

42

Gonzaga University

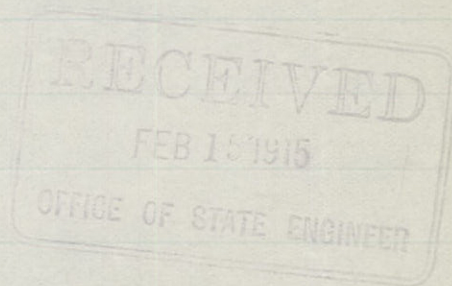
Spokane, Wash. Feb. 12, 1915.

F. P. King,
Boise, Idaho.

Dear Sir.

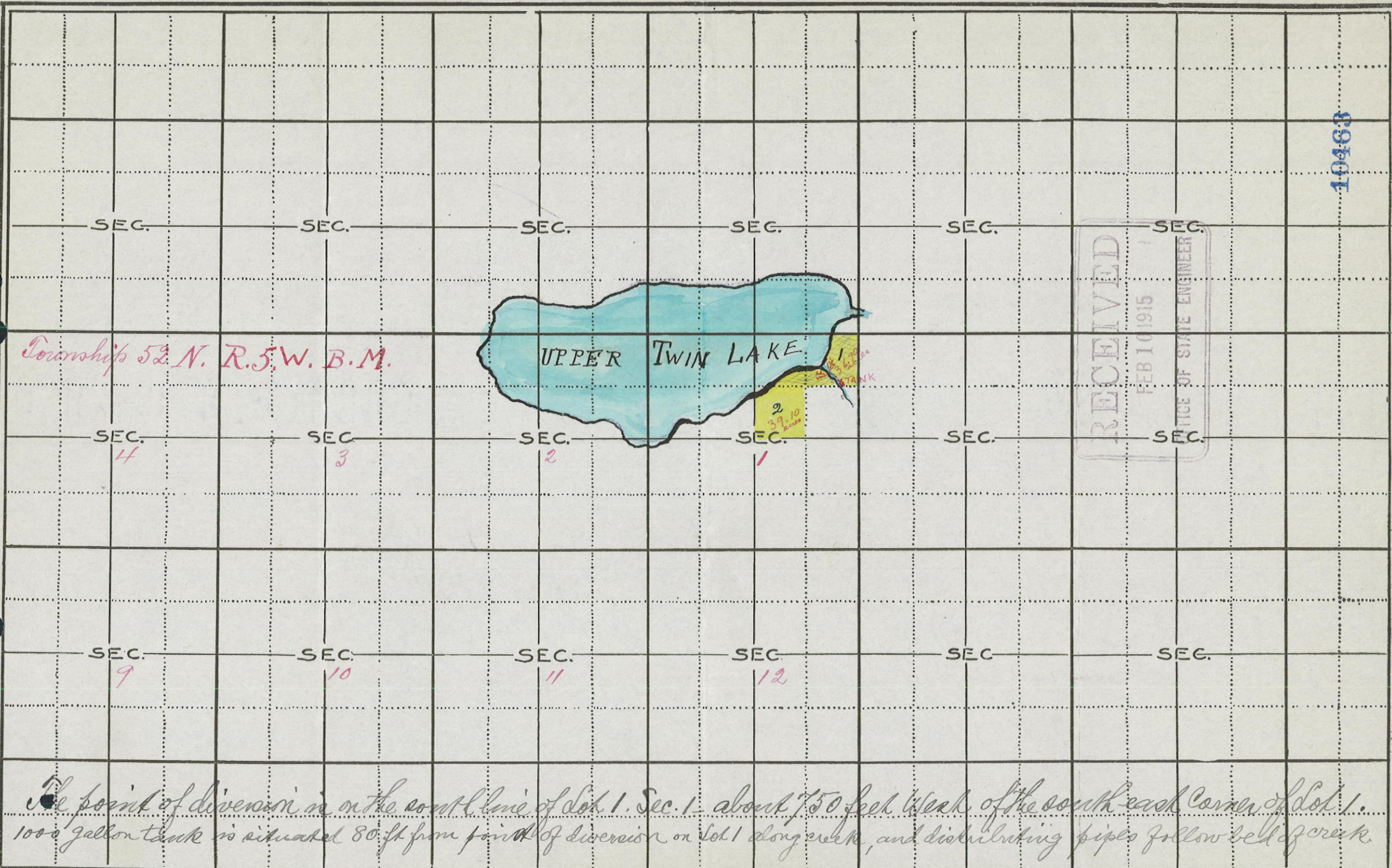
Enclosed please find our fee
of \$4 for water license. (Permit 10463)

Yours sincerely
James M. Brogan
per Paul Bauer Treas & Secty.



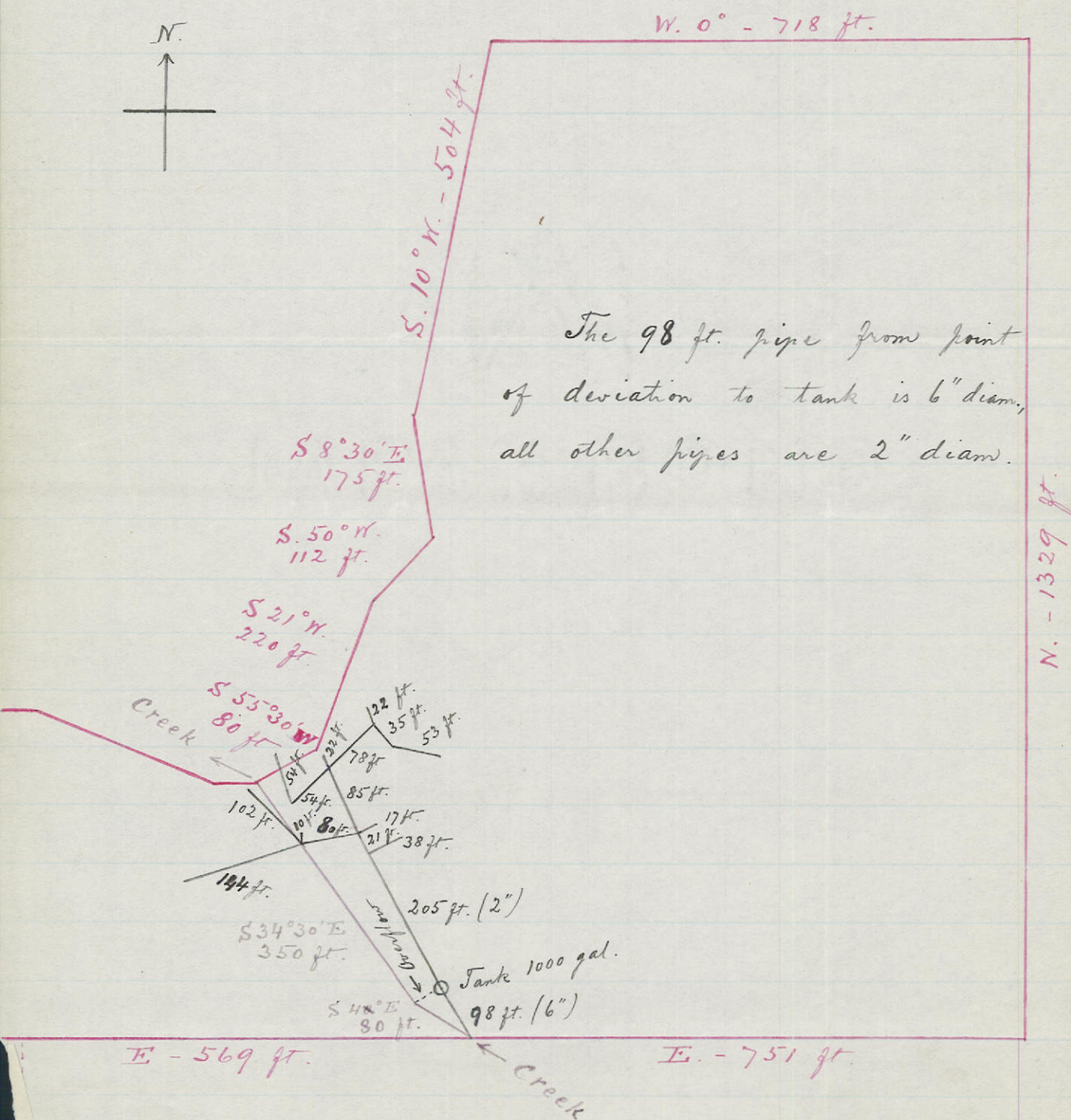
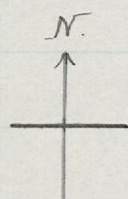
10463

Name of Applicant *The Corporation of Gonzaga University, Spokane, Wash.*



Gonzaga University

Spokane, Wash.



10463

Name of Applicant *The Corporation of Borgaya Municipality, Spokane, Wash.*

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

4

3

2

1

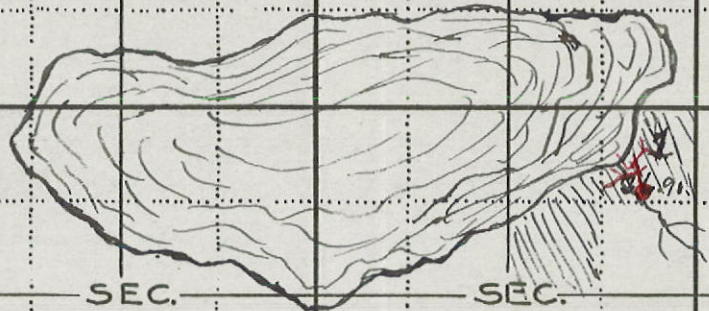
9

10

11

12

Township 52, N. R. 5, W. B. M.



Pipe lines marked in red —

10463

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

Printed and for sale by the Statesman Shop, Boise, Idaho.

**SUPERCEDED
BY
DECREE**

PLEASE NOTE

This water right is currently involved in an adjudication procedure. Insure that the regional office is notified of any changes or correspondence.

County: Kootenai
Stream: Unnamed
Amount: $\frac{1}{2}$ sec.ft.
Use: Irr. & Dom.
Priority: 6-22-14

STATE OF IDAHO

Water License No. 10463

WHEREAS, On the 22nd day of June, A. D. 1914,
The Corporation of Gonzaga University
of Spokane, County of Spokane, State of Washington, duly made application
(No. 15353) to me for a permit to use $\frac{1}{2}$ of 1 cubic foot per second of the waters of an
Unnamed Stream
County of Kootenai, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 8th day of August, A. D. 1914, Permit No. 10463 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 8th day of February, A. D. 1915, and for the application to ben-
eficial use of said water on or before the 8th day of February, A. D. 1915, and,

WHEREAS, On the 3rd day of November, A. D. 1914,
The Corporation of Gonzaga University
the holder of said permit, duly made proof of the completion of adequate works for the diversion of
 $\frac{1}{2}$ of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 10463,
dated January 9, 1915, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use $\frac{1}{2}$ of 1 cubic foot per second of said waters,
with date of priority of June 22, 1914, and

WHEREAS, On the 8th day of February, A. D. 1915,
The Corporation of Gonzaga University
the holder of said permit, duly made proof of the application to beneficial use of $\frac{1}{2}$ of 1 cubic
foot 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

The Corporation of Gonzaga University
of Spokane, County of Spokane, State of Washington, the holder and owner
of said Permit No. 10463, a perpetual right, dating from June 22, 1914,
to the use of $\frac{1}{2}$ of 1 cubic foot per second of the waters of an unnamed stream,

in the County of Kootenai and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted on the south line of Lot 1, Sec. 1,
T. 52 N., R. 5 W.B.M., about 750 feet west from S.E. Cor, of said Lot,

and conducted to and upon Lots 1 and 2, Sec. 1, T. 52 N., R. 5 W.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 of supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 15th day of March,
A. D. nineteen hundred and fifteen.

J. H. Smith,

(Seal)

State Engineer
95 2055

No. 15353

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant: The Corporation of Gonzaga University, Spokane, Washington.

Postoffice address: Spokane

County: Spokane

State: Washington.

I. If applicant is a corporation, give

(a) Date and place of incorporation: See Remark No. 1.

(b) The amount of capital stock: No capital stock.

(c) The amount paid in: Educational institution. Does not apply.

(d) Names and addresses of directors: Rev. James M. Brogan, S.J.; Rev. Augustine Kreghsbach, S.J.; Rev. Joseph C. Cardon, S.J.; and Rev. John H. Neander, S.J.; all of Spokane, Washington.

II. The financial resources of the applicant are: (a) Cash on hand: \$6,713.91 on June 15, 1914.

(b) Treasury stock: None

(c) Bonds to be issued: None

(d) Other resources: Real estate and other property in Washington, valued at \$200,000.00; and real estate in Idaho, valued at \$924.00.

2. The quantity of water claimed is one half ($\frac{1}{2}$) cubic feet per second.3. Source of water supply: Unnamed creek, or rivulet, rising approximately in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 1, Twp. 52 N., R. 5 W.B.M., and flowing across Lot 1, Sec. 1, Twp. 52 N., R. 5 W. B.M., in Kootenai County, Idaho, to Upper Twin Lake.

4. Location of point of diversion: See Remark No. 2

County of Kootenai

5. To be used for: Storage for domestic purposes under pressure.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: Thirty-six & 90/100 acres.
(b) In the following legal subdivisions: Lots 1 and 2 in Section 1, Township 52, North, Range 5, West of the Boise Meridian, in Kootenai County, Idaho.

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: See Remark No. 4

II. Dimensions of works: Not applicable. Neither dam nor reservoir, except 1000 gallons storage tank.

[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

acre feet.

(c) Size of headgate, width

feet,

Height

feet.

(d) Conduit

Pipes

width at bottom

feet,

width at water line

feet, depth of water

feet, diameter of pipe

6 and 2 inches; average grade per mile is feet. Length of conduit is miles,
and it crosses the following quarter sections: All works and pipes on applicant's property,
Lots 1 and 2 in Section 1, Twp. 52, N., R. 5 W., B. M., in NE $\frac{1}{4}$ of Sec. 1, Twp.
52 N., R. 5 W.B.M., in Kootenai County, Idaho, and crosses no other property.8. The time required for the completion of the construction of such work is one-half ($\frac{1}{2}$) years.9. Time required for the complete application of the water to the proposed use is no
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.

THE CORPORATION OF GONZAGA UNIVERSITY, Spokane, Washington. Applicant.

By John H. Neander, S.J.

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. June 22, 1914.

Returned to applicant for correction June 23, 1914.

Corrected application received July 20, 1914.

APPROVAL OF STATE ENGINEER

The number of this permit is 10463

Recorded in Book 35 Page 10463 Approved August 8, 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 October 7, 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 November 8, 1914.

The whole of said work to be completed on or before February 8, 1915.

Beneficial use of water appropriated in accordance herewith, to be made on or before February 8, 1915.

Witness my hand this 8th day of August, 1914.

F. P. King,

State Engineer.

Remarks: No. 1 Incorporated as "The Corporation of Gonzaga College" at Spokane, Washington, April 5, 1894: articles filed at Olympia, Washington, April 21, 1894. Amended and supplemental articles, changing name to "The Corporation of Gonzaga University, Spokane, Washington", adopted May 18, 1912, and filed at Olympia, Washington, June 5, 1912. Certified copy of articles filed with County Auditor of Kootenai County, Idaho, and on May 4, 1914, with the Secretary of State at Boise, Idaho.

No. 2. The point of diversion is on the South line of Lot 1, in Sec. 1, Twp. 52, N., R. 5 W.B.M., in Kootenai County, Idaho, 751 feet West of the South-east corner of said lot, at a point on the creek S. 34°30' E. 350 feet, thence S. 48° E. 80 feet, from the mouth, where it flows into Upper Twin Lake.

No. 3 The water is taken directly from the creek by a six inch pipe extending 80 feet from the point of diversion along the course of the creek to a 1000 gallon storage tank, located S. 34°30' E. 350 feet from the mouth of the creek, and distributed from the tank in 2 inch pipes for irrigation and domestic purposes. The over-flow runs directly from the tank back into the creek.

10463

Proof of completion of works made November 3, 1914.

Certificate of completion issued January 9, 1915.

Permit No. 10463

CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that the Corporation of Gonzaga University, of Spokane, County of Spokane and State of Washington, the holder of Permit No. 10463, issued upon Application No. 15353, bearing date of priority of June 22, 1914, authorizing the diversion of $\frac{1}{2}$ of 1 second foot of the waters of an unnamed creek, County of Kootenai, 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 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 $\frac{1}{2}$ of 1 second foot of the waters of an unnamed creek; that the point of diversion of said waters is at a point on the south line of Lot 1, Sec. 1, T. 52 N., R. 5 W.B.M., approximately 751 feet west of the southeast corner of said lot. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: Lots 1 and 2, Sec. 1, T. 52 N., R. 5 W.B.M., containing 36.90 acres.

Witness my hand this 9th day of January, A. D. 1915.

Herbert Wing,

Acting State Engineer of the State of Idaho.

License issued for $\frac{1}{2}$ second feet

Page 1788

MOUNT ST. MICHAEL'S

SPOKANE 28, WASHINGTON

March 21, 1958.

Mr. Mark R. Eulp,
State Reclamation Engineer,
Boise, Idaho.

Dear Sir:

I am in receipt of your communication of March 19 in response to my request for information re License and Certificate of Water Right No. 19463 on Upper Twin Lakes, Idaho. May I express our profound thanks for your thoughtfulness in providing a thoroughly adequate answer to our inquiry. It is very gratifying, in a matter of this kind, to know exactly where we stand.

Very sincerely,

10463

Thos. P. Gaffney, S.J.

RECEIVED
MAR 24 1958
Department of Reclamation

March 19, 1958

Gaffney
Fr. Wm. R. Coffey, S. J.
Mount St. Michael's
Spokane 28, Washington

RE: License and Certificate of Water Right
No. 19463

Dear Sir:

License No. 19463, recorded on Page 1788 of Book of Licenses, is valid as long as the water is used for the purpose for which it was appropriated and at the place specified in the license. Your first assumption as to the perpetuity is therefore valid.

Your second assumption, that riparian rights above you on the stream are not prejudicial to your right, is also technically accurate. There are no riparian rights to water in Idaho as they have been abrogated in favor of appropriative rights. However, administration protection of rights depends on the formation of a water district which meets annually to elect a watermaster and adopt a budget. The formation of a water district is possible only on a stream that has been adjudicated, that is, where all rights to the use of water from a given source have been fixed by a court in relation to all other rights from the same source.

Your license gives you the right to divert and use $\frac{1}{2}$ cubic foot per second or as much of that amount as you put to beneficial use, and then, only if there is that much available under a June 22, 1914 priority. The reason for this last statement is that there are two methods of initiating and completing a water right; the statutory method which your organization followed and the so-called constitutional method whereby a right is gained by actual diversion and application to beneficial use. No record of the constitutional method is made except when the right is confirmed by a court decree. There being no public record, we do not know if there are any rights prior to June 22, 1914.

Your right can be extinguished only by court decree, although, it may be subject to claim of abandonment for five years non-use.

Very truly yours,

Mark R. Kulp
State Reclamation Engineer

MRK:nls

10463

STATE OF IDAHO

Water License No....10463

P 1788

To..Corporation of Gonzaga University
Spokane, Washington.

Source of Supply.....

Unnamed creek.....

Kootenai..... County

Am't.....1/2 of 1....Sec. Feet.....

Point of Diversion...-S.line lot 1,
S.1.T.52 N.R.5 W.

Place of Use....Lots 1 & 2, S.1,
T.52 N., R.5 WBM.....

Purpose...Irrigation & Domestic

Date of Priority...June 22, 1914.

Recorded...March 15, 1915.....

Licenses

in Book...4.... of..... Page..1788

RECEIVED
MAR 1 2 1915

10463

MOUNT ST. MICHAEL'S
SPOKANE 28, WASHINGTON

State Hydraulics Engineer,
State Capitol Building,
Boise, Idaho.

RECEIVED
MAR 12 1958
Department of Reclamation

Dear Sir:

The number of people establishing summer homes on the Idaho lakes grows apace. This fact has been impressed upon us rather dramatically by the requests we receive to permit others to share the water of the stream that flows through our property on Upper Twin Lakes, Kootenai County, Rathdrum, Idaho. Our water rights were "granted and confirmed" to The Corporation of Gonzaga University, Spokane, Washington, by your predecessor on March 15, 1915. The above institution long since came into ownership of the property and water rights.

Though we have no positive reason to suspect that our water rights are not in good order, the lapse of so many years inspires a wish for assurance that it is so.

Specifically, we are making the following assumptions, namely, first, that the original water rights assured to us "in perpetuity," are secure, and secondly, that riparian rights of property owners above us on the stream are not prejudicial to our rights which grant us the specified minimum of " $\frac{1}{2}$ " of 1 cubic foot of water per second."

We would be very gratified if you could let us know if our assumptions in the matter are correct. I thought of making a trip to Boise, a considerable distance from my home base, but our attorney stated that it would not be necessary to do so.

I include a transcript of information from our papers.

Very sincerely,

Geo. H. R. Gaffney, S. J.

March 22, 1915.

Permit 10463.

Mr. James M. Brogan,
Pres. Gonzaga University,
Spokane, Washington,

Sir:

Am herewith enclosing you water license issued
under the above permit, with receipt for fees.

Very truly yours,

J. H. SMITH,

State Engineer.

L-R7241

By _____

10463

Gonzaga University

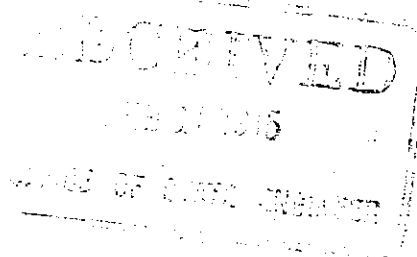
Spokane, Wash. Feb. 12, 1915.

F. P. King,
Boise, Idaho.

Dear Sir. D

Enclosed please find our fee
of \$4 for water license. (Permit 10463)

Yours sincerely
James M. Brogan
per Paul Bauer Treas. & Secty.



10463

February 10, 1915.

Permit 10463.

Mr. James M. Brogan,
President of Gonzaga University,
Spokane, Washington.

Dear Sir:

We are today in receipt of a letter from Messrs. McFarland & McFalland, of Coeur d'Alene, enclosing depositions, affidavit of publication and report of engineer for proof of use of water under above permit. These have been checked and are satisfactory. Upon receipt of fees amounting to \$4.00 the license will be issued.

Very truly yours,

Herbert King,

Acting State Engineer.

By _____

10463

February 10, 1915.

Permit 10463-Gonzaga University.

McFarland & McFarland,
Attorneys at law,
Coeur d'Alene, Idaho.

Gentlemen:

We are today in receipt of your letter of the 8th inst., enclosing report, affidavit of publication and depositions in the matter of proof of beneficial use of water under above permit. These have been checked and are satisfactory. We are today writing the President of the University regarding fees required.

Very truly yours,

Herbert Wing,

Acting State Engineer.

By _____

10463

AFFIDAVIT OF PUBLICATION

NOTICE FOR PUBLICATION.

Notice of Proof of Application of Water to Beneficial Use.

Notice is hereby given that at 10 a. m. on the 8th day of February, 1915, at Coeur d'Alene, County of Kootenai, State of Idaho, before William B. McFarland, Notary Public, proof will be submitted of the application to beneficial use of one-half cubic feet per second of the waters of an un-named creek flowing through Lot 1 in Section 1 of Township 52, North, Range 5, W. B. M., Kootenai County, in accordance with the terms and condition of Permit No. 10463 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: The Corporation of Gonzaga University, Spokane, Washington.

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

3. The amount applied to beneficial use is one-half 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) Lots 1 and 2 in Section 1, Township 52, North, Range 5, W. B. M., in Kootenai County, Idaho, summer camp, gardens and lawns thereon.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Summer Camp Water System.

6. The right to take the water from such works is based upon Permit No. 10463.

7. The source of supply from which such water is diverted is an un-named creek, with an obscure source in wet ground and flowing from close to the line to and across Lot 1, Section 1, Township 52, North, Range 5, W. B. M., Kootenai County, Idaho, to and into Upper Twin Lake.

8. The date of the priority which said user is prepared to establish is June 22, 1914.

HERBERT WING,

Acting State Engineer.

Jan. 9-16-23-30.

STATE OF IDAHO,

County of Kootenai,

ss.

J. I. Scott of lawful age, being first duly sworn deposes and says: That he is the *Editor* of the Coeur d'Alene Press, a *Weekly* newspaper, printed and published at Coeur d'Alene, in Kootenai county, in the State of Idaho, and that said newspaper during all the times herein mentioned, was, and is a newspaper published at least *once* a week, and is a newspaper of general circulation in Kootenai county, Idaho. That the

Notice for Publication

of which the annexed is a true and correct copy, was published in the regular and entire issue of said newspaper for a period of *four* consecutive weeks; that the date of first publication was *Jan 9* 1915 and that the last publication was on *Jan 30* 1915. That said newspaper has been established for the length of time required by law and has been continuously and uninterruptedly published at Coeur d'Alene, in Kootenai county, State of Idaho, during a period of more than fifty-two consecutive weeks, next prior to the first publication of said notice.

J. I. Scott Subscribed and sworn to before me this *8th*

day of *February* A. D. 191*5*.

(SEAL)

10463

William B. McFarland Notary Public in and for Kootenai county, State of Idaho.

REPORT OF ENGINEER

Permit # 10463

1. State name of applicant and number of permit: *The Corporation of Gonzaga University*
2. State source of water supply: *an unnamed creek*
3. Location of point of diversion: *is at a point on the south line of Lot 1, Sec. 1, T. 52 N., R. 5 W. B.M., about 750 feet West of the southeast corner of Lot 1.*
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: *The works of diversion are fully completed in accordance with permit # 10463.*
5. Describe works as they exist, giving dimensions of same as follows: *Questions do not apply.*
 - (a) Width of conduit at bottom: *The water is taken directly from the creek by a six inch*
 - (b) Width at water line: *pipe, 80 ft long, and fed into a 1000 gallon storage*
 - (c) Depth of water: *tank, from which it is distributed over Lot 1 by*
 - (d) Grade per mile: *2 inch pipes. Any over-flow there may be,*
 - (e) Capacity of ditch: *is directed back into the creek from the tank.*
6. State whether or not water has been turned into works of diversion and if so, to what extent: *Yes.*
1/2 of one second foot of water is used.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: *Lots 1 and 2 in Section 1, Township 52 North, Range 5, West of the Boise Meridian, in Kootenai Co., Idaho. The water is at present principally used for domestic purposes. It is intended later on to irrigate about 10 acres of the 36.90 acres contained in the above described Lot 1.*
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

Joseph Kaufhold

STATE OF IDAHO,

County of *Kootenai*

ss.

RECEIVED

FEB 10 1915

Joseph Kaufhold, 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 *8th* day of *Feb* 191*5*

My Commission Expires

*July 27 1918**William M. Moulton*

Notary Public.

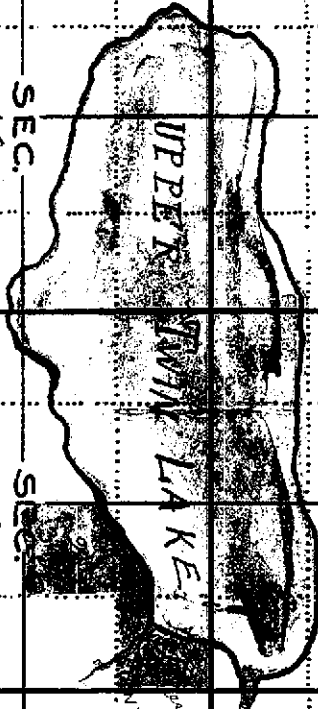
10463

Name of Applicant

The Corporation of Gonzaga University, Spokane, Wash.

The point of diversion is on the west line of Lot 1, Sec. 1 - about 750 feet West of the south road corner of Lot 1. 1000 gallon tank is situated 80 ft from point of diversion on Lot 1 along water, and distributing pipes follow bell-groove

Corner 33 N. R. 5 W. B. M.



RECEIVED
FEB 10 1916
OFFICE OF STATE ENGINEER

10463

Permit No.

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

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

Ans. *A. M. Jung - 42 years - Gonzaga University -
Bookkeeper - Spokane - Wash.*

Ques. 2. Are you acquainted with *The Corporation of Gonzaga University*, the holder of Permit No. *10463*? How long have you known him and where does he reside?

Ans. *I have been acquainted with Gonzaga University, Spokane, Wash. for 20 years.*

Ques. 3. Have you read or heard read said Permit No. *10463*, and are you familiar with its provisions and conditions?

Ans. *I have read it and am familiar with provisions etc.*

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. *An unnamed creek, point of diversion is at a point on the south line of Lot 1, Sec. 1, T. 52 N., R. 5. W. T. 3. M., about 750 ft. west of the southeast corner of Lot 1 - The water is brought by 80 ft. of six inch pipe into a 1000 gal. tank, whence it is distributed over premises.*

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. *1/2 of one second foot water on average, which amount is so conveyed.*

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. *Water at present is used principally for domestic purposes; later on it may be used for irrigating part of lot 1 - which would be laid out in lawns.*

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

Ans. *Not applied for power.*

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. *About 10 acres of Lots 1 & 2 of above described property has been cleared, hilly - along lake front.*

10463

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 am not interested in the above works.

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 the water used as above described for the last four years, though the final improvements were completed only in the fall of 1914.

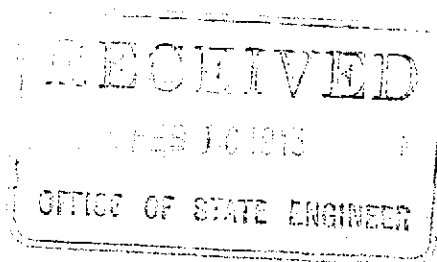
(Sign) A. M. Jung.

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 Coeur d'Alene, County of Kootenai, State of Idaho, on this 8th day of Feb A. D. 1915.

William H. Garland
Notary Public.

My Commission Expires July 28th 1918

10463



Permit No.

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

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

Ans. Joseph Torino, - 50 - Gonzaga University, Spokane.
Employee of Gonzaga University - Gonzaga University, Spokane, Wash.

Ques. 2. Are you acquainted with The Corporation of Gonzaga University, the holder of Permit No. 10463? How long have you known him and where does he reside?

Ans. Yes - 17 years
at Gonzaga University, Spokane, Wash.

Ques. 3. Have you read or heard read said Permit No. Yes, 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. An unnamed creek - At a point on So. Line
of Lot 1, Sec. 1, T. 52 N., R. 5 W. B. M. about 750 ft West
of southeast corner of Lot 1.
- 80 feet of six inch pipe -

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. 1/2 of one second foot - as much as works were capable of conveying.

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, sprinkling & domestic purposes,
may be used in near future for irrigation of
part of Lot 1.

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

Ans. Not applied for power, but mainly for
domestic purposes.

RECEIVED

FEB 10 1915

OFFICE OF STATE ENGINEER

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. About 10 acres ^{lots 1 & 2} on slope of hill, formerly
covered with forest, but now mostly cleared.
one half second foot.

10463

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

Ans. Have no personal interests in the works.

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 the water used for all above mentioned
improvement purposes since the works were started
several years ago. They were completed in fall of
1914.

(Sign) Joseph Forno

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 Council Bluffs, County of Kootenai,
State of Idaho, on this 1st day of Feb A. D. 1915

William M. Zealand
Notary Public.

My Commission Expires July 29, 1918

PERMIT No. 10463

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans. James M. Brogan, 45 yrs. president Gonzaga University, Spokane Wash.

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. Gonzaga University, Spokane Wash
Agent Wm. Harland Coeur d'Alene Ida

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

Ans. 10463

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

Ans. an unnamed Creek: a point on south line of lot one (1) Sec one (1) T 52 N R 5 W near about 750 ft west of the southeast corner of lot 1.

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. from creek by 6 in pipe, 80 ft long; fed into 1000 gal storage tank; distributed over land by a 2 in pipe; overflow directed back to creek from tank; can convey $\frac{1}{2}$ second foot.

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. Irrigation and domestic purposes.
The water is to be used to irrigate about 10 acres of the 36.90 acres in lots 1 & 2 Sec 1, T 52 N R 5 W 3rd. cultivated. The improvements made are lawn & gardens.

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

Ans. For domestic purposes

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

Ans. $\frac{1}{2}$ second foot

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 am the president of the corporation holding said permit.

RECEIVED

OFFICE OF STATE ENGINEER

10463

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

Ans. $\frac{1}{2}$ second foot has been used for about four years, for domestic purposes & for irrigating said 10 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. none

(Sign) James M. Brogan

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 Crem & Alene, County of Kootenai, State of Idaho, on this 8th day of Feb

A. D. 1915

William M. Mendenhall
Notary Public

10463

McFarland & McFarland

Attorneys-at-Law

First National Bank Building

Coeur d'Alene, Idaho

Feb. 8, 1915.

State Engineer,

Boise, Idaho.

Dear Sir:

Herewith you will find Affidavit of publication of notice of proof of application of water to beneficial use by the corporation of Gonzaga University, together with the depositions of the president of the University and three witnesses.

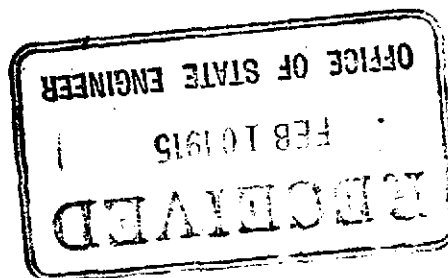
Will you kindly let us know at your earliest convenience, whether everything is all satisfactory? The forms that you sent us of course, in some respects do not pertain to small works, such as the works owned and maintained by the University, as you can readily see that their works consist merely of pipes and a storage tank.

If you will send to the University your statement of fees a remittance will be promptly sent to you.

Yours very truly,

WBM.LEP
encs.*McFarland & McFarland*

10463



January 14, 1915.

Permit 10463.

Mr. James M. Brogan,
Pres. Gonzaga University,
Spokane, Washington.

Dear Sir:

Am enclosing herewith certificate of
completion of works issued under above permit,
with receipt for fee.

Very truly yours,

Herbert Wing,

Acting State Engineer.

CCW:R7121

By _____

10463

STATE OF IDAHO
ENGINEERING DEPARTMENT

F. P. KING,
STATE ENGINEER

BOISE

INSTRUCTIONS

James M. Brogan, Pres.
Gonzaga University,
c/o William B. McFarland,

PROOF OF BENEFICIAL USE

Coeur d'Alene, Idaho.

BOISE, IDAHO, Jan. 13, 1915.

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. **10463**.

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 February 8th., 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 **Coeur d'Alene, Idaho, before Wm. B. McFarland.**
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,

Herbert Wings ~~STATE ENGINEER~~

Acting State Engineer.

10463

(P. O.)

Boise d Alene Ida

(Date)

January 2 - 1915

State Engineer, Boise.

Dear Sir:

I have your letter of *Dec 30th* enclosing Notice of Proof of Beneficial Use of Water under Permit No. *10463* which will be published as you request, beginning with our issue of *January 9 - 1914*

The Press Pub. Co

Per K -

RECEIVED

JAN 11 1915

OFFICE OF STATE ENGINEER

10463

Office of the State Engineer

Boise, Idaho, Dec. 21, 1914.

Mr. Joseph Kauphold,
c/o Treasurer Gonzaga University,
Spokane, Wash.

DEAR SIR:

Mr. James M. Brogan, residing at Spokane
Pres. of Gonzaga University,
County of _____, State of Washington, has requested that
you make examination required under Permit No. 10463. Will you
therefore, arrange with the holder of said Permit to make such examination as will
enable you to answer the questions on the enclosed blank? Also, make a sketch on
the enclosed blank plat showing source of supply, point of diversion, route of ditch
and place of use. You should, also, arrange with the holder of said Permit for the
payment of your fee for your services, and such proper expenses as you will incur in
making this examination and report.

Please advise me promptly of receipt of this communication, and whether or not
you will be able to make the examination and report as required.

Very truly yours,

Herbert Wing, ~~Alex Robinson~~

Acting State Engineer.

10463



Mr. Herbert Wing
Acting State Engineer of Idaho

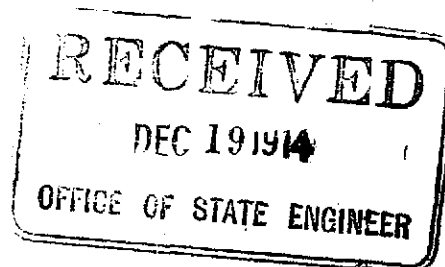
Dear Sir - Enclosed please find corrected check
to cover our bill.

Kindly send necessary blanks for report
on improvements to Joseph Kaufhold
Co. Treasurers, Gonzaga University
Spokane, Wash.

Sincerely yours
James M. Progan

10463

per P.S.



10463

December 14, 1914.

Permit 10463-Gonzaga University.

Rev. James M. Brogan,
President Gonzaga University,
Spokane, Washington.

Dear Sir:

We are just in receipt of the affidavit for proof of completion of works with notice of proof of beneficial use of water under above permit, also, check for fees in the sum of \$6.00. As the fee for proof of completion under this permit is \$5.00, the check is herewith returned to you. Upon receipt of the correct amount, the certificate will be issued.

The notice for final proof will be mailed to the Coeur d'Alene Press in time for the required four weeks publication prior to February 8th, 1915.

It will be necessary for a report to be made on the final proof by some one competent to give the measurements and capacity of the works and the land cultivated. If you will send the name of some one to do this work for you, the necessary blanks will be furnished him from this office.

Very truly yours,

Herbert Wing,

Acting State Engineer.

Ch36

By _____

10463

NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 10 a. m. on the 8th day of February, 1915,
 at Coeur d'Alene, County of Kootenai, State of Idaho,
 before William B. Harland, Notary Public, proof will be submitted
 of the application to beneficial use of one-half cubic feet per second of the waters of
 an un-named creek flowing through Lot 1 in Section 1 of Township 52, North,
 Range 5, W.B.M., Kootenai County, in accordance with the terms and conditions of Permit No. 10463
 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 The Corporation of Gonzaga University, Spokane, Washington.
2. The use to which said water has been applied is irrigation and domestic use.
3. The amount applied to beneficial use is one-half 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)
Lots 1 and 2 in Section 1, Township 52, North, Range 5 W.B.M., in Kootenai County, Idaho, summer camp, gardens and lawns thereon.

- RECEIVED
DEC 13 1914
OFFICE OF STATE ENGINEER
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Summer Camp Water System
 6. The right to take the water from such works is based upon Permit No. 10463
 7. The source of supply from which such water is diverted is an un-named creek, with an obscure source in wet ground and flowing from close to the line to and across Lot 1, Sec. 1, Twp. 52, N., Rng. 5, W.B.M., Kootenai County, Idaho, to and into Upper
 8. The date of the priority which said user is prepared to establish is August 8, 1914. (Twin Lake)
June 22, 1914.

Herbert Wing,

~~XXXXXX~~

Acting State Engineer.

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Dec 11, 1914.

(P. O.) Spokane, Washington.

To the State Engineer,
Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Coeur d'Alene Press, of Coeur d'Alene, Idaho, published in the
county in which the works are situated.

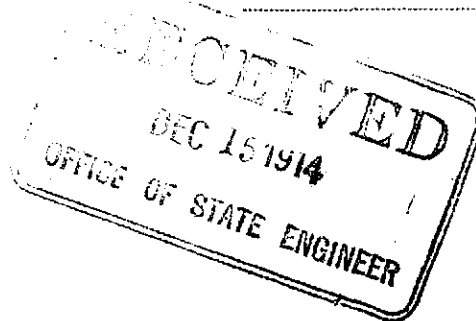
THE CORPORATION OF GONZAGA UNIVERSITY

By James M. Brogan, X

(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.



10463

Permit No. 10463

OFFICE OF STATE ENGINEER

PROOF OF COMPLETION OF WORKS

AFFIDAVIT OF HOLDER

STATE OF ^{Washington} ~~IDAHO~~County of Spoilane

ss.

Rev. James M. Brogan, R.J.,

being first duly sworn upon his oath deposes and says:
That he is President of the Corporation of Gonzaga University, hereinafter referred to.First: That ~~he~~ ^{it} is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 10463 and that his postoffice address is SpoilaneState of WashingtonSecond: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 8, 1915Third: That the use for which said water is intended is Storage for domestic purposes under pressure, for irrigation and domestic useFourth: 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: 6" pipe taking water directly from creek running 80' from point of diversion to 1000 Gallon tank located S 34° 30' E. 350' from mouth of creek water distributed from tank through 2" pipes, overflow running directly from tank to creek
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam No Dam feet, length of dam at top No Dam feet, length of dam at bottom No Dam feet. Material used in construction No Dam

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

(b) Capacity of reservoir 1000 Gallons acre feet.(c) Size of headgate: Width None feet, height None feet.(d) Conduit 6" pipe width at bottom 6" feet, width at water line 6" feet, depth of water 6" feet, diameter of pipe 6" inches;

(State whether ditch, flume or pipe.)

average grade per mile is None feet. Length of conduit is None miles.

Fifth. That said works are capable of conducting to the place of intended use

one-half second feet of water.Sixth. That water appropriated under said permit is available for 36.90 acres of landdescribed as follows: Lot One (1) and Two (2) in Section One (1) Township Fifty-two (52), North, Range Five (5), West, in Kootenai County, IdahoSeventh. Remarks: That the water is taken from an unnamed creek flowing through the lands above described as running from the mouth of said creek on said lands S 34° 30' E. 350'; thence S 48° E. 80' to boundary line, the point of diversion being 75' due East from SE corner of Lot 1,(Rev) James M. Brogan (R.J.)
Sign here.Subscribed and sworn to before me this 30th day of November, 1914My commission expires 11/10/15

Notary Public.

10463

December 14, 1914.

Permit 10463.

McFarland & McFarland, Lawyers,
Coeur d'Alene, Idaho.

Gentlemen:

Replying to your letter relative to
proof under the above permit would say that the
proof can be made before Mr. Wm. B. McFarland,
if so desired.

Very truly yours,

Herbert Wing,

Acting State Engineer.

By _____

10463

McFarland & McFarland
Attorneys-at-Law
First National Bank Building
Coeur d'Alene, Idaho

Dec. 11, 1914.

State Engineer,

Boise, Idaho.

Dear Sir:

Shortly after receipt of this letter, you will receive from Rev. Father Brogan, President of Gonzaga University, Spokane, Washington, the following papers, towit: Notice for publication of proof of application of water to beneficial use, in duplicate; affidavit of holder as to completion of works; also the letter to the State Engineer, stating the paper in which said publication is to be made.

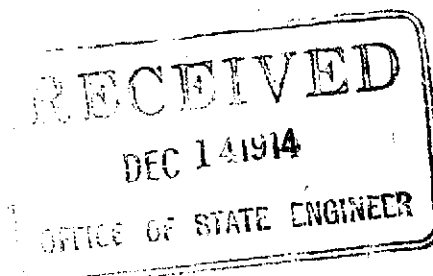
The date set for the proof, and upon or before which the proof must be made, according to Permit No. 10463, is February 8th, 1915.

Mr. William B. McFarland, of our firm, is a Notary Public. If he can be of use as an officer before whom proof shall be made, he will act as such. *yes*

Yours very truly,

WBM.LEP

McFarland & McFarland



10463

State of Idaho
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

INSTRUCTIONS
PROOF OF COMPLETION OF WORKS

Gonzaga University.

John H. Neander,
Spokane, Wash.

BOISE, IDAHO, Nov. 1, 1914.

DEAR SIR:

Under the terms of your permit No. 10463, you are required to complete your diversion works on or before Feb. 8, 1914. 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,
F. P. KING,
State Engineer.
F. P. KING
STATE ENGINEER

10463

A. E. ROBINSON
STATE ENGINEER

State of Idaho

ENGINEERING DEPARTMENT

BOISE

Gonzaga University.

Nov. 1, 1914.

John H. Meander,
Spokane, Wash.

Dear Sir:

I enclose herewith blank notice of proof of Application of Water to Beneficial Use under your permit No. 10463 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,
A. E. ROBINSON,
State Engineer.

10463

RECEIVED NOV 1 1914
STATE ENGINEER

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

F. P. KING,
STATE ENGINEER

Permit No. 10463-Gonzaga University.

BOISE, IDAHO. Aug. 8, 1914.

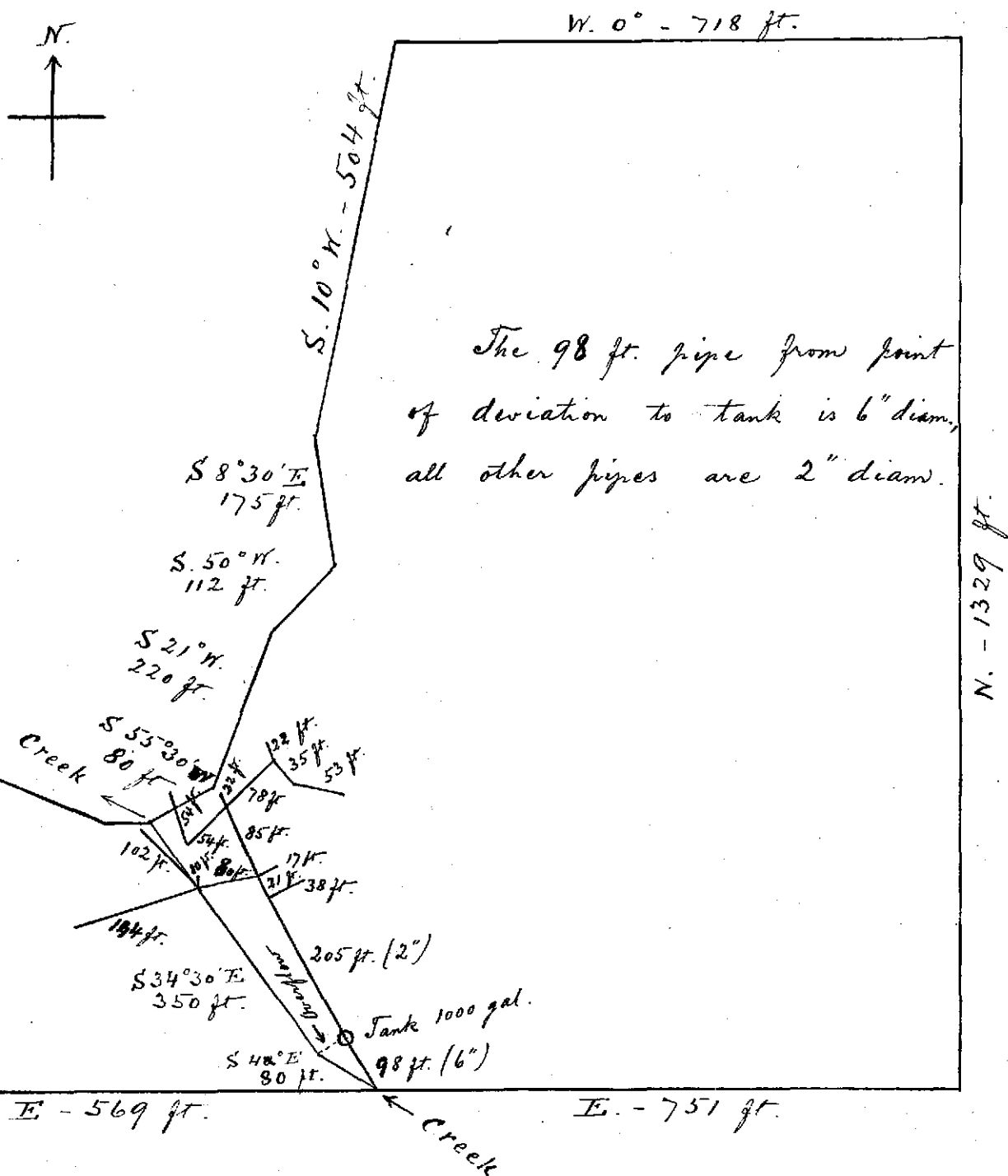
Luby & Pearson, Attys.,
701-706 Hutton Bldg.,
Dear Sir: Spokane, Wash.

*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.

10463

Spokane, Wash.



10463

Permit Map No. **10463**

As Approved

AUG 8 1914

BY

F. P. KING

STATE ENGINEER.

Name of Applicant

The Corporation of Gonzaga University, Spokane, Wash.

Pipe lines marked in red —

Township 52. N. R. 5. W. B. M.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

4

3

2

1

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

9

10

11

12

10463

Permit Map No. 10463

As Approved

AUG 8 1914

BY

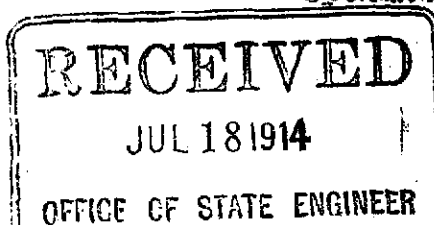
F. P. KING

STATE ENGINEER.

LUBY & PEARSON
ATTORNEYS AT LAW
SUITE 701 HUTTON BUILDING
SPOKANE, WASH.

Spokane, Wash., July 16, 1914.

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



Dear Sir:-

We inclose herewith application of Gonzaga University amended as requested in your letter of the 23rd ultimo, by indicating pipe lines upon the maps and submitting an additional copy of map.

Owing to the fact that the maps are on such a small scale it has been a difficult matter to indicate the pipe lines accurately. However, we have done the best we can, showing their approximate location and course by red lines; and we submit also a more accurate small map showing storage tank and pipe lines.

Trusting that the application will now be found satisfactory,
we are

Yours, truly,

10463
[Signature]
2012.01

Boise, Idaho, June 23, 1914.

App. 15353-Gonzaga University.

Luby & Pearson, Lawyers,
Spokane, Wash.

Gentlemen:--

Above application received and filed.
Same is returned herewith for completion of the
following particulars:

1. Indicate pipe lines upon the maps.
2. Submit two copies of the maps

Very truly yours,

F. P. KING,

State Engineer.

By _____

Enc. A. 15353 FFR 9376 and 1 M.F.
W/L

10463

M. L. LUBY
JOHN V. PEARSON

BELL PHONE MAIN 8386
HOME PHONE A-1242

LUBY & PEARSON
ATTORNEYS AT LAW
SUITE 701 HUTTON BUILDING
SPOKANE, WASH.

June 19, 1914.

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

Dear Sir:

We enclose herewith application for permit by the corporation of
Gonzaga University, together with our check for \$1.00 to cover fees.

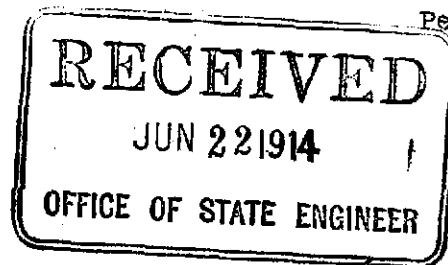
Yours truly,

LUBY & PEARSON.

Per

John V. Pearson.

JVR:RK



15558

10463

~~15558~~