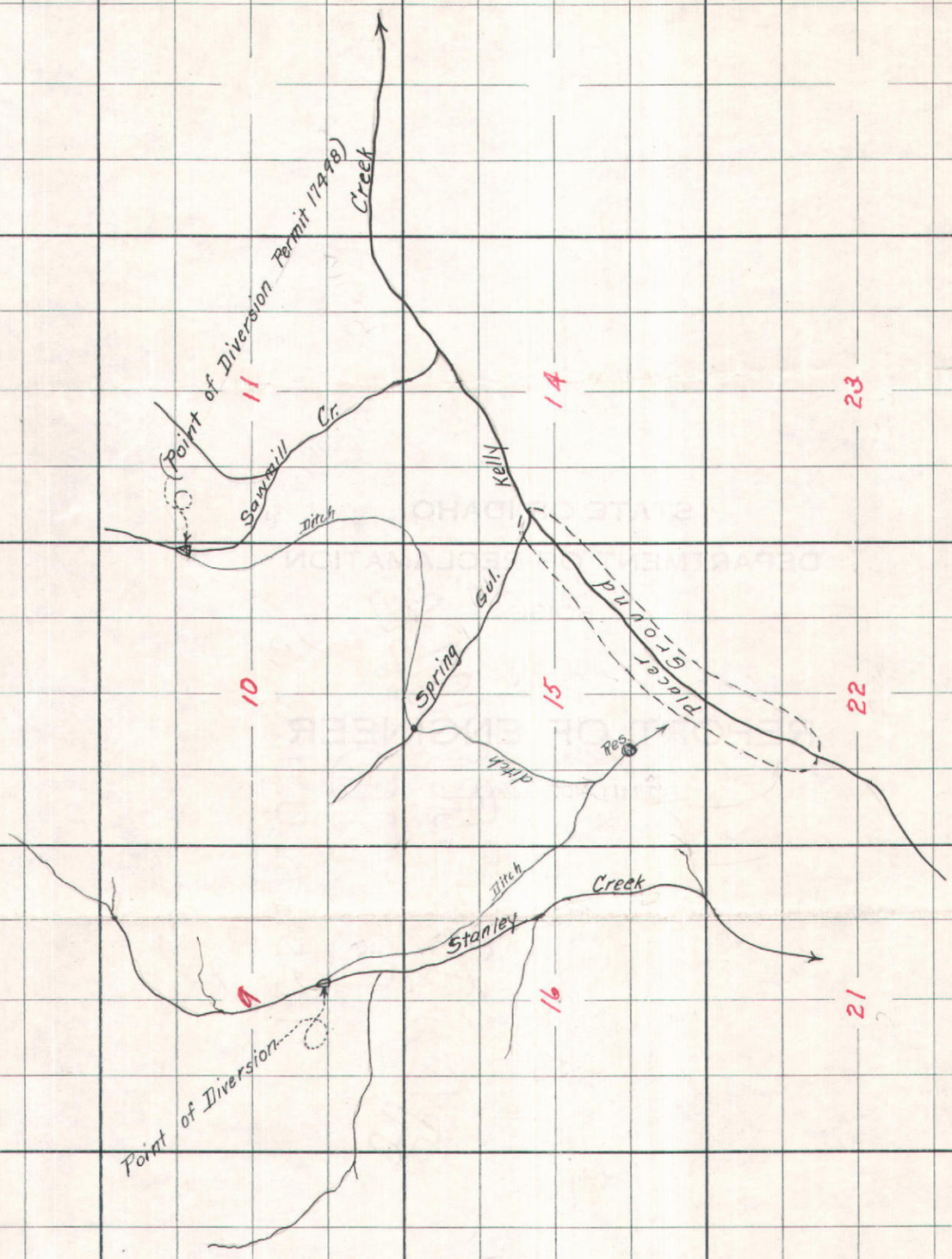


SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17404

Per #17498 date for 3rd mi July =
Has Emb + earth dam 100'L x 10'H, outlet
10"x14" of 2" plank W/ gates mounted from
Bridge, Same face w/ 4" upper 20' R
3-1 Exp m. c fr. spillway 6'D x 3'W x 1'd
Central part of dam carrying on
Fill to cutting of top
Ditch 3'W x 1'd, Patio 1'd x
3'W x 4'D, waterway same
size, about 3 mi. Emy

6/24/32

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. 17404

REPORT ON PROOF OF BENEFICIAL USE

17404

RECEIVED
JAN 15 1936
DEPARTMENT OF RECLAMATION

Notice for Publication

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10 o'clock a. m. on the 13th day of January, 1936, at Challis, County of Custer, State of Idaho, before Emmett Donahue, County Recorder, proof will be submitted of the application of beneficial use of 6 cubic feet per second of the waters of Stanley Creek in accordance with the terms and conditions of Permit No. 17404 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are John Weidman, Stanley Idaho.

The use to which said water has been applied is placer mining.

The amount applied to beneficial use is 6 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) (No irrigation)

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

The right to take water from such works is based upon Permit No. 17404

The source of supply from which such water is diverted is Stanley Creek.

The date of the priority which said user is prepared to establish is January 1, 1931.

R. W. FARIS
37-4 Commissioner of Reclamation

AFFIDAVIT OF PUBLICATION

State of Idaho,
County of Custer, ss.

I, Halsey M. Gridley, manager of The Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of The Challis Messenger for 4 consecutive weeks commencing with the issue dated December 11, 1935, and ending with the issue dated January 1, 1936

Halsey M. Gridley

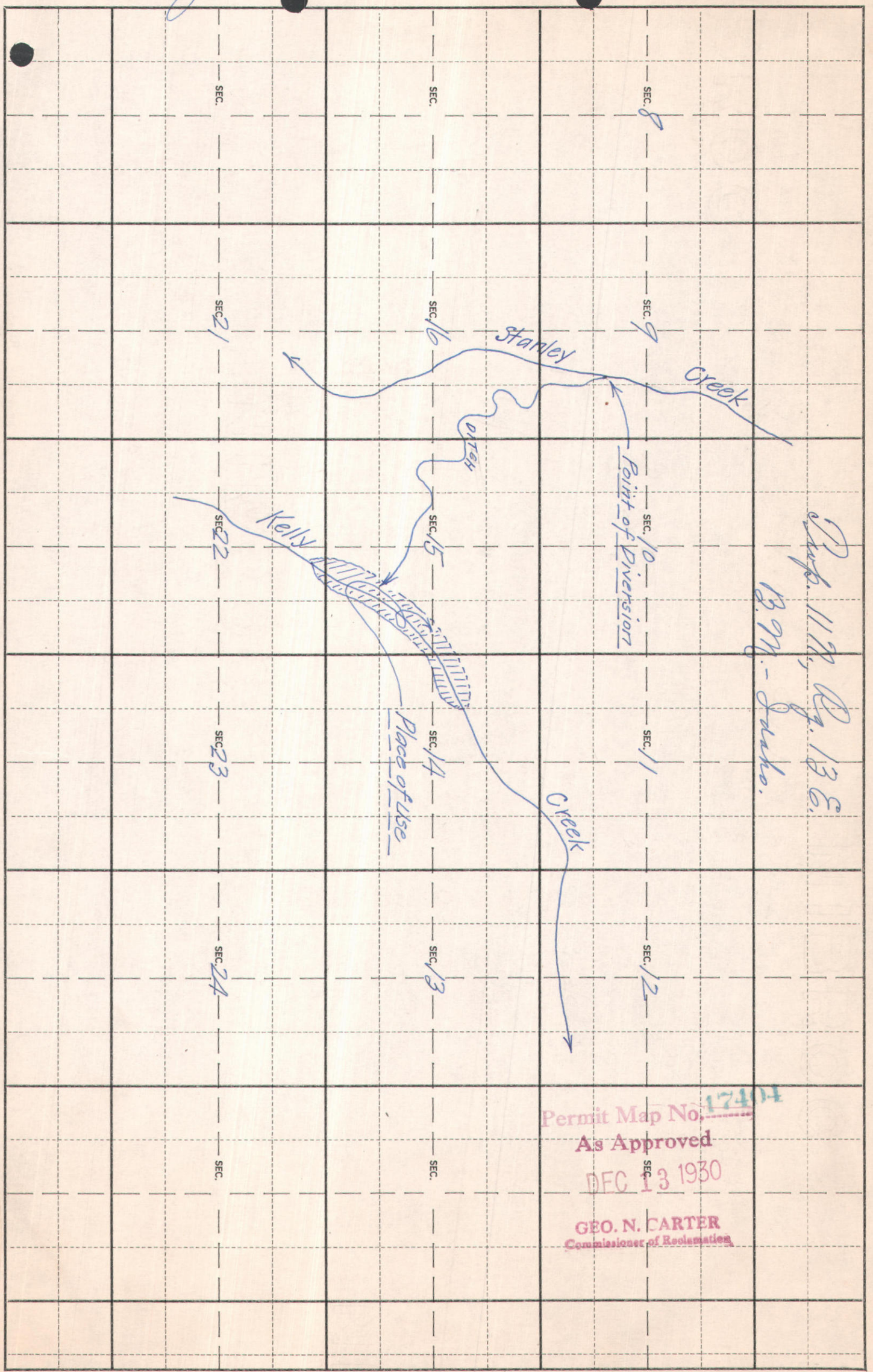
Subscribed and sworn to before me this 7th day of Jan, 1936

A. V. Larter
Notary Public Residing at Challis, Idaho

My Commission expires 1/27/38

17404

NAME OF APPLICANT John Reidman 17404 FORM No. 0



Permit Map No. 17404
As Approved
DEC 13 1930
GEO. N. CARTER
Commissioner of Reclamation

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

17404

SYMS-YORK CO., BOISE 108888

2854

State of Idaho

License and Certificate of Water Right

Water License No. 17404 .....

Water District No. .....

Amount 6.0 sec. ft.

Priority January 1, 1931

THIS IS TO CERTIFY that JOHN WEIDMAN of Stanley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 1, 1930; that Permit No. 17404 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.0 second feet, was issued thereunder on November 30, 1935, showing that said works were completed on the 21st day of November, 1935; and that on the 13th day of January, 1936,

JOHN WEIDMAN

of Stanley, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Stanley Creek, a tributary of Salmon River, for the purpose of placer mining, under Use ... ie Commissioner of Reclamation and that said right to the use of ... in accordance with the laws of Idaho, and is hereby confirmed by the Commi... and entered of record in Volume 7 of Licenses, at page 3854, on ... February, 1937;

Should be Valley Creek

The right hereby confirmed ..., 1931;

The Point of Diversion is lo...

in the NW ¼ SE ¼, Sec. 9, Tp. 11 N., R. 13 E., B. M. Custer County

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 6.0 cubic feet per second.

Description and location of use: Water is used on applicant's placer claims as set out in Permit No. 17404

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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 10th day of February, 1937

R. W. FARIS
Commissioner of Reclamation

(SEAL)

71 2056

State of Idaho

License and Certificate of Water Right

Water License No. 17404

Water District No.

Amount 6.0 sec. ft.

Priority January 1, 1931

THIS IS TO CERTIFY that JOHN WEIDMAN of Stanley, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 1, 1930; that Permit No. 17404 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.0 second feet, was issued thereunder on November 30, 1935, showing that said works were completed on the 21st day of November, 1935; and that on the 13th day of January, 1936,

JOHN WEIDMAN

of Stanley, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Stanley Creek, a tributary of Salmon River, for the purpose of placer mining, under Use Permit No. 17404 of the Commissioner of Reclamation 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 7 of Licenses, at page 3854, on the 10th day of February, 1937;

The right hereby confirmed dates from January 1, 1931;

The Point of Diversion is located in the NW ¼ SE ¼, Sec. 9, Tp. 11 N., R. 13 E., B. M. Custer County

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 6.0 cubic feet per second.

Description and location of use: Water is used on applicant's placer claims as set out in Permit No. 17404

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated

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 10th day of February, 1937

R. W. FARIS
Commissioner of Reclamation

(SEAL)

71 205

State of Idaho

License and Certificate of Water Right

Water License No. 16397 Amount 1.1 sec. ft.

Water District No. Priority November 23, 1925

THIS IS TO CERTIFY that ETHER FAIRCHILD of Buhl, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 23, 1925; that Permit No. 16397 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.6 second feet, was issued thereunder on October 19, 1929, showing that said works were completed on the 18th day of October, 1929; and that on the 23rd day of November, 1935,

ETHER FAIRCHILD

of Buhl, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Mud Creek, a tributary of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. 16397 of the Commissioner of Reclamation 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 7 of Licenses, at page 3853, on the 10th day of February, 1937;

The right hereby confirmed dates from November 23, 1925;

The Point of Diversion is located in the SW ¼ NW ¼, Sec. 14, Tp. 9 S., R. 14 E., B. M. Twin Falls County

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 1.1 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 S.	14 E.	10	NE¼ SE¼	40	25
		11	NW¼ SW¼	40	30
					55

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 10th day of February, 1937

R. W. FARIS
Commissioner of Reclamation

(SEAL)

№ 17404

11-2054

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

Application No. 24465
Permit No. 17404
District No.

1. Name of Applicant. JOHN WEIDMAN,
622 State Street,
Postoffice address: Boise, County: Ada, State: Idaho.

I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) 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. Quantity of water claimed: 6 cubic feet per second.

3. Source of water supply: Stanley Creek which is a tributary of Salmon River.

4. Location of point of diversion: feet distant from the
corner of Section , T. , R. , B. M., and is in the NW¼ SE¼
of Section 9 , T.11 N. , R.13 E. , B. M., County of Custer.

5. Water is to be used for: Placer Mining Purposes.

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:"See Remarks" feet distant from corner of Section
T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to Kelly Creek at a point 'See Remarks" feet
distant from the corner of Section , T. , R. , B. M., in the
of Section , T. , R. , B. M.

7. Estimated cost of works: $ 3000.00

8. Kind of works: Dam, ditch, and pipe line.

9. Height of dam 8 feet; length of dam at top 240 feet; length of dam at bottom 200
feet; material used in dam: earth

10. Size of headgate: Width 4 feet; height 3 feet.

11. Ditch: Width at bottom 3½ feet; width at water line 5½ feet; depth of water 1
feet; dimensions of flume
Diameter of pipe 10" to 4 inches; length of conduit Ditch 3 miles; pipe 200 feet ~~miles~~.
Average grade per mile 15 feet.

12. The time required for the completion of such work is 5 years.

13. The time required for the complete application of the water to the proposed use is no additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? **No.** If so, fill in (b) and (c) below.
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

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

John Weidman *Applicant.*

By *Agent.*

Date of first receipt at Department of Reclamation: **9 A. M., December 1, 1930.**

Returned to applicant for correction:

Corrected application received:

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is **17404**
Recorded in Book **63** Page **17404** Approved **December 13, 1930.**
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 **February 12, 1931,** 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 **June 13, 1933.**
The whole of said work to be completed on or before **December 13, 1935.**
Beneficial use of water appropriated in accordance herewith, to be made on or before **December 13, 1935.**

Witness my hand this **13th** day of **December, 1930.**

GEO. N. CARTER
Commissioner of Reclamation.

Remarks: **Water will be used along both sides of Kelly Creek from a point approximately 1/4 to 1/2 mile below the head of creek for a distance of approximately 4500 to 5000 feet.**
Water will be returned to Kelly Creek at various places, according to place of use.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

PERMIT NO. 17404

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that JOHN WEIDMAN of Stanley, County of Custer, and State of Idaho, the holder of Permit No. 17404, issued upon Application No. 24465, bearing date of priority of December 1, 1930, authorizing the diversion of 6 second feet of the waters of Stanley Creek, tributary of Salmon River, County of Custer, State of Idaho, for placer mining 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 6 second feet of the waters of Stanley Creek; that the point of diversion of said waters is in the NW¼ SE¼, Sec. 9, T. 11 N., R. 13 E., B. M.

Witness my hand this 30th day of November, A. D. 1935.

R. W. FARIS
Commissioner of Reclamation

Proof of completion of works made November 21, 1935.
Certificate issued November 30, 1935.

LICENSE ISSUED FOR 6. C.F.S. SEC. FT.
F. 3854 Vol 7

August 28, 1937

Re: Permit 17404,
John Weidman.

Mr. William G. Sheill
579 South Phillip Ave.
Detroit, Michigan

Dear Sir:

Reference is made to your letter of August 11th. An examination of the records of this office shows that Mr. John Weidman has obtained a license under his Permit No. 17404, which authorizes the appropriation of six second feet of water from Stanley Creek in Custer County, Idaho, for mining purposes.

Many permits were issued prior to the time when Mr. Weidman filed his application, but the holders thereof failed to comply with the law and their permits were cancelled. Consequently Mr. Weidman now holds the prior right on this stream, and any subsequent appropriator is not entitled to any water except at such times as there is an ample quantity in the stream to satisfy his right.

All water rights in this state operate under the doctrine, "The first in time is the first in right, and the right to appropriate the public water shall never be denied."

Very truly yours,

Deputy Commissioner of Reclamation

PLH:jl

17404

RECEIVED
AUG 14 1937

579 South Philip Ave.,
Detroit Mich.
August 11, 1937.

Mr. R. W. Faris,
Department of Reclamation,
Boise, Idaho.

Dear Sir;-

I am holding a lease on claims owned by Mr. John Weidman at Stanley Idaho. Covered in this lease are certain claims to water rights held by him one of which is Permit # 17404 for Stanley Creek covering six second feet.

Will you please let me know what the ruling is in Idaho as to who is entitled to the water. At present Mr. Weidman has this permit and has been paying his water assessment each year but in the event that the water runs low late in the summer, as it always does, is he still entitled to this amount of water or is he entitled to a part of what is actually flowing. Have heard of different opinions on this point so am writing you direct and hope you will be able to give me the correct information.

The question is brought up because there is another company operating and using this water. If Mr. Weidman is entitled to the water as called for by his permit, it will seriously hamper this other operation so, before starting any work on my lease, would be pleased to hear from you regarding this point.

Thanking you in advance for an early reply, remain

Yours very truly

William G. Sheill

17404

February 17, 1937

xxxxxxxxxx
Beraille W. Clark

Re: Permits No. 17404 & 17498

JOHN WEIDMAN
Stanley, Idaho

Dear Sir:

You will find enclosed herewith, License and Certificate of Water Right which has been issued under each of the above permits for six second feet of the waters of Stanley Creek and for four second feet of the waters of Sawmill Gulch and Spring Gulch.

We are also enclosing our Office Receipts No. 16112 and 16113, each in the amount of $5.00, covering fees remitted by you in connection with beneficial use proof under these permits.

Very truly yours

R. J. FARIS
Commissioner of Reclamation

by
Ass't Chief Clerk

17404

cj
encl

John Weidman,
Stanley, Idaho.
Feb. 4, 1937.

RECEIVED
FEB 6 1937

Department of Reclamation,
Boise, Idaho.

Attention: R.W.Faris, Commissioner.

Gentlemen:

I am enclosing U.S. money order for the sum of $10.00 to cover the fees for permits No. 17404 and 17498 as per you notification of January 30, 1937.

Yours,

John Weidman

John Weidman.

17404

January 30, 1937

Re: Permits No. 17404 and 17498

JOHN WEIDMAN
Stanley, Idaho

Dear Sir:

This is to advise you that upon receipt of a fee of $5.00 we shall issue a license under Permit No. 17498 authorizing the appropriation of 4 second feet of water from Sawmill Gulch and Spring Gulch in Custer County for placer mining purposes.

Further, upon receipt of an additional $5.00, we shall issue a license under the terms of Permit No. 17404 for 6 second feet of water from Stanley Creek, likewise for placer mining purposes.

Very truly yours

Chief Clerk & Office Engineer

17404

PLH/cj

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. **17404**

This proof is for **Beneficial Use** In Water District No.

1. Name of applicant **JOHN WEIDMAN**

2. Source of water supply **Stanley Creek**

3 Location of point of diversion. Is in the **NW¼ SE¼** of Section **9**

T **11 N.** R **13 E.** County of **Custer**

4 Describe works as they exist, giving dimensions and capacities of same. Diversion is made by a log & dirt dam 8ft high x 100ft long. Plank outlet pipe 10"x14". Spillway 3ft wide x 1 deep x 6" long built of lumber. Ditch 2½ ft wide x 2 ft deep 2 1/2 miles long. Head gate 2.5ft wide x 1. ft deep x 4 high Waste way 4ft wide, 3 ft long 2 3/4 3ft deep

5 Water is used for **Placer Mining**

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

7. List legal subdivisions 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).

(Submit map on attached plat, showing location and details of above description

8 What large stream would the water here appropriated finally reach? Salmon River

Remarks

This examination was made on the 24th day of June, 1936

(Signed) Fred T. Holman
Examiner.

JOHN WEIDMAN
Stanley, Idaho

Permit No. 17404

Examination for Beneficial Use Proof

County Custer

INSTRUCTIONS TO EXAMINERS

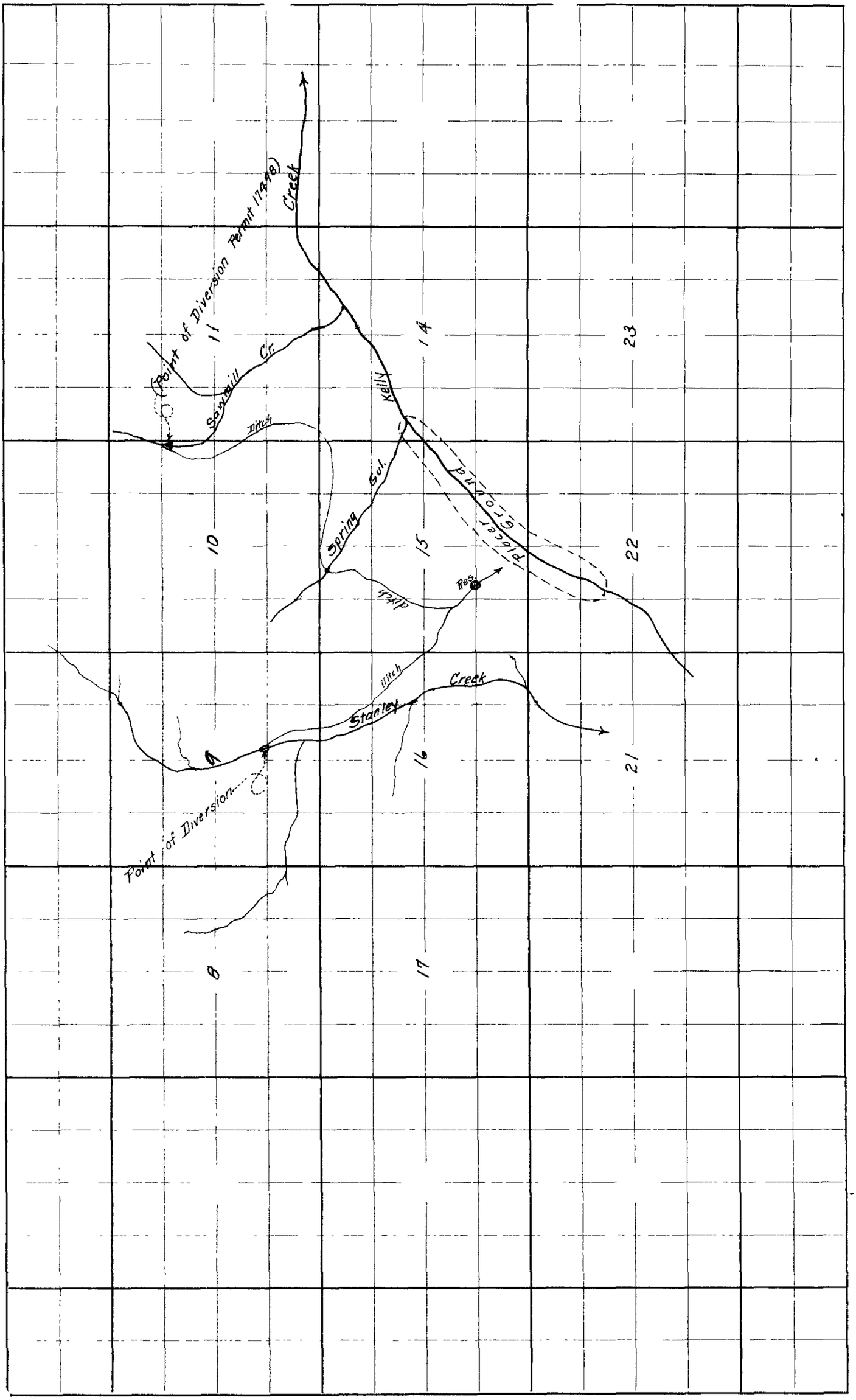
1 Always carefully note the location of the point of diversion and accurately plat same

2 When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same

3 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

4. If any unusual conditions are discovered, make a plain statement of them under remarks

5 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



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17404

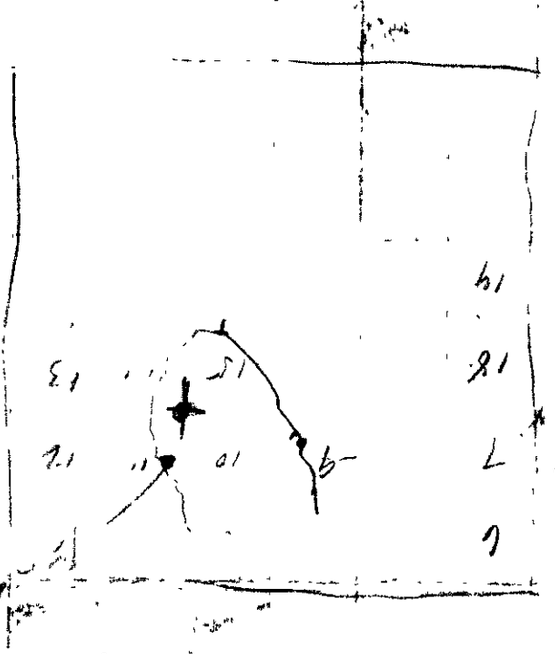
Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 17494

REPORT ON PROOF OF BENEFICIAL USE



SCALE 1 INCH = 1 MILE

January 17, 1936

Re: Permit No. 17404

MR. JOHN WEIDMAN
Stanley,
Idaho

Dear Sir:

This will acknowledge receipt of the deposition of the holder, depositions of two witnesses and the affidavit of publication fromthe newspaper, all in connection with beneficial use proof under the above permit.

Before final action can be taken in this matter, the law requires that a field examination be made by an engineer from this department. We are unable to say just when this examination will be made since the department has but one field engineer who makes examinations all over the state. However, Mr. Tolman, Field Engineer for this department, will contact you at the time set for examination so that you may show him over the grounds. After his report is on file in this office you will be further notified as to fees due before the issuance of your license.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH/rg

17404

EMMETT DONAHUE
CLERK OF THE DISTRICT COURT AND EX-OFFICIO
AUDITOR AND RECORDER
CHALLIS, IDAHO

January 13, 1936

R. W. Farris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

I am enclosing Deposition of Holder and Witnesses (Permit #17404) John Weidman of Stanley, Idaho.

Mr. Weidman informs me that the Permit is in a Deposit Box in Boise and neither of the witnesses had read the Permit and were not familiar with its provisions and conditions.

Otherwise they have answered all other questions to the best of their ability.

Mr. Weidman has had to make a long hard trip from Stanley and I trust the depositions will be satisfactory.

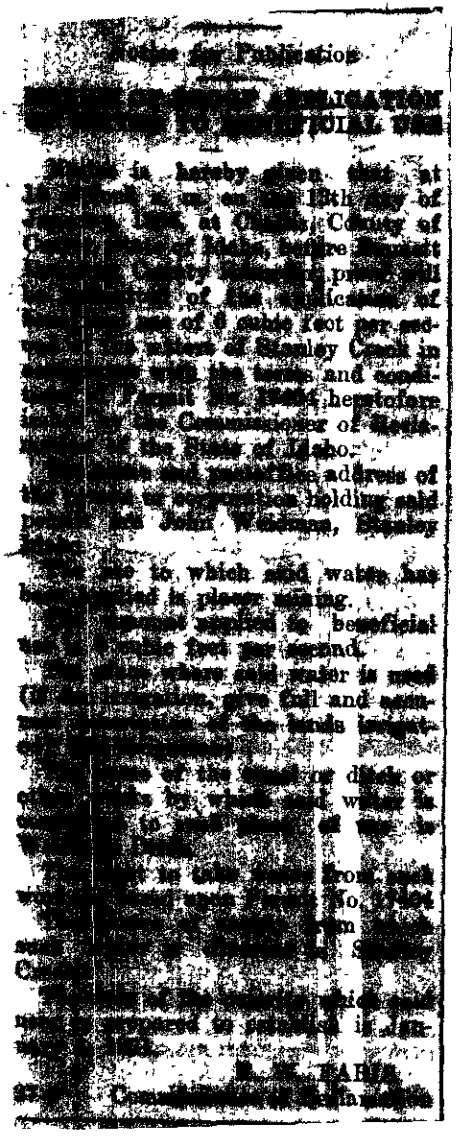
Yours very truly,

Emmett Donahue
Clerk of the District Court
Custer County, Idaho.

RECEIVED
JAN 15 1936
Department of Reclamation

17404

17401



Notice for Publication

AFFIDAVIT OF PUBLICATION

State of Idaho,
County of Custer. ss.

I, Halsey M. Gridley, manager of The Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of The Challis Messenger for 4 consecutive weeks commencing with the issue dated December 11, 1935 and ending with the issue dated January 1, 1936

Halsey M. Gridley

Subscribed and sworn to before me this 7th day of Jan, 1936

A. V. Carter

Notary Public Residing at Challis, Idaho

My Commission expires 1/27/38

17404

Form 16.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED
JAN 15 1936
RECLAMATION

Permit No. 17404

Proof of Application of Water to Beneficial Use

Deposition of Holder

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

Ans. John Weidman, Stanley, Idaho, Miner, Stanley, 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.

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

Ans. 17404; Dec. 13, 1930; Dec. 1, 1930 , ~~January 1, 1931~~

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

Ans. Stanley Creek, Custer County, Idaho, NW¼SE¼ of Sec. 9, Twp 11 N. R. 13 E.B.M

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

Ans. four miles of ditch, capacity 6 cubic feet per second, Weidman Ditch and a Reservoir at the head of the ditch

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. Placer Mining, to be used in Sec. 15, Twp. 11 N. R. 13 E.B.M

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

Ans. Hydraulic and Ground sluicing

17404

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

Ans. .3 cubic feet 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.

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

Ans. May, 1931, placer mining, from 3 to 6 cubic feet per second from May 1931 each year to and including the Fall of 1935

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. Each year from both Spring Gulch and Sawmill Creek, by ditch , 4 cubic per second. The ditch from the above sources to the placer mine is about 3 miles long and is used to convey flood waters in the Spring of the year.

(Sign) John Weidman

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 Challis , County of Custer , State of Idaho, on this 13th day of January , A. D. 1936 .

Emmett Donahue
Clerk of the District Court
Custer County, Idaho

My commission expires

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17404

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. John J. Gregory, 69 yrs. Challis, Idaho, Farmer, Challis, Idaho

Ques. 2. Are you acquainted with John Weidman, the holder of Permit No. 17404? How long have you known him and where does he reside?

Ans. about three years, resides at Stanley, Idaho

Ques. 3. Have you read or heard read said Permit No. 17404, and are you familiar with its provisions and conditions?

Ans. No, No

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

Ans. Stanley Creek, Custer County, Idaho, about 1½ miles from the head of Stanley Creek, aditch capable of carrying about 300 inches of water ~~per current~~, ditch is about 4 miles in length, there is a reservoir at the point of diversion.

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. about 6 second feet, about 6 second feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. for placer mining on the John Weidman Placer claims

17404

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

Ans. through hydraulic hose and ground sluicing

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. ---

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

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. May and June 1932 I was at the Weidman Placer claims and saw the water being converted to the property through the ditch and most of the time the ditch was carrying about 6 second feet of water, I have been on the claims at other times since above date and witnessed the water being used on the claims

(Signed) John J Gregory

I hereby certify that the foregoing testimony was read to the above subbscriber 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 Challis, County of Custer, State of Idaho, on this day of 13th day of January, A. D. 1936.

Emmett O Donahue
Notary Public.

My commission expires ---.

Clerk of the District Court
Custer County, Idaho.

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 17404

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

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

Ans. Rosy Gregory, 61 yrs, Challis, Idaho, Housewife, Challis, Idaho.

Ques. 2. Are you acquainted with John Weidman, the holder of Permit No. 17404? How long have you known him and where does he reside?

Ans. about three years, resides at Stanley, Idaho.

Ques. 3. Have you read or heard read said Permit No. 17404, and are you familiar with its provisions and conditions?

Ans. No, No.

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

Ans. Stanley Creek, about a mile from the head of Stanley Creek a ditch approximately four miles in length

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. five or six second feet I have seen the ditch full of water

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each sub-division 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 improvement which have been made as a direct result of said use.

Ans. Placer mining

17404

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

Ans. applied for placer mining only

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. ---

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.

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. June 1932 I saw the ditch full of water during that summer

(Signed) Rose Greeley

I hereby certify that the foregoing testimony was read to the above subbscriber 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 Challis, County of Custer, State of Idaho, on this day of 13th day of January, A. D. 1936.

E Emmett Donahue
Notary Public.

My commission expires ---

Clerk of the District Court
Custer County, Idaho.

Form No. 22-B

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, January 3, 1936

Re: Permit No. 17404

COUNTY RECORDER,
Custer County,
Challis, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 17404

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

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

1. On January 13, 1936, the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at Challis, Idaho before the County Recorder

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

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

Yours truly.

R. W. FARIS
Commissioner of Reclamation.

17404

December 10, 1935

Re: Permit No. 17404

MR. JOHN WEIDMAN
Stanley,
Idaho

Dear Sir:

We are enclosing herewith Certificate of Completion of Works, issued under the above numbered permit, together with our office receipt in the amount of $5.00, which was the fee due in connection therewith.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By _____
Assistant Chief Clerk

C
Encl.

17404

Form No 11-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date December 2, 1935

Re: Permit No. 17404

EDITOR, CHALLIS MESSENGER
Challis,
Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to January 13, 1936, the date set for proof, the expense of the publication to be paid by the applicant, JOHN HEIDMAN, Stanley, Idaho to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

R. W. PARIS

Commissioner of Reclamation

17404

Form 6

Permit No. 17404

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO,
County of Custer } ss

John Weidman, 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. 17404, and that his postoffice address is Stanley State of Idaho

Second: That the name of the stream from which said water is to be diverted is Stanley Creek, ~~Sawmill Creek, and Spring Gulch~~

Third: That the point of diversion of said water is in NW4SE4, Sec 9, T11N, R13E, on ~~Sawmill Cr~~ Custer County. Stanley Creek - Section 13, T11N, R13E.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 13, 1935.

Fifth: That the use for which said water is intended is Placer Mining

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: Dams, ~~Reservoirs~~, Ditch
(Reservoir, dam, ditch, flume, pipe or otherwise.)

II. Dimensions of work:

(a) Height of dam ~~Sawmill Cr~~ Stanley Cr 6 feet, length of dam at top ~~Sawmill Cr 120'~~ Stanley Cr 150 feet, length of dam at bottom ~~Sawmill Cr 80~~ Stanley Cr 24 feet. Material used in construction Earth
(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir ~~Sawmill Cr ½~~ acre feet. ~~Stanley Cr ½ acre feet.~~

(c) Size of headgate: Width ~~1½~~ 2 1.3 feet, height ~~1.0~~ 1.3 feet. each

(d) Conduit ditch width at bottom 2 feet, width at water line 2½
(State whether ditch, flume or pipe.)
feet, depth of water 1 feet; diameter of pipe None inches, average grade per mile is — feet. Length of conduit is ~~Sawmill 3~~ miles. ~~Stanley Cr~~ 4 mi

Seventh: That said works are capable of conducting to the place of intended use 6 ~~X~~ second feet of water.

Eighth: That water appropriated under said permit is available for — acres of land described as follows: no irrigation

Ninth: Remarks: That

John Weidman
(Sign here)

Subscribed and sworn to before me this 24th day of November, 1935

L. W. Markle
Notary Public.

My commission expires

MY COMMISSION EXPIRES SEPT. 5, 1937

17404

Form No. 11

RECEIVED
NOV 27 1935
DEPARTMENT OF RECLAMATION

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) November 17th, 1935

(P. O.) Stanley, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Messenger-Examiner of Challis, Idaho, published in the county in which the works are situated.

John Weidman

(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.

17404

Form 10

NOTICE FOR PUBLICATION

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a. m. on the 13th day of January, 19 36, at Challis, County of Custer, State of Idaho, before Emmett Donahue, County Recorder x, proof will be submitted of the application to beneficial use of 6 cubic feet per second of the waters of Stanley Creek in accordance with the terms and conditions of Permit No. 17404 heretofore issued by the Commissioner of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are JOHN WEIDMAN, Stanley, Idaho

The use to which said water has been applied is placer mining.

The amount applied to beneficial use is 6 cubic feet per second.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) (No irrigation)

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

The right to take water from such works is based upon Permit No. 17404

The source of supply from which such water is diverted is Stanley Creek

The date of the priority which said user is prepared to establish is January 1, 1931.

R. W. FARIS

Commissioner of Reclamation.

17404

November 29, 1935

Re: Permit No. 17404

MR. JOHN WEIDMAN
Stanley, Idaho

Dear Sir:

Under date of November 27th we received your affidavit of the holder for proof of completion of works, notice in duplicate for publication in connection with final proof and also your authorization to have the notice published in the Examiner of Challis, Idaho.

In checking over these papers, we note that you have given the source of supply as Stanley Creek, Sawmill Creek and Spring Gulch, whereas, your permit merely gives Stanley Creek as the source. It is quite apparent that you have constructed diversion works from the other two streams but proof cannot be offered upon those creeks. We have, therefore, corrected your affidavit so that it now includes only Stanley Creek. The papers for final proof must be corrected likewise.

If you wish to establish a right, on record, authorizing you to divert water from Sawmill Creek and Spring Gulch it will be necessary for you to file an application for permit covering these two streams.

Furthermore, we have eliminated reservoirs from your affidavit since, in the first place, your permit does not authorize reservoirs and, in the second place, they are not of sufficient capacity to be of any material consequence.

We shall, therefore, issue you a certificate of completion of works for the waters of Stanley Creek and we are merely giving you notice at this time of our action just in case you might wish to comply with our suggestion and file another application covering the other streams. Your certificate, together with our office receipt for $5.00, which was the fee you submitted, should reach you within a few days.

A copy of the notice for publication will be mailed to the newspaper, immediately, with proper instructions for its publication and we shall forward the necessary depositions from this office to the county recorder in ample time for the proof. The proof will consist of three depositions, namely, one for the holder and one each for two witnesses. Therefore, on the date when proof is due you should appear at the office of the county recorder with your witnesses for the purpose of executing the depositions. When they have been completed they should be mailed

17404

2. Mr. John Weidman, Stanely, Idaho 11-29-35

to this office with an affidavit of publication from the newspaper.

Very truly yours,

R. J. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH/rg

17404

Form No 5

State of Idaho

DEPARTMENT OF RECLAMATION

BOISE

INSTRUCTIONS

PROOF OF COMPLETION OF WORKS

JOHN WEIDMAN
422 State St.,
Boise, Idaho

Boise, Idaho, October 7, 1935

Dear Sir:—

Under the terms of your permit No. 17404 you are required to complete your diversion works on or before December 13, 1936. 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.

17404

Yours truly,

R. W. FARIS
Commissioner of Reclamation.

Form No. 9

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

JOHN WEIDMAN
632 State St.,
Boise, Idaho

October 7, 1935

Dear Sir:—

I enclose herewith blank notice of proof of application of water to beneficial use under your permit No. 17404, which should be filled out and returned to this office at least 60 days before the date upon which you wish to make proof. The date for proof, as set out in your permit, is Dec. 13, 1935, and, if proof is submitted subsequent to said date, your 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.

Yours truly,

R. W. FARIS
Commissioner of Reclamation

17404

August 4th, 1932

Re: PERMIT No. 17404

R. JOSEPH B RGE
Stanley, Idaho

Dear Sir:

Your letter of July 30th, which was addressed to Mr. Stewart Campbell, State Mine Inspector, has been referred to this Department.

The question which is raised in your letter depends entirely upon the status of the rights of the parties concerned. If Mr. Weidman has a prior right over Mr. Lynch, I know nothing in the law which would prevent him from diverting the waters of Stanley Creek and returning it to another stream. In other words the question is entirely one of time. The first in time is the first in right.

In checking over the permit records we find that Mr. John Weidman has a Permit No. 17404 to appropriate 6.0 second feet of the waters of Stanley Creek. This permit bears date of priority as of December 1, 1930. The name of W. K. Lynch does not appear on the records, However, it is possible that Mr. Lynch has a prescriptive right on the basis of having applied the water to BENEFICIAL USE over a period of years. If such is the case Mr. Lynch's only recourse is to take the matter into the courts and obtain a decree as a prescriptive right is not recognized by the State.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

17404

By_____
Office Engineer

FLH/lwp

July 30, 1932

Mr. Joseph J. Roberge
Stanley, Idaho

Dear Sir:

Your letter of recent date relative to the water rights of W. K. Lynch has been forwarded to the Commissioner of Reclamation, as all such subjects come under his jurisdiction.

Very truly yours,
Stewart Campbell
by

SC:M
Dictated, but signed in
Mr. Campbell's absence

1404

RECEIVED
AUG 1 1932
DEPARTMENT OF RECLAMATION

Stanley Basin
Stanley Idaho.
July 26/32.

Stewart Campbell:-

Dear Sir:-

Could you advise us as to the water rights, for mining purposes as stated in the Mining Laws. Am writing for and in the interest of C.K. Lynde who has had the Prior Rights and has been using the water in Stanley Creek since 1916. Now, the question is this. One John Needham who has a placer on Kelley Gulch is and has been diverting the water from the head of Stanley Creek, through Kelley Gulch, down to Little Basin and thence into the Salmon River. According to Mining Laws, has he

17404

the right to do that, - but that water got to come back to Stanley Creek. Water is mighty low here, and our ranch has filled on two second feet of it. We are not getting three cubic feet of this water, and need it the worst way to clean up. Kindly advise at your earliest convenance and advise.

Very Truly Yours.

Joseph A. Roberge.

(Writing for Capt R. Lynch % same)

RECEIVED
AUG 1 19[illegible]2
DEPARTMENT OF RECLAMATION

7404

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. 17404

Mr. John Reidman
Boise, Idaho

Boise, Idaho,
December 15, 1930

Dear Sir:

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

622 State Street

17404

GEO. N. CARTER
Commissioner of Reclamation.

NAME OF APPLICANT Ethel Tidman

FORM NO. 0

SEC. 22 | SEC. 16 | SEC. 9 | SEC. 10 | SEC. 15 | SEC. 14 | SEC. 13 | SEC. 12 | SEC. 11 | SEC. 23 | SEC. 24

Stanley Creek

Point of Diversion

Kelly Creek

Place of Use

T. 9 N., R. 13 E., B.M. - Idaho.

As Approved

GEO. N. CARTER
Commissioner of Reclamation

17404

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

17404

SYMS-YORK CO. BOISE 108882