

No Color
Documents
In File

State of Idaho
License and Certificate of Water Right

Water License No. 12960Amount 0.02 sec. ft.Water District No. 5-JPriority 5 - 15 - 1917.

THIS IS TO CERTIFY that James Frew
of Preston, Idaho,, made application for a permit to appropriate the
public waters of the State of Idaho, dated May 15th, 19 17; that Permit No. 12960
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.02
second feet, was issued thereunder on October 26th, 19 18, showing that said works
were completed on the 19th day of August, 19 18; and that on the 28th
day of September, 19 18,

James Frew

of Preston, State of Idaho, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of a spring,
a tributary of 12960, for the purpose of Domestic use,
under Use Permit No. 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 State
Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2401, on the 21st
day of December, 19 18;

The right hereby confirmed dates from May 15th, 19 17;

The Point of Diversion is located
in the SW 1/4 of SW 1/4, Sec. 20, Tp. 13 S., R. 39 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 0.02 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			At home of applicant located near said spring.		

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 State Engineer, affixed at Boise, Idaho, this 21st
day of December, 19 18.

(SEAL)

FRED A. WILKIE,
State Engineer.

State of Idaho License and Certificate of Water Right

Water License No. 9769
 Water District No. 27-B

Amount 1.0 sec.ft.
 Priority 11 - 1 - 1913.

THIS IS TO CERTIFY that Jacob F. Baird
 of Springfield, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated November 1st, 19 13; that Permit No. 9769
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.22
 second feet, was issued thereunder on September 20th, 1916, showing that said works
 were completed on the 2nd day of September, 1916; and that on the 1st
 day of November, 19 17,

Allen I. Harmon, Sr.,

of Arco, State of Idaho, made proof to the satisfaction of the
 State Engineer of Idaho, of a right to the use of the waters of Big Lost River,
 a tributary of , for the purpose of irrigation and domestic use,
 under Use Permit No. 9769 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 State
 Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2400, on the 21st
 day of December, 19 18;

The right hereby confirmed dates from November 1st, 19 13;

The Point of Diversion is located near center East line
 in the SW 1/4 of NE 1/4, Sec. 6 Tp. 2 N., R. 28 E., B.M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
 exceed 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
2 N	28 E	5	SE 1/4 NE 1/4	40	35
			SW 1/4 NE 1/4	40	15

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 State Engineer, affixed at Boise, Idaho, this 21st
 day of December, 19 18.

(SEAL)

FRED A. WILKIE,
 State Engineer.

Application No. 18541.
Permit No. 12960

APPLICATION FOR PERMIT

13-2080

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

District No. 5 J.

1. Name of applicant James Frew

Postoffice address: Preston,

County: of Franklin

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 1/50 cubic feet per second.

3. Source of water supply: Small Spring, which is a tributary of _____

4. Location of point of diversion: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20, Tp. 13 S., R. 39 E.B.M.

County of Bannock,

5. To be used for: Culinary and domestic purposes in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 20, -13-39.

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

acres.

(b) In the following legal subdivisions:

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

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

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

(d) If so, name stream and locate

6. Estimated cost of works: \$100.00

7. Description of works for diversion:

I. Kind of works: Trench and pipe.

II. Dimensions of works:

(a) Height of dam

feet, length of dam at top

feet,

length of dam at bottom

feet. Material used in construction:

(b) Capacity of reservoir

acres feet.

(c) Size of headgate, width

feet,

Height

feet.

(d) Conduit

width at bottom

feet,

width at water line

feet, depth of water

feet; diameter of pipe

one inches; average grade per mile is

feet.

Length of conduit is 200 ft miles,

and it crosses the following quarter sections:

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

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

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

James Frew.

Applicant.

By

Agent.

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Mr. James Frew,
Preston, Idaho

February 3, 1926

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. **12960**, which kindly fill out and return to me at least 60 days before the date upon which you wish to submit proof. The date of the proof is set out in your permit, and if proof is submitted subsequent to that your priority will be advanced a time equal to the difference of the time between the date proof should have been submitted and date it is submitted.

Yours truly,

W. G. SWENDSEN
Commissioner of Reclamation.

12960

January 11, 1919.

Re Permit No. 12960.

Mr. James Frow,

Preston, Idaho.

Dear Sir:

Enclose herewith Water License

No. 12960.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

12960

October 30, 1918.

Re Permit 12960.

Mr. James Frew,
Preston, Idaho.

Dear Sir:--

Enclosing herewith certificate of
completion of works issued under above permit,
with receipt for fees.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

CCW-R2322

12960

October 21, 1918.

Re Permit 12960. - Jas. Frew.

J. N. Larsen Co.,
Preston, Idaho.

Dear Sir:--

We are today in receipt of depositions and affidavit of publication for proof of use of water under above permit. License will be issued and mailed to the holder just as soon as we can get to it.

Very truly yours,

FRED A. WILKIN.

State Engineer.

By _____

12960

J. N. LARSEN

J. S. LARSEN

J. N. LARSEN COMPANY

Real Estate, Loans, Abstractors

Notary Public

FIRST NATIONAL BANK BUILDING

PRESTON, IDAHO

Sept. 28th, 1918.

State Engineer,

Boise, Idaho.

Dear Sir:-

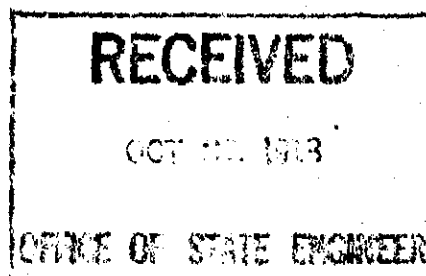
We are enclosing herewith three depositions signed by the following parties:- One by Carl Frew, one by S. L. Corbridge, and one by James Frew. All of these depositions having been sworn to before J. N. Larsen Notary Public, Preston, Idaho.

We are also enclosing affidavit of publication of notice.

Yours very truly,

J. N. Larsen Co.,

BY



12960

Affidavit of Publication

STATE OF IDAHO, }
County of Franklin } ss

NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 11 a. m. on the 28th day of September, 1918, at Preston, County of Franklin, State of Idaho, before J. N. Larsen, notary public, proof will be submitted of the application to beneficial use of 1.50 of 1 cubic foot per second of the waters of a small spring, in accordance with the terms and conditions of Permit No 12960 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, James Frew, Preston, Idaho.

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

3. The amount applied to beneficial use is 1.50 of 1 second foot.

4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) at home of applicant, or the SW 1-4 SW 1-4, Sec. 20, T. 23 S R. 39 E. B. M.

5. The date of the priority which said user is prepared to establish is May 15, 1917.

FRED A. WILKIE,
State Engineer.

12960

I, W. W. Barton, do solemnly swear that I am one of the publishers of the FRANKLIN COUNTY CITIZEN, a weekly newspaper of general circulation published each week at Preston, Idaho; that the notice attached hereto and which is a part of this affidavit, and a part of the proof of publication, was published in said newspaper for 4 consecutive weeks, the first publication having been made on the 29 day of Aug, 1918 and that the last publication was made on the 10 day of Sept, 1918 that said notice was published in the regular issue of every number of the paper during the periods and times of publication, and that the said notice was published in the newspaper and not in a supplement.

Subscribed and sworn to before me this 18 day of Oct, 1918

Notary Public.

I, _____, Register, do hereby certify that a notice, a printed copy of which is hereunto annexed, was by me posted in a conspicuous place in my office for a period of thirty days. I having posted said notice on the _____ day of _____ 1918

OFFICE OF STATE ENGINEER

PERMIT No 12960**Proof of Application of Water to Beneficial Use****DEPOSITION OF HOLDER**

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

Ans. James Frew age 71 years, Farmer
Preston Id.

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. No Corporation

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

Ans. #12960 May 28, 1917, May 28, 1917

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

Ans. a small spring located NW 1/4 of NW 1/4 of Sec. 20,
T. 13 S. R. 39 E. B. M.

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

Ans. a box 6 ft x 6 ft x 6 ft at spring for storage then
conveyed through small pipe to a small
reservoir & cistern for storage for domestic use &
for watering horses and cattle

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. Water is used for domestic purposes & for watering
cattle & horses while in pasture. No irrigation
fully land used for pasture a small home used during
summer months while pasture feed in good

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

Ans. only for domestic purposes

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

Ans. all that flows from spring if not gathered at
all would sink in a few rods

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. I own homestead

12960

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

Ans. I have used water about 3 years and
more I purchased land for used it for about 6 years
has only been used for culinary and domestic
purpose + watering cattle and horses

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

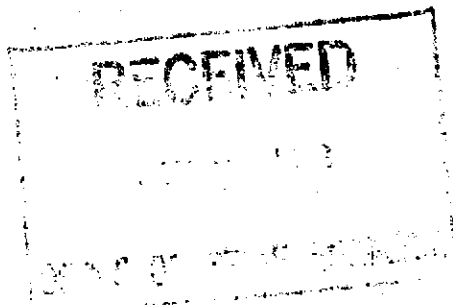
Ans. None

(Sign) James E. Bell

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 Creston County of Franklin State of Idaho, on this 2nd day of Sept A. D. 1918

12960

Notary Public
Charles J. H.



Permit No. 12960

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans.

S. L. Corbridge, 36 yrs. Preston, Idaho
Farmer

Ques. 2. Are you acquainted with

Jamer Frew

, the

holder of Permit No. 12960? How long have you known him and where does he reside?

Ans.

Yes, I have known him for twenty years.
he resides at, Dayton, Ida P.O. address, Preston, Ida

Ques. 3. Have you read or heard read said Permit No. 12960, and are you familiar with its provisions and conditions?

Ans.

Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans.

small spring, rising on land owned by
Jamer Frew, a small box & reservoir for storing
and directing water through small pipe to cement
cistern, for culinary 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?

Ans.

a very small stream not enough for irrigation use

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.

Water is used for culinary and domestic
purposes, watering house & cattle, none for irrigation.
No cultivation, land used for pasture purposes.
No meadow

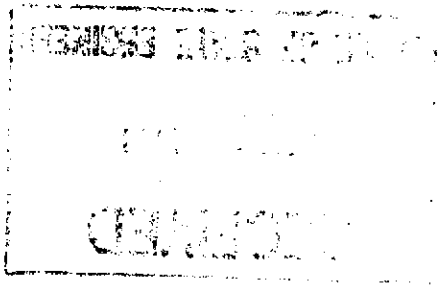
Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

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.

12960



12960

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 Bladen County of Idaho, State of Idaho, on this 28th day of Sept 1918 A.D. 1918.

Notary Public.

My commission expires Apr 30 - 1921

(Sign)

Effie Bridges

Ans. have been diverted under said permit
beneficial use of water diverted under said permit.
amount of water diverted under said permit.
minimum amount.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to

Ans.

now

to what extent?

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

Permit No. 12960

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Carl Frew, age 25 yrs. Farmer
Buston, IdahoQues. 2. Are you acquainted with James Frew, theholder of Permit No. 12960? How long have you known him and where does he reside?Ans. Yes all my lifeQues. 3. Have you read or heard read said Permit No. 12960, and are you familiar with its provisions and conditions?Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. small spring rising on land owned by James Frew, a small box at spring, diverting water through small pipe to small reservoir storing for culinary & domestic purpose, & for use of horses & cattle

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. A very small stream not enough to water small garden

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. used for culinary purpose & watering of horses & cattle, can not use for irrigation as there is not enough water

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. _____

12960

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

to what extent?

Ans.

Mr

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 witnessed for James F. and others who have been running water, and I have seen it get off the bank or in the current.

(Sign)

Carl Foster

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 _____, County of _____, State of Idaho,

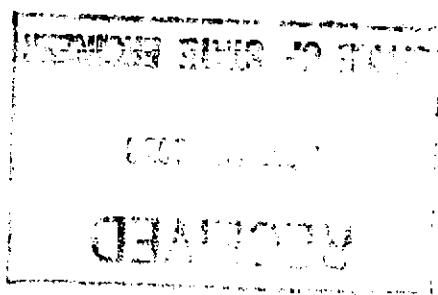
on this _____ day of _____

July - 1918

Notary Public.

My commission expires

Oct 3, 1921



12960

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO, **September 13, 1918.**

James Frew,
c/o J. N. Larsen,
Preston, Idaho.

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under Permit No. **12960.**

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 the permit holder's rights:

1. On **September 28, 1918.**, 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 **Preston, before J. N. Larsen, N.P.**

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 examining engineer, you will be further advised as to fees due before issuing license.

Yours truly,

FRED A. WILKIE,

State Engineer.

12960

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 11 a. m. on the 28 day of Sept, 1918,
 at Preston, County of Franklin, State of Idaho,
 before J. N. Lawrence Notary Public, proof will be submitted
 of the application to beneficial use of 1/50 cubic feet per second of the
 waters of small spring in accordance with the terms and conditions of
 Permit No. 12960 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 Preston, Franklin County, Idaho
2. The use to which said water has been applied is for Culinary and domestic use
3. The amount applied to beneficial use is 1/50
4. The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) on SW SW - 20 - 138 - 39 E
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____
6. The right to take water from such works is based upon Permit No. 12960
7. The source of supply from which such water is diverted is small spring
8. The date of the priority which said user is prepared to establish is 1909 May 15 - 1917

5- f

12960

State Engineer.

SW SW - 26-135 39 E

(P. O.)

Proctor Idaho

(Date)

Sept 5 - 1918

State Engineer, Boise.

Dear Sir:

I have your letter of 24th ult enclosing Notice of Proof
of ~~completion of work and~~ Beneficial Use of Water under Permit No. 12960 which
will be published as you request, beginning with our issue of Aug 29

Franklin County, Oregon
W. H. B.

12960

August 21, 1918.

Re Permit No. 12960.

Mr. James Frew,
Preston, Idaho.

Dear Sir:--

Am in receipt of your letter of the 19th inst., enclosing affidavit and fee for proof of completion of works under above permit, with notice of proof of beneficial use of water. The affidavit for proof of completion of works is satisfactory, hence, certificate of completion will be issued and mailed to you soon.

September 28th has been set as the date for making the final proof and, unless otherwise advised within the next week, notice will be sent to the Franklin County Citizen, at Preston, for the required four weeks publication prior to the date of making the proof.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By _____

12960

J. N. LARSEN COMPANY

Real Estate, Loans, Abstracts

Notary Public

FIRST NATIONAL BANK BUILDING

Aug. 19, 1918.

PRESTON, IDAHO

Mr. Fred. A. Wilkie,

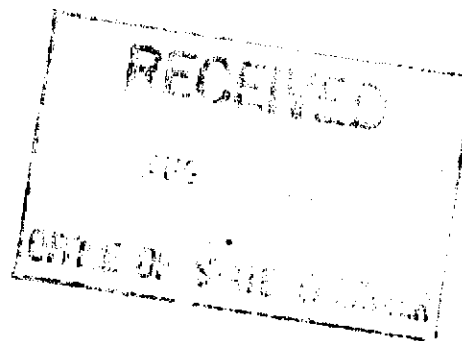
Boise, Ida.,

Dear sir :- Inclosed please find Proof of Completion
of Works and notice of Publication, Date has not been filled out
in notice so will ask that you do that,

Also inclosed find my Check for \$5.00 the fee.,

Yours truly

James Frew.,



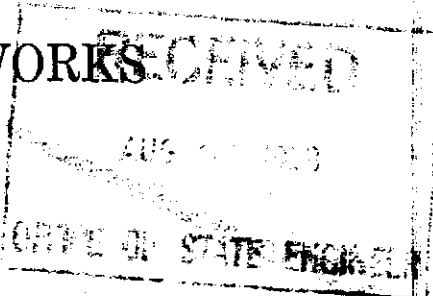
12960

Permit No. 12960

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER



STATE OF IDAHO,
County of Franklin } ss.

James Frew, 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. 12960, and that his postoffice address is Preston Idaho
State of _____

Second: That the name of the stream from which said water is to be diverted is Moss Springs
(small spring)

Third: That the point of diversion of said water is a point 300 feet East and 60 feet north of the S.W. corner of Section 20 T. 13 S. Range 39 E. R. 7 W.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by Nov 28, 1918

Fifth: That the use for which said water is intended is Culinary and domestic

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

I. Kind of works: completed before date above mentioned
(Reservoir, dam, ditch, flume, pipe or otherwise)

Trench and pipe

II. Dimensions of work: 30 ft 1 1/2 in pipe, 200 ft 3/4 in pipe, 190 ft 1/2 in

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction _____

Break spring 6 ft square + 6 ft deep
Reservoir 8 x 6 x 6 ft. (State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

(c) Size of headgate: Width 1 1/2 in feet, height _____ feet.

(d) Conduit pipe width at bottom _____ feet, width at water line _____ feet, depth of water _____ feet; diameter of pipe 1 1/2 in inches; average grade per mile is _____ feet. Length of conduit is 370 ft miles.

Seventh: That said works are capable of conducting to the place of intended use enough for culinary purposes
second feet of water.

Eighth: That water appropriated under said permit is available for Culinary purposes acres of land described as follows: _____

Ninth: Remarks: That _____

Subscribed and sworn to before me this 19th day of Aug, 1918

My commission expires Apr 30, 1921

Notary Public.

12960

State of Idaho
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

James Frew
Preston, Ida.

Boise, Idaho, **AUG 12 1918**

Dear Sir:—

Under the terms of your Permit No. **12960**, you are required to complete your diversion works on or before **Nov. 28, 1918**. 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,

FRED A. WILKIE

~~J. H. SMITH~~

State Engineer.

12960

State of Idaho
ENGINEERING DEPARTMENT

BOISE

AUG 12 1918

James Frew
Preston, Ida.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your Permit No. 12960, 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,

FRED A. WILKIE

State Engineer

12960

August 28, 1917.

Mr. A. D. Erickson,
Preston, Idaho.

Dear Sir:

We have yours of the 25th and have placed the protest on file where it will receive due consideration at the time of final proof upon the spring mentioned.

It is not likely that there will develop any serious difficulty over the matter because the first right will hold priority any way.

The matter will be thoroughly gone over before any license is issued.

Yours very truly,

J. H. Smith,

State Engineer.

By

FAW/MB

File: Permit 18541-

12960

Deputy

12960

State of Idaho,
SS
County of Franklin,

RECEIVED

AUG 26 1917

OFFICE OF STATE ENGINEER

James Frew being first duly sworn deposes and

That he is the holder of application for permit No. 18541,
Permit No. 1296 ^{distinct} certificate No. 5J. That under said application
he applied for the appropriation of a small spring for culinary
and domestic purposes, to be used in the South West quarter of the
South West quarter of Sec. 20 Tp., 13 South, range 39 E. B. M. range
39 E. B. M. That the source or point of diversion of said spring is
in the South West quarter of the South West quarter of Section 20
Tp., 13 South, range 39 E. B. M. That he and his predecessors in
interest have used the said water continuously and uninterruptedly
for a period of 6 years last past.

That there are no other springs in the vicinity within a
radius of 200 rods;

Affiant further says on information and belief that one H. H.
Allen Jr., is applying for the appropriation of the same spring
That according to published notice of proof of application for
water to beneficial use the 1st day of September 1917, at Preston,
Idaho, County of Franklin, before George H. Carver has been set
for the hearing of his proof. That the spring applied for by the
said H. H. Allen Jr., is the same spring which James Frew, affiant
herein claims to which he has a permit to appropriate.
That there are no springs of water in the South East quarter of the
South East quarter of Section 19 Tp., 13 South, range 39 E. B. M.
and that affiant fully believes that the said H. H. Allen Jr.,
is applying to appropriate the water of the spring that has been
applied for by James Frew affiant herein, which arises in Section
20 and not in Section 19. That the said H. H. Allen has ^{not} ~~been~~ used
nor is entitled to use the water of the spring applied for.

Wherefore James Frew hereby contests the application of said
H. H. Allen Jr. and prays that the application of said Allen be
disallowed.

James Frew

Subscribed and sworn to before me this 25th day of August 1917.

W. D. Carver
Notary Public, Preston, Idaho.

12960

A. C. SMITH

A. D. ERICKSEN

P. M. CONDIE

SMITH, ERICKSEN & CONDIE
ATTORNEYS-AT-LAW
1-3-6 LARSON BLOCK
PRESTON, IDAHO

August 25th 1917.

To the Hon. J. H. Smith,
Boise, Idaho,

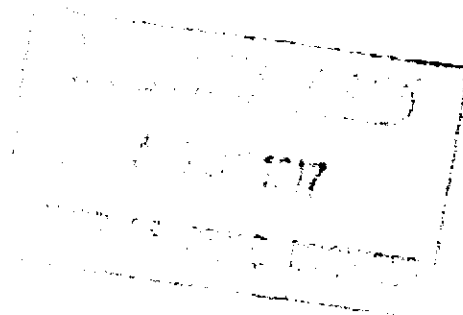
Dear Sir:

We enclose herewith the affidavit of James Frew which is self explanatory. We trust you will advise us of any disposition made of the controversy between the parties Frew and Allen. Kindly inform us what further steps are to be taken in this matter.

Very sincerely,

C:

A. D. Erickson



Filez
Per. 12960
185-41

12960

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit No. 12960-

Mr. James Frew,
Preston, Idaho.
Dear Sir:

Boise, Idaho,

May 28, 1917.

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.

12960

Name of Applicant - JAMES E. BROWN

T/BS-R BGE-BN

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