC

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9
US.M.N.1

SEC

SEC

9
McTune
pps
George Creek

SEC

SEC

SEC

SEC

SEC

SEC

2309

July 23, 1906

P23009

Black & Ship

Sanborn
Map

Top of Application

3 1/2" pipe
11705 ft

217132
- 110 ft

835'

881'

838'

Grade - 3 1/2"

70 100 ft

826'

Guich

833' 6 1/2" 839' 7" 80231'

80231'

80231'

80231'

80231'

80231'

80231'

80231'

80231'

80231'

80231'

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80231'

80231'

Application No 3080
Permit No 2309
Joseph Gorge Guich
Shoshone Co
Approved October 6, 1906
Geo. Stephenson
State Engineer

Scale 1" = 50'

Top of direction

License and Certificate of Water Right

Water License No. 2309
Water District No. 91-C

Amount 1 sec. ft.
Priority 6-25-1916

THIS IS TO CERTIFY that Harry L. Day
of Wallace, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 6, 1906; that Permit No. 2309
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.0 second feet, was issued thereunder on August 13, 1923, showing that said works
were completed on the 6th day of October, 1911; and that on the 25th
day of August, 1922,

Hercules Mining Company

of Wallace, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Gorge Gulch
, a tributary of -----, for the purpose of mining and
, under Use Permit No. 2309 of the State Engineer

and that said right to the use of said waters has been perfected in accordance with the laws of
Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
Volume 6 of Licenses, at page 3065, on the 13th day of August, 1923;

The right hereby confirmed dates from June 25, 1916;

The Point of Diversion is located N. 33° 59' E. 4825.1' from U. S. M. M. No.
in the 1/4 Sec. 1, Lalande Mining District, B. M.
County of Shoshone

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

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			The place of use of said water is on the Lilly Lode, Lalande Mining District.		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 13th day of August, 1923.

W. G. SWENDSEN
Commissioner of Reclamation

(SEAL)

94 2022

No. 3080

A P P L I C A T I O N F O R P E R M I T

To appropriate the Public Waters of the State of Idaho.

1. Name of applicant - HARRY L. DAY

Postoffice address: P. O. Wallace, Shoshone County, State of Idaho.

2. The quantity of water claimed is one cubic foot per second.

3. Source of water supply - Gorge Gulch.

County of Shoshone, State of Idaho.

4. Location of point of diversion North 33° 59' East 4825.1 from U. S. Min. Mon. No. 1, Lalande Mining District, Shoshone County, State of Idaho.

5. To be used for:

II. Mining, power, manufacturing or transportation purposes:

- (a) To be used for Mining and Power purposes.
- (b) Amount of power to be generated thirteen horse power.
- (c) At what point on the Lilly lode, Lalande Mining District.
- (d) Is water to be returned to any stream? yes.
- (e) If so, name stream and locate point of return at "Point of Application".

6. Estimated cost of works about \$600.00 or \$700.00

7. Description of Works for Diversion:

I. Kinds of works - dam, flume and pipe.

II. Dimensions of Works:

- (a) Height of dam five feet, length of dam at top eight feet, length of dam at bottom four feet, material used in construction wood.
- (d) Ditch (flume or pipe) width at bottom one foot, width at water line one foot, depth of water one foot. Average grade per mile is 16 feet. Length of flume 382.9 feet, and 170.5 feet 3 inch pipe, and it crosses unsurveyed land to Lilly lode, which is the point of intended use.

8. Time required for the completion of the construction of such work is five years.
9. Time required for the complete application of the water to the proposed use is one additional year.

Approval of State Engineer.

The number of this permit is 2309

Date of first receipt of application 9 a. m. August 6, 1906.

Returned to applicant for correction August 6, 1906.

Corrected application received October 5, 1906.

Recorded in Book 7, page 2309. Approved October 6, 1906.

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 grant the same, subject to the following limitations and conditions:

Work to begin on or before December 5, 1906, 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 April 6, 1909.

The whole of said work to be completed on or before October 6, 1911.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to October 6, 1912.

Witness my hand this 6 day of October, 1906.

Jas. Stephenson, Jr.

State Engineer.

THIS INDENTURE, Made this, the 7th day of August, A. D. 1923, between Harry L. Day and Helen Dwyer Day, his wife, of the City of Wallace, County of Shoshone, State of Idaho, the parties of the first part, and Jerome J. Day, Eleanor Day Boyce, Blanche Day Ellis, Frank M. Rothrock, August Paulsen, Harry L. Day, Myrtle Paulsen, L. W. Hutton, Mary Seawell Markwell, Frank P. Markwell, Agnes Loretta Day, Charles A. Markwell, Jesse E. Markwell, Effie Markwell Lobaugh, Elizabeth Smith Markwell, Minnie Markwell and Emma Markwell Buchanan, mining partners doing business under the firm name and style of Hercules Mining Company, a mining partnership created by the operations of the laws of the State of Idaho, the parties of the second part;

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of One (\$1.00) Dollar, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, remise, released and forever quitclaimed, and by these presents do grant, bargain, sell, remise, release and forever quitclaim, under the said parties of the second part, and to their heirs and assigns forever, all those certain water rights, acquired under Water Permits Nos. 7276, 7277 and 7275, (2309), situated in the County of Shoshone, State of Idaho, and more particularly described as follows, to-wit:

The right to appropriate 25 cu. ft. per second of the public waters of the State of Idaho from Nine Mile Creek, a tributary of the South Fork of the Coeur d'Alene River, and situated in Placer Center Mining District, Shoshone County, State of Idaho, granted to Harry L. Day, one of the parties of the first part, by the State Engineer of the State of Idaho, under Permit No. 7277 on the 18th day of March, A. D. 1911, and approved by said State Engineer on the 6th day of May, A. D. 1911, and of record in the office of said State Engineer in Book "22" at Page 7277, to which said book and page reference is hereby had and made for a more definite and specific description of the said right to appropriate the public waters of the State of Idaho, under Permit No. 7277.

Also the right to appropriate 25 cu. ft. per second of the public waters of the State of Idaho from Lake Creek, a tributary of the South Fork of the Coeur d'Alene River, and situated in Placer Center Mining District, Shoshone County, State of Idaho, granted to Harry L. Day, one of the parties of the first part, by the State Engineer of the State of Idaho, under permit No. 7276 on the 18th day of March, A. D. 1911 and approved by said State Engineer on the 6th day of May, A. D. 1911, and of record in the office of said State Engineer in Book 22, at page 7276, to which said book and page reference is hereby had and made for a more definite and specific description of the said right to appropriate the public waters of the State of Idaho, under Permit No. 7276.

And also the right to appropriate 10 cu. ft. per second of the public waters of the State of Idaho, from Placer Creek, a tributary of the South Fork of the Coeur d'Alene River, and situated in Placer Center Mining District, Shoshone County, State of Idaho, granted to Harry L. Day, one of the parties of the first part, by the State Engineer of the State of Idaho, under Permit No. 7275, on the 18th day of March, A. D. 1911, and approved by said State Engineer on the 6th day of May, A. D. 1911, and of record in the office of said State Engineer in Book "22" at Page 7275, to which said book and page reference is hereby had and made for a more definite and specific description of the said right to appropriate the public waters of the State of Idaho, under Permit No. 7275

The interest of the said parties of the second part in the right to appropriate the public waters of the State of Idaho under said Permits Nos. 7275, 7276 and 7277 (2309) is as follows:

Jerome J. Day	169/1280	Mary Seawell Markwell	59/21504
Harry L. Day	169/1280	Frank P. Markwell	546/21504
Eleanor Day Boyce	249/1280	Charles A. Markwell	3/128
Blanche Day Ellis	49/1280	Jesse E. Markwell	78/21504
Frank M. Rothrock	1/32	Effie Markwell Lobaugh	169/21504
August Paulsen	17/128	Elizabeth Smith Markwell	3/128
Myrtle Paulsen	1/8	Minnie Markwell	91/21504
L. W. Hutton	25/256	Emma Markwell Buchanan	169/21504
		Agnes Loretta Day	3/160

Together with all and singular the tenements, hereditaments, appurtenances and improvements, thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and To Hold, all and singular, the said premises and rights, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, this, the day and year first above written.

Harry L. Day (SEAL)

Helen Dwyer Day (SEAL)

Signed, sealed and delivered
in the presence of:

Julia O'Rourke

Aileen O'Rourke

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

On this 7th day of August, A. D. 1923, before me Julia O'Rourke, a Notary Public in and for the State of Idaho, personally appeared Harry L. Day and Helen Dwyer Day, his wife, personally known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Wallace, Idaho, the day and year in this certificate first above written.

(SEAL) Julia O'Rourke
Notary Public in and for the State of
Idaho, residing at Wallace, Idaho.

Received and filed for record in the Department of Reclamation at 9 A. M.
August 11, 1923.

W. G. Swendsen,
Commissioner of Reclamation.

STATE OF IDAHO
Department of Reclamation

IN THE MATTER OF THE REINSTATEMENT)
OF PERMIT NO. 2309, UNDER THE PRO-)
VISIONS OF SECTION 5594, IDAHO COM-)
PILED STATUTES.)

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 2309 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the permit, to-wit: October 6, 1911; and,

WHEREAS, On the 21st day of April, 1922, notice to show cause why said permit should not be cancelled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 4th day of May, 1922, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 25th day of August, 1922, depositions of the holder and two witnesses were received at the Department of Reclamation showing the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed, as required under the terms of said permit No. 2309, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby ordered that said Permit No. 2309 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 13th day of August, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation

(SEAL)

By: Geo. N. Carter,
Assistant.

Proof of Completion of Works made August 25, 1922.
Certificate of Completion of Works issued August 13, 1923.

Permit No. 2309

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Hercules Mining Company of Wallace, County of Shoshone, and State of Idaho, the holder of Permit No. 2309, issued upon Application No. 3080, bearing date of priority of August 6, 1906, authorizing the diversion of 1.0 second feet of the waters of Gorge Gulch, County of Shoshone, State of Idaho, for mining and power purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1.0 second feet of the waters of Gorge Gulch; that the point of diversion of said waters is North 33° 59' East 4825.1 feet from U. S. Min. Mon. No. 1, Lalande Mining District, Shoshone County, and that the place of use of said water is on the Lilly Lode, Lalande Mining District.

Witness my hand this 13th day of August, A. D. 1923.

W. G. SWENDSEN,
Commissioner of Reclamation

By: Geo. N. Carter,
Assistant.

License issued for 1.0 second feet - Page 3065

August 19, 1936

Re: Permit No. 2309.

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

Dear Sir:

In response to your letter of recent date we are here-
with enclosing a copy of Permit No. 2309, together with copies
of all the instruments recorded under said permit, and a copy of
the license issued under the permit. The fee for this service
will be \$2.00.

We trust that this will suffice; however, if you have
any questions regarding the matter, please advise us.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By

Chief Clerk

Jl
Encl.

2309

JOHN H. WOURMS

LAWYER
WALLACE, IDAHO

August 3rd, 1938

Department of Reclamation
Boise, Idaho

Gentlemen:

Some time in the year 1906 there was granted to Harry L. Day and others, then doing business under the firm name and style of Hercules Mining Company, a permit to appropriate one cubic foot per second of the waters of Gorge Gulch in Lelande Mining District, Shoshone County, Idaho. Which permit was No. 2309 and was issued by James S. Stevenson, Jr., State Engineer, on October 6th, 1906. This permit ultimately ripened into a license.

Many years have elapsed since the permit and license were issued and now the Federal Power Commission is making inquiry with reference to this water right.

Will you kindly give me what information your records disclose with reference to this particular transaction. I shall be very happy to pay the necessary fees as soon as I am informed of the amount thereof.

Very truly yours,

John H. Wourms
Attorney for the Hercules Mining Co.

JHW:ANH

August 14, 1923.

Re: Permits No. 2309-7276-77
Hercules Mining Company.

Mr. John H. Wourms,
Wallace, Idaho.

Dear Sir:

We are enclosing herewith Certificates of
Completion of Works and Water Licenses, issued under
the above numbered Permits, together with receipts
for fees.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

Encls.

By

Chief Clerk.

2309

Re: Permits Nos. 2309-7276-7277.

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

Dear Sir:-

 Last October we wrote you relative to filing the transfer of the above permits to the Hercules Mining Company in order that certificates and licenses might be issued to the Company, but as yet we have received no reply to our letter. Kindly have this attended to as soon as possible in order that the proofs may be closed and certificates and licenses issued.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By
Chief Clerk.

STATE OF IDAHO
Department of Reclamation

IN THE MATTER OF THE REIN-
STATEMENT OF PERMIT NO.
2309, UNDER THE PROVISIONS
OF SECTION 5594, IDAHO COM-
PILED STATUTES.

ORDER REINSTATING PERMIT

WHEREAS, Permit No. 2309 lapsed through failure of the holder to make proof of completion of the works of diversion within the time specified in the permit, to-wit: October 6, 1911; and,

WHEREAS, On the 21st day of April, 1922, notice to show cause why said permit should not be cancelled, under the provisions of Section 5594, Compiled Statutes of Idaho, was duly served on the holder of said permit; and,

WHEREAS, On the 4th day of May, 1922, the holder filed notice of appearance to offer proof to show that the works of diversion under said permit were fully completed within the time required; and,

WHEREAS, On the 25th day of August, 1922, depositions of the holder and two witnesses were received at the Department of Reclamation showing the said works of diversion were completed within the time required in the permit; and,

WHEREAS, After examination of the said depositions, the Commissioner of Reclamation of the State of Idaho, is fully satisfied that the works of diversion were completed, as required under the terms of said Permit No. 2309, and that the holder has acted in good faith;

IT IS, THEREFORE, Hereby ordered that said Permit No. 2309 be, and the same is, hereby reinstated, and that a certificate of completion of works be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of this Department, at Boise, Idaho, this 13th day of August, 1923.

W. G. SWENDSEN,
Commissioner of Reclamation

By *Geo. N. Carter*
ASSISTANT.

October 17, 1922.

Re: Permits Nos. 2309-7276-7277

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

Dear Sir:-

In looking over the records and files of the above permits we find that the transfer from Mr. Harry L. Day to the Hercules Mining Company has never been placed on record in this office. This transfer should be sent in for record here before the certificate and license can be issued in the name of the company. The proofs are complete under all of these permits with this exception.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

JOHN H. WOURMS
WALLACE, IDAHO

October 10, 1922.

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

Dear Sir:

Enclosed herewith please find draft for \$39.00
which is intended to pay for Proof of Completion of Works
and Application to Beneficial Use under Permit No. 2309,
Permit No. 7276 and Permit No. 7277, issued to the Her-
cules Mining Company.

Kindly acknowledge receipt and oblige

Yours truly,

John H. Wourms,
aor

JHW:O'R

ENC.

2309

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Permits Nos. ~~2309~~-7276-7277-
Hercules Mining Company.

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

Dear Sir:-

Referring to proofs under the above numbered permits
would say these proofs are now complete and satisfactory and,
upon receipt of fees as set out below, the certificates and
licenses will be issued:

Permit No. 2309 - Completion of Works	\$5.00	(1 sec.ft.)
Beneficial Use Water	<u>5.00</u>	\$10.00
Permit No. 7276 - Completion of Works	\$9.50	(25 sec.ft.)
Beneficial Use Water	<u>5.00</u>	\$14.50
Permit No. 7277 - Completion of Works	\$9.50	(25 sec.ft.)
Beneficial Use Water	<u>5.00</u>	\$14.50.
Total		\$39.00

Very truly yours,

W. G. SWENDBERG,

Commissioner of Reclamation.

y

Chief Clerk.

September 5, 1922.

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

Dear Sir:

Enclosed herewith you will please find:

Proof of Completion of Works and Application to Beneficial Use of the Waters of Beaver and Carbon Creeks under Permit No. 10031, by the Ray-Jefferson Mining Company; a

Also Proof of Completion of Works and Application to Beneficial Use of the Waters of Nine Mile Creek by the Hercules Mining Company under Permit No. 7277, issued to Harry L. Day;

Also Proof of Completion of Works and Application to Beneficial Use of the Waters of Gorge Gulch by the Hercules Mining Company, under Permit No. 2309, issued to Harry L. Day;

Also Proof of Completion of Works and Application to Beneficial use of the Waters of Lake Creek, under Permit No. 7276, issued to Harry L. Day.

After a careful investigation, the engineers have come to the conclusion that Permit No. 2532, claiming the right to divert twenty cubic feet of the waters of Beaver Creek, by the Ray-Jefferson Mining Company, was the same water covered by Permit No. 10031. At any events, if it was for different water, the water is not in the creek and no works of diversion have been completed. Therefore, that permit may be canceled.

The waters of Dobson Creek, appropriated by the Ray-Jefferson Mining Company, under Permit No. 12058, - after a careful cruising over the ground by the engineers, we find that the work is not completed; and furthermore, that the point of diversion is not properly located on the ground, so that we will have to make a new appropriation of that water.

The waters claimed by the Tamarack & Custer Consolidated Mining Company under Permits Nos. 5509, 1419 and 1420 have all been completed, but I have not made Proof of Completion of Works, nor of Application to Beneficial use for this reason: the underground workings of the Tamarack have drained the upper stratus of the ground so that there is only a small percentage of the water which formerly came down through these water courses now

2309

WGS-2
9/5/22.

running in the streams, most of it passing through the underground workings of the mine. It therefore became necessary at some time in the past to find other ways and means of driving the machinery that was intended to be driven by this water, and for that purpose electric power was installed to drive the fans for the purpose of ventilating the mine, and still later, we have driven raises from the lower workings to the surface, so that in a great measure, it obviated the necessity of using fans to propel the fans. What water there is now running through those courses, we expect to gather in the same tank, but we expect to use the water at different places. The tank has already been tapped so that a portion of the water is used for domestic purposes at the camp of the Company on the hill. In fact, a portion was always diverted that way, but in later years there has been quite an accumulation of houses and buildings, and the demand for domestic purposes has steadily increased, and since we are no longer dependent on these waters for the purpose of driving fans, and as we are greatly in need of the waters for fire protection to our plant, it is the intention, in fact work has already started, to appropriate whatever water there is still coming down these courses, to be utilized for domestic and fire protection purposes only, and the point of intended use will be differently located from the points of intended use under the Permits heretofore issued.

While the works are still there, and a portion of the water is still running through those works and was, for a number of years, utilized for the purposes for which they were appropriated, still, I did not feel, under existing circumstances, that we had a right to prove up under these permits, when as a matter of fact, the water is not at this particular time being used for the purposes for which it was appropriated. In other words, the installation of electric power, air drills, etc., have obviated the necessity of using the waters for that purpose. The opening of large areas underground has diverted a large portion of the water which formerly came through these water courses, and is now running through tunnels at lower levels. I have therefore felt that Justice and Good Conscience required the Company to make a complete re-location of these waters, accumulating all that could possibly be drained into the tanks, and use that solely for domestic use at the houses and establishment of the Company, and for fire protection for its works.

I wish again to thank you for the courtesy which you have shown me in these matters, and will ask you, at your earliest convenience, to send me proper blanks, so that I may make application for a permit to appropriate the waters for the Tamarack Company, also that I may locate properly the waters of Dobson Creek for the Ray-Jefferson Mining Company. The Ray Jefferson Mining Company is not operating now, it being a zinc mine, but we have hopes that zinc will have a price soon that will warrant the opera-

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

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

BOISE, IDAHO, **July 18, 1922.**

Hercules Mining Co.
c/o John H. Wourms, Attorney,
Wallace, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. 2309

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

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

1. On August 25, 1922, 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 Walter B. Heitfeld, notary public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

W. G. SWENDSEN,

Commissioner of Reclamation.

2309

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PERMIT NO. 2309

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. Harry L. Day, age 56, residence Wallace, Idaho; occupation Mine Manager; postoffice address, Wallace, Idaho.

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

Ans. Hercules Mining Co. a mining partnership, Burke, Idaho. My position is Manager and one of the owners; I am charged by my co-owners with the entire business of the partnership and the directing of its policies.

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

Ans. No. 2309, Oct. 6, 1906, date of priority June 25, 1916.

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

Ans. Gorge Creek, Shoshone County, Idaho; diverted at a point N 33° 59' E 4825 ft from U.S.M.M. No. 1, Lelande Mining District, Shoshone County, 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. A crib dam in Gorge Gulch full width of creek about 5 ft high. A flume about 8 inches square, about 500 ft long delivers the water to a tank about 6 ft deep, 8 feet wide, and about 20 ft. long. From the tank there is a penstock about 175 feet long and 3 inches in diameter to the point of intended use.

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 cultivate or natural meadow land and the nature of all improvement which have been made as a direct result of said use.

Ans. Mining and power purposes. At the portal of No. 4 Tunnel of Hercules Mine, in Shoshone County, Idaho.

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

Ans. The water is used for the purpose of driving a fan to ventilate the Hercules Mine for use at Blacksmith shop and other purposes around the headhouse of the No. 4 Tunnel of the Hercules Mine.

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

Ans. One cubic foot per second is minimum amount required. In extremely dry weather as the present, we of course must get along with less.

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. Permit issued to Harry L. Day who was acting for the above named Hercules Mining Company, the mining partnership making this proof, and that he intends to convey to the tenants in common composing said mining partnership an interest equal to their respective holdings in the mining partnership.

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

Ans. At all times since the Fall of 1906 or the Spring of 1907 the water has been used as described in foregoing questions.

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 right claimed thereunder.

Ans. No other water has been diverted or used on the land and premises hereinbefore described.

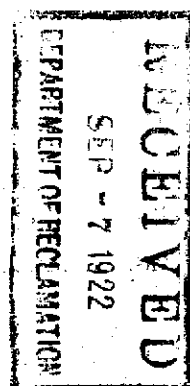
(Sign)

Nancy L. Day

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me at my office in Wallace County of Shoshone State of Idaho, on this 25th day of August A. D. 19 22

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

2309



Permit No. 2309**Proof of Application of Water to Beneficial Use**

DEPOSITION OF WITNESS

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

Ans. Joseph Revelli. Age-34. Residence, Burke, Idaho.- Time Keeper.P. O. Address, Burke, Idaho.Ques. 2. Are you acquainted with Harry L. Day, the holder of Permit No. 2309? How long have you known him and where does he reside?Ans. Yes. Have known him twenty-six years. Resides, Wallace, Idaho.Ques. 3. Have you read or heard read said Permit No. 2309 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.

Gorge Gulch. Diverted at a point N 33°59' E. from U.S.M.M. No. 1,
Ans. Lelande Mining District. Works for diversion as follows: A crib
dam in Gorge Gulch, full width of creek, about 5 feet high. A flume
about 8 inches square, about 500 ft. long, delivers the water to a tank
about 6 ft. deep, 8 feet wide and about 20 ft. long. From the tank there
is a penstock about 175 feet long to the point of use.

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?
Will safely conduct one cubic foot per second. Have seen flume full at
Ans. periods of high water. When last saw the works, the flume carried
all the water in Gorge Creek at point of diversion, amounting to about one
cubic foot per second.

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. It is used for mining and power purposes at the portal of HerculesNo. 4 Tunnel, on the Lilly lode, in Lelande Mining District.

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

Ans. It was used for the purpose of driving a fan to ventilate the Her-
cules Mine for use at Blacksmith shop and for other purposes around the
head house of the No. 4 Tunnel of the Hercules Mine.

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. _____

2309

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

Ans. I have no interest in the works, water or lands above mentioned.

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.

Have seen the flume hereinbefore described full of water at periods
Ans. of high water. When I last saw the works, it carried about one
cubic foot per second which was all the water of Gorge Gulch at the point
of diversion.

(Sign) Joe Purcell

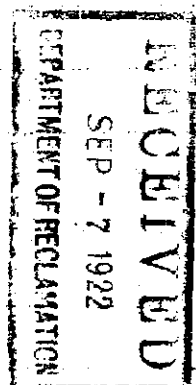
I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Wallace, County of Shoshone, State of Idaho, on this 25th day of August A. D. 19 22.

Walter B. Hightford
Notary Public.

Residing at Wallace, Idaho.

My commission expires Oct. 2, 1923.

2309



Permit No. 2309

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Andrew T. Jenkins. -Age-48. Residence-Wallace, Idaho.-Mining Engineer

P.O. Address, Wallace, Idaho.

Ques. 2. Are you acquainted with Harry L. Day, the holder of Permit No. 2309? How long have you known him and where does he reside?

Ans. Yes. Have known him thirty years. Resides, Wallace, Idaho.

Ques. 3. Have you read or heard read said Permit No. 2309, 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.

Gorge Gulch. Diverted at a point N 33° 59' E. from U.S.M.M. No. 1, Lelande Mining District. Works for diversion as follows: A crib dam in Gorge Gulch, full width of creek, about 5 feet high. A flume about 8 inches square, about 500 ft. long, delivers the water to a tank about 6 ft. deep, 8 feet wide and about 20 ft. long. From the tank there is a penstock about 1.75 feet long to the point of use.

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?

Will safely conduct one cubic foot per second. Have seen flume full at periods of high water. When last saw the works, Aug. 23, the flume carried all the water in Gorge Creek, at point of diversion, amounting to about one cubic foot per second.

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. It is used for mining and power purposes at the portal of Hercules No. 4 Tunnel, on the Lilly lode, in Lelande Mining District.

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

It was used for the purpose of driving a fan to ventilate the Hercules Mine for use at Blacksmith shop and for other purposes around the head house of the No. 4 Tunnel of the Hercules Mine.

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.

2309

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

Ans. I have no interest in the works, water or lands above mentioned.

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.
Have seen the flume hereinbefore described full of water at periods of high water. When I last saw the works, on Aug. 23, 1922, it carried about one cubic foot per second which was all the water of Gorge Gulch at the point of diversion.

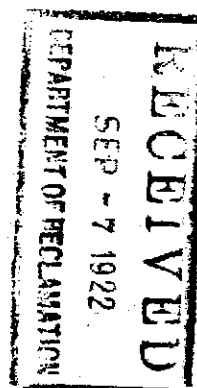
(Sign) Andrew T. Jenkins

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 25th day of August A. D. 19 22.

Walter B. Weigfeld
Notary Public.
Residing at Wallace, Idaho.

My commission expires Oct. 2, 1923.

2309



PERMIT No. 2309

Proof of Completion of Works

DEPOSITION OF HOLDER

Under Terms of H.B. 53, Laws 1917.

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

Ans. Harry L. Day, age 56, residence Wallace, Idaho, occupation Mine Manager, postoffice address, Wallace, 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. Hercules Mining Company, a mining partnership, Burke, Idaho. My position is Manager and one of the owners; I am charged by my co-owners with the entire business of the partnership and the directing of its policies.

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

Ans. No. 2309, Oct. 6, 1906; 1 cubic foot per second; source Gorge Creek, Shoshone County, Idaho, diverted at a point N. 33° 59' E. 4825 ft from US M. L. No. 1, Leland Mining District.

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 have reclaimed or intend to reclaim.

Ans. Mining 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. Yes, and the water was, in the Fall of 1906 or Spring of 1907, diverted to the full extent claimed.

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

Ans. Yes, in Fall of 1906 or Spring of 1907, and in my judgment, comply in all respects with the permit.

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

Ans. _____

Ques. 8. Give description of works and state dimensions and capacity of each part as they existed on August 25, 1922, and give cost of same.

Ans. A crib dam, full width of creek, about 5 ft high; a flume about 8 inches square, about 500 ft. long delivers water to a tank about 6 ft deep 8 ft wide and about 20 ft long. From tank there is a penstock about 175 ft long, about 3 inches in diameter to point of use. Books do not show actual cost, but in my judgment, cost would amount to about \$1500.00.

(Sign here.)

Harry L. Day

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 25th day of

August

A. D. 19 22

My Commission expires Oct. 2, 1923.

Walter B. Reifeld

Residing at Wallace, Idaho.

Notary Public.

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

PERMIT No. 2309

Proof of Completion of Works

DEPOSITION OF WITNESS

Under Terms of H. B. 53, Laws 1917.

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

Ans. Andrew T. Jenkins. Age-48 . Residence-Wallace, Idaho.-Mining Engineer.

P. O. Address, Wallace, Idaho.

Ques. 2. Are you acquainted with Harry L. Day, the

holder of Permit No. 2309, authorizing the diversion of 1 second-feet of the waters of

Gorge Gulch, Shoshone County, Idaho., at Burke, Idaho

for Mining and Power purposes? How long have you known him, and where does he reside?

Ans. Yes. Have known him thirty years. Resides at Wallace, Idaho.

Ques. 3. Have you read or heard read said Permit No. 2309, and are you familiar with its terms and conditions?

Ans. _____

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? If so, when were they so completed?

Ans. Yes, Were completed prior to November, 1907, when I first became acquainted with them.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. A crib dam in Groge Creek, full width of creek, about 5 feet high, a flume about 8 inches square, about 500 ft. long, delivers the water to a tank about 6 ft. deep, 8 feet wide and about 20 ft. long, From the tank there is a penstock about 175 feet long to the point of use.

(Sign here)

Andrew T. Jenkins

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 25th day of

August

A. D. 1922.

My commission expires Oct. 2, 1923.

Walter B. Neifeld Residing at Wallace, Idaho. Notary Public.

2309

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

PERMIT No. 2309

Proof of Completion of Works

DEPOSITION OF WITNESS

Under Terms of H. B. 53, Laws 1917.

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

Ans. Joseph Revelli. Age-34. Residence-Burke, Idaho-Time Keeper.

P.O. Address, Burke, Idaho.

Ques. 2. Are you acquainted with Harry L. Day, the

holder of Permit No. 2309, authorizing the diversion of 1 second-feet of the waters of

Gorge Gulch, Shoshone County, Idaho, at Burke, Idaho.

for Mining and Power purposes? How long have you known him, and where does he reside?

Ans. Yes. Have known him twenty-six years. Resides at Wallace, Idaho.

Ques. 3. Have you read or heard read said Permit No. 2309, 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? If so, when were they so completed?

Ans. Yes. Were completed sometime in 1907, when I first became acquainted with them.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5, and give your estimate of their capacity on that date.

Ans. A crib dam in Gorge Creek, full width of creek, about 5 feet high. A flume about 8 inches square, about 500 ft. long, delivers the water to a tank about 6 ft. deep, 8 feet wide and about 20 ft. long. From the tank there is a penstock about 175 feet long to the point of use.

(Sign here)

Joe. Revelli

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 25th day of

August

A. D. 1922.

My commission expires Oct. 2, 1923.

Walter B. Diefeld
Residing at Wallace, Idaho 2309

Notary Public

Proof of Publication

STATE OF IDAHO
County of Shoshone,

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

Notice is hereby given that at 10:30 a. m. on the 25th day of August, 1922, at Wallace, County of Shoshone, State of Idaho, before Walter B. Heitfeld, notary public, proof will be submitted of the completion of works for the diversion of 1.0 cubic feet per second of the waters of Gorge Gulch, and of the application to beneficial use of said water in accordance with the terms and conditions of Permit No. 2309, 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 Hercules Mining Company, Wallace, Idaho.

2. Said works of diversion were 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 2309 cubic feet per second.

3. The use to which said water has been applied is mining and power purposes and the amount applied to beneficial use is 1.0 cubic feet per second.

4. The place where said water is used is at Lilly Lode, in Lalande Mining District.

5. The date of priority which said user is prepared to establish is June 25, 1916.

W. G. SWENDSEN,
Commissioner of Reclamation.
W. July 21-28; Aug. 4-11, 1923.

J. M. Shuman being first duly sworn, deposes and says that he is the *Principal Clerk* of the Press-Times Publishing Company, publishers of the Weekly Press-Times Mining Review, a weekly newspaper printed and published at Wallace, County of Shoshone, State of Idaho, having a general circulation in said county, and which has been published continuously and uninterruptedly in said county for more than 78 consecutive weeks immediately preceding the date of the first publication of the attached notice.

That the *Notice* of which a copy is hereunto attached, was first published in said newspaper in its issue dated the *21st* day of *July*, A. D., 19*22*, and was published each succeeding issue of said newspaper for the full period of *1*

Seven weeks, the last publication thereof being in the issue dated the *11th* day of *August*, A. D., 19*22*.

J. M. Shuman
Subscribed and sworn to before me this *12th* day of *August*,
A. D., 19*22*.

A. D., 19*22*.

Julius O'Rourke
Notary Public in and for the State of Idaho,
residing at Wallace, Idaho.

REPORT OF ENGINEER

This proof is for Comp. Works &
Ben. Use Water

In Water District No. 89-91(?)

1. State name of applicant and number of permit: Hercules Mining Co. Permit 2309
2. State source of water supply: 1 sec.ft. Gorge Creek
3. Location of point of diversion: N. 33° 59' E., 4825.1 ft. from U.S.M.M. No.1,
Lalande Mining Dist.

4. Describe works as they exist, giving dimensions and capacities of same:

385 feet flume. 6" x 6"
170 feet 3" pipe

1 cu. ft. per. Sec.

5. State whether or not water has been turned into works of diversion: yes

6. ~~Give exact location of lands to be irrigated. If proof in form beneficial use, give exact number of acres under cultivation in each forty-acre tract.~~ (Describe manner and place of use if for other than irrigation): Mining and power purposes at Lilly lode, in Lalande Mng. Dist.

7. Submit map on enclosed plat, showing location and details of above description.

8. How many parties conduct water in this system? One

9. Give names and amount of each right: Hercules Mining Co

10. What large stream would the water here appropriated finally reach? Canyon Creek

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

Remarks: Section lines in this district have not been surveyed.

This examination was made on the 28 day of July 1922

2339

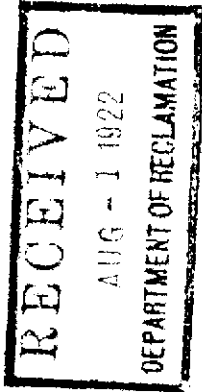
(Signed)

M. C. Labin

Examiner.

Hercules Mag. Co.
J.H. Wourms, Atty,
Wallace

Permit 2309



Instructions to Examiners

1. Examiners will not be permitted to examine any of the receipts in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own right in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

STATE OF IDAHO,
County of Shoshone
M. C. Tobin, 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 29th day of July, 1922.

My commission expires Feb'y 8th, 1923.

Notary Public.

NAME OF APPLICANT Hercules Mining Co

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC 9
MINE

SEC

SEC

SEC

SEC 3

Flume
Creek
Average Creek

SEC

SEC

SEC

SEC

SEC

SEC

2309

TAGN 65E

(P. O.)

Millan Idaho

(Date)

July 20 1922

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of *July 18, 1922* enclosing notice of proof under
Permit No. *2309* which will be published as you request, beginning with our issue of *21*

2309

Press & Ink Co. Ld.
By L.H.S.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Wallace Press-Times, (Mining Edition)

Wallace, Idaho.

Boise, Idaho, July 18, 1922.

Dear Sirs:

Enclosed find Notice for Publication under Permit no. **2309** which please publish once a week for four consecutive weeks in your paper. The expense of this publication will be paid by **John H. Wourms, attorney for applicant, of Wallace,** to whom you will please furnish proof of publication of this notice on or before date of proof.

Please promptly acknowledge receipt of this notice, and kindly mail me your first issue containing its publication that I may compare it with my records.

Yours truly,

W. G. SWENDSEN,

2309

Commissioner of Reclamation

State of Idaho
ENGINEERING DEPARTMENT
BOISE

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

BOISE, IDAHO, **July 18, 1922.**

Heracles Mining Co.
c/o John H. Wommes, Attorney,
Wallace, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of completion of works and beneficial use of water under Permit No. 2309

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

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

1. On August 25, 1922, 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 Walter B. Heitfeld, notary public.

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

W. G. SWENDSEN,
Commissioner of Reclamation.

2309

July 18, 1922.

Re: Permits 2309-7276-7277.

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

Dear Sir:-

In reply to your letter of the 15th inst., in which you inclose \$.50 to cover certified copies mailed you a few days ago, would say that notices for publication for all the permits taken up with you when in the office have today been mailed to the Wallace Press-Times, mining edition, proof to be made August 25th.

As to Permit No. 2309 would say that notice of proof of beneficial use of water is required to be published no matter how small the amount and the combined notice was sent under this permit the same as the rest in order that all the proofs might be made at the same time.

Notice of proof of beneficial use alone is being advertised under Permit No. 10031, as the proof of completion has already been made.

Deposition blanks for all these proofs are being mailed to you today, under separate cover.

Am enclosing herewith receipt for fees paid for copies sent you.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

R8119

Chief Clerk.

2309

JOHN H. WOURMS
WALLACE, IDAHO

July 15, 1922.

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

Dear Sir:

Enclosed herewith please find draft for \$5.50, in payment for certified copies of records under Permits Nos. 2309, 7276 and 7277, of the Hercules Mining Company. Kindly acknowledge receipt.

I beg to advise you that I have not yet seen the Notice of Final Proof of use of the waters under Permits Nos. 7276 and 7277 in the Wallace Press Times Mining Edition. Neither have I received the blanks necessary to complete the appropriation of water under Permit No. 2309, which according to my interpretation of the law does not need to be published. The amount of water appropriated under said Permit is less than $6\frac{1}{2}$ cubic feet per second, to wit: one cubic foot per second. As I read the law, if it is less than $6\frac{1}{2}$ cubic feet per second no publication of notice is required. Kindly send me necessary blanks and I will fill them in and complete the proof necessary under Permit No. 2309.

Thanking you for past favors, I am

Very truly yours,

John H. Wourms,
J.H.W.

JHW:O'R
Enc.

July 10, 1922.

Re: Vartified Copies.

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

to

W. G. SWENDSEN, Commissioner of Reclamation.

To Certified copies of records under Permits Nos. 2309, 7276-7277...\$5.50

JOHN H. WOURMS
WALLACE, IDAHO

July 3, 1922.

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

Dear Sir:

Will you kindly make me certified copies of all papers on file in your office pertaining to Permit No. 2309, application for which was made by Harry L. Day, Permit No. 7276, for 25 cubic feet of the waters of Lake Gulch, application for which was made by Harry L. Day, and Permit No. 7277 for 25 cubic feet of the waters of Nine Mile Creek, application for which was made by Harry L. Day?

Kindly send these certified copies at your earliest convenience, together with your bill, and remittance will be promptly made.

Thanking you for past favors, I am

Very truly yours,

John H. Wourms
Jaok

JHW:O'R

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 26, 1922

(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 Press-Times (Mining Edition) of Wallace, published in
the county in which the works are situated.

John H. Hourman
Attorney for applicant.

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

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

Engineer

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

Notice is hereby given that at 10:30 a.m. on the 25th
August day of August, 19 22, at Wallace
Shoshone State of Idaho, before Walter B. Heifeld, notary public, County of
John H. Williams, notary public
 proof will be submitted of the completion of works for the diversion of 1.0
 cubic feet per second of the waters of Gorge Gulch,
 and of the application to beneficial use of said water in accordance with the terms and conditions
 of Permit No. 2309, 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
Heracles Mining Company, Wallace, Idaho.

were
 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 2309 cubic feet per second.
Mining and power

3. The use to which said water has been applied is irrigation and domestic
 purposes and the amount applied to beneficial use is 1.0 cubic feet per second.

4. The place where said water is used is at Lilly Lode, in Lalande Mining District.

5. The date of priority which said user is prepared to establish is June 25, 1916

89-41 (3)

W. G. Swendsen,

N. 33° 59' E. 4 825.1 from
W. 101 - Lalande Mining Dist.

2309

To W. G. Swendsen

Commissioner of Reclamation

Boise, Idaho

Dear Sir:

Receipt of notice that Permit No. 2309

is held for cancellation, under the provisions of Section
5594 Compiled Statutes of Idaho, is acknowledged. I hereby
enter an appearance and will offer proof to show that the
works required thereunder were fully completed on the date
proof of completion of works was due.

Dated at Boise, Idaho, this
25th day of June, 1922.

Hercules Mining Company
Applicant

By John H. Hovins
Attorney and Agent.

2309

May 9, 1922.

Re: Permit 2309.

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

Dear Sir:

You will find inclosed herewith forms upon which to register your proof of completion of works under the above numbered Permit. Kindly fill out these at your earliest convenience and return to this office together with fee of \$5.00, due on this proof.

The deposition of the holder should be made by the President or someone acting as agent for the board of directors if this is now held by a company or a corporation, if not, the individual holder can fill this out to our satisfaction.

The deposition of the witnesses should be made by someone who has no interest in the works as described.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation

EBW:E

By

2309

To W. G. Swendsen,

Commissioner of Reclamation,

Boise, Idaho

Dear Sir:

Receipt of notice that permit No. 2309 is
held for cancellation under the provisions of Section 5594,
Compiled Statutes of Idaho, is acknowledged. I hereby enter
an appearance and will offer proof to show that the works re-
quired thereunder were fully completed on the date proof of
completion of works was due.

Dated at Wallace Idaho, this 4th day of
May, 1922.

Harry L. Day
Applicant

By

John H. Stoumen
Attorney

C 26 22

JOHN H. WOURMS
WALLACE, IDAHO

May 4, 1922.

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

Dear Sir:

Enclosed herewith you will please find forms of appearances, heretofore send me by you, properly executed.

By filing these blanks, I enter my appearance in Permit No. 7276, Permit No. 2309, Permit No. 7275 and Permit No. 7277.

As soon as I receive the further blanks, I will be able to make proof that the water granted under these Permits was diverted within the time allowed, and within a very short time after the Permit had been granted.

I beg to advise you however, that I am leaving within a few days for Washington, D. C., where I have some legal matters that must be argued orally and I will probably not return to Wallace until about the 1st of June. As soon as I arrive home, I will make the proper proofs.

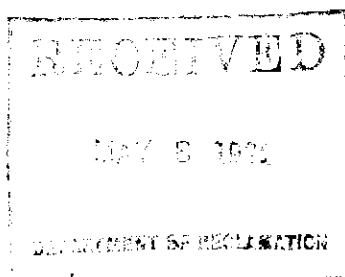
Thanking you for your kindly interest in this matter and for the assistance extended to me, I remain

Very truly yours,

JHW:O'R

Encs.-4.

John H. Wourms
ccr



2309

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

.....April 21....., 1922

Re: Permit No. 2309.....

To: Mr. Harry L. Fay,
Wallace, Idaho.....

It appearing to the Commissioner of Reclamation that the terms and conditions of Permit No. 2309....., to appropriate the Public Waters of the State of Idaho, have not been complied with as to ~~proof of completion of work on October 6, 1911~~.....

you are hereby notified, in compliance with Sec. 5594, Compiled Statutes of Idaho, that said Permit No. 2309..... is hereby held for cancellation.

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

Said Permit No. 2309..... claims the use of.....1..... cubic feet per second of the waters of Gorge Gulch....., with point of diversion located N. 33° 59' E. 4825.1 ft. from U.S.M.H. #1, Lelande Mining District..... and was approved.....October 6, 1906....., 192.....

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office at Boise, Idaho, this.....21st.....day of.....April....., 1922

.....W. G. SUENDSEN.....
 Commissioner of Reclamation.

By
 Deputy.

2309

State of Idaho

A. E. ROBINSON
STATE ENGINEER

ENGINEERING DEPARTMENT - 24
BOISE 3

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS - 26

Harry L. Day,
Wallace, Idaho.

Boise, Idaho, July 1st, 1911.

Dear Sir:

I enclose herewith blank form upon which to give notice that you are prepared and desire to submit proof of completion of works under your permit No. 2309.

This form should be filled out and mailed to the State Engineer at least 60 days before the date upon which it is to be submitted, which proof MUST be on or before October 6, 1911.

Upon receipt of this blank properly filled out, notice must be published a period of four weeks prior to the date of proof.

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

The certificate 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,

A. E. ROBINSON
State Engineer.

Boise, Idaho, December 29, 1906.

Permit No. 2309.

Mr. Irving Anderson,
Wallace, Idaho.

Dear Sir:-

I enclose herewith blank notice of proof of completion of works and blank notice of proof of application of water to beneficial use under permit No. 2309.

These notices should be mailed to me at least 60 days before the date upon which you wish to submit proof.

I note you speak of the permit as the property of the Hercules Mining Co. The records show that permit No. 2309 was issued to Harry L. Day, and it will be necessary for me Day to submit the proof, or file in this office the original or certified copy of assignment to the Hercules Mining Co.

Yours truly,

State Engineer.

2309

G. SCOTT ANDERSON & SON-22
CONSULTING AND MINING ENGINEERS
AND DEPUTY UNITED STATES MINERAL SURVEYORS

WALLACE, IDAHO,

December 26, 1906.

Mr. Jas Stephenson Jr.

Boise City, Idaho.

Sir:-

In reference to papers for the final proof of water right granted by permit No. 2309, Hercules Mining Co. Burke, Idaho, wish to say that they have completed all of the work and are making use of the water claimed in the permit. Kindly send papers and instructions for making all of the final proofs, and oblige,

Yours respectfully,

Irving Anderson

Harry L. Day,

Boise, Idaho, October 26, 1906.

Mr. Harry L. Day,

Wallace, Shoshone County, State of Idaho.

Dear Sir:-

I enclose herewith Permit No. 2309 in your favor.

Yours truly,

State Engineer.

2309

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