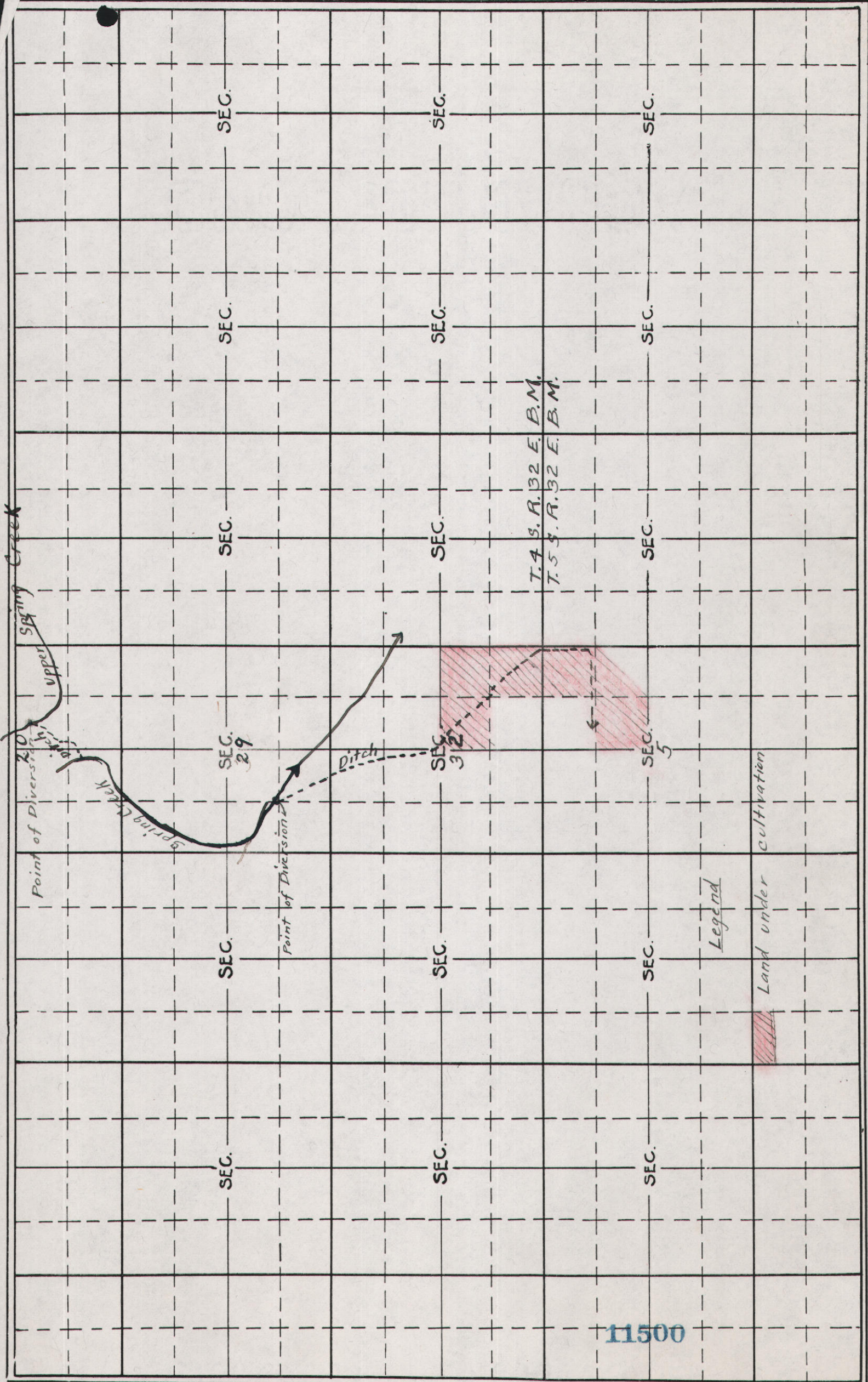
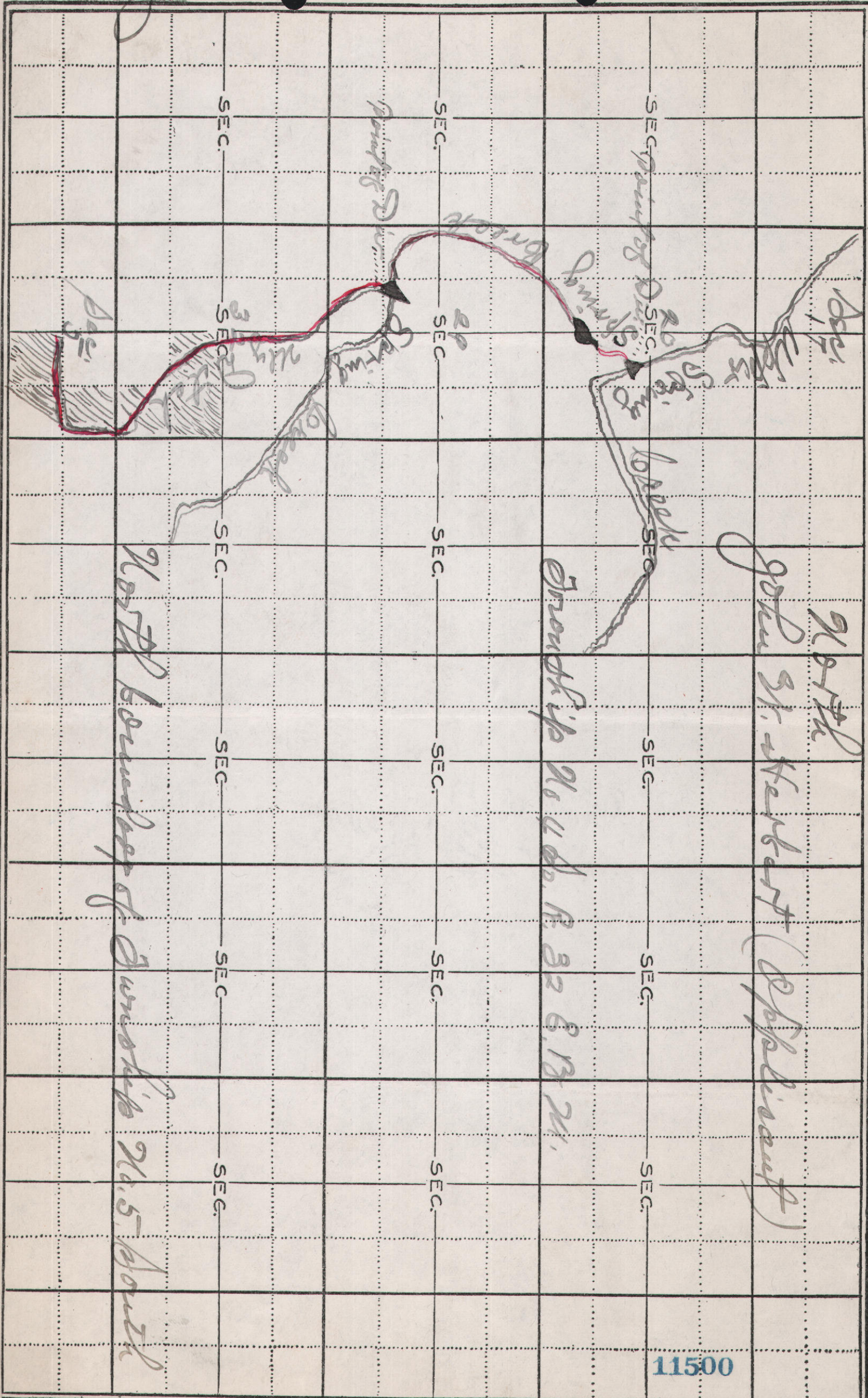




Name of Applicant

John St. Herbert



11500

County: Bingham
 Stream: ~~Upper~~ Spring Creek & Spring Cr.
 Amount: 4 sec. ft.
 Use: Irrigation & Domestic
 Priority: May 24, 1915.

STATE OF IDAHO

Water License No. 11500
 WATER DISTRICT NO. 68

WHEREAS, On the 24th day of May, A. D. 1915,

John W. Herbert

of Sterling, County of Bingham, State of Idaho, duly made application (No. 16439) to me for a permit to use two (2) cubic feet per second of the waters of Upper Spring Creek and two (2) cubic feet per second of the waters of Spring Creek, in Water District No. 68, County of Bingham, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 7th day of August, A. D. 1915, Permit No. 11500 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 7th day of August, A. D. 1916, and for the application to beneficial use of said water on or before the 7th day of August, A. D. 1916, and,

WHEREAS, On the 22nd day of May, A. D. 1916,

John W. Herbert

the holder of said permit, duly made proof of the completion of adequate works for the diversion of four (4) cubic feet per second of said waters, as evidenced by my Certificate No. 11500 dated June 2, 1916, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use four (4) cubic feet per second of said water with date of priority of May 24, 1915, and

WHEREAS, On the 7th day of August, A. D. 1916,

John W. Herbert

the holder of said permit, duly made proof of the application to beneficial use of four (4) 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 John W. Herbert

of Sterling, County of Bingham, State of Idaho, the holder and owner of said Permit No. 11500, a perpetual right, dating from May 24, 1915 to the use of two (2) cubic feet per second of the waters of Upper Spring Creek and two (2) cubic feet per second of the waters of Spring Creek

in the County of Bingham and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted from Upper Spring Creek at a point in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 20, T. 4 S., R. 32 E., B.M. and from Spring Creek at a point in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 29, T. 4 S.R. 32 E.B.M.

and conducted to and upon 220 acres, as follows: 40 acres in NW $\frac{1}{4}$ of SE $\frac{1}{4}$, 40 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and 40 acres in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 32, T. 4 S.R. 32 E., B.M.; 40 acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$, 20 acres in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and 40 acres in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 5, T. 5 S., R. 32 E.B.M.

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

WITNESS, My hand and the seal of my office at Boise, Idaho, this 19th day of October A. D. nineteen hundred and sixteen

(Seal)

J.H. SMITH.

State Engineer:

35-2030

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

1. Name of applicant: John W. Herbert.

Postoffice address: Sterling

County: Bingham

State: Idaho

- I. If applicant is a corporation, give
- (a) Date and place of incorporation:
 - (b) The amount of capital stock:
 - (c) The amount paid in:
 - (d) Names and addresses of directors:

- II. The financial resources of the applicant are: (a) Cash on hand:
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:

2. The quantity of water claimed is Four (4) cubic feet per second.
3. Source of water supply: 2 cu. ft. per second from "Upper Spring Creek"
" " " " " " "Spring Creek"
4. Location of points of diversion: NW¹/₄ SE¹/₄ Sec. 20; NE¹/₄ SW¹/₄ Sec. 29, Tp. 4 So. R. 32 E.B.M.

County of Bingham, State of Idaho.

5. To be used for: Irrigation

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: two hundred ⁽²⁰⁰⁾ acres.
 (b) In the following legal subdivisions: N2 SE4 & SE 4 SE4 of Sec. 32 in Tp. No. 4 So. of R. 32 E.B.M. NE4 NE4; SW4 SE4 & half of SE4 NE4 Sec.5, Tp. 5 So., R. 32 E.B.M.

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

- (a) *At what point:*

- (b) Amount of power to be generated: H. P. under _____ ft. head
(c) Is water to be returned to any stream? (d) If so, name stream and locate point of return: _____

6. *Estimated cost of works:* \$1000.00

7. *Description of works for diversion:*

- I. Kind of works: two dams & two ditches.

- II. *Dimensions of works:* in "Spring Creek"

- (a) Height of dam five feet, length of dam at top 75 feet.

length of dam at bottom 25 feet. Material used in construction: earth

Dam in "upper Spring Creek" 4 ft. 40ft. at top , 15 ft. bottom of earth

- (b) Capacity of reservoir acres feet. (c) Size of headgate, width 3 feet,

Height 2 *feet.* (d) *Conduit* ditch *width at bottom* 3 to 8 *feet.*

width at water line average 4 feet, depth of water 1 to 3 feet; diameter of pipe

- - - inches; average grade per mile is feet. Length of conduit is $3 \frac{1}{4}$ miles, and it crosses the following quarter sections:

S2 Sec. 20, W2 Sec. 29, NW4 and E 2 of Sec. 32, Tp. No. 4 So. of R. 32 E.B.M. and the NE4 Sec. 5, Tp. No. 5, So. of R. 32 E.B.M.

8. The time required for the completion of the construction of such work is one years.
9. Time required for the complete application of the water to the proposed use is one year ~~additional years~~ from date of your approval.

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.

John A. Herbert.

Applicant.

By Landon J. Rich.

Agent.

Date of first receipt at office of State Engineer 9:00 A.M. May 24, 1915.

Returned to applicant for correction June 3, 1915

Corrected application received July 30, 1915.

APPROVAL OF STATE ENGINEER

The number of this permit is 11500

Recorded in Book 39 Page 11500 Approved Aug. 7, 1915

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 October 6, 1915 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before Feb. 7, 1916

The whole of said work to be completed on or before Aug. 7, 1916

Beneficial use of water appropriated in accordance herewith, to be made on or before Aug. 7, 1916.

Witness my hand this 7th day of August, 1915.

J. H. Smith.

State Engineer.

Remarks:

After the water herein applied for from "Upper Spring Creek" (viz 2 cubic feet per second) is diverted at the place indicated on the chart, on the SE4 Sec. 20, of said Township & Range, it will pass through eighty rods of ditch into the head of "Spring Creek" & follow said stream through the SE4 & SW4 of Sec. 20, and the W2 of Sec. 29 to a second place of diversion in the SW4 Sec. 29, of said Tp. & range from which point all the water applied for, from "Upper Spring Creek" & "Spring Creek" will enter a ditch shown by red line and carried to place of use.

The distance from upper point of diversion to place of use is about 3 1/4 miles.

Proof of Completion of works made: May 22nd, 1916.

Certificate of Completion of works issued June 2nd, 1916.

Permit No. 11500.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:-

This is to certify that John W. Herbert of Sterling, County of Bingham, and State of Idaho, the holder of Permit No. 11500, issued upon Application No. 16439 bearing date of priority May 24, 1915, authorizing the diversion of two (2) second feet of the waters of "Upper Spring Creek", and two (2) second feet of the waters of "Spring Creek", County of Bingham State of Idaho for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of the 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 intended use four (4) second feet of the waters of "Upper Spring Creek", and "Spring Creek", that the point of diversion of said waters is in the NW4 SE4 Sec. 20; NE4 SW4 Sec. 29, Tp. 4 S., R. 32 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: N1/2 SE4, and SE4 SE4 of Sec. 32 in Tp. 4, S. of R. 32 E.B.M., NE4 NE4, SW4 NE4 half of SE4 NE4 Sec. 5, Tp. 5 S., R. 32 E.B.M., containing 200 acres.

Witness my hand this 2nd day of June A.D. 1916.

J. H. SMITH, State Engineer of the State
Idaho.

License issued for 4 second feet

Page 2077

October 23rd, 1916.

Re. Permit 11500

Mr. John W. Herbert,

Sterling, Idaho.

Dear Sir:

Enclosed herewith please find water
License No. 11500 covering the above numbered permit,
also receipt covering fees paid.

Yours very truly,

J.H. SMITH,
State Engineer.

By

Enc. R. 8667

J.L. 1 1500

11500

REPORT OF ENGINEER

1. State name of applicant and number of permit: John W. Herbert - Permit 11500.
2. State source of water supply: Upper Spring Creek & Spring Creek
3. Location of point of diversion: Upper Spring Creek - NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 20 - T. 4 S. R. 32 E. B.M.
Spring Creek - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29, T. 4 S. R. 32 E. B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: -----

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

On Upper Spring Creek - Earth dam - 200' long 5' high - no spillway but a
spillway is located in ditch 100' below dam - wooden box 1.5 x 4.5 x 10' long.
Ditch about $\frac{1}{4}$ mile long conveys water from Upper Spring Creek to Spring Creek.
Dimensions of ditch: 5' wide on bottom; 7.5' wide on water surface - 1.5' depth water.
Capacity 8 second feet.

On Spring Creek - Earth dam 100' long 5' high wooden spillway
5' wide 2' deep x 6' long near east end of dam - Ditch about 2 miles
long - 3' wide on bottom, 6' wide at water level, depth water 1'
Capacity 7 second feet.

6. State whether or not water has been turned into works of diversion: Yes,

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): -----

NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32 - T. 4 S. R. 32 E. B.M. - - - 40 Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32 - T. 4 S. R. 32 E. B.M. - - - 40
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32 - T. 4 S. R. 32 E. B.M. - - - 40
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5 - T. 5 S. R. 32 E. B.M. - - - 40
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5 - T. 5 S. R. 32 E. B.M. - - - 20
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5 - T. 5 S. R. 32 E. B.M. - - - 40
Total - - - - - 220 Acres.

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

Remarks: -----

This examination was made on the 13th day of October 1916.

11500

(Signed)

Samuel E. Vance, Jr.

Examiner.

(This report must be sworn to when not made by an attache of the State Engineer's office)

STATE OF IDAHO

County of _____

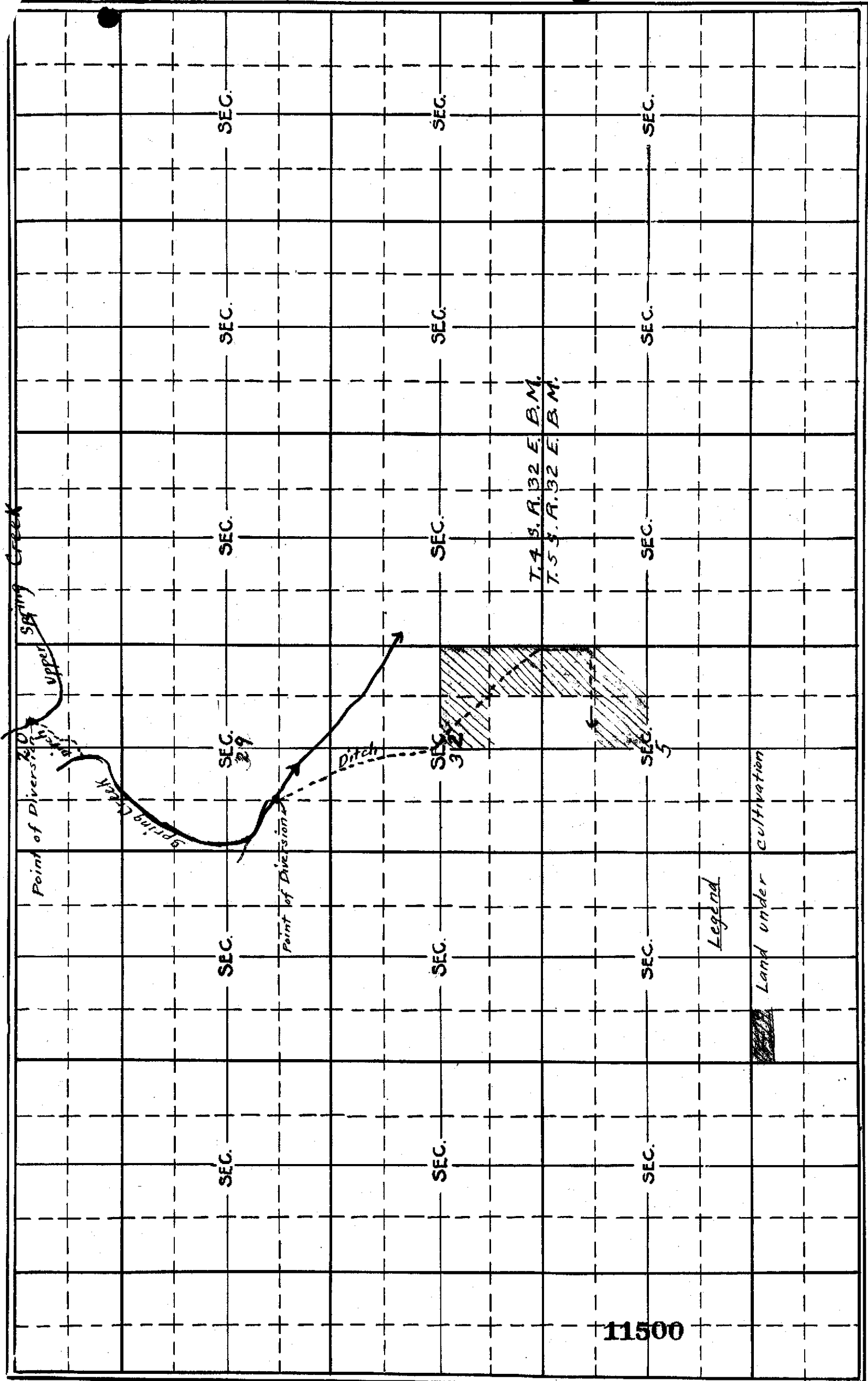
} ss.

_____, 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 _____ day of _____ 191_____

Notary Public.

My Commission Expires _____



August 9, 1916.

Re Permit 11500

John W. Herbert,
Sterling, Idaho.

Sir:--

Am just in receipt of depositions, affidavit
of publication and check for fees, in the sum of
\$12.00, for proof of use of water under above permit.
As soon as the examination can be made by our engineer,
the matter of issuing the license will be taken up.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

11500

NOTICE FOR PUBLICATION

NOTICE OF PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 7th day of August, 1916, at Springfield, county of Bingham, state of Idaho, before Landon J. Rich, Notary public, proof will be submitted of the application to beneficial use of four (4) cubic feet per second of the waters of Upper Spring creek and Spring creek in accordance with the terms and conditions of Permit No. 11500 heretofore issued by the State Engineer of the state of Idaho.

1. The name and postoffice address of the person or corporation holding said permit is John W. Herbert, Sterling, Bingham county, Idaho.

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

3. The amount applied to beneficial use is four cubic feet per second.

4. The place where said water is used is N1-2 SE1-4 and SE1-4 SE 1-4 of Sec. 32 in Twp. 4 S. of R. 32 E., B. M.; NE1-4 NE1-4, SW1-4 NE1-4 and half (1-2) of SE1-4 NE 1-4 Sec. 5 in Twp. 5 S. of R. 32 E., B. M. Bingham county, Idaho.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is known as Ward and Herbert Irrigation ditch.

6. The right to take the water from such works is based upon Permit No. 11500.

7. The source of supply from which such water is diverted is Upper Spring Creek and Spring Creek.

8. The date of the priority which said user is prepared to establish is May 24, 1915.

J. H. Smith,
June 22--July 13. State Engineer.

AFFIDAVIT OF PUBLICATION

I, J. A. Toner
publisher, of the
Aberdeen Times
published weekly at Aberdeen, Idaho

do solemnly swear that a copy of the above notice, as per clipping attached, was published weekly in the regular and entire issue of said newspaper, and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated

June 22nd, 1916, and ending with the issue dated July 13th, 1916.

Subscribed and sworn to before me this 14th day of

July 1916.
W. D. Giffen
Notary Public

My Commission Expires January 3, 1918

PERMIT No. 11500

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. John W. Herbert, age 59 years, farmer
Stirling, Bingham County, Idaho

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

Ans. "Upper Spring Creek" & "Spring Creek"
N.W. 1/4 Sec. 20, N.E. 1/4 Sec. 29 Tp. 4 S. R. 32 E. B. 24.

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

Ans. 11500, August 7, 1915, August 7, 1916.

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

Ans. "Upper Spring Creek" & "Spring Creek"
N.W. 1/4 Sec. 20, N.E. 1/4 Sec. 29 Tp. 4 S. R. 32 E. B. 24.

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

Ans. Earth dam in Upper Spring Creek 3 ft. high, 4 ft. wide 15-40 Long
Earth dam in "Spring Creek" 5 ft. high, 8 ft. wide, 75 ft. Long on bottom
75 ft. long on top, two miles of ditch known as "Ward & Herbert Irriga-
tion canal," capable of carrying 4 cubic ft. per second to place of 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 cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. for irrigation of 40 acres in N.W. 1/4 Sec. 20, 30 acres in N.E. 1/4 Sec. 20,
40 acres in Sec. 32 Tp. 4 S. R. 32 E. B. 24; 40 acres in N.E. 1/4 Sec. 20,
30 acres in Sec. 20, 30 acres in N.W. 1/4 Sec. 5 Tp. 5 S. R. 32 E. B. 24. 160 acres plowed & growing crops, 40 acres
cleared & growing hay. Nature of improvements is canals,
dikes, fields etc., & a profitable crop of hay, grain & potatoes

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

Ans. _____

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

Ans. One minor's inch per acre for agricultural purposes

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. _____ 11500

Dist. 68

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

Ans. During the irrigation season of 1915-1916 by diverting sufficient water from from Upper Spring Creek & Spring Creek to irrigate the land designated as being under irrigation viz 200 acres

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. For the last three years I have used 100 inches of water out of the "American Falls Canal" to irrigate 100 acres of my land lying contiguous with the land described in my application. Said water enters the Horn and Herbert Canal in the center of Sec. 32 T⁴P⁴R³²E⁴A¹.
(Sign) John W. Herbert

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 Springfield, County of

Bingham, State of Idaho, on this 7th day of August

A. D. 1916

Samuel J. Rich,
Notary Public.

Permit No. 11500

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. W. M. Greenwood, Age 42, farmer

reside in Sterling, Idaho

Ques. 2. Are you acquainted with John H. Herbert, the

holder of Permit No. 11500? How long have you known him and where does he reside?

Ans. Yes, I have known Mr. Herbert for 35 years

He lives about one mile south west of Sterling, Idaho.

Ques. 3. Have you read or heard read said Permit No. 11500, and are you familiar with its

provisions and conditions?

Ans. Yes, I am familiar with the conditions & provisions

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. "Upper Spring Creek" "Spring Creek." Water is diverted from

"Spring Creek" in the NE¹ of SE¹ of Sec. 29 Tp. 4 S. R. 37 E. B. 14.

A canal about two miles long, amply large to carry

500 inches of water from point of diversion to place of use.

Said canal is from 2 to 4 ft. deep & from 4 to 8 feet wide.

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. Said canal will safely carry 5 second feet of water from point of diversion to place of use. There has been as much in the canal.

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. For irrigating all the NE¹ SE¹, 30 acres in the NE¹ SE¹

40 acres in SE¹ SE¹ Sec. 32 Tp. 4 S. R. 37 E. B. 14; 40 acres in

NE¹ NE¹; 20 acres in SE¹ NE¹ 30 acres in SE¹ NE¹ of

Sec. 5 Tp. 5 S. R. 37 E. B. 14. All cultivated & improved as the result of irrigation.

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

Ans.

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. Desert character. The land will

require at least one inch per acre.

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.*

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. *I have seen during the irrigation season for the last two years a much 200 or 250 inches (4-5 second feet) of Spring Creek water flowing through the above mentioned works to beneficial use upon the lands here in described*

(Sign) *Wm Greenwood*

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 *Springfield* County of *Bingham* State of Idaho, on this *7th* day of *August* A. D. 19*16*.

Landau Rich

Notary Public.

My Commission Expires *March 4, 1917*

11500

Permit No. 11500

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. E H Borbridge, Sterling, Idaho, farmer
Sterling, Idaho

Ques. 2. Are you acquainted with John H Herbert, the holder of Permit No. 11500? How long have you known him and where does he reside?

Ans. Yes, I have known him for 4 years
He lives one mile south west of Sterling, Idaho.

Ques. 3. Have you read or heard read said Permit No. 11500, and are you familiar with its provisions and conditions?

Ans. Yes, Am familiar with all the conditions

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. The water supply is from "Upper Spring Creek" and "Spring Creek". Water is diverted from "Upper Spring Creek" near the center of Sec. 20 from "Spring Creek" near the center of Sec. 29. 3p. 4 So. R. 32 E. B. 21. A canal something over 2 miles long from diversion to place of use sufficient to carry 4 second feet

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. The canal will safely carry 4 or 5 second feet. I have seen as much flowing through the works many times.

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. For irrigation in SE¹/₄ of Sec. 27, 3p. 4 So. R. 32 E. B. 21 and about 90 acres in the NE¹/₄ of Sec. 5 3p. 4 So. of R. 32 E. B. 21. 40 acres in NW¹/₄ SE¹/₄, 30 acres in NE¹/₄ SE¹/₄, 40 acres in SE¹/₄ SE¹/₄ of Sec. 32 3p. 4 So. R. 32 E. B. 21, 40 acres in NE¹/₄ NE¹/₄, 20 acres in SE¹/₄ NE¹/₄, 30 acres in NW¹/₄ NE¹/₄ Sec. 5 3p. 5 So. R. 32 E. B. 21.

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

Ans.

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. The character of the land is desert and requires about one inch of water per acre

11500

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. I have no interest in the water, ~~or works~~
or lands above described.

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. During the irrigation season for the last
two years (1915-1916) I have seen as much as 250
inches (5 second ft.) of water flowing through said
works to beneficial use upon the above described lands.

(Sign)

C. M. Corbridge

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 Springfield, County of Bingham,

State of Idaho, on this 7th day of August A. D. 1916.

Landon J. Rich

Notary Public.

My Commission Expires March 4, 1917.

11500

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

Hohn W. Herbert,
c/o Landon J. Rich,
Springfield, Idaho.

INSTRUCTIONS
PROOF OF BENEFICIAL USE

BOISE, IDAHO, **July 19, 1916.**

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. **11500.**

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

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

1. On **August 7th**, the date set for the proof of application of water to beneficial use, the enclosed deposition forms (one for permit holder and one each for two witnesses) should be filled out and sworn to, at **Springfield, before Landon J. Rich, M.P.**

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

Yours truly,

J. H. SMITH,

State Engineer.

11500

June 14, 1916.

Re Permit No. 11500.

John W. Herbert,
Sterling, Idaho.

Sir:--

Enclosing herewith certificate of completion
of works, with receipt for fees.

Very truly yours,

J. H. SMITH,

State Engineer.

CCW-R8285

By _____

11500

May 26, 1916.

Re Permit 11500.

John W. Herbert,
Sterling, Idaho.

Sir:--

We are today in receipt of affidavit and fees for proof of completion of works, also, notices for final proof under above permit. These have been checked and are satisfactory. The certificate of completion will be issued within the next week or ten days.

Notice for final proof will be mailed to the Aberdeen Times for the required four weeks publication prior to August 7th and deposition blanks will be mailed to Mr. Landon J. Rich, at Springfield.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

11500

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 7th day of August, 1916,
 at Springfield, County of Bingham, State of Idaho,
 before Landon J. Rich, Notary Public, proof will be submitted
 of the application to beneficial use of four (4) cubic feet per second of the waters of

Upper Spring Creek Spring, in accordance with the terms and conditions of Permit No. 11500
 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 John H. Herbert
Stirling, Bingham Co. Idaho
2. The use to which said water has been applied is Irrigation and domestic use.

3. The amount applied to beneficial use is four cubic feet per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
N^W 1/4 Sec 32 T²S R³E of Sec 32 in 2p. No 4 S. of R. 32 E. B. M. N^W 1/4 Sec 32, S. 1/4 Sec 32 and
half (1/2) of S. 1/4 Sec 32 in 3p. No 5 S. of R. 32 E. B. M., Bingham County, Idaho.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is known as
Hardy Herbert Irrigation Ditch

6. The right to take the water from such works is based upon Permit No. 11500
7. The source of supply from which such water is diverted is "Upper Spring Creek"
and "Spring Creek"
8. The date of the priority which said user is prepared to establish is August 7th 1916
May 24 - 1915

J. H. Smith,

State Engineer.

Permit No. 11500

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO.

County of Bingham ss.

John W. Decker, being first duly sworn upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 11500 and that his postoffice address is Sterling, Bingham Co., State of Idaho.

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

"Upper Spring Creek" and "Spring Creek"

Third: That the point of diversion of said water is N. 74th St. Dec. 20.

204 204 Dec. 29 3p 20.4 20.07 R32 E.B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by August 7th 1916.

Fifth: That the use for which said water is intended is Irrigation

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

1. Kind of works: Two dams and two ditches

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

II. Dimensions of work:

(a) Height of dam 5 feet, length of dam at top 75 feet, length of dam at bottom 25 feet. Material used in construction earth

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir-----acre feet.

(c) Size of headgate: Width 3 feet, height 2 feet.

(d) Conduit ditch width at bottom 4.56 feet, width at water

(State whether ditch, flume or pipe)

line 657 feet, depth of water 2 feet; diameter of pipe _____ inches:

average grade per mile is _____ feet. Length of conduit is 3 1/4 miles.

Seventh: That said works are capable of conducting to the place of intended use four (4)
cubic feet per second foot of water.

Eighth: That water appropriated under said permit is available for 200 acres of land described as follows: N. 2 E. 4 and S. 6 E. 4 of Sec. 32 in
Sp. No. 4 Co. of R. 32 E. B. M. N. 8 E. N. 8 E. N. 14 E
N. 8 E. and half of S. 6 E. N. 8 E. of Sec. 5 Sp. No.
5 Co. of R. 32 E. B. M. Bingham Co., Idaho

Ninth: Remarks: That.

James W. Herbert
(Sign here.)

(Sign here.)

Subscribed and sworn to before me this 27th day of May, 1916.

My commission expires March 4, 1917

Notary Public.

11500

State of Idaho
ENGINEERING DEPARTMENT
BOISE

May 10 1916.

John W. Herbert,
Sterling, Idaho

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

Boise, Idaho,

Dear Sir:

Under the terms of your Permit No. 11500, you are required to complete your diversion works on or before August 7 1916. I enclose herewith blank affidavit to be filled out, sworn to by you before a Notary Public or a Justice of the Peace, and returned to this office on or before the above date, or within ten days thereafter, for the purpose of making proof of completion under the permit. Upon receipt of this affidavit in this office, provided the same satisfactorily shows the completion of the works substantially in accordance with the terms of the permit, together with a fee of \$5.00, a Certificate of Completion will be issued to you.

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

Yours truly,

J. H. SMITH

State Engineer.

11500

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Jno. W. Herbert,

Sterling, Idaho

Dear Sir:

May 10 1916

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. ~~11500~~, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and the date it is submitted.

Yours truly,

J.H. SMITH

State Engineer

11500

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit #11500-Herbert.

Boise, Idaho,

August 9, 1915.

Mr. Landon J. Rich,
Springfield, Idaho.

Dear Sir:

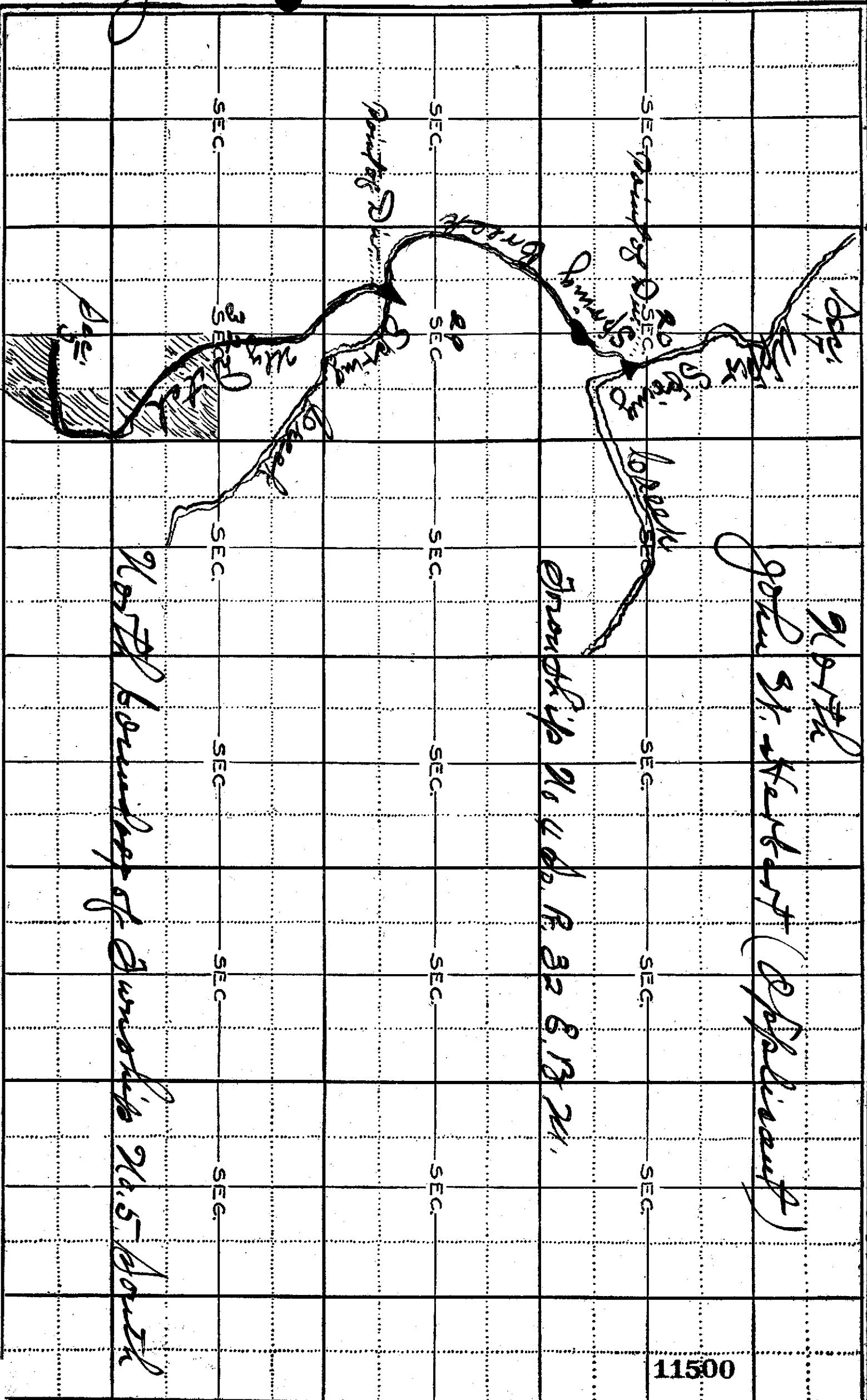
I enclose herewith above numbered permit. BE SURE TO NOTE LIMITATIONS AND
CONDITIONS OF SAME as given under approval of State Engineer on the third page.

J. H. Smith.

State Engineer

11500

can. John St. Herbert



SCALE: 2 INCHES=1 MILE DRAW PLAN IN INK.

STATE OF IDAHO
ENGINEERING DEPARTMENT

BOISE

J. H. SMITH
State Engineer

FRED A. WILKIE
Deputy State Engineer

Boise, Idaho, July 26, 1915.

Application No. 16439 - Herbert.

Landon J. Rich,
Springfield, Idaho.

RECEIVED

JUL 30 1915

STATE OF IDAHO ENGINEER

Sir:

Application which has been filed under the above number is herewith returned for correction in the following particulars:

Application and maps do not agree as to lands to be irrigated in sec. 5.

It is preferred that information shown in applications be confirmed to the data required by the blank. Therefore, unless there is some good reason to the contrary, wish you would please cross out that part of the remarks which is crossed with pencil. This will only burden the records and so far as we can see, will have no effect on issuance of permit. See General Rule IV, page 4 of the Rules and Regulations.

*Relay of hope to have from you immediately
in Cook any thing is looking, so I can get it
see you before the 2nd of Aug 1915
Yours in Love
Landon J. Rich*

You are allowed until August 2, 1915 to file completed application. If received after that date application will be refiled under a new number with later priority.

Yours truly,

J. H. SMITH,

State Engineer.

By E. Barker

GB.

Encl.: App. 16439. RR.

11500

July 26, 1915.

16439 - Herbert.

Landon J. Rich,
Springfield, Idaho.

Application and maps do not agree as to lands to be irrigated in sec. 5.

It is preferred that information shown in applications be confirmed to the data required by the blank. Therefore, unless there is some good reason to the contrary, wish you would please cross out that part of the ~~remarks which in correct with pencil.~~ This will only burden the records and as far as we can see, will have no effect on issuance of permit. See General Rule IV, page 4 of the Rules and Regulations.

August 2, 1915

11500

16439. RR.

GB.

July 13, 1915.

16439. Herbert.

Landon J. Rich,
Springfield, Idaho.

Application does not yet describe all of the quarter sections crossed by conduit from Upper Spring creek to the land to be irrigated. If water from Upper Spring creek is carried part way in Spring creek, a statement to that effect should be made in "Remarks" and in 7 II (d) this part of Spring Creek should be described as conduit.

August 2, 1915

11500

16439.

GB.

Springfield June 30, 1918

Mr. J. H. Smith,
State Engineer
Boise, Idaho

Dear Sir:

Hope my corrections
will stand your approval & that I may
hear from you at your earliest convenience.

The tracing in red ink indicates the
~~best~~ course of the ditch from the two
places of diversion on "Upper Spring Creek"
& "Spring Creek".

Believe me respectfully yours

Landolf Rich
Springfield
Idaho

16437

11500

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

J. H. SMITH
State Engineer

FRED A. WILKIE
Deputy State Engineer

Boise, Idaho, June 3, 1915.

Application No. 16439-Herbert.

Mr. Lendon P. Rich,
Springfield, Idaho.

Sir:

Application which has been filed under the above number is herewith returned for correction in the following particulars:

In 7 II (d) of the blank describe the quarter sections crossed by ditch from point of diversion to lands to be irrigated.

On the maps show course of ditch from point of diversion on Upper Spring creek to the lands to be irrigated.

You are allowed until August 2, 1915 to file completed application. If received after that date application will be refiled under a new number with later priority.

Yours truly,

J. H. SMITH,

State Engineer.

11500

By J. B. Barber

GB. Encl.: App. 16439-FER. 10676.

See other side

June 3, 1915.

16439-Herbert.

Mr. Landon P. Rich,
Springfield, Idaho.

In 7 II (2) of the blank describe the quarter sections crossed by ditch from point of diversion to lands to be irrigated.

On the maps show course of ditch from point of diversion on Upper Spring creek to the lands to be irrigated.

August 2, 1915

11500

GB.

16439-FRR. 10676.

STATE OF IDAHO
ENGINEERING DEPARTMENT

J. H. SMITH,
State Engineer

BOISE

FRED A. WILKIE
Deputy State Engineer

18439

ms 2652
130

Boise, Idaho, May 19, 1915.

Application Unacceptable. Herbert.

Mr. Landon J. Rich,
Box 78,
Springfield, Idaho.

Sir:--

The above application is herewith
returned as unacceptable for the reason that
statutory filing fee of \$1.30 did not accom-
pany.

Very truly yours,

J. H. SMITH,

State Engineer.

By *G. Barlow*

Enc. App.

GB.

18439

Enclosed please find \$1.30
PB Order for application filing
in case of Herbert
Respect yours
Landon J. Rich

11500