

NAME OF APPLICANT *J. S. Davis*

Permit 9978

E. W. H.
Aug. 23,
1922.

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC 9



SPRING
TANK

T. 14 S.

R 30 E. B. M.

9978

State of Idaho
License and Certificate of Water Right

Water License No. 9978
Water District No. 23

Amount 1/100 of 1 sec. ft.
Priority 6/23/18

THIS IS TO CERTIFY that JOHN STUART DAVIS
of Malad, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 26, 1914; that Permit No. 9978
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1/50 second feet, was issued thereunder on March 3, 1917, showing that said works
were completed on the 16th day of February, 1917; and that on the 28th
day of April, 1922,

JOHN STUART DAVIS
of Juniper, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of a spring
, a tributary of -----, for the purpose of domestic
use, under Use Permit No. 9978 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 2978, on the 3d day of October, 1922;
The right hereby confirmed dates from June 23, 1918;

The Point of Diversion is located approximately in
-in the 1/4 Sec. 9, Tp. 14 S., R. 30 E., B. M.
County of Oneida.

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 1/100 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Domestic use in	Sec. 9, T. 14 S.,	R. 30 E.

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 3d day of October, 1922.

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

State of Idaho
License and Certificate of Water Right

Water License No. 8905 Amount 19.5 sec. ft.
Water District No. 57-C Priority 7-2-17

THIS IS TO CERTIFY that J. A. SEWELL, of Owyhee, Nevada, made application for a permit to appropriate the public waters of the State of Idaho, dated November 15, 1912; that Permit No. 8905 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 20 second feet, was issued thereunder on October 3, 1922, showing that said works were completed on the 11th day of December, 1915; and that on the 31st day of July, 1922,

J. A. SEWELL of Riddle, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Blue Creek, a tributary of _____, for the purpose of irrigation & domestic use under Use Permit No. 8905 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 2979, on the 3d day of October, 1922;

The right hereby confirmed dates from July 2, 1917;

The Point of Diversion is located N. 8° 23' W., 2133 feet from S $\frac{1}{2}$ Corner -in-the $\frac{1}{4}$ $\frac{1}{4}$, Sec. 30, Tp. 13 S., R. 3 E., B. M. County of Owyhee.

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 19.5 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S.	3 E.	31	E $\frac{1}{2}$	320	320
			SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	40
14 S.	3 E.	32	W $\frac{1}{2}$ SW $\frac{1}{4}$	80	80
			NE $\frac{1}{4}$	160	160
		6	E $\frac{1}{2}$ NW $\frac{1}{4}$	80	65
			SW $\frac{1}{4}$	160	150
14 S.	2 E.	7	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40	40
			E $\frac{1}{2}$ NE $\frac{1}{4}$	80	80
		12	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
					Total 975

The right to the use of the waters 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 3d day of October, 1922

W. G. SWENDSEN.
Commissioner of Reclamation.

(SEAL)

No. 14838

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: John Stuart Davis

Postoffice address: Malad

County: Oneida

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 one cubic feet per second.

3. Source of water supply: a seeping spring in Glenn Canyon on unsurveyed land, at about 2½ miles up Canyon from mouth.

4. Location of point of diversion: To be held in reservoir at spring in approximately Sec. 9, Tp. 14 S. R. 30 E. B. M.

County of Oneida

5. To be used for: Watering Stock.

- I. Irrigation and domestic use: (a) Amount of land to be irrigated: acres.
- (b) In the following legal subdivisions:

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

[a] At what point:

[b] Amount of power to be generated:

H. P. under ft. head

[c] Is water to be returned to any stream? return:

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

6. Estimated cost of works: \$150.00

7. Description of works for diversion:

I. Kind of works: Reservoir

II. Dimensions of works:

[a] Height of dam 10 feet, length of dam at top 40 feet,

length of dam at bottom 50 feet. Material used in construction: Wood, Earth, Stone and Concrete.

[b] Capacity of reservoir 6000 cubic 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

inches; average grade per mile is feet. Length of conduit is miles, and it crosses the following quarter sections.

8. The time required for the completion of the construction of such work is 2 years.

9. Time required for the complete application of the water to the proposed use is 1 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.

John Stuart Davis

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. January 26, 1914.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 9978

Recorded in Book 33 Page 9978 Approved January 30, 1914.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of to be filed on or before

Work to begin on or before March 31, 1914 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before January 30, 1915.

The whole of said work to be completed on or before January 30, 1916.

Beneficial use of water appropriated in accordance herewith, to be made on or before January 30, 1917.

Witness my hand this 30th day of January, 1914.

F. P. KING,

State Engineer.

Remarks. The quantity of water asked for in Paragraph 2 above is hereby specifically limited to such an amount as may be necessary to keep the reservoir hereinbefore mentioned filled to a capacity of 6,000 gallons.

State Engineer.

On proper request of the holder of the above numbered permit I have this 2nd day of February, 1916, extended the time for completion of work there under to the 1st day of January, 1917.

J. H. Smith

State Engineer.

Proof of Completion of Works Made February 10th, 1917.

Certificate of completion of Works issued March 3, 1917.

Permit No. 9978.

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that John Stuart Davis of Malad, County of Oneida, and State of Idaho, the holder of Permit No. 9978, issued upon Application No. 14838, bearing date of priority of January 26, 1914, authorizing the diversion of one (1) second foot of the waters of a spring in Glenn Canyon, County of Oneida, State of Idaho, for domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 1/50 of 1 second foot of the waters of a spring in Glenn Canyon; that the point of diversion of said waters is at spring on unsurveyed land, approximately in Sec. 9, T. 14 S., R. 30 E.B.M.; and that the place of intended use of said water is at and near said spring in Glenn Canyon.

Witness my hand this 3rd day of March, A.D. 1917.

J.H. Smith,

State Engineer of the State of Idaho.

Recorded by
Checked by

License issued for 1/50 second foot

Page 2978

FROM Kay Walker

DATE 2-18-86

TO File 17-2007

SUBJECT legal descriptions

In reviewing quad sheet DD35 I determined the legal description for this right to be within the SESE of Sec. 9, Twp. 14S, Rge. 30E. The field exam identifies this spring as "Green Canyon Spring" which is named on quad sheet.

SIGNATURE

9978
✓

March 18, 1950

Mr. Ben Johnson
First Security Bank Bldg.
Preston, Idaho

Dear Mr. Johnson:

Complying with your request of
March 16, 1950, we enclose a copy of License
No. 9978, issued to John Stuart Davis.

The fee for making this copy is
\$1.00, for which please send us your check.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R. 22173

9978

BEN JOHNSON
ATTORNEY AND COUNSELOR AT LAW
FIRST SECURITY BANK BUILDING
PRESTON, IDAHO

March 16, 1950

RECEIVED
MAR 17 1950
Department of Reclamation

Mark V. Kulp,
State Engineer's Office,
Department of Reclamation,
State House,
Boise, Idaho.

Dear Mr. Kulp:

Would you kindly mail me a copy of Water License No. 9978 issued in June of 1918, and which spring was located in Section 9, Township 14 South, Range 30 East of Boise Meridian.

Thanking you for your kindness, I am,

Sincerely yours,


Ben Johnson

ld

9978

October 4, 1922.

Re: Permit No. 9978

Mr. J. S. Davis,
Juniper, Idaho.

Dear Sir:

We are inclosing herewith Water License,
issued under the above numbered Permit, together
with receipt for fees.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation

By
Chief Clerk.

Encls.

9978

Juniper Idaho.

Sept. 30, 1922.

G. W. Swenson.

Boss, Idaho,

You will find
inclosed money order for
\$5⁰⁰ for final proof on
spring in Glen Canyon
permit no. 9978.

Respectfully

J. S. Davis
Juniper Idaho.

September 14, 1922.

Re: Permit No. 9978-

Mr. J. S. Davis,
Juniper, Idaho.

Dear Sir:-

The report of the examining engineer on beneficial use of water under the above permit is now on file. Upon receipt of fees in the sum of \$5.00, license will be issued.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

August 12, 1922.

Re: Permit No. 9978-J. S. Davis.

Mr. E. W. Henninger,
Kilgore, Idaho.

Dear Sir:-

The examination papers under the above numbered permit should not have been included in the list sent you last week, as it is in another watershed and will be taken from the other side. Please return this paper to us without making the examination.

Very truly yours,

W. C. SWENDESEN,

Commissioner of Reclamation,

BY

Chief Clerk.

9978

Juniper Idaho.
June 10, 1922.

C. G. Swindren

Boise Idaho.

Dear Sir -

On Apr. 25.

1922 I made proof on water
in Glenn Canyon permit no. 9978
and up to the present time
have not heard from it.

I would like to know if
it has been excepted or not
proof was made before J. J.
Evans of Malad as water
Please let me know if this
proof has been received by you.

Respectfully

J. S. Davis
Juniper Idaho.

9978

Dep't.

REPORT OF ENGINEER

This proof is for Beneficial UseIn Water District No. 231. State name of applicant and number of permit: J. S. Davis - Permit 99782. State source of water supply: Glenn Canyon Spring3. Location of point of diversion: Approx. in Sec. 9-14S-30E.

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

Concrete Tank, 16 ft. square, 4 ft. deep.Approximately 150 ft. 3/4 and 1/2 in. pipe connecting spring and tank.Excavation at spring, 20 ft. diameter and 12 ft. deep.Fencing at spring, 6 x 8 rds., 28 rds. total.5. State whether or not water has been turned into works of diversion: Yes: tank was full at time of examination.6. Give exact location of lands to be irrigated. If proof is for 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): For domestic purposes (watering stock)This water is used at tank for watering stock. User intends to build pipe line of his farm in lower valley later, in Sec. 3, T. 15 S., R. 30 E., B. M.

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: J. S. Davis, as above.10. What large stream would the water here appropriated finally reach? None.11. Describe the various tributaries en route from point of diversion to the principal drainage stream: Water sinks a short distance from tank.

Remarks:

This examination was made on the 23 rd day of August 19 22.(Signed) Chas. W. Henningsen Examiner.

9978

J. S Davis
Juniper

Permit 9978

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.

9978

(This report must be sworn to when not made by an attache of the office.)

STATE OF IDAHO,

ss. } County of _____

_____ 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 _____ 19____

My commission expires _____

Notary Public.

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

69

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SEC

SPRING
TANK
T. A. S.
R. J. O. F. B. M.

June 14, 1922.

Re: Permit 9978-

Mr. J. S. Davis,
Juniper, Idaho.

Dear Sir:

Replying to yours of the 10th inst., would say that the depositions and affidavit of publication for beneficial use of water under the above numbered Permit were received in this office on the 8th day of May. These were placed on file pending the examination by an engineer from this office, after which you will be further advised as to fees required before issuing license.

Very truly yours,

W. G. SWENDSEN,
Commissioner of Reclamation.

CB:E

By

Chief Clerk.

9978

May 26, 1922.

Re: Permit No. 9978-Davis.

Messrs. Thomas & Anderson,
Attorneys at law,
Blackfoot, Idaho.

Gentlemen:-

Replying to yours of the 24th inst. would say that the above numbered permit does not specifically describe a cement tank ~~16,164~~ but, under the head of "Remarks" the following note is recorded: "The quantity of water asked for in paragraph 2 above is hereby specifically limited to such an amount as may be necessary to keep the reservoir hereinbefore mentioned filled to a capacity of 6,000 gallons." The cement tank constructed is no doubt the reservoir referred to in the permit.

The depositions in the matter of proof of use of water have been filed but license has been withheld pending the examination by our engineer.

The certificate of completion of works under this permit was issued for only 1/50 of 1 second foot of water and final proof is being made on only 1/100 of a second foot.

An extension of one year was granted for completion of works under this permit. This automatically extended the time for beneficial use of water one year.

It is necessary to acquire a license under a permit for domestic purposes the same as though it were for irrigation.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

L. R. THOMAS

J. H. ANDERSEN

THOMAS & ANDERSEN
ATTORNEYS AT LAW
BLACKFOOT, IDAHO

May 24, 1922.

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

Dear Sir:

Application #14838 and permit #9978 issued to John Stewart Davis. Kind of works, reservoir. Height of dam, ten feet, length of dam at top, forty feet, length of dam at bottom, thirty feet and material to be used in constructing dam is wood, earth, stone and cement. Capacity of reservoir 6000 cubic feet. Certificate of completion of works issued. Davis constructed a cement tank 16x16x4 and connected this tank to the spring with an iron inch pipe. Is this cement tank in compliance with the requirements of the permit which provided for the dam described above? Kindly advise us whether or not the license is issued in this case.

We observe from the permit that time was extended for the completion of works. Was there any extension of time granted for the beneficial use of water, and if so, give the date fixed therefor. We presume that it is as necessary in a case of this kind as it would be in any other in order to acquire title to the water, to make proof of beneficial use of water and secure the license. Is this a fact? We will appreciate the information requested.

Very respectfully,

THOMAS & ANDERSEN

BY L. R. Thomas

LRT-AC

9978

NOTICE OF PROCEEDINGS FOR APPLICATION
FOR WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 28th day of April, 1922, at Malad, County of Oneida, State of Idaho, before John J. Evans, notary public, proof will be submitted of the application to beneficial use of approximately 1-100 of 1 cubic foot per second of the waters of Glenn Canyon Spring, in accordance with the terms and conditions of Permit No. 9973 heretofore issued by the State Engineer of the State of Idaho.

The name and postoffice address of the person holding said permit is J. S. Davis, Juniper, Idaho.

The use to which said water has been applied is domestic use (watering stock).

The amount applied to beneficial use is approximately 1-100 of 1 cubic foot per second.

The place where the said water is used is about 75 feet from the spring.

The date of the priority which said user is prepared to establish is April 23, 1918.

W. G. SWENDSEN,

AFFIDAVIT OF PUBLICATION

I, Clyde Hanson
Manager of the IDAHO ENTERPRISE, published weekly at Malad, Idaho, do solemnly swear that a copy of the 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 April 6, 1922, and ending with the issue dated April 27, 1922.

Clyde Hanson
Subscribed and sworn to before me this 28th
day of April, 1922

John J. Evans
Notary Public

PERMIT NO. 9978**Proof of Application of Water to Beneficial Use****Deposition of Holder**

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

Ans. J.S.Davis; 33 years; Juniper, Oneida County, Idaho; Farming
Juniper, Oneida County, 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. Acting for myself only.

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

Ans. 9978 January 30th. 1914 April 23rd. 1918

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

Ans. Glenn Canyon Spring; Point of diversion is at said Spring;2 1/2 miles above mouth of canyon.

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. Water conveyed from said Spring by 3/4 inch pipe, to a cement
trough or cistern 16 feet by 16 feet by 4 feet deep which is about
75 feet from said Spring, immediately south of said spring, which
said trough or cistern is the place of usage of said waters

Ques. 6. State for what purport 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. For domestic purposes and watering stock.

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

Ans. used only for domestic purposes and watering stock

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

Ans. approximately 1-100 of 1 cubic foot per second

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

Ans. -----

9978

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

Ans. first used in 1915; for domestic purposes and watering stock
and has been used continuously by myself since and was developed by
my own work from practically nothing to its present amount of water.

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 waters .

(Sign)

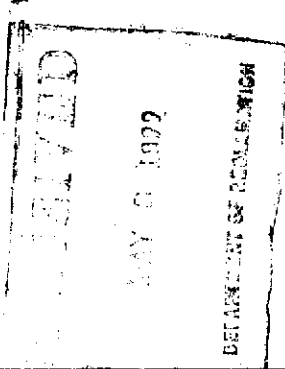
John Stuart Davis

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 Malad City County of Oneida State of Idaho, on this --28th day of April A. D. 19 22

John J. Evans

Notary Public for Idaho residing at
Malad, Idaho.

9978



Permit No. 9978**Proof of Application of Water to Beneficial Use**

DEPOSITION OF WITNESS

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

Ans. David J. Davis; 59 years; Malad, Idaho R.F.D. No. 1; FarmingMalad, Idaho R.F.D. No. 1Ques. 2. Are you acquainted with J. S. Davis, the holder of Permit No. 9978? How long have you known him and where does he reside?Ans. All his life; and he resides at Juniper, Oneida County, IdahoQues. 3. Have you read or heard read said Permit No. 9978, and are you familiar with its provisions and conditions?Ans. Yes; and am familiar with its 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. Glenn Canyon Spring; diversion at Spring; conveyed by 3/4 inch pipe to a cement eastern or trough about 75 feet South of said Spring.

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. Approximately 1-100 of 1 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. for domestic purposes and watering stock; at the trough or eastern about 75 feet from said Spring

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

Ans. ----- not used for power or irrigation

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. -----9978

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 interest whatever.

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. Every season since 1915; for domestic purposes and watering stock from practically nothing to its present amount of water of at present to approximately 1-100 of 1 cubic foot per second; by digging-trenching and developing said spring since 1915.

(Sign)

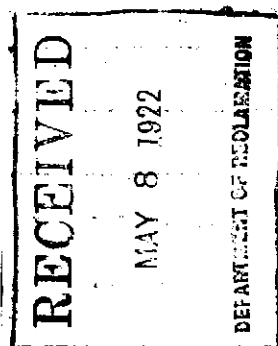
David J. Davis

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 Malad, County of Oneida, State of Idaho, on this ---28th day of April A. D. 1922.

John J. Evans
Notary Public. for
Idaho residing at Malad, Idaho

My commission expires Dec. 2nd. 1923

9978



Permit No. 9978**Proof of Application of Water to Beneficial Use**

DEPOSITION OF WITNESS

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

Ans. Rollins W. King; 38 years; Juniper, Oneida County, Idaho
farming; Juniper, Idaho.Ques. 2. Are you acquainted with J.S. Davis, the
holder of Permit No. 9978? How long have you known him and where does he reside?Ans. Since 1908 and he resides at Juniper, Oneida County, IdahoQues. 3. Have you read or heard read said Permit No. 9978, and are you familiar with
its provisions and conditions?Ans. Yes; and am familiar with its provisions and conditionsQues. 4. State source of water supply, place of diversion, and describe works for convey-
ing water from point of diversion to place of use.Ans. Glenn Canyon Spring; At the Spring; and conveyed by 3/4 inch pipe
to a trough or cistern about 75 feet south of the said Spring, at its
place 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?Ans. Approximately 1-100 of 1 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 sub-
division.) State whether cultivated or natural meadow land and the nature of all improve-
ments which have been made as a direct result of said use.Ans. for domestic purposes and watering stock; at a place about
75 feet south of said Spring.Ques. 7. If for power or other purposes than irrigation, state how water has been ap-
plied and to what extent.Ans. Not used for power or irrigation purposesQues. 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. Not used for Irrigation

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

Ans. None whatever.

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. Since 1914: digging trenching and developing said Spring each year or season since 1914.

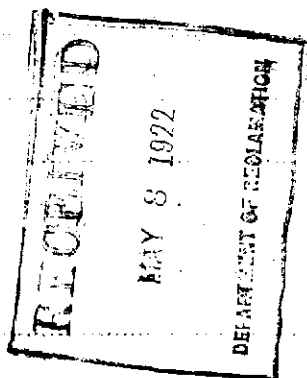
(Sign) William H. King

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 Malad, County of Oneida, State of Idaho, on this ---28th day of April A. D. 19 22.

John J. Evans
Notary Public for
Idaho residing at Malad, Idaho

My commission expires Dec 2nd. 1923

9978



State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

BOISE, IDAHO,

April 11, 1922.

J. S. Davis,

c/o John J. Evans,

Malad, 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. **9978.**

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 **April 28, 1922**, 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) **Malad, before John J. Evans, notary public.** should be filled out and sworn to at _____

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,

W. G. SWENDSEN,

Commissioner of Reclamation.

9978

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Idaho Enterprise,
Malad, Idaho.

Boise, Idaho, March 23, 1922.

Dear Sirs:

Enclosed find Notice for Publication under Permit no. **9978** which please publish once a week for four consecutive weeks in your paper. The expense of this publication will be paid by **Mr. J. S. Davis, of Juniper, Idaho,** 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. C. SWENDESEN,

Commissioner of Reclamation

9978

april 28

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 28th day of April, 19 28,
 at Malad, County of Cassida, State of Idaho,
 before John J. Evans, notary public, proof will be submitted
 of the application to beneficial use of approx. 1/100 of 1 cubic feet per second of the
 waters of Glenn Canyon Spring in accordance with the terms and conditions of
 Permit No. 9978 heretofore issued by the State Engineer
 of the State of Idaho.

The name and postoffice address of the person ~~or corporation~~ holding said permit are
J. S. Davis, Juniper, Idaho.

The use to which said water has been applied is domestic use (watering stock).

The amount applied to beneficial use is approx. 1/100 of 1 cubic foot per second.

The place where said water is used (if for irrigation, give full and accurate description of the
 lands irrigated) About 75 feet from the spring.

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

The right to take water from such works is based upon Permit No. _____

The source of supply from which such water is diverted is _____

The date of the priority which said user is prepared to establish is April 23, 1918.

W. G. Swendsen,

Commissioner of Reclamation.

*affix 144-145-306
123-*

HANDLING

(P. O.)

Boise, Idaho

(Date)

Mar 31, 1921

BOND

Commissioner of Reclamation, Boise.

Dear Sir:

I have your letter of

Mar. 29

enclosing notice of proof under

Permit No.

9978

which will be published as you request, beginning with our issue of

April 6

9978

Idaho Enterprise

Apr 28
March 22, 1922.

Re: Permit No. 9978.

Mr. J. S. Davis,
Juniper, Idaho.

Dear Sir:-

Referring to your letter of the 20th inst., with which you mailed notices of proof of use of water under the above permit, would say that, in order to allow time for the required four full weeks publication of the notice, the date for making proof has been set for April 28th instead of the 14th. If this is not satisfactory, please advise at once as the notice will be mailed to the Idaho Enterprise for next week's issue of the paper.

The amount of water used has been changed to read

"approx. 1/100 of 1 cubic foot per second". This would be a very little more than 4 gallons per minute, as stated in your notice, and is the regular unit of measurement. One miner's inch of water equals 1/50 of one cubic foot per second of time, or 9 gallons per minute. Four gallons per minute would, therefore, be a little less than half that amount.

Your date of priority under this permit will be April 23, 1918, in view of the fact that the proof is being made subsequent to the date specified in the permit for such proof. The date of priority is required to be brought down a length of time equal to the period of time elapsing between the date proof should have been made and the date proof is actually made. Otherwise your priority would have been

J.S.Davis - page 2.

the date of the first receipt of the application in this office,
January 26, 1914.

The fee for this proof, which should accompany the depositions
when sent in, will be \$5.00. Deposition blanks, one for the holder
and one each for two witnesses, will be mailed to Mr. J.J.Evans, the
notary public before whom proof is to be made.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

Juniper Lake.

March 20 1922

A. S. Swendsen

Dear Sir :

I have filled
out the papers with the
exceptions of the last
question on Proof Application blank
and I don't understand
what that means unless
it is when we started to
use the water, if that is it
we started as soon as there
was any water developed.

Hoping I have filled them
out satisfactory I am

Respectfully

J. S. Davis.

9978

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) March 20 1922
(P. O.) Juniper Idaho

TO THE STATE ENGINEER:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Idaho Enterprise of Blaine Idaho, published in
the county in which the works are situated.

J. V. Davis

(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 FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10 a. m. on the 28th day of April, 1922,
at Malad, County of Oneida, State of Idaho,
before John J. Evans, proof will be submitted
of the application to beneficial use of Four gallons per minute cubic feet per second of the
waters of Glenn Canyon Spring in accordance with the terms and conditions of
Permit No. 9978 heretofore issued by the State Engineer F. P. King
of the State of Idaho.

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

J. S. Davis Juniper Idaho.

The use to which said water has been applied is Watering Stock

The amount applied to beneficial use is Four gallons per minute

The place where said water is used (if for irrigation, give full and accurate description of the
lands irrigated) The water is run in a concrete conduit

about 75 feet from spring and used for watering
stock

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

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

The source of supply from which such water is diverted is X

The date of the priority which said user is prepared to establish is April 23 - 1918

W. G. SWENDSEN,

Commissioner of Reclamation.

March 8, 1922.

Re: Permit No. 9978.

Mr. J. S. Davis,
Juniper, Idaho.

Dear Sir:-

Replying to your letter of the 1st inst, would say that proof of beneficial use of water was required to be made under the above permit June 30, 1918, but this proof has never been made. Notice that such proof was due was mailed to you at Malad, October 19, 1917, but was returned to this office, unclaimed. However, this proof will be accepted when made at a later date than specified in the permit but the date of priority will be brought down a length of time equal to the time elapsing between the date proof should have been made and the date proof is actually made.

Blank notices for proof are herewith enclosed. These should be filled out, in duplicate, and returned to this office, the date for making proof being set far enough ahead to allow for five publications of the notice. On the date set for proof, it will be necessary for you to appear before the officer designated by you in the notice of proof, with two witnesses, and fill out deposition blanks which will be furnished you.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By

Chief Clerk.

9978

F10-11

Juniper Idaho

March 1, 1922

State Engineer Boise Idaho

Dear Sir -

I have a filing on a
spring in Glenn Canyon
Permit no. 9975
Recorded in book 33 Page 9975
approved Jan 30 1914.

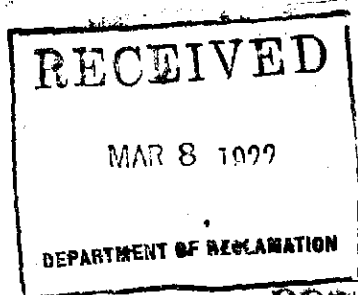
At the time of completion of
the work I had to do, I
paid a fee of \$5.00 and
received a Certificate of
completion of work. Please
inform me if this is the only
proof that can be made
on this spring, and if it
is all that is necessary
to hold the water.

When we have been using
it for stock purposes which
the filing calls for.

Thanking you for any
information you can give
me I am

Respectfully

J. S. Davis
Juniper
Idaho



9978

March
Fifteen
1917.

9978
Mr. John Stuart Davis,
Malad, Idaho.

Dear Sir:

Re: Completion of works:

We enclose herewith certificate of
completion of works, together with receipt
for fee.

Very truly yours,

J.E. Smith,
State Engineer,

By

Cert.
EE.

9978

Permit No. _____

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Oneida } SS.

John Stuart Davis, 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. 9978 and that his postoffice address is Juniper, Oneida Co., Idaho State of _____

Second: That the name of the stream from which said water is to be diverted is a Seeping Spring in approximately in Sec. 9, Tp. 14 S. R. 30, E. B. M., Idaho on unsurveyed land which said spring is unnamed

Third: That the point of diversion of said water is 100 feet below spring

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by January 30 1916 but an extension of one year was obtained for the completion

Fifth: That the use for which said water is intended is watering stock

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: pipe and trough

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

II. Dimensions of work: _____

(a) Height of dam _____ feet, length of dam at top _____ feet, length of dam at bottom _____ feet. Material used in construction It is a wooden trough 16 feet long, 14 inches wide and 12 inches deep

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit _____ width at bottom _____ feet, width at water

(State whether ditch, flume or pipe)

line _____ feet, depth of water _____ feet; diameter of pipe one inches;

average grade per mile is 500 feet. Length of conduit is 100 miles.

Seventh: That said works are capable of conducting to the place of intended use 5 gal. per minute second feet of water.

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

Ninth: Remarks: That Applicant originally intended to construct an earthen reservoir but the ground was too porous and was compelled to put in a wooden trough 100 feet below the spring

John Stuart Davis
(Sign here)

Subscribed and sworn to before me this 16 day of February, 1917.

S. W. Davis

Notary Public.

My commission expires 4/27/18.

Malad, Idaho.

9978

February 3rd, 1917.

Re Permit 9978.

Mr. J. Stuart Davis,
Juniper, Idaho.

Dear Sir:--

Replying to your letter of the 29th ult.
would say that the enclosed affidavit form should be
filled out and returned to this office as soon as pos-
sible, together with fee of \$5.00.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

F6

9978

State Engineer
Boise Idaho.

June 28. 1917

Dear Sir:- I am writing you
about the filing on a spring. The number
of the permit is 9978 recorded in Book 93
Page 9978 as this is the month and
year I was supposed to make proof
same and have not heard from you.

Trusting I will hear from you soon

I am Respectfully Yours

J. Stuart Davis.

Juniper, Idaho.

9978

July 10th, 1916.

Re: Permit 9978.

J. Stewart Davis,
Juniper, Idaho.

Dear Sir:-

Replying to your letter of the 6th, we would say that you can substitute a trough in the place of an excavated reservoir without in any way invalidating the permit. The only thing necessary will be to mention this change in construction at the time you make proof of completion of works.

Very truly yours,

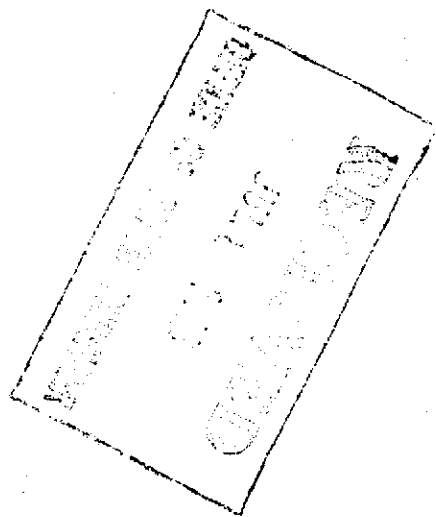
J.H.SMITH,

State Engineer.

by

RFH-NES

9978



in order to water my cattle.
I want to know if that
can not be changed to trough
instead of digging that
reservoir as it would
be worthless, or would it
make any difference in
proving up on the spring.
Please write and let me
know.

Very Respectfully

9978 J. Stuart Davis
Juniper
Colabo.

P. 9978

9978

OK

Juniper Delator
July 6, 1910
State Engineer.
Bois Delator.

Regarding Permit no. 9978
Cable for a reservoir, but the
earth is loose and rocky and
the flow of water is so small that
the water sinks as fast as
it runs in, I started the
reservoir and pumped the water
into it but that to put it
in wooden trough

February 5, 1916.

Re Permit No. 9978.

John S. Davis,
Juniper, Idaho.

Sir:--

Your application for extension of time has been approved and duplicate copy is herewith returned to you.

Very truly yours,

J. H. SMITH,

State Engineer.

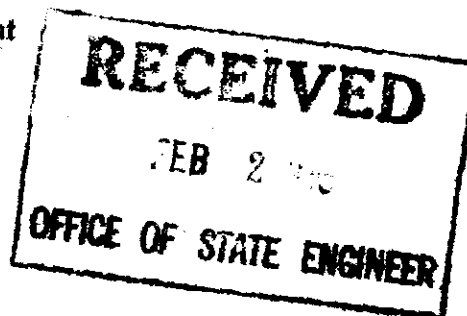
ET

By _____

9978

J. H. SMITH
STATE ENGINEER
FRED A. WILKIE
DEPUTY STATE ENGINEER

State of Idaho
Engineering Department
Boise



January 29, 1916.

Re Permit No. 9978.

Mr. S. D. Davis,
Malad, Idaho.

Sir:--

In checking the application for extension under above permit I find that you have not extended the time, as both dates read January 1st, 1916. Under the terms of this permit the proof of completion of works is required January 30, 1916, not January 1st, 1916. This should also be corrected. The application is herewith returned for correction.

Very truly yours,

J. H. SMITH,

State Engineer.

2AET

By *C. Brown*

Malad, Idaho, January 31st, 1916.

Hon. State Engineer,

Boise, Idaho.

Dear Sir:--

Enclosed find application with the dates corrected to conform the facts and to meet the desire.

We are very respectfully,

Yours Truly,

Davis & Evans, By

9978

S. D. Davis

Permit No. 9978

Application For Extension of Time

For Completion of Works

John Stuart Davis, of Juniper, Oneida Co., Idaho.

State of Idaho, being first duly sworn, upon his oath deposes and says:

He is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 9978

Under the terms and conditions of said permit, construction work thereunder was required to be completed by January 30th, I, 1916

That he has heretofore performed the following work described under said permit:

Applicant has performed \$200.00 worth of work in dirt and rock in digging into the mountain to increase the flow of water, and has performed all of the labor required in the permit except the constructing of the reservoir.

costing \$ 200.00

THAT he is unable to complete the remainder of the work within the required time, for the following reasons, to-wit:

Applicant's wife has been sick and this has necessitated an unexpected expence and he is not in circumstances to expend at present, the necessary amount of means to complete the reservoir.

WHEREFORE, He asks that the State Engineer extend the time for the completion of construction work under said permit, to January 1, I, 1917

And further, deponent saith not

Subscribed and sworn to before me this 27 day of January, 1916

John Stuart Davis
S. D. Davis

Notary Public.

My commission expires 3/27/18

Malad, Idaho

Date of receipt at office of State Engineer February 2, 1916.

APPROVAL OF STATE ENGINEER.

J. H. Smith,

I, ~~R. R. King~~, State Engineer of the State of Idaho, hereby extend the time for the completion of construction work under Permit to Appropriate the Public Waters of the State of Idaho, No. 9978, to January 1st, 1917.

Witness my hand this 2nd day of February, 1916.

J. H. Smith
(over) State Engineer.

9978

January 29, 1916.

Re Permit No. 9978.

Mr. S. D. Davis,
Malad, Idaho.

Sir:--

In checking the application for extension under above permit I find that you have not extended the time, as both dates read January 1st, 1916. Under the terms of this permit the proof of completion of works is required January 30, 1916, not January 1st, 1916. This should also be corrected. The application is herewith returned for correction.

Very truly yours,

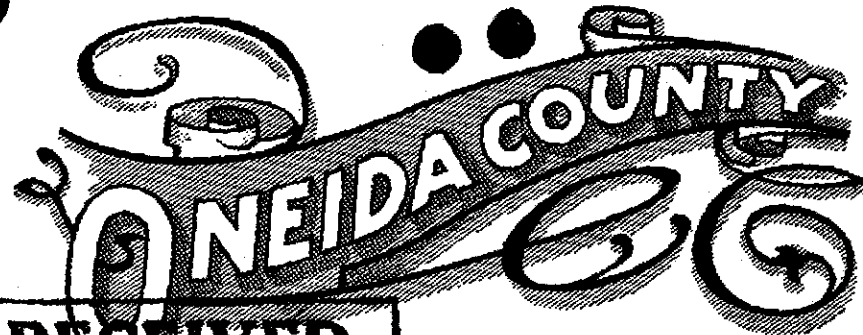
J. H. SMITH,

State Engineer.

2AET

By _____

9978



RECEIVED

JAN 29 1916

OFFICE OF STATE ENGINEER

Malad, Idaho, January 27, 1916.

Hon. State Engineer,
Boise, Idaho.

Dear Sir:-

Enclosed find the application of John Stuart Davis for an extension of time in the matter of the submitting of proof of completion of work under his permit.

We are very respectfully,

Yours Truly,

9978

Davis & Evans, By *A. O. Davis*

January 14, 1916.

Re Permit No. 9978.

Mr. J. Stuart Davis,
Juniper, Idaho.

Sir:--

Replying to your letter of the 10th would say that the first proof under your permit, or proof of completion of works, is due January, 1916, and the final proof of beneficial use of water in January, 1917. However, if you are not prepared to make the proof of completion of works this year, you may make application for extension of time. Application should be made in duplicate upon enclosed blanks.

Very truly yours,

J. H. SMITH,

State Engineer.

2F4

By _____

9978

and I will have the papers
filled out and send them back
at once. The reason of taking the
additional year if it is allowed, is
that the spring is very small,
there never was water there winter
after I started working it, that
ever run, it only stands in a little
pool that held about two quarts,
but now it runs a small
stream.

Please write me at

Heart Davis,

Juniper,

Idaho.

9978

Very Respectfully

J. S. Davis.

RECEIVED

JAN 1

OFFICE OF STATE ENGINEER

Get export tax - 1 yr, if desired -

9978 Malad Idaho.

Jan. 10, 1916

State Engineer -

9978

Boise Idaho
Owing to the fact that I have been out on my farm at Juniper Idaho, I failed to get your notice in time to get an answer back by the tenth 10th, so am writing now.

The permit issued to me states that I have one additional year or until January 1917 that is the way I understand it, but if it is 1916 please notify me.

State of Idaho
ENGINEERING DEPARTMENT
BOISE

STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

John Stewart Davis,
Malad, Idaho.

Boise, Idaho, October 19, 1915.

Dear Sir:

Under the terms of your permit No. 9978, you are required to complete your diversion works on or before January 30, 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.

9978

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

Permit No. 9978

BOISE, IDAHO. Jan. 30, 1914.

Mr. John Stuart Davis,
Malad, Idaho.

Dear Sir:

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

F. P. KING,
State Engineer.

9978

Name of Applicant.....

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

HERITAGE MAP NO. 9978
AS APPROVED

JAN 30 - 1914

F. P. King

ENGINEER

9978

Map of John Pleasant & Son

Clear Canyon