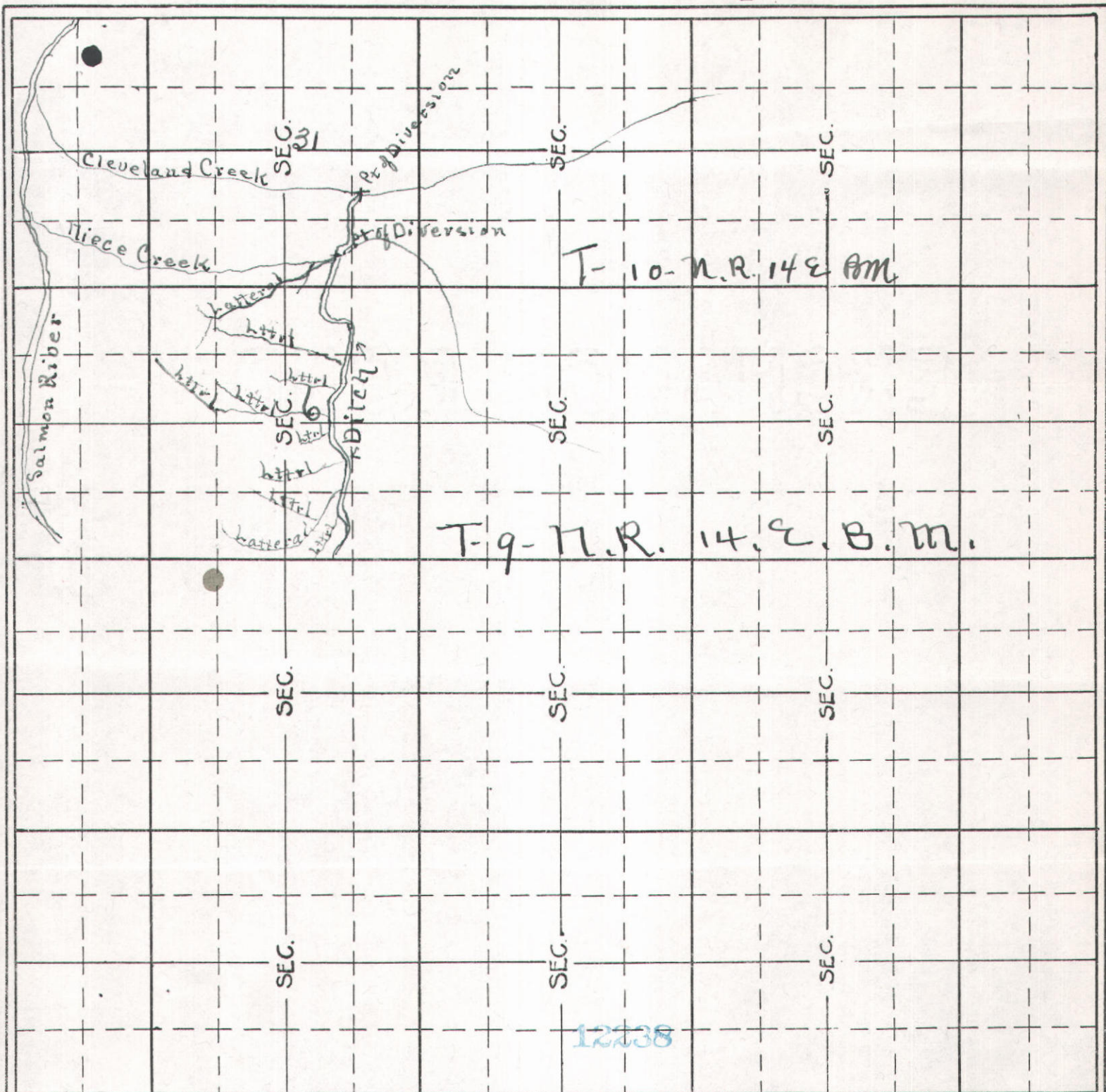


Name of Applicant J. A. Nice and L. S. Nice



Affidavit of Publication.

STATE OF IDAHO, }
County of Custer } ss.

M. A. Stillingham being first
duly sworn, deposes and says, that he is the Editor
and Proprietor of The Silver Messenger, a Challis
Weekly Newspaper, printed and published in Challis
in the said County and State; that the annexed ad-

vertisement was published weekly for four
successive weeks in the said newspaper; that the
date of the first publication of the said advertise-

ment was on the 27th day of Sept.

1916, and the date of the last publication was on

the 18 day of October 1916 That
the said notice was published in the regular and en-
tire issue of every number of the paper during the
period and time of publication, and that the said
notice was published in the newspaper proper and
not in a supplement.

M. A. Stillingham
Subscribed and sworn to before me

this 11th day of December 1916

W. W. Adamson
Notary Public

Notice for Publication Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at
11 a. m., on the 21st day of Octo-
ber, 1916, at Stanley, County of
Custer, State of Idaho; before H.
H. Marshall, U. S. Land Com-
missioner, proof will be submit-
ted of the application to benefi-
cial use of 6 2-5 cubic feet per
second of the waters of Cleve-
land and Niece creeks, in accor-
dance with the terms and condi-
tions of Permit No. 12238 here-
tofore issued by the State Engi-
neer of the State of Idaho.

1. The name and postoffice
address of the person or corpor-
ation holding said permit are F.
A. Niece; Stanley, Custer Coun-
ty, Idaho

2. The use to which said wa-
ter has been applied is irrigation
and domestic.

3. The amount applied to ben-
eficial use is 6 2-5 cubic feet per
second.

4. The place where said wa-
ter is used is NW $\frac{1}{4}$ Section 6, E $\frac{1}{2}$
of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec-
tion 6 Town. 9 N Range 14 East
B. M.

5. The name of the canal or
ditch or other works by which
said water is conducted to such
place of use is Niece's ditch.

6. The right to take the wa-
ter from such works is based up-
on Permit No. 12238.

7. The source of supply from
which such water is diverted is
Cleveland add Niece creeks.

8. The date of the priority
which said user is prepared to
establish is June 6, 1916.

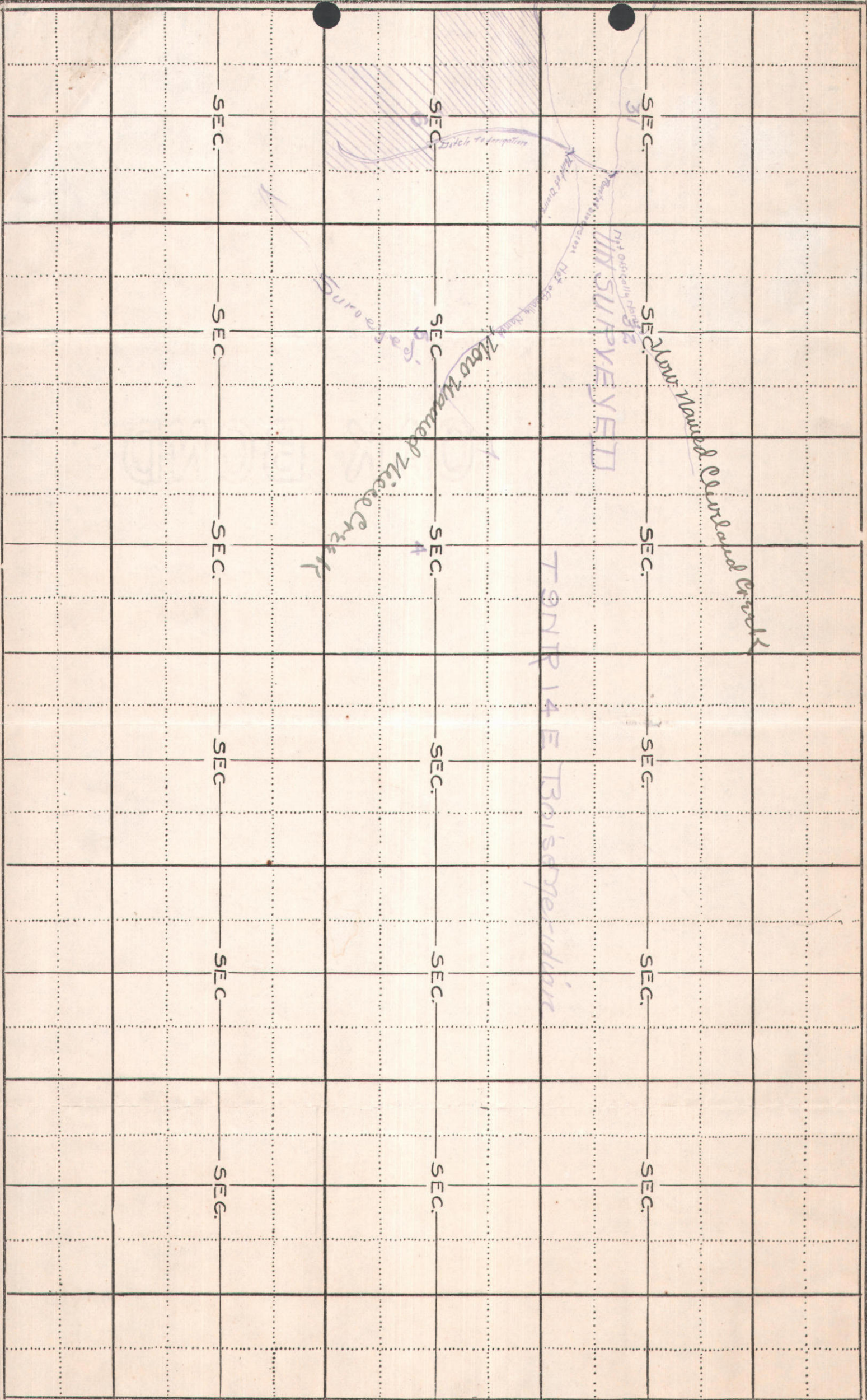
J. H. SMITH,

State Engineer

9.27 10-18

12238

12238



State of Idaho
License and Certificate of Water Right

Water License No. 12238
Water District No. 3 A

Amount 3.86 sec.ft.
Priority 6-6-1916

THIS IS TO CERTIFY that F. A. Niece and L. S. Niece,
of Stanley, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated June 6, 1916; that Permit No. 12238
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 6.4
second feet, was issued thereunder on September 26th, 1916, showing that said works
were completed on the 29th day of August, 1916; and that on the 21st
day of October, 1916,

F. A. Niece and L. S. Niece,
of Stanley, State of Idaho, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of Cleveland and Niece Creeks,
a tributary of Salmon River, for the purpose of irrigation and domestic use,
under Use Permit No. 12238 of the State Engineer, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2343, on the 31st
day of October, 1918;

The right hereby confirmed dates from June 6th, 1916;

The Point of Diversion is located in the NE 1/4 of SE 1/4 and
in the SW 1/4 SE 1/4, Sec. 31, Tp. 10 N., R. 14 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 3.86 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 N	14 E	6	NE 1/4 NW 1/4	40	10
			NW 1/4 NW 1/4	40	39
			SW 1/4 NW 1/4	40	30
			SE 1/4 NW 1/4	40	20
			NE 1/4 SW 1/4	40	18
			SE 1/4 SW 1/4	40	12
			NW 1/4 SE 1/4	40	34
			SW 1/4 SE 1/4	40	30

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this 31st
day of October, 1918.

(SEAL)

FRED A. WILKIE
State Engineer.

State of Idaho
License and Certificate of Water Right

Water License No. 9411
Water District No. 2

Amount 1.2 sec. ft.
Priority 7-10, 1913.

THIS IS TO CERTIFY that **Charles Snook**
of **Nampa, Idaho**, made application for a permit to appropriate the
public waters of the State of Idaho, dated **June 10th**, **1913**; that Permit No. **9411**
was issued under said application; that Certificate of Completion of works, with a carrying capacity of **3.2**
second feet, was issued thereunder on **July 7th**, **1915**, showing that said works
were completed on the **11th** day of **June**, **1915**; and that on the **1st**
day of **August**, **1918**,

Charles Snook
of **Nampa**, State of **Idaho**, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of **Cold Spring Creek**,
a tributary of **Snake River**, for the purpose of irrigation and domestic use,
under Use Permit No. **9411** of the State Engineer, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
Engineer of Idaho and entered of record in Volume **5** of Licenses, at page **2342**, on the **31st**
day of **October**, **1918**;

The right hereby confirmed dates from **July 10th**, **1913**;
The Point of Diversion is located
in the **SW ¼ SE ¼, Sec. 16**, **Tp. 4 S., R. 9 E., B. M.**

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed **1.2** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
4 S	9 E	31	NE ¼ NE ¼	40	20
			SE ¼ NE ¼	40	25
		32	NE ¼ NW ¼	40	15

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Engineer, affixed at Boise, Idaho, this **31st**
day of **October**, **1918**.

(SEAL)

FRED A. WILKIE
State Engineer.

Application No. 17566.
Permit No. 12238

71-2015

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

District No. 3-F.

1. Name of applicant: F.A. Niece and L.S. Niece.

Postoffice address: Stanley

County: Custer

State: Idaho

I. If applicant is a corporation, give

- (a) Date and place of incorporation:
- (b) The amount of capital stock:
- (c) The amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are: (a) Cash on hand:

- (b) Treasury stock:
- (c) Bonds to be issued:
- (d) Other resources:

2. The quantity of water claimed is Six and two fifths ($6 \frac{2}{5}$) cubic feet per second.

3. Source of water supply: ^{2,4}Cleveland & Niece ³Crks which is a tributary of Salmon River.

4. Location of points of diversion: $SW \frac{1}{4} SE \frac{1}{4}$ & $NE \frac{1}{4} SE \frac{1}{4}$ of Section 31, T. 10 N., R. 14 E.B.M.

County of Custer.

5. To be used for: Irrigation and domestic use.

I. Irrigation and domestic use: (a) Amount of land to be irrigated: 290 acres.

(b) In the following legal subdivisions:

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

(a) At what point:

(b) Amount of power to be generated:

H. P. under ft. head

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

(d) If so, name stream and locate

6. Estimated cost of works: \$500.00

7. Description of works for diversion:

I. Kind of works: Ditch

II. Dimensions of works:

(a) Height of dam 2 feet, length of dam at top 5 feet,

length of dam at bottom 3 feet. Material used in construction: Brush, Earth and rock.

(b) Capacity of reservoir acres feet. (c) Size of headgate, width $2 \frac{1}{2}$ feet,

Height $1 \frac{1}{2}$ feet. (d) ~~Conduit~~ Ditch: width at bottom $2 \frac{1}{2}$ feet,

width at water line $3 \frac{1}{2}$ feet, depth of water 1 feet; diameter of pipe

inches; average grade per mile is 10 feet. Length of conduit is miles, and it crosses the following quarter sections:

8. The time required for the completion of the construction of such work is Six months. ~~years~~.

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

F.A. Niece
L.S. Niece. Applicant.
By Agent.

Date of first receipt at office of State Engineer 9:00 A.M. June 6, 1916.

Returned to applicant for correction

Corrected application received

APPROVAL OF STATE ENGINEER

The number of this permit is 12238

Recorded in Book 42 Page 12238 Approved June 20, 1916.

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 August 19, 1916, 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 September 20, 1916.

The whole of said work to be completed on or before December 20, 1916,

Beneficial use of water appropriated in accordance herewith, to be made on or before

December 20, 1917
Witness my hand this 20th day of June, 1916.

J. H. Smith.

State Engineer.

Remarks:

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

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals.
9 N.	14 E.	6		35-40-35-40-			150
9 N.	14 E.	6		-40-	-40-	-30-30-	140

Total Number of Acres to be Irrigated-290

15(a) Is reservoir to be used? No.

Remarks: Three and two fifths (3 $\frac{2}{5}$) cubic feet per second to be taken from Cleveland Creek and Three (3) Cubic feet per second to be taken from Niece Creek.

Land Private NW $\frac{1}{4}$ Sec. 6, owned by F.A. Niece. E $\frac{1}{2}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ Sec. 6, L.S. Niece, -T. 9 N., R. 14 E.B.M.

Proof of completion of works made August 29, 1916.
Certificate of completion of works issued Sept. 26, 1916.

Permit No. 12238.
CERTIFICATE OF COMPLETION OF WORKS.

To All Whom It May Concern:

This is to certify that F. A. Niece and L. S. Niece, of Stanley, County of Custer, and State of Idaho, the holders of Permit No. 12238, issued upon Application No. 17566, bearing date of priority of June 6, 1916, authorizing the diversion of 6.4 second feet of the waters of Cleveland and Niece Creeks, County of Custer, 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 6.4 second feet of the waters of Cleveland and Niece Creeks; that the points of diversion of said waters are as follows: From Cleveland creek in the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and from Niece Creek in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 31, T. 10 N., R. 14 E., B. M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$, Sec. 6; E $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 6 and W $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 6, in T. 9 N., R. 14 E., B. M., containing 320 acres.

Witness my hand this 26th day of September, A. D. 1916.

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

License issued for 3.86 second feet
Page 2343

June 8, 1923.

Re: Permit No. 12238.

Messrs. F. A. & L. S. Niece,
Stanley, Idaho.

Gentlemen:-

Replying to your letter of the 2nd inst.
would say water license was issued under the above
permit and mailed to F. A. Niece, at Stanley, on
November 1, 1918.

Very truly yours.

W. G. SWENDSEN.

Commissioner of Reclamation.

By
Chief Clerk.

12238

L. S. NIECE

A NIECE

NIECE BROS.

GENERAL MERCHANDISE

STANLEY, IDAHO

State Engineer

Boise Idaho,

June 2-23

Dear Sir:

Will you kindly issue
water license under our permit
#12238 and for which ^{at} completion of
works was issued Sept 26th 1916?

Respy

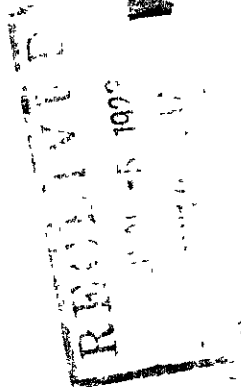
Mail to us

J. A. Niece & L. S. Niece

1916

L. Mainer & Fa. Rice,
Stanton
Nov 1 - 1918.

3.86 2.7.



November 14, 1918

Re: Permit No. ¹²²³⁸~~14302~~.

Mr. B. A. Wilcox,
Stanley, Idaho

Dear Sir:--

Enclosing herewith with license
issued under above permit.

Very truly yours,

FRED A. WILKIN,

State Engineer.

-Y_____

12238

REPORT OF ENGINEER

This proof is for Beneficial use.In Water District No. 3-A

1 State name of applicant and number of permit:

J. A. and L. S. Niece - 12238

2. State source of water supply:

Cleveland & Niece creeks

3. Location of point of diversion:

SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31T. 10 N. R. 14 E B.M.

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

Ditch about 2 miles in length.Size at headgate, width 3 feet bottom, 4 feet at water line. Size of headgate width 2 1/2 feet height 2 feet. Sides of earth, brush & rock.Ditch holds size practically full length of course and will carry all water claimed.Roads on each 40 acres as per map attached

5. State whether or not water has been turned into works of diversion:

yes - have been using water for 8 years

6. Give exact location of lands to be irrigated. If proof is for beneficial use, give exact number of acres

under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

NW $\frac{1}{4}$ Sec 6-T-9-R 14 E B.M. - J. A. NieceE $\frac{1}{2}$ SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 6-T-9-R 14 E B.M. L. S. NieceNW $\frac{1}{4}$ 39a-SW $\frac{1}{4}$ 39a-NE $\frac{1}{4}$ 10a-SE $\frac{1}{4}$ 20a of NW $\frac{1}{4}$ NE $\frac{1}{4}$ 18a-SE $\frac{1}{4}$ 12a of E $\frac{1}{2}$ SW $\frac{1}{4}$ & NW $\frac{1}{4}$ 34a-SW $\frac{1}{4}$ 30a of W $\frac{1}{2}$ of SE $\frac{1}{4}$ - All but about 8 acres can be irrigated on NW $\frac{1}{4}$ and all but about 25 acres of E $\frac{1}{2}$ - SW $\frac{1}{4}$ & W $\frac{1}{2}$ SE $\frac{1}{4}$

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

8. How many parties conduct water in this system?

J. A. Niece & L. S. Niece

9. Give names and amount of each right:

one half to each above named

10. What large stream would the water here appropriated finally reach?

Salmon River

11. Describe the various tributaries en route, from point of diversion to the principal drainage stream:

None

Remarks:

This examination was made on the

13th

day of

June1918

(Signed)

P. J. Blethen

Examiner.

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

STATE OF IDAHO,

County of Lemhi }

ss.

R. B. Gathorn

being first duly sworn, deposes and says that the

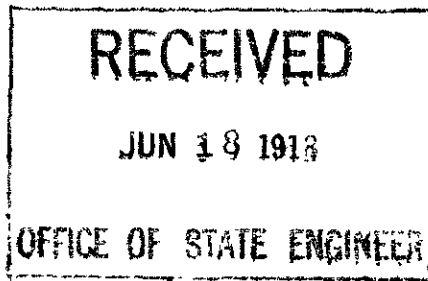
statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 13th day of June 1918

My commission expires Sept 6, 1920

H. H. Marshall

Notary Public

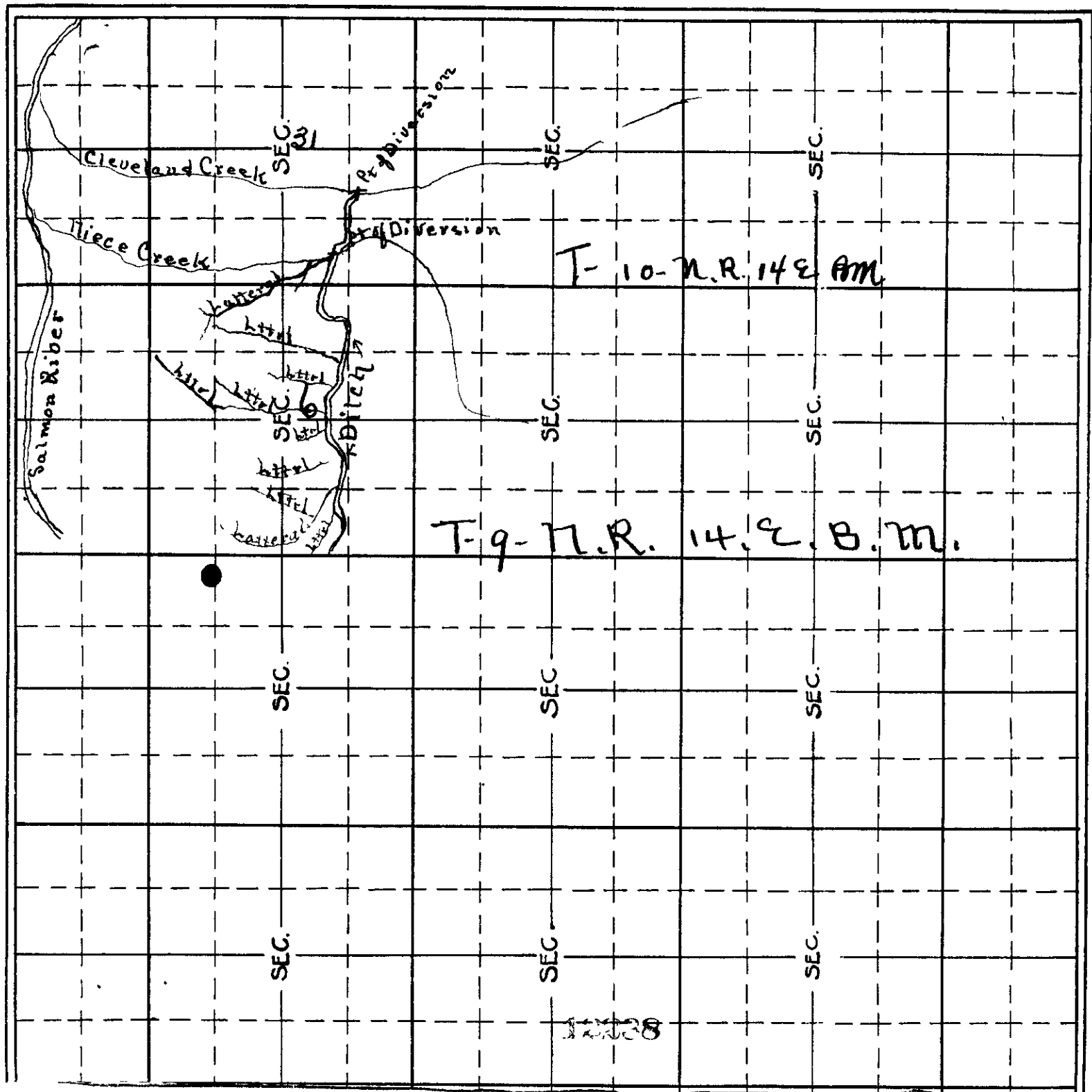


12238

Instructions To Examiners

1. Examiners will not be permitted to examine any of the records in the office pertaining to this permit. They are to furnish a report of the facts and conditions as they exist, from their own observations and inquiries.
2. Always carefully note the location of the point of diversion, and accurately plat same.
3. Find out how many parties own rights in the ditch or canal and give their names and amount of right.
4. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
5. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
6. If any unusual conditions are discovered, make a plain statement of them under remarks.
7. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.

Name of Applicant J. A. Lee and L. S. Niece



April 5th, 1918.

Re Permits 12238-12302.

Mr. L. S. Niece,
Stanley, Idaho.

Dear Sir:--

Replying to your letter of the 29th ult. would say that, in view of the fact that it will be a matter of several months before we could have a man in the field in your vicinity, I will ask that you send us the name of some one near you whom you know to be competent to make the required examinations. Report and map terms will be furnished him from this office.

You will arrange with the party who makes the examinations for his fees and no additional fees will be charged by this office on the proofs.

Very truly yours,

FRED A. WILKIE,

State Engineer.

By_____

12238

L. S. NIECE
Dealer in
GENERAL MERCHANDISE

Stanley, Idaho,

April 16 - 1918

Fred. A. Wilkie
State Engineer
Boise, Ida

Dear Sir:- yours of 5th inst at hand
I would recommend R. B. Cothern of this
place to do the work as stated in your
letter of above date. Mr Cothern has had some
experience along this line and on receipt of
Reports and map forms will make examinations
soon as snow is off the ground which will be
in a short time.
Respy Yours L S Niece

Office of the State Engineer

Boise, Idaho. April 23, 1918.

Mr. R. B. Cothorn,
Stanley, Idaho.

DEAR SIR:

Mr. L. S. Niece , residing at **Stanley**
County of , State of **Idaho** , has requested that
you make examination required under Permit No. **12238** 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,

FRED A. WILKIE

A. L. ROBINSON,

State Engineer.

12238

L. S. NIECE

Dealer in

GENERAL MERCHANDISE

Stanley, Idaho,

3/29-1918

State Engineer
Boise Ida

Dear Sir;

When can I expect examination
of works under your water permits #12302
Honstman and 12238-Niece? See your letter
under date of Nov 21st 16 and Feb 5th 17

Would like very much to have
this done in order to have title completed.

Respy L S Niece

November 21, 1916.

Re Permit 12238.

Mr. F. A. Niece,
Stanley, Idaho.

Sir:—

We are today in receipt of depositions, affidavit of publication and check for fees, in the sum of \$16.00, for proof of beneficial use of water under above permit. As the examination by our engineer can not be made before spring weather opens up, the check for fees is herewith returned to you. When the report has been made, you will be further advised as to fees. Your rights under the permit will not be injured by the delay in making the examination.

Very truly yours,

J. H. SMITH,

State Engineer.

ChNo. 501

By _____

3-A

12238

Affidavit of Publication.

STATE OF IDAHO.

County of Custer } ss.

M. A. Williamson being first
duly sworn, deposes and says, that he is the Editor
and Proprietor of ~~The Silver Messenger~~, a *Challis*
Weekly Newspaper, printed and published in Challis
in the said County and State: that the annexed ad-

vertisement was published weekly for *four*
successive weeks in the said newspaper; that the
date of the first publication of the said advertise-

ment was on the *27th* day of *Sept.*

191*6*, and the date of the last publication was on

the *18* day of *October* 191*6* That
the said notice was published in the regular and en-
tire issue of every number of the paper during the
period and time of publication, and that the said
notice was published in the newspaper proper and
not in a supplement.

M. A. Williamson
Subscribed and sworn to before me

this *11th* day of *December* 191*6*

W. W. Edgerson
Notary Public

Notice for Publication

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at
11 a. m., on the 21st day of Octo-
ber, 1916, at Stanley, County of
Custer, State of Idaho; before H
H. Marshall U. S. Land Com-
missioner, proof will be submit-
ted of the application to benefi-
cial use of 6 2-5 cubic feet per
second of the waters of Cleve-
land and Niece creeks, in accor-
dance with the terms and condi-
tions of Permit No. 12238 here-
tofore issued by the State Engi-
neer of the State of Idaho.

1. The name and postoffice
address of the person or corpor-
ation holding said permit are F.
A. Niece; Stanley, Custer Coun-
ty, Idaho

2. The use to which said wa-
ter has been applied is irrigation
and domestic.

3. The amount applied to ben-
eficial use is 6 2-5 cubic feet per
second.

4. The place where said wa-
ter is used is NW $\frac{1}{4}$ Section 6, E $\frac{1}{2}$
of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec-
tion 6 Town. 9 N Range 14 East
B. M.

5. The name of the canal or
ditch or other works by which
said water is conducted to such
place of use is Niece's ditch.

6. The right to take the wa-
ter from such works is based up-
on Permit No. 12238.

7. The source of supply from
which such water is diverted is
Cleveland and Niece creeks.

8. The date of the priority
which said user is prepared to
establish is June 6, 1916.

J. H. SMITH.
9.27 10-18 State Engineer

12238

PERMIT No. 12238OK
16⁰⁰

Proof of Application of Water to Beneficial Use

DEPOSITION OF HOLDER

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

Ans.

F A Niece age 43 Residence Stanley
P.O. Stanley Custler Co Idaho

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

Ans.

Date June 20, 1916
Work to begin on or before August 19, 1916

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

Ans.

June 20, 1916, August 19, 1916

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

Ans.

Cleveland crk and Niece crk near center of
Winnipeg Sec 3, T10N, R14E, 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.

Dam of dirt and rock about 2 ft high
Ditch capacity 320 inches
and has no name

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
NW 1/4 and W 1/2 SE 1/4 and E 1/2 SW 1/4 all in
Sec 6 T9N, R14E, B.M.

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

Ans.

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

Ans.

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.

12238

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

Ans. *Each season for 7 years*
The whole amount claimed

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. *Other*
No appropriation from the creeks named

(Sign) *J. A. Rice*

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 *Stanley*, *Custer* County of

Custer, State of Idaho, on this *21st* day of *October*

A. D. 19*16*

H. H. Marshall
U. S. Commissioner

Permit No. 12238

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. Charles S. Thompson age 25 years
Stanley, Rancher, P.O. StanleyQues. 2. Are you acquainted with F.A. Viece, theholder of Permit No. 12238? How long have you known him and where does he reside?Ans. Eight years, Resides in Stanley
Custer Co. IdahoQues. 3. Have you read or heard read said Permit No. 12238, and are you familiar with its provisions and conditions?Ans. I have -- I am

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. Cleveland creek and Niece Cr. diversion
near center of Unsurveyed Section 31,
T 10 N, R 14 E, B.M.
By ditch

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. 6 2/5 second feet

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 and domestic use
NW 1/4, Sec 6, T 9 N, R 14 E - W 1/2, SE 1/4, 9 N, 14 E
and E 1/2, SW 1/4, T 9 N, R 14 E B.M.
Cultivated about 100 acres the rest natural meadows

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

Ans.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Soil granite sand and loam, Sage and
meadow land, 1 inch per acre requires

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

way and to what extent?

Ans. None whatever

Ques. 10. State when, how, in what amount and to what extent you have witnessed the applica-
tion to beneficial use of water diverted under said permit.

Ans. For about 6 years over nearly the
whole area mentioned

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 sub-

scribed and sworn to before me in

21st day of October, County of Lincoln, State of Idaho, on this

H. H. Macpherson

U.S. Commissioner
Notary Public.

My commission expires

2238

Permit No. 12238

Proof of Application of Water to Beneficial Use

DEPOSITION OF WITNESS

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

Ans. William A Wright age 39 years
Rancher residence Stanley P.O. StanleyQues. 2. Are you acquainted with F A Niece, theholder of Permit No. 12238? How long have you known him and where does he reside?Ans. Four years. Resides in Stanley, Custer Co IdahoQues. 3. Have you read or heard read said Permit No. 12238, and are you familiar with its provisions and conditions?Ans. I have — I am

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. Cleveland Creek and Niece Creek
Near center of Unsurveyed Sec 31 T. 10 N. 14 E. B.M.
By ditch

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. 6 $\frac{2}{5}$ second feet

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 and domestic use
N. W $\frac{1}{4}$ Sec 6, T 9 N. R. 14 E. — W $\frac{1}{2}$ S E $\frac{1}{4}$, S N. 14 E
and E $\frac{1}{2}$ S W $\frac{1}{4}$, T 9 N. 14 E. B.M.
Partly cultivated partly natural meadows

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

Ans. _____

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Soil granite sand. Sage brush and meadow land
1 minor inch per acre required

12238

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

Ans. no interest whatever

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Used three years on nearly the whole area named

(Sign) Wm. A. Wright

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 Stanley, County of Custer

State of Idaho, on this 21st day of October A. D. 1916

H. H. Marshall
Notary Public.
U. S. Commissioner

My commission expires _____

November 13, 1916.

Re Permit 12238. L.S.Niece.

Challis Messenger,
Challis, Idaho.

Gentlemen:--

We are just in receipt of a letter from the holder of above permit in which he states that he has been unable to obtain the affidavit of publication from your office for proof under above permit. If the publication fees have been paid, kindly send the affidavit to Mr. Niecepat once in order that the proof may be sent in.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

12238

November 13, 1916.

No Permit 12238.

Mr. L. C. Niece,
Stanley, Idaho.

Sir:--

Replying to your letter of the 8th inst. would say that we have today written the Challis Messenger regarding the affidavit of publication under your permit. If the publication fees have been paid, I see no reason why the affidavit should not be furnished at once.

Very truly yours,

J. H. SMITH,

State Engineer.

By _____

12228

L. S. NIECE
Dealer in
GENERAL MERCHANDISE

Stanley, Idaho,

Nov - 8 - 1916

J. H. Smith State Engineer
Boise, Ida,

Dear Sir:

12238

On Oct 21st J. A. Niece made
water proof as per your instructions - Permit
12238. of Oct 5th.

On Oct 21st I wrote the
publisher of G. Hallis Messenger for Proof
of publication with no reply from him, on
the fourth inst I telephoned him for same but
up to date have not rec'd same. Is there not
some way that this whelp can be made
to make this affidavit? Will mail same to
you with check soon as I can get it.
Respy R. S. Niece

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

INSTRUCTIONS

PROOF OF BENEFICIAL USE

F. A. Niece,

c/o H. H. Marshall,
Stanley, Idaho.

BOISE, IDAHO, **Oct. 5, 1916.**

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of application of water to beneficial use under your Permit No. **12238.**

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 ~~October 21st~~ , 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 **Stanley, before H.H. Marshall, U.C. Commissioner.**

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

Yours truly,

J. H. SMITH,

State Engineer.



12238

September 27, 1916.

Re Permi 12238.

L. S. Niece,
Stanley, Idaho.

Sir:--

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

Very truly yours,

J. H. SMITH,

State Engineer.

CCW-R8602.

By _____

12238

STATE OF IDAHO
ENGINEERING DEPARTMENT
BOISE

HERBERT WINS
ACTING STATE ENGINEER

The Messenger,
Challis, Idaho.

Boise, Idaho, ~~Aug~~ Sept, 19, 1916.

Dear Sirs:

Enclosed find Notice for Publication of Proof of Beneficial Use of Water under Permit No. **12238** which please publish once a week for four consecutive weeks in your paper in accordance with provisions of Sec. 4, House Bill No. 146, laws of the Seventh Session of the Legislature. The expense of this publication will be paid by

L.S. Niece, of Stnaley, Idaho, to whom you will please furnish proof of publication of this notice on or before **Oct. 21st.**

Please promptly acknowledge receipt of this notice, and kindly mail me your first issue containing its publication that I may compare it with my records.

Yours truly,

J. H. SMITH, ~~HERBERT WINS~~
~~Acting~~ State Engineer.

(P. O.)

(Date)

State Engineer, Boise.

Dear Sir:

I have your letter of enclosing Notice of Proof of Beneficial Use of Water under Permit No. which will be published as you request, beginning with our issue of

37

1223

L. S. NIECE
Dealer in
GENERAL MERCHANDISE

OK
500

Stanley, Idaho,

Sept 14 - 1916

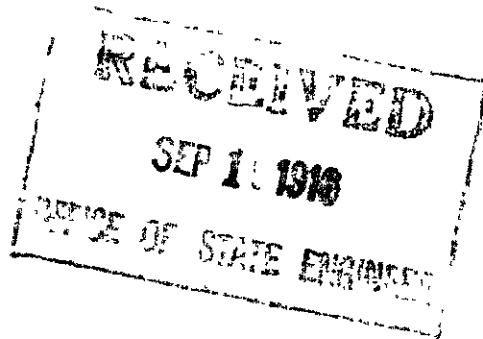
J. H. Smith State Engineer
Boise

Dear Sir:

Enclosed find Ch \$5.00 as per
yours of 8th inst.

yours

L. S. Niece



12238

12238

Oct 1

(3-2)

September 8, 1916.

Re Permit 12238.

Mr. L. S. Niece,
Stanley, Idaho.

Sir:--

Am just in receipt of yours of the 2nd., enclosing affidavit of holder for proof of completion of works, notices for final proof and check for fees in the sum of \$21.00. The check is herewith returned to you, as the fees due this office at this time amount to only \$5.00, being the fee for proof of completion of works. The fees for publication of the notice will be paid direct to the publisher of the Challis Messenger, who will furnish you a statement after the notice has been sent to him.

Upon return of the correct fee for proof of completion, the certificate will be mailed you.

The fees for proof of use of water will be \$2.00 for each forty or fraction upon which water has been beneficially applied but these fees should not be sent until the depositions are submitted. I have set October 21st as date for making proof and, unless otherwise advised, notice for publication will be mailed to the Challis Messenger.

Very truly yours,

J. H. SMITH,

State Engineer.

ChNo. 386.

By _____

12238

L. S. NIECE
Dealer in
GENERAL MERCHANDISE

Stanley, Idaho,

Sept 2 1916

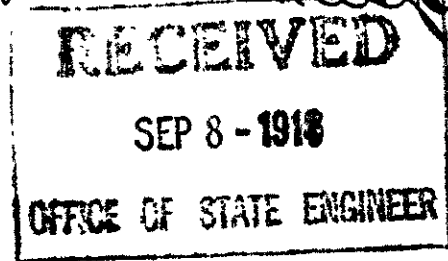
J. H. Smith
State Engineer
Boise Idaho

OK / 2 / 00

Dear Sir:

Enclosed find check \$21.00 also
proof of completion of works and proof of
Beneficial use and notice of publication
on permit # 12238.

The date for making proof before
the land Commissioner here is left blank for you
to set date for making proof.



L. S. Niece

12238

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) August 29th 1916
(P. O.) Stanley - Buster County, Idaho

To the State Engineer,
Boise, Idaho.

Dear Sir:

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

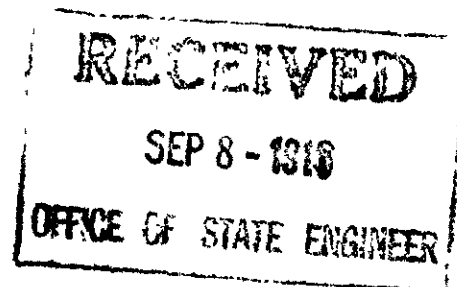
L. A. Niece
L. S. Niece

(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.

12238



NOTICE FOR PUBLICATION

Notice of Proof of Application of Water to Beneficial Use

Notice is hereby given that at 11 a. m. on the 21st day of October, 1916,
 at Stanley, County of Custer, State of Idaho,
 before N. H. Marshall U.S. Land Commissioner, proof will be submitted
 of the application to beneficial use of 6 7/5 cubic feet per second of the waters of
Cleveland & Niess creeks, in accordance with the terms and conditions of Permit No. 12238
 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 F. A. Niess

Stanley, Custer Co, Idaho

2. The use to which said water has been applied is Irrigation & Domestic

3. The amount applied to beneficial use is 6 7/5 Cubic feet per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)

N. W 1/4 Section 6. E 1/2 of S. W 1/4 & W. 1/2 of
S. W 1/4 of Section 6. Town 9 N. Range 14 East
13. M.

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

Ditch

6. The right to take the water from such works is based upon Permit No. 12238

7. The source of supply from which such water is diverted is Cleveland & Niess

Creeks

8. The date of the priority which said user is prepared to establish is June 22, 1916

J. H. Smith,

State Engineer.

Permit No 12238

OFFICE OF STATE ENGINEER

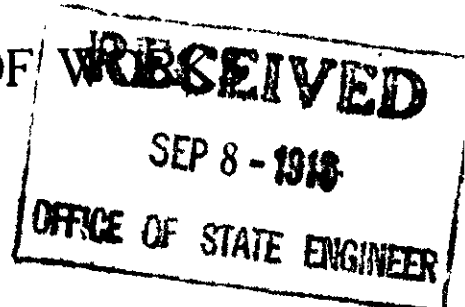
PROOF OF COMPLETION OF

AFFIDAVIT OF HOLDER

STATE OF IDAHO,

County of Custer

}

F. A. Niece

, 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. 12238 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

Cleveland & Niece creeks

Third: That the point of diversion of said water is S.W. 4 S.E. 4 & N.E. 4 S.E. 4

of Section 31 T10N. R14E 13M. Custer County.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by December 20 1916

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

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

I Kind of works: Ditch

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

II. Dimensions of work:

(a) Height of dam two feet, length of dam at top five feet, length of dam at bottom three feet. Material used in construction brush, earth & rock.

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir _____ acre feet.

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

(d) Conduit _____ width at bottom 2 1/2 feet, width at water

(State whether ditch, flume or pipe)

line 3 1/2 feet, depth of water 1 feet; diameter of pipe _____ inches; average grade per mile is 10 feet. Length of conduit is _____ miles.

Seventh. That said works are capable of conducting to the place of intended use 6 3/5 second feet of water.

Eighth. That water appropriated under said permit is available for 320 acres of land described as follows: N.W. 1/4 Section 6. E 1/2 of S.W. 1/4 & W. 1/2 of S.E. 1/4 Section 6 Town 9 N. Range 14 East 13 M.

Ninth. Remarks: That Above described land belongs and is owned by F. A. Niece and L. S. Niece

F. A. Niece

(Sign here.)

Subscribed and sworn to before me this 29 day of August, 1916

My commission expires May 1917

P. H. Basche

Notary Public.

August 1st, 1916.

Re Permit 12238.

L. S. Niece,
Stanley, Idaho.

Sir:--

Enclosing herewith affidavit form for proof
of completion of works under above permit.

Very truly yours,

J. H. SMITH,

State Engineer.

F5-6

By _____

12238

July 21, 1926.

Re Permit 12238.

Mr. F. A. Niece,
Stanley, Idaho.

Sir:--

Enclosing herewith blanks upon which to file
proof of completion of works and notice of proof
of beneficial use of water under above permit, per
your request the 17th inst.

Very truly yours,

J. H. SMITH,

State Engineer.

f5-6-3NU

By _____

12238

12238
L. S. NIECE

Dealer in

GENERAL MERCHANDISE

Stanley, Idaho,

July 27 - 1916

J. H. Smith State Engineer
Boise Ida

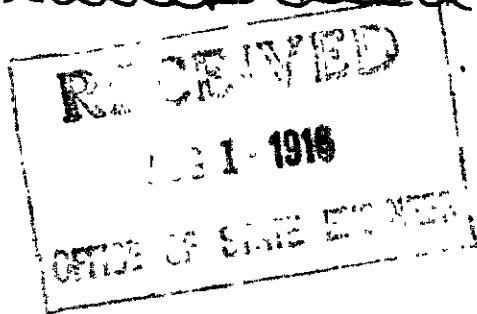
Dear Sir:

I am in receipt of yours of
21st inst enclosing notice of proof of beneficial
use of water but no blanks to file proof of
completion of works.

Kindly mail me
the latter and oblige.

Respy

L. S. Niece
F. A. Niece



12238

L. S. NIECE

DEALER IN

GENERAL MERCHANDISE

STANLEY, IDAHO July 17, 1916

J. H. Smith State Engineer
Boise Ida

Dear Sir:

Kindly mail me
blanks for Proof of Completion of
Works also blanks for Proof of
Beneficial Use under permit
12238 - "Book 42" as we are
prepared to make proof of both.

Respy Yours

J. A. Niece

R. S. Niece

5-6-37U

RECEIVED

JUL 2 1916

OFFICE OF STATE ENGINEER

12238

State of Idaho
ENGINEERING DEPARTMENT
BOISE

Permit #12238- Niece, et al.

Boise, Idaho,

**Mr. F.A. Niece,
Stanley, Idaho.**

June 20, 1916.

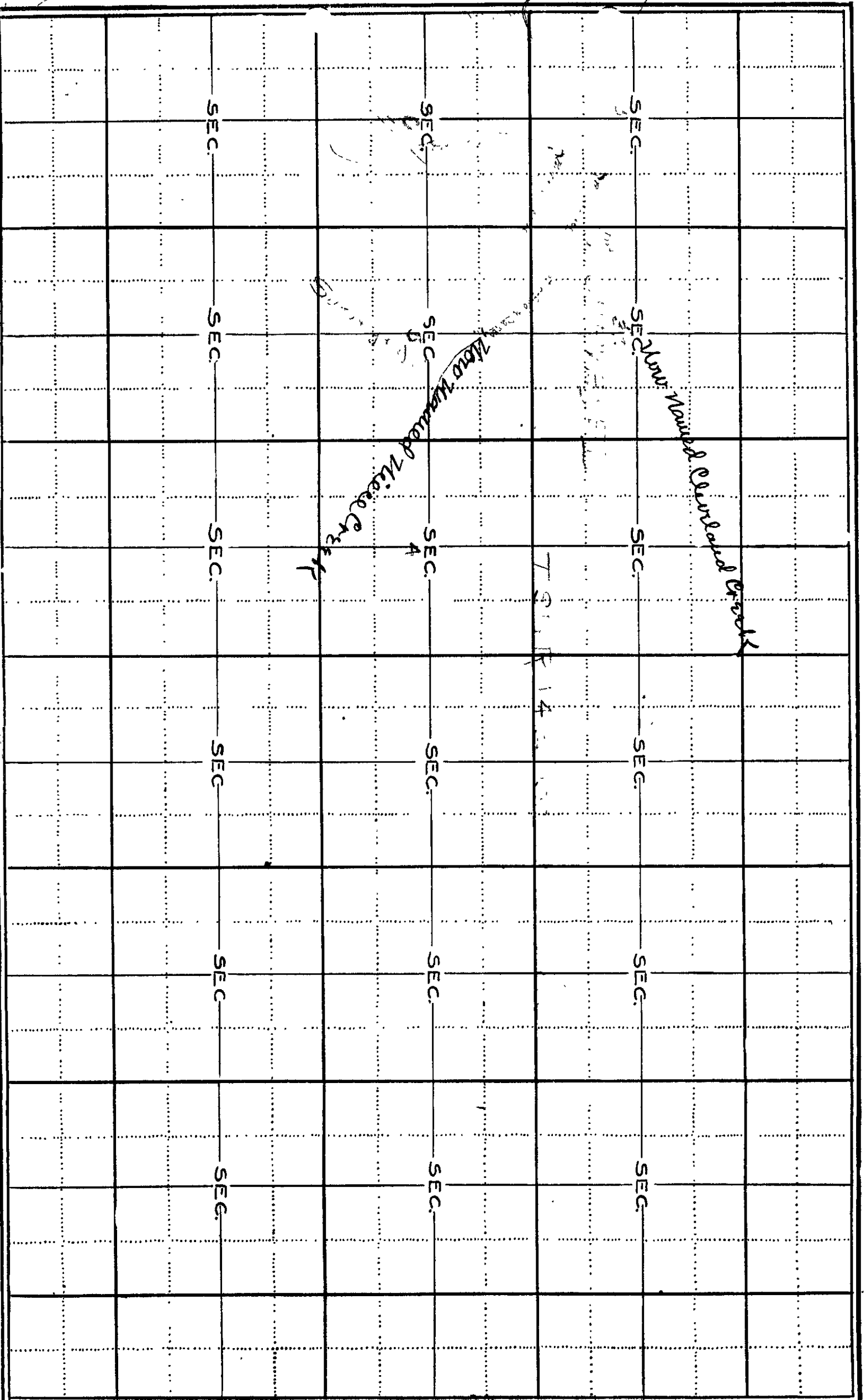
Dear Sir:

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

J.H. Smith.

State Engineer

12238



L. S. NIECE

DEALER IN

GENERAL MERCHANDISE

STANLEY, IDAHO, 6-1-1916

State Engineer
Boise, Ida, 7th 66

Dear Sir:

Under cover you will find New Form. - I think - duly filled out as per yours of 20th with application 17566.

It is our desire to submit affidavits to completion of works also all proofs necessary to secure title to water mentioned in said permit.

Kindly forward us the necessary blanks.

Respectfully,
L. S. Niece

12238

20
May 20, 1936.

17566-

Mr. F.A. Nicco,
Stanley, Idaho.

Transfer application to the enclosed new form per enclosed instructions.

Where there is not sufficient space in any numbered paragraph, put the data under the head of "Remarks" with reference thereto in the numbered paragraph. This will apply to the description of point of diversion.

The filing fee for 6 2/5 cubic feet is \$1.60. We are therefore refunding \$3.40.

12738

RB.

17536- F. #1. \$3.40 Refund.

L. S. NIECE

DEALER IN

GENERAL MERCHANDISE

STANLEY, IDAHO, 1916

J. H. Smith "State Engineer"
Boise Idaho

Dear Sir:

I herewith enclose
check \$5.00 and Permit for
6 ⁷/₅ cubic feet per second for water
as stated in application.

We wish to secure
title to said water as described
in said permit so start the
ball to rolling and give me
instructions.

Respy yours

L. S. Niece

P.S. Ditches & works all completed